**ADMINISTRATIVE ORDER**

**CRIMINAL INVESTIGATION**

**CALEA STDS: 42.1.1/42.2.9**

**EFFECTIVE: JUNE 18, 2003**

**APPROVED:**
**CHIEF OF POLICE**

**POLICY:**

Investigation consists of efforts to interview victims and witnesses; locate, identify, interview and arrest suspects; present the case to the prosecutor; and cooperate in the prosecution of the defendant. Such investigations are conducted to produce evidence relating to the guilt or innocence of a suspect and to recover property.

Offense and incident reports must be completed when a crime is discovered, reported, or when circumstances and events vary causing the police officer to alter his or her routine patrolling or observation activities. These reports are, themselves, vehicles for the transference and preservation of information. It is how the information is used together with the activities generated, however, which are most important. The need to document is recognized as being an inherent part of the successful execution of the investigative function, likewise policing as a whole. Although information gathering through report writing is stressed, it is the resulting use of report information which determines success. The success of the investigative function is measured in terms of service to the citizens, the resolution of the crime, the protection of life and property, the prevention of unlawful activity and the preservation of the welfare of citizens.

In order to accomplish the mission of public service through the avenue of criminal investigation, it is necessary to establish a system whereby the best use may be made of the information from all reporting sources. The flow, therefore, must be above all, comprehensive, rapid, accurate and controlled.

**PURPOSE:**

The purpose of this order is to establish the administrative and operational programs necessary for an efficient, effective criminal investigations process.

**42.1.1: On-Call Schedule**

The Supervisor of the Special Operations Bureau publishes an on-call investigator duty roster, which is furnished to the Communication Center and is posted on the investigator bulletin board.

**42.1.2: Case-Screening System**

Case screening will be used to identify those reports which should be converted into investigative files, reports that should be circulated for information and that require preparation for prosecution. The Supervisor of the Special Operations Bureau is responsible for case screening. Those reports that should be converted into investigative case files include, but are not limited to;

Cases requested for investigation by the chain of command;

All reports of death, including unlawful, self-inflected, and accidental and attempts or arrests;

All reports of robbery and attempts or arrests;

All reports of rape or sexual assault, felonious or not, and attempts or arrests;

All reports of arson and attempts or arrests (the Fire Department Arson Investigator should be contacted and respond);

All reports of burglary and attempts or arrests;

All reports of maiming and unlawful serious and injury, and attempts or arrests;

All reports of abduction and attempts or arrests;

All reports involving criminal activity with, or missing children, attempts or arrests;

All theft crimes involving a value of $1000 or more, and attempts or arrest;

All auto thefts, and attempts or arrests;

Frequently repeated incidents or crimes involving the same victim; area or community;

Crimes involving police officers, high profile persons, racial orientation, or high profile institutions.

Solvability factors shall be valued at one point each and shall be:

Witness to crime;

Suspect names or known;

Significant evidence;

Vehicle identified;

Traceable property;

Workable leads or M.O.

Supervisory factors shall be valued at one-half point each and shall be:

Seriousness of crime;

Pattern or frequency;

High profile;

Technical resources available;

Human resources;

Harm to public;

Impact on victim;

Other agency interest;

Violence or degree of seriousness.

Cases which have an accumulated value, initially or subsequently, of five or more will be assigned for investigation.

**42.1.3: Case File Management**

a. Case file management is performed by the Supervisor of the Special Operations Bureau. Through the use of the department's computerized records management system, all cases that require further investigation or felony/misdemeanor files for prosecution are logged with the following information:

Investigative case file number;

Crime report number;

Primary officer;

Follow-up officer;

Type of offense;

Date of offense;

Date assigned;

Any follow-up reports;

Final disposition and date of final disposition.

b. The Supervisor of the Special Operations Bureau will assign an administrative designator for each case as **active, closed, unfounded, or inactive.**

The case may be **active**, which is, from first assignment, defined by "identified effort remaining". An open case is one that has a continuing investigation or one that has been reassigned for further investigation.

The case may be **closed**. This signifies that a case has been concluded. This normally reflects that the case has been completed and an arrest made, or unfounded, which means the reported crime did not occur, or an exceptional resolution has been reached, such as death of the victim or defendant or an unwillingness to prosecute by the appropriate authority.

The case may be **unfounded**, which means the reported crime did not occur, or an exceptional resolution has been reached, such as death of the victim or defendant or unwillingness to prosecute by the appropriate authority.

The case may be **inactive**. This signifies that no further effort will be made unless otherwise directed by the Supervisor of the Special Operations Bureau. Cases may be suspended for:

* Absence of further leads;
* Insufficient solvability factors remaining;
* Non-availability of resources;
* Reduced degree of seriousness;
* Change in victim circumstances and/or a change in prosecution criteria.

c. Felony case files should contain;

Copy of original report and all subsequent reports, to include a copy of the warrant(s), prior request letter and criminal history;

All laboratory reports and requests;

All statements of victims, witness and suspects;

All receipts and all notes;

Copies of all documentary evidence and copies of all correspondence;

Copies of all submitted witness lists, which must include names and contact data and purpose or summary of testimony;

Detailed cases may require front page summaries.

Misdemeanor cases shall be prepared by the case officer. Misdemeanor file folders should be kept as simple as possible. With the exception of a subpoena list, a copy of the warrant(s), prior request letter and criminal history, a mandatory contact with prosecution replaces the need to present a formal case file to the Commonwealth Attorney. A mandatory meeting will occur at least five (5) days prior to trial date.

The Supervisor of the Special Operations Bureau will forward all DWI, Suspended Operators License, Drunk in Public reports to the Major of the Uniform Bureau. The Major of the Uniform Bureau will forward same to the arresting officers Watch Commander. The Watch Commander will ensure that the above cases are prepared for trial by their respective officers in their command. Upon completion/disposition of the case, the entire file will be turned into records to be filed. The Watch Commanders will maintain a log of the cases.

DUI case files should include a copy of the original reports and all additional paperwork, to include warrant(s), prior request letter, driving record, Breath/Blood/Refusal forms, and subpoena request.

d. All case files shall be accessed through the Supervisor of Special Operations Bureau or his designate. These files are not open to casual inspection, even by sworn personnel, but immediate access may be had for investigative purposes.

e. Any report converted to an investigative file shall be maintained according to State law.

**42.1.4: Accountability, Preliminary/Follow-Up Investigations**

The preliminary investigation begins when the first police unit arrives at the scene of a crime, or telephonic information is taken concerning a crime, and continues until postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation.

The initial stages of all preliminary investigations, including crime scene processing, will be conducted by Patrol Officers. As soon as the preliminary investigation is concluded by a patrol officer, the initial field report should be completed, including all information obtained at the scene of the offense.

The following officer responsibilities are part of the preliminary investigation and will vary according to the type of crime being investigated:

Provide aid to the injured;

Protect the crime scene to insure evidence is not lost or contaminated;

Determine if an offense has actually been committed, and if so, the exact nature of the offense. Certain offenses will necessitate calling for investigative units to assume responsibility for the completion of the preliminary investigation and to begin a follow-up investigation:

* Death of a violent or suspicious nature;

* Rapes or suspected rapes;

* Assaults involving serious injury or death to the victim;

* Armed robberies;

* Burglaries where there is excessive or unusual loss (high dollar value, negotiables, cash, jewelry, silver, etc.);

* Any major disaster (where investigators can assist in identification of victims);

* Hostage situations;

* Kidnappings, extortion;

* Bombings.

Determine the identity of the suspect(s) and effect an arrest if it can be accomplished either at the scene or through immediate investigation;

Furnish other field units, descriptions, method and direction of flight of suspects, and other relevant information concerning a wanted suspect(s) or vehicle(s);

Obtain complete identification of all witnesses;

Determine what information is known by the victim and each witness;

Determine in detail the exact circumstances of the offense;

Arrange for the collection of evidence;

Legally obtain written statement from victims, witnesses, and from the suspects;

Decide the necessity of follow-up surveillance of the crime scene;

Accurately and completely record all pertinent information on the prescribed report forms.

It shall be the responsibility of the Shift Supervisor to ensure that an adequate and complete preliminary investigation has been made and to review, screen, and approve the officer's report. Screening should include: review of facts stated to ensure all essential information indicating a criminal act are included, legibility, clarity, and completeness. The signature of the supervisor approving the report shall be on each report in the proper space. In the case of those offenses reported directly to and handled completely by investigations, the Supervisor of the Special Operations Bureau will be responsible for insuring proper reporting.

The follow-up investigation is an extension of the preliminary investigation. The purpose of the follow-up is to provide additional investigation in order to effect the arrest of an offender and/or recover property.

Officer or investigator responsibilities of the follow-up investigation include;

Identification and apprehension of the offender;

Collection and preservation of additional evidence and arrangements for the analysis and evaluation of the evidence. If evidence was sent to the lab; on its' return review lab results;

Recovery of stolen property;

Conduct additional interviews of victims, witnesses and suspects as required;

Seek other information from police officers and informants;

Review department records pertaining to other similar offenses to determine if other crimes may have been committed by the suspects;

Recording of information obtained and addended reports as required;

Give out information as appropriate;

Plan, organize, and conduct searches, and/or appropriate surveillance;

Arrange for polygraph examinations;

Prepare case file folder on suspects for court;

Check suspects local police record and criminal histories;

Prepare case and assist in prosecution.

If investigators are summoned to the scene, the senior investigator present is in charge of the crime scene.

**42.1.5: Habitual/Serious Offenders - N/A**

**42.2.1: Criminal Investigations Procedures**

The procedures to be used in a criminal investigation include;

a. Information Development:

The development of pertinent case information begins when the call for police is received and continues until the case is cleared or placed in an inactive or unfounded status. Obtaining and recording even apparently minor information is often crucial to the successful conclusion of the case. Sources of Departmental Information that are valuable and should be utilized as needed include:

* Arrest records
* Traffic and accident reports
* Intelligence reports
* Photo and fingerprint records
* Informant files

Outside agency information that can be valuable in an investigation and should be utilized when appropriate include:

* VCIN/NCIC criminal history records information
* DMV records
* Probation and parole records
* Local and Federal agency records
* Court records
* Tax records
* Local and state licensing records
* Board of Education records
* Real estate records
* Welfare and social service agency records
* Post Office records
* State Corporation Commission records

Private organizations and agencies can also provide information valuable to investigations. Court order may be necessary to obtain certain records. Such sources of information include:

* Utility companies
* Telephone companies
* Bank and credit agencies
* Unions and professional agencies
* Insurance companies
* Neighbors, social contacts, and business associates

b. Interviews and Interrogations:

The effective use of field interviews, interviews of victims and witness, and interrogations of suspects are often crucial in solving many types of crimes.

1. Field Interviews

   Field interviews are a productive tool and source of information in criminal investigations. They should be used only in the pursuit of legitimate goals of the Department and not to harass any segment of the community. When used properly, they can discourage criminal activity, identify suspects, and add intelligence information to the files of known criminals.

   Field interviews should be conducted and documented for the case file on a departmental report form when related to an investigation. Interviews conducted when members come in contact with people whose activity but not directly related to a known crime will be documented on a departmental case report.

2. Victim/Witness Interviews

   * Detailed notes and/or a recorded tape should be made for future reference giving time, date, locations and officers present.

   * The trauma/stress to which the victim or witness has been subjected should be considered and the interview conducted in such a manner as to reduce stress and minimize further problems.

   * The age, physical limitations, and credibility of witnesses should also be considered.

3. Interrogation of Suspects:

   In the interrogation of suspects, members should consider these important points:

* Interrogations to obtain investigative leads can be very useful, but all constitutional precautions must be taken and recorded if the results of the interrogations are to be used in court at trial.

* Detailed notes and/or a recorded tape should be made for future reference and court use giving time, date, location, members, and other officers present, waiver of rights, time interrogation ended, etc.

* Statements obtained during an interrogation must not be based on coercion, promises, delays in arraignment, or deprivation of counsel.

* In order to use a statement in court, a suspect should be advised of his constitutional rights as required in Miranda v. Arizona and the member must be able to demonstrate that the suspect understood those rights and made a knowing and intelligent waiver of those rights.

Juvenile victims, witnesses, and suspects must be given the same constitutional protection as adults. The following additional safeguards should be followed:

* Parents or guardian should be notified whenever a juvenile is interrogated, taken into custody, or charged with an offense.

* The number of members engaged in the interrogation and its duration should be kept at a minimum.

c. Collection, Preservation, and Use of Physical Evidence

Members must realize that physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved. All evidence must be collected in accordance with Administrative Order Chapter

Eighty-Three.

d. Background Investigations:

Background investigations may be conducted in order to:

* Obtain, collage and verify personal, financial, criminal and/or social information about a person or organization,

* Develop information for purposes of criminal or licensing investigation.

Criminal Background Investigations:

* Will be conducted by departmental officers for the purpose of conducting criminal investigations and developing intelligence information.

* Will involve gathering information on persons suspected of being involved in criminal activities.

* Other background investigations will include:

License background for the ABC board;
Taxi Permits
Tour Guides
Solicitor Permits
Concealed Weapons
Special Conservator of the Peace
And any other as deemed by the City of Williamsburg.

e. Surveillance:

The secretive observation of a person, place, or vehicle is a basic police technique. Surveillance can be used effectively to gather evidence of illegal

activity or in the case of stakeouts, to apprehend criminals after a pattern of their criminal activity has been identified.

All members are encouraged to use surveillance of known trouble spots and known violators as part of their efforts to suppress crime and arrest suspects in their areas while on routine patrol. For all other surveillance operations as articulated in Administrative Order 43.1.5, the Supervisor of the Special Operations Bureau must be contacted for plan approval.

**42.2.2: Preliminary Investigation Steps**

In conducting preliminary investigations all officers shall ensure that their report includes information concerning the:

a. observation of all conditions, events, and remarks;

b. location and identification of all witnesses;

c. maintaining and protecting of the crime scene and arranging for the collection of evidence; and

d. interviewing the complainant, witnesses, and suspects.

**42.2.3: Follow-Up Investigations Steps**

In conducting a following-up investigation, the following steps shall be considered:

a. reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations;

b. conducting additional interviews and interrogations,

c. seeking additional information (from uniformed officer, informants);

d. planning, organizing, conducting searches, and collecting physical evidence;

e. identifying and apprehending suspects;

f. determining involvement of suspects in other crimes;

g. checking suspects' criminal histories;

h. preparing cases for court presentation; and

i. making a "second contact" with principals involved in a case requiring follow-up investigations or which has been closed.

### 42.2.4: Investigative Checklists

The Crime Report, properly prepared, serves as a checklist for most investigations. However, a more complicated investigation requires additional effort, and a checklist aid in ensuring that critical areas of investigation are not overlooked is provided in Appendix A.

### 42.2.5: Sworn Positions

Sworn positions in the criminal investigations component are the same as those in the patrol component for:

a. rank and/or titles, and
b. salary schedules.

Movement between the Patrol Bureau and Investigative Unit is lateral only.

### 42.2.6: Patrol Roll-Call Attendance

Periodically investigators will attend roll-call shift briefing meetings conducted for patrol officers to enhance relationships between these entities and provide for the exchange of information.

### 42.2.7: Task Force

The Williamsburg Police Department is a member of the Colonial Narcotics Enforcement Task Force. The Task Force is a regional effort to police drug activity within participating jurisdictions. Authority, responsibilities, accountability and available resources are articulated in the written "Task Force Agreement". Evaluation of the success and necessity of the Task Force is accomplished by quarterly meetings and annual reports. The written "Task Force Agreement":

**a.** Identifies the purpose of the task force;
**b.** Defines authority, responsibilities, and written agreements;
**c.** Establishes accountability;
**d.** Identifies resources available; and
**e.** Evaluating results and their continued necessity.

### 42.2.8: Polygraph Examinations

When a suspect is developed as the result of a follow-up investigation, the Investigations Unit, shall make available a licensed polygraph examiner and a polygraph device which complies with the Code of Virginia. A truth detection test shall be administered on any suspect who should so volunteer or be so ordered by the court. The polygraph test will be used in these instances as a technical aid for the detection of deception in criminal investigations. The following guidelines will be observed when initiating a polygraph test:

Investigators will schedule, or assist other departmental personnel in scheduling polygraphs with a licensed examiner.

Examiners must be properly trained and certified by the Commonwealth of Virginia and are governed by all appropriate provisions of the Code of Virginia in regards to the conduct of the polygraph examinations.

No aids for the detection of deception other than those certified and licensed by the State of Virginia will be used without the advance case-by-case permission of the Chief of Police.

## 42.2.9: Informants

By definition, an informant is a person who provides information. A citizen giving a police officer information about neighborhood activities is an informant. A person who has been arrested who provides information about other participants in a crime is an informant. A "snitch" who provides information about who did a particular crime, and who receives money from an officer as payment, is an informant. Information is provided for different reasons by different people. For purposes of this order, a police informant is defined as an individual who provides useful police information concerning criminal activity, including vice, organized crime, or intelligence information and who expects some kind of return. Return is defined as a payment in money; assistance in dealing with the Commonwealth Attorney, or the courts in terms of charges, pleading, or sentence; or an individual who, on multiple occasions, provides information out of a sense of obligation or personal need to help law enforcement and the community. An informant must be distinguished from a person who provides information to the police and is willing to be named as appropriate.

a. Informant information will be documented in a master informant file secured and maintained by the Supervisor of the Special Operations Bureau.

b. Each Officer who develops an informant must prepare a memo, which includes at a minimum the informants:

    1. VITA: (name, aliases, address(es), telephone numbers, acquaintances, physical description, habits, degree of danger to self and others, other biological and background information).

    2. Criminal history record (not to include actual transcript).

    3. Record of previous payments.

    4. Information previously received.

    5. Involvement in operations.

Each officer who develops an informant will then prepare a letter size manilla envelope. On the front of an envelope, the following information will be placed: Officer's name and identification number and the informant's number, which is the officer's identification number followed by an alphabetic letter, A for the first informant, B for the next, C, for the next, etc.

c. Once an individual informant file has been prepared on an informant, all future references to the informant in any reports will be by informant number only. Informant names will not be used. Once the informant file has been prepared, it will be the officer's responsibility to keep the file up-to-date by adding information as to transactions, money paid, etc. The officer simply requests the numbered file from the Supervisor of the Special Operations Bureau, places the additional information into the file, and returns the sealed file.

The individual informant files will not be opened unless 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 an officer, etc. The files will be released to the individual officer or for internal investigations as authorized by the Chief of Police, or for criminal investigation with an officer involved as victim authorized by the Supervisor of Special Operations Bureau.

d. The Supervisor of the Special Operations Bureau will maintain a locking file for informant envelopes.

e. All police officers should seek to develop police informants. For reasons of security of the police officer and the informant, a system which provides confidentiality to informant identities and transactions, but which permits lawful accountability, is essential. Two or more officers may develop the same individual as an informant. Each officer will develop an individual informant file and assign an informant number.

f. Police officers will not make any "deals" with individuals relating to charging, pleading, or sentencing. Police officers may, however, consult with the Commonwealth Attorney regarding these matters.

Funds for payment of informants are limited and officers are encouraged to discuss appropriate levels of payment with their immediate supervisor(s). No expenditure or promise of funds is authorized before the approval of the Supervisor of Special Operations Bureau, Fund Administrator. Expenditures of more than $1,000 must be approved by the Chief of Police.

Each year, the department budget includes a line item, the Investigative Fund. The amount is determined by the Chief of Police with recommendations from the Supervisor of the Special Operations Bureau. This cash fund is maintained by the Supervisor of the Special Operations Bureau, who shall request through the Chief of Police for replenishment.

The fund shall be subject to the audit of the Chief of Police. The Chief of Police shall alone be responsible for authorizing audit/access to the fund by any other person other than the Supervisor of the Special Operations Bureau.

The Supervisor of the Special Operations Bureau shall approve and issue all funds upon request. The use of the Approval Form is required.

The receiving officer shall complete a Report of Expenditure of Investigative Funds within 24 hours of the receipt thereof.

Unexpended funds shall be returned to the Fund Administrator, who shall issue a receipt for same. The fund will be maintained under lock and shall be kept in ledger form with all receipts and reports appropriately appended.

g. Police officers should deal with informants very carefully, particularly those of a different sex or those who sexual preference may make an investigation more susceptible to compromise through alleged irregularities. Officers using informants should advise their supervisors of that fact and the informant number should be used in all documents relating to the investigation.

h. Use of juvenile informants is a particularly sensitive area and the obtaining of parental permission and/or consultation with the Commonwealth Attorney

and/or juvenile court personnel is mandatory, prior to any such use. If the informant is a juvenile, write the word "Juvenile" on the envelope. The envelope will be delivered in person to the Supervisor of the Special Operations Bureau.

i. A police officer should develop a variety of information sources or informants, and in many cases information will flow as a result of friendly, courteous conversations and questioning, by building good rapport, by providing efficient police response, and by just plain listening and talking. In the process of exercise of police authority over individuals, officers have an opportunity to develop information sources.

When a parolee is used as an informant, the officer shall notify his supervisor for authorization to proceed and then contact the parolees parole officer before taking any action.

## APPENDIX A: CRIME CHECK LISTS

(Source: William Dienstein, How to Write a Narrative Report, Charles C. Thomas)

1. General Investigative Questions

    a. Who is involved?

        1. Who is the victim?

        2. Who is the suspect?

        3. Who is a witness?

        4. Who reported the case?

    b. What happened?

        1. What took place?

        2. What offense was committed?

        3. What are the elements of the offense?

        4. What was the object of the attack?

    c. When did it happen?

        1. When in time did the occurrence take place?

            a. At what hour?

            b. On what day?

c. In what month?

d. In what year?

2. Was it day or night?

3. Was it clear or cloudy?

4. Foggy, misty, rainy, smoggy, snowing, hailing, sleeting, etc.?

d. Where did it happen?

1. Where did the offense occur?

2. Where was the object of the offense?

3. Where is the object of the offense now?

4. Where was the object of the offense found?

5. Where was the perpetrator of the offense?

6. Where is the suspect now?

7. Where was the suspect when apprehended?

8. Over what area did the offense extend?

9. Where are the witnesses in relation to the crime scene?

10. Where are the witnesses now?

e. How did it happen?

1. How was the offense committed?

a. What preparation was made to commit the offense?

b. What was done to avoid detection?

2. How was the property or person attacked?

a. Method used to induce the victim to give up his property?

b. Means used to overcome resistance of the victim?

c. Means or instruments used in perpetration of the offense?

3. How did the offender act?

a. What did perpetrator do in response to actions of victim?

4. How did the victim act?

a. What victim did in response to actions of the perpetrator?

5. How did the situation assist in the commission of the offense?

6. How did the offender enter the crime scene?

a. What means were used?

7. How did the offender leave the crime scene?

a. What means were used?

2. Offenses Against Persons. Robbery, assault, battery, murder, kidnaping, abduction, mayhem, sex offenses, extortion.

a. How did the perpetrator approach the victim?

What device, trick, ruse, method did the perpetrator use to gain access to the victim?

b. What did the perpetrator say?

What exact expressions were used?

c. What in detail did the perpetrator do?

How did he act?

d. What means did he use?

| | | |
|---|---|---|
| gun | razor | club |
| promise | bodily force | knife |
| missile | poison | badge |
| intoxication | blackmail | other |
| seduction | request | |
| chemical | scissors | |

e. What preceded the offense?

| | | |
|---|---|---|
| quarrel | breaking and entering | robbery |
| attack | self-defense | accusation |

impersonation (officer, repairman, inspector, prospective buyer, etc)

f. What was the victim doing immediately preceding and at the time of the offense?

| | |
|---|---|
| opening or closing premises | preparing to leave residence |
| going to the bank | arriving at residence |
| walking | parking automobile |
| riding in vehicle | other |
| at residence | |

g. Were there accomplices? Complete personal descriptions.

What did the accomplices do?

How did they participate in the crime?

What was said?

How many were there?

Did they arrive with the perpetrator?

Did they leave with the perpetrator?

h. How did the perpetrator arrive and depart?

| | |
|---|---|
| taxi | on foot |
| automobile | other |

i. What other facts surrounding the occurrence could be used to identify the perpetrator and accomplices?

3. Offenses Against Property. Burglary, theft, larceny, worthless checks, embezzlement, arson.

a. Burglary

Precisely what type of premises were entered?

Where was the point of entry?

Where was the point of departure?

What instruments were used to gain entry?

What was done by the investigator to preserve evidence of entry and exit?

What acts were committed by the perpetrator at the scene?

| | |
|---|---|
| eating | smoking |
| drinking | use of matches |
| defecating, urinating | disturbance of materials |
| malicious damage | other |
| defacing | |

Where were occupants of the premises? Exact location.

How did perpetrator arrive and depart?

Any facts or acts that can be used to identify the perpetrator?

b. Theft, Larceny

From what place was property stolen?

| | | |
|---|---|---|
| Automobile | lobby | yard |
| basement | showcase | window |
| closet | slot machine | meter |
| counter | store | vehicle |
| display stand | telephone box | trunk |
| kitchen | toilet | other |
| locker | tool box | mailbox |
| porch: front, back | room: be specific | |

Were there occupants on the premises?

Where were they?

What means were used to take the property?

carrying away
shoplifting
trick and device
bodily force
other

How did the victim discover the loss?

Means used to distract attention of victims or persons in the vicinity?

How did perpetrator arrive and depart?

c. Worthless Checks

How were checks written or otherwise prepared?

Pen
pencil
typewriter
check writer
raised
rubber stamp

What type of paper was used?

Printed check form
printed pay check
person check form
counter check
money order

How were checks returned?

Not sufficient funds (NSF)
improper endorsement
fictitious
no such account
forged

What purpose was to be served by check?

Cash
jewelry
Money
merchandise: type
clothing
other

vehicle

What claim was made by passer to establish authenticity of check?

making purchase as customer
impersonating another
exhibits check book, bank deposit book, drivers o/l
refers to well known person or persons
pretends to live in neighborhood
uses bogus letter of credit

Was victim able to note description of check passer?

What caused particular notice?

What did passer say when presenting check to victim?

What time of day was check passed?

How did the check passer arrive and depart?

Other pertinent facts?

d. Embezzlement

What was the subject of the embezzlement?

What was the value of the property?

Who had ownership?

Who had possession at the time of the conversion?

Under what circumstances was the property received or held?

How was the loss discovered?

Where was the property recovered?

Who had possession at the time of recovery?

(Questions under Worthless Checks or Larceny may be applicable to Embezzlement)

e. Arson (If the Fire Department Investigator is unavailable).

How was the fire reported? Means used: telephone, fire alarm, other.

Who reported the fire? Name, Address, telephone number, occupation, description of person, circumstances causing person to note fire.

When was the fire discovered? Exact time or inclusive period if exact time not determinable. Specify a.m. or p.m.

Who discovered the fire? Name, address, telephone number, occupation, description, etc.

Under what circumstances was the fire discovered?

How was the fire started?

What materials, accelerants, and devices were used?

Where was the person who discovered the fire?

How did he happen to be there?

What type of structure or property was set on fire?

Number of stories?

Approximate dimensions?

Approximate number of rooms?

Construction of building: brick, frame, iron, stucco, fireproof, other?

Factory, warehouse, mill, dwelling, garage, other?

Was the building vacant?

Length of time?

Source of information?

Name and present address of last occupant?

Was the building inhabited?

Was a human being in the structure at the time of the fire?

Who occupies the building?

What type of business is carried on in the building?

How long has this business been in this location?

Names, addresses, telephone numbers, business or occupation, descriptions of all occupants of the building.

Who owns the building?

Name, address, age, description, when acquired building.

What was the value of the property destroyed?

## CHAPTER FORTY-TWO

What were the findings of the arson investigator, of the fire department, and other agencies?

(Such reports are attached as exhibits)

Was there a burning or charring as distinguished from mere scorching?

What evidence (traces on clothing of suspect or clue materials at the scene) associated the suspect with the scene?

What actions of the suspect offered evidence of criminal intent? Removal of valuable articles, substitutions, ill-feeling, animosity, hostility, hatred toward owner or occupants, unfriendly relations between suspect and occupants.

No effort to extinguish fire or turn in alarm?

**ADMINISTRATIVE ORDER**

**VICE, DRUGS AND ORGANIZED CRIME**

**CALEA STDS: 43.1.1/43.1.7**

**EFFECTIVE: APRIL 1, 2002**

**APPROVED:**
**CHIEF OF POLICE**

**POLICY:**

The people have decided that criminal sanctions should be imposed against certain behavior which has been traditionally labeled as "vice". The police are charged with the enforcement of all criminal statutes. Where vice conditions are allowed to continue, they are exploited by organized crime and the money obtained is often used to finance other criminal ventures or attempts to corrupt public officials. To prevent the spread of vice conditions, the Department will take aggressive enforcement against all vice activities. Similarly, it is the objective of the Department to enforce all local, state, and federal statutes which prohibit the possession, use, or trafficking in narcotics, non-prescription dangerous drugs, and other restricted or prohibited substances. Through a combination of aggressive enforcement and public education, police seek to prevent and deter the use and possession of, and trafficking in, all such substances. The Department may also conduct investigations outside the City in cooperation with appropriate law enforcement agencies to prevent the flow of such illegal substances in the City. The Williamsburg Police Department is firmly committed to the suppression of organized crime and vice of any form within the City of Williamsburg.

**PURPOSE:**

The purpose of this order is to establish procedures and policies concerning the administration and organization of the organized crime and vice control function.

## 43.1.1: Complaint Management

a. Departmental employees will report, in writing, any information coming to their attention concerning organized crime or vice crime activities directly to the Supervisor of the Special Operations Bureau. At his direction, this information will be turned over to the appropriate investigator. Such reports will be kept completely confidential. The Supervisor of Special Operations Bureau will serve as the department's focal point for the coordination of vice, organized crime, and intelligence activity, and will determine whether the report or information :

   Relates to an ongoing investigation and, if so, ensure the new information report is incorporated;

   Is new information of significant worth which should be followed up with a preliminary investigation. If so, the case is assigned to an investigator;

   Should be coordinated with other investigative agencies (county, state federal) due to the jurisdiction(s) or activity(s) involved;

   Is limited to criminal conduct and related to activities that present a threat to the community;

   Is perceived as accurate and valid, and the investigative techniques needed to address these crimes, and any operational problems, unavailability of departmental resources, etc.

b. The Supervisor of the Special Operations Bureau will maintain a record of complaints received;

c. The Supervisor of the Special Operations Bureau will maintain a file of all information conveyed to and received from outside agencies in relation to vice and organized crime activities. Information is stored in the files

chronologically and separated by “Internal” (law enforcement generated) and “External” (outside law enforcement). The files are purged every January.

### 43.1.2: Records, Storage and Security

The Supervisor of the Special Operations Bureau will maintain a separate, secure file in which current intelligence information and active case files pertaining to vice, organized crime, and intelligence activities is maintained. Suspended or closed case files which contain no sensitive information may become part of the Department's case file system.

### 43.1.3: Confidential Funds

Confidential funds shall be maintained, recorded, and disbursed by the Supervisor of the Special Operations Bureau or his designee in a manner to insure the justification and accounting of funds received by the Police Department. Expenditures justified in the budget for Special Expenses, provide for the establishment of a covert fund to support operation of vice and organized crime control functions such as, but not limited to, paying informants, purchasing contraband as evidence, and expenses for surveillance activities and equipment.

The Supervisor of the Special Operations Bureau (or designee) shall maintain a master ledger detailing all transactions which will include:

Date of transaction;

Log number of transaction for cross reference with disbursement/receipt form;

Name of investigator receiving funds and initials of disbursing investigator;

Reason for transaction (informant pay, undercover expenses, etc.);

Amount of transaction, and balance of funds on-hand;

Name of person (e.g. informant) receiving funds.

When funds are returned, or not used in full, the same procedure for disbursing funds shall be used to record the return. Funds not used for the purpose for what they were originally approved are to be returned to the supervisor and logged back into the fund.

No funds are to remain in the officers possession for longer than thirty (30) days unless prior approval is granted by the Supervisor of the Special Operations Bureau.

### 43.1.4: Equipment, Authorization and Control

The Supervisor of the Special Operations Bureau is responsible for the authorization, distribution and use of surveillance and undercover equipment. It is the policy of the Williamsburg Police Department to ensure that every effort is made to prevent the unauthorized use and loss of expensive and sophisticated surveillance equipment.

The Code of Virginia specifically directs particular electronic equipment be under direct control of the Chief of Police. The Supervisor of Special Operations Bureau has been designated by the Chief for supervision of this equipment. Only personnel who have received training may be in possession of, and/or operate this equipment.

### 43.1.5: Special Operations Procedures

Normally, unless another supervisor is designated by the Chief of Police, the Supervisor of the Special Operations Bureau will be responsible for the preparation of written covert operations plans for approval by the Chief of Police. Plans for conducting vice, drug, and organized crime surveillance, undercover, decoy, and raid operations include provisions for the following:

- analyzing crimes, victims, and suspects;
- determining legal ramifications;
- familiarizing officers with the objectives and details of the operation, the neighborhood, or target area;
- determining operational procedures for observation, arrests, surveillance, and

high-risk entries;

- τ supplying officers with expense funds;
- τ establishing means of routine and emergency communications;
- τ selecting equipment or vehicles;
- τ providing relief, back-up security, and perimeter protection for officers;
- τ supplying officers with false identity, disguises, and necessary credentials;
- τ maintaining overall confidentiality and cover;
- τ obtaining authorization for the raid and use of force;
- τ designating a signal person as supervisor and coordinator;
- τ providing close supervision;
- τ making contacts with suspects;
- τ searching for and seizing evidence and/or contraband;
- τ requesting medical assistance; and
- τ obtaining coordination and assistance from others (inside and outside of agency).

### 43.1.6: Advising the CEO

The Chief of Police is assigned responsibility for organized crime and vice enforcement operations, and in turn, the Supervisor of the Special Operations Bureau will function as the primary contact point of coordination and planning for organized crime and vice enforcement activities. A written status report concerning vice,

organized crime, and intelligence problems will be included in the Special Operations Monthly Report.

**ADMINISTRATIVE ORDER**

**JUVENILE OPERATIONS**

**CALEA STDS: 44.1.1/44.2.5**

**EFFECTIVE: APRIL 1, 2004**

**APPROVED:**
**CHIEF OF POLICE**

**POLICY:**

As the Williamsburg Police Department expends considerable effort on juveniles, this Department is committed to the development of programs to control and prevent juvenile delinquency. When dealing with juveniles, police officers must know procedures and alternatives, consistent with preserving public safety, order, and individual liberty.

**PURPOSE:**

The purpose of this Administrative Order is to outline procedures for the enforcement of the law with respect to juveniles, as well as to identify responsibilities and processes to control and prevent juvenile criminality.

**44.1.1: Juvenile Policy**

a. The Williamsburg Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency;

b. All personnel of this department have responsibilities for and will be familiar with juvenile operations and procedures and their support. The Supervisor of the Special Operations Bureau is responsible for juvenile operations, and will serve as the primary contact point in juvenile matters. All patrol shifts and

Bureau Supervisors will be responsible for, but not limited to:

* Follow-up processing of youth arrests;
* Assisting officers in juvenile cases;
* Coordinating court cases in which a juvenile offender is involved;
* Designing and implementing programs intended to prevent and control delinquent and criminal behavior by youths;
* Diverting juvenile offenders out of the juvenile justice system and adjusting cases; and
* Maintaining liaison with other agencies.

**44.1.2: Policy Input, Others**

All members of the Williamsburg Police Department will cooperate with Williamsburg juvenile justice and support activities. Department policies regarding juvenile operations will be provided to local juvenile court personnel for their review, comments and suggestions as to ways our procedures can be improved.

**44.1.3: "O"**

**44.2.1: Handling Offenders**

An officer is restricted in his actions when dealing with a juvenile offender. Severity of the incident and other relevant factors shall be used to determine which of the following courses of actions will be appropriate:

a. Warn and release with no further action or escort the juvenile to his/her home and remand to the custody of a parent or guardian;

b. Issue written citations or summonses to juvenile offenders to appear at intake in lieu of taking them into custody; and

c. Arrest and place in a juvenile detention facility pending judicial hearing.

The police officer may handle a juvenile either informally or formally. Informal handling is when the police officer manages a particular situation by releasing the

juvenile under warning to the parent or guardian. This requires either the parent picking up the child or the officer taking the child home and informing the parents of the alleged offense. Formal handling occurs when the juvenile is brought before the juvenile court or an intake officer for further processing and decision as to proper disposition of the juvenile.

In making the decision to handle either informally or formally, the police officer should consider the following factors;

Seriousness of offense;

Prior record of juvenile;

Age of youth;

Cooperation and attitude of all parties (child, parent, victim), and the possibility of the offense being repeated;

Degree of wrongful intent, violence, pre-meditation, knowledge of violation;

If it is likely the child or parent can be successfully referred to a helping agency.

Juveniles may be arrested for a felony offense when the officer has probable cause to believe that a felony was committed and that the juvenile is the offender. When the arresting officer believes that detention is justified, he shall contact a juvenile officer and request detention. Upon receipt of permission, the officer shall deliver or cause the juvenile to be delivered to the counselor. The officer is required to present a completed Juvenile Intake Form. The arresting officer is responsible for notification of a parent or guardian. If notification is not possible, the arresting officer shall advise the intake counselor and record this information in the report.

### 44.2.2: Procedures for Custody

No juvenile may be taken into immediate custody except in accordance with Virginia

Code. Provision for taking a juvenile into custody include:

a. Determining whether the juvenile is alleged to have engaged in non-criminal misbehavior (status offense) or in accordance with Virginia Code the following; With legal detention order, or

When, in the presence of arresting officer, the juvenile commits a crime and the officer believes custody is necessary for protection of public interest, or

The officer has probable cause to believe the child has committed an offense which, if done by an adult, would be a felony, or

The officer has probable cause to believe the juvenile is an escapee from the Department of Corrections, jail, detention home, or court-placed residential family, or

The officer has probable cause to believe the juvenile has either run away from home or is without adult supervision and in circumstances where the officer reasonably concludes there is a clear and substantial danger to the child's welfare.

b. When juvenile is alleged to be in need of services and;

There is clear and substantial danger to juveniles life or health or;

Custody is necessary to insure juveniles appearance before the court;

c. Ensuring that the constitutional rights of juveniles are protected by immediate advisement of their constitutional rights by the arresting officer;

d. Bringing the juveniles to the intake facility or juvenile component without delay (unless a juvenile is in need of emergency medical treatment);

When the Juvenile Court offices are open, a juvenile taken into custody should

be transported to the juvenile intake officer at the earliest convenience for processing;

When the Juvenile Court is closed, depending upon the circumstances, the officer may release the juvenile to a parent or guardian. If the officer feels immediate juvenile court intervention is necessary, the officer should contact the juvenile intake officer on call for assistance in the disposition of the juvenile. An intake officer on-call roster is available in Dispatch.

e. Notification of parents or guardians is required in every case of a juvenile being taken into custody in order to inform them of the circumstances and/or to pick up the juvenile.

Fingerprints and photographs of juveniles may be taken in accordance with Virginia Code.

### 44.2.3: Custodial Interrogation

a. When practical, officers should contact the parents or guardians of a juvenile prior to questioning and the parents given an opportunity to both understand what the questioning will cover and to be present during questioning. If this is not feasible, the officer may go ahead and question anyway, but must very carefully ensure that all rights of the juvenile are protected.

b. When questioning a juvenile in custody, the same rules and procedures used for an adult must be followed. Under no circumstances should the juvenile, any more than the adult, be compelled to answer questions either by physical force or psychological pressure or coercion.

No juvenile can be compelled to answer any questions which may tend to incriminate him. Juveniles are entitled to the full Miranda Warnings and these rights must be explained and not just routinely read.

Officers should keep in mind that when questioning a juvenile, they should not

prolong the interview period any longer than is needed in order to complete their investigation. The interrogations should be handled by one officer if at all possible in order to lessen the chance of the juvenile feeling intimidated or pressured.

c. Because in many cases juveniles may not understand what is happening to them during the interrogation process, the officer should explain to them what is to expect as far as procedures are concerned and how the court system works.

**44.2.4: School Liaison Program**

The Police Department will actively encourage and participate in crime prevention and awareness programs in the school system. The Crime Prevention Officer will maintain liaison with the school in responding to requests for;

a. Programs related to crime prevention and with respect to delinquency prevention;
b. Providing guidance on ethical issues in a classroom setting;

c. Providing individual counseling and/or mentoring to students; and

d. Explaining the law enforcement role in society.

**44.2.5: Community Recreation Programs**

The Williamsburg Police Department strongly supports and encourages participation in the youth activities programs of the Williamsburg Recreation Department and all other community groups sponsoring such programs.

Officers should encourage our youths to participate in the various youth programs offered and available in the City in order to develop an attitude of cooperativeness and to occupy the youths idle time with constructive activities.

**ADMINISTRATIVE ORDER**

**CRIME PREVENTION**

**CALEA STDS: 45.1.1/45.2.3**

**EFFECTIVE: April 1, 2004**

**APPROVED:**
**CHIEF OF POLICE**

**POLICY:**

Crime prevention creates in the minds of Williamsburg residents and business persons an awareness of the roles they can individually and collectively play in the reduction and/or prevention of crime. Further, it encourages individual, group, school, neighborhood, and community follow-up and activities to reduce/prevent crime. The crime prevention officer works to: 1) establish and maintain meaningful communications and responsive working relationships with the community; 2) anticipate and recognize crime potential; and 3) initiate activities to reduce criminal opportunity and promote citizens' safety and sense of security.

**PURPOSE:**

The purpose of this administrative order is to affirm the commitment of the Williamsburg Police Department to the prevention and suppression of crime, and to establish policies, goals and objectives by which this commitment can be realized.

Annually, about 95 percent of the Part I crimes in the city involves property crime. A significant portion of this crime involves unsecured property, inadequately identified property, and minimal provisions for security. Departmental crime prevention programs, while only one part of a comprehensive law enforcement effort, will target the prevention of property crimes.

In targeting the prevention of property crime, five departmental programs will be

emphasized as follows:

* Security Surveys of businesses and residences will be conducted by trained police officers;

* Development of neighborhood and business watch programs will be encouraged and assisted, and, once organized, will be aided in maintenance of ongoing activities, programs, and information exchange;

* Business oriented programs will be conducted, normally in cooperation with local business organizations, aimed at reducing the incidence of crime in city business, e.g., focus on shoplifting, checks, inventory control, employee screening, etc;

* Public educational programs - talks, appearances, visits, tours, ride alongs, media releases, etc., aimed at drug abuse and other specific crime problems and their reduction or elimination;

* House checks of residential properties when the owner or occupants are gone for a period of time.

**45.1.1 "O"**

**45.1.2: Organizing Prevention Groups**

All officers of the Williamsburg Police Department assist in organizing crime prevention groups in residential and business areas. One method used to organize prevention groups is through the use of security surveys.

Trained officers will conduct security surveys of residences and businesses. Normally, advance appointments will be set up for these surveys. Checklist forms will be prepared by the survey officer and left with the person requesting the survey. Recommendations for security improvements should be general in nature and should not include a specific brand or a particular place of business as a provider of services.

To provide for subsequent follow-ups of recommendations, the surveying officer should provide basic information concerning the survey and the recommendations through the shift or bureau supervisor to the Crime Prevention Officer.

While performing the security survey, the officer has an excellent opportunity to provide information on other crime prevention activities, property marking, property inventory, neighborhood watch, etc. At the same time, the officer has an opportunity to learn about the citizen and problems in the neighborhood. Input received in improving police responsiveness should be provided to the Crime Prevention Officer.

### 45.1.3: Prevention Input

The Chief of Police and other assigned personnel, will provide crime prevention recommendations and input to other city departments, boards and communications, and interested community groups, to include input into development and/or revision of zoning policies, building codes, fire codes, and residential and commercial construction building permits.

### 45.2.1: Activities

The community involvement function of the crime prevention office provides:

a. Establishing liaison with formal community organization and other community groups through programs such as educational programs. A variety of crime prevention and community relations educational programs are offered by the police department to community groups, organizations, businesses, etc. Included are programs on specific crime prevention problems such as personal security, home security, burglary prevention, robbery, checks, shoplifting, etc. Programs can be conducted at the department or anywhere in the community, for all age groups and interests. Programs can include audio visual materials, handouts, and demonstrations.

   Requests for educational programs should be directed to the crime prevention officer, who will coordinate the details and assign responsibility for the activity.

Participation in such activities should be reflected on monthly reports and should indicate time, date, place, presenter, topic, number of persons present, and general response to the program;

b. Responsibility for the crime prevention function and its' support is the duty of all personnel of the Williamsburg Police Department;

c. The Crime Prevention Officer is assigned responsibility for effective implementation of the department's crime prevention program and developing of community relations policies. He will work with shift and bureau supervisors executing these responsibilities to ensure an active, planned, coordinated, integrated crime prevention response. The Crime Prevention Officer will serve as crime prevention liaison with the business community, local citizens, civic organizations, private security and statewide associations.

d. All bureaus are responsible for publicizing agency objectives, problems, and successes;

e. All officers will convey information transmitted from citizens' organizations to the Crime Prevention Officer through the use of memorandum, activity sheets, and inclusion on reports;

f. Improving agency practices bearing on police-community relations is the responsibility of all personnel of the Williamsburg Police Department;

g. Identification of training needs shall be accomplished through interviews with citizen representatives, consultations with those involved in internal investigations, and conferences with supervisors; and

h. The establishment of community groups where they are needed is a high priority of the Williamsburg Police Department. One method in accomplishing this goal is through the use of the Neighborhood Watch program.

Neighborhood Watch consists of relatively informal groupings of businesses and/or residences banding together to look out for each other, their

geographical areas and to report problems and suspicious activity to the police.

Any request for assistance in forming such a group should initially be referred to the crime prevention officer who will encourage the efforts by providing information, speakers, etc. Patrol officers should encourage the growth of such groups. If the neighborhood "spark plug" can be found, who will help pull together a neighborhood, we will assist in providing program services and materials.

A neighborhood watch grouping which includes 50 percent of the residences, where residents have had home security surveys and have inventoried their property, can be eligible for the posting of Neighborhood Watch signs at the entrances to their area.

Once a Neighborhood Watch has been established, periodic police follow-ups to help maintain interest and enthusiasm is essential. The Crime Prevention Officer, working with shift supervisors, will designate a secondary liaison officer and such alternates as may be required. Liaison duties include periodic contact with Watch leadership, sharing of relevant information, coordination of program assistance and encouraging growth of the area membership. Such liaison activity should be reported to the Crime Prevention Officer on a monthly report by the liaison officer.

### 45.2.2: Quarterly Progress Report

At least quarterly, the Crime Prevention Officer will prepare and submit to the Chief of Police a report including the following:

a. A description of current concerns voiced by the community;
b. A description of potential problems that have a bearing on law enforcement activities with the community; and
c. A statement of recommended actions that address previously identified concerns and problems.
d. A statement of progress made toward addressing previously identified concerns and problems.

### 45.2.3: Citizen Concerns

All officers who receive relevant information from citizens about concerns and potential problems that have a bearing on law enforcement activities within the community shall forward this to the Crime Prevention Officer via memorandum, miscellaneous report, or E-Mail.

### 45.2.4: Citizens Survey

A citizen survey is conducted by the City of Williamsburg annually with respect to:

a. Overall agency performance;

b. Overall competence of agency employees;

c. Officers' attitudes and behavior toward citizens;

d. Concern over safety and security within the City of Williamsburg;

e. Recommendations and suggestions for improvements.

## CRIME PREVENTION GOALS

Crime Prevention: To minimize the occurrence of preventable crime while maximizing the role of the public in preventing crime.

* **Department Objectives:** To prevent Part I and Part II crimes that occur, or where patterns and trends in crime occurrences can be identified, or from escalating after the arrival of the police at the scene of an incident.

* **Departmental Objective:** To support the development of new, and perpetuation of existing, programs designed to prevent and control juvenile delinquency, including school liaison program, alcohol and drug abuse programs.

* **Departmental Objectives:** To support the development of new, and perpetuation of existing, programs designed to enhance the safety and security of businesses and shopping centers.

* **Departmental Objective:** To support the development of new, and perpetuation of existing crime prevention programs, including Neighborhood Watch areas, public information programs, community reporting of police problems, etc.

**ADMINISTRATIVE ORDER**

**UNUSUAL OCCURRENCES AND SPECIAL OPERATIONS**

**CALEA STDS: 46.1.1/46.2.5**

**EFFECTIVE: JUNE 18, 2003**

**APPROVED:**
**CHIEF OF POLICE**

**POLICY:**

Unusual occurrences include situations, generally of an emergency nature, resulting from natural or man-made disasters or civil disturbances which include riots, disorders, violence arising from dissident gatherings or marches, rock concerts, or labor disputes. Special operations include barricade/hostage situations, bomb threats/disposal, VIP protection, special events, and civil defense.

The Williamsburg Police Department must be prepared to respond effectively to any of these unusual occurrences/special events. The many variables involved prevent precise development of plans for specific situations, however, basic planning considerations can be identified and special plans can be developed to guide police supervisors in dealing with a variety of unusual/special operations.

The Williamsburg Police Department must be prepared to participate in the City of Williamsburg Emergency Operations Plan, which covers disasters, civil defense, and civil disorder.

**46.1.1: Planning Responsibility**

The Chief of Police, or his designee, is responsible for overall planning of the police response to unusual occurrences. Command personnel at the Bureau Head level will

share responsibility for overall planning of police response to special operations. The Supervisor of the Uniform Bureau is responsible for police participation in the City of Williamsburg Emergency Operation Plan.

### 46.1.2: Natural/Man-Made Disaster, Civil Disturbances, Unusual Occurrence Plan

Natural disasters may be any hurricane, tornado, storm, flood, high water, wind-driven water, earthquake, drought, blizzard, ice storm, fire or other natural catastrophe resulting in damage, hardship, suffering, or possible loss of life.

Man-made disasters may include any industrial or transportation accident, explosion, conflagration, major power failure, resources shortage, or other condition such as sabotage, oil spills, and other injurious environmental contaminations which threaten or cause damage to property, human suffering, hardship loss of life.

The following plan for handling natural/man-made disasters is a supplement to the City of Williamsburg Emergency Operations Plan, for use when a disaster is not of a magnitude that would require full scale implementation of the City of Williamsburg Emergency Operations Plan, but does require appropriate police reaction.

a. Communications: Supervisors must communicate necessary information to emergency services, utilities, city departments and to media agencies. The supervisor must ensure that adequate dispatcher assistance is provided to handle this increased workload and citizen call ins. Under some circumstances, it may also be necessary to loan police radios to emergency service/utility crews with whom essential contact must be maintained. Police units are equipped with multi-channel radios and cellular phones to facilitate communications with other agencies.

   The first officer on the scene shall observe the situation from a safe distance to determine if the crowd is peaceful or potentially violent, notify the dispatcher as to the seriousness of the situation, attempt to identify by observation the leader of the group, and, if necessary, request the shift supervisor and additional back-up to respond. The Watch Commander shall maintain communications with

the dispatcher, providing the estimated size of the crowd and area involved, gauging the mood of the crowd, any weapons involved, and any destroyed property involved. The supervisor must ensure that adequate dispatcher assistance is provided to handle this increased workload and citizen call ins. Radios and cellular phones are available for communications both within and outside the agency.

b. Situation Maps: Situation maps are located throughout the Police Department, including in the Dispatch Office and the Line-Up Room.

c. Field Command Posts: Depending on the nature of the incident, a field command post may be established in the vicinity of the scene. The command post will be in the Emergency Operations Mobile Command Center.

d. Chain of Command: Shift Supervisors are authorized to place this plan into operation. Appropriate notification of a situation requiring plan implementation must be made to supervisory personnel. The Chief of Police will immediately notify the City Manager of the situation and will keep him advised of any changes so that the City of Williamsburg Emergency Operations Plan may be implemented if necessary without delay.

e. Casualty Information: In any situation involving casualties, provision of casualty information will be the responsibility of the hospital and public inquiries will be so directed.

f. Community Relations: The community will be alerted through use of media briefs, emergency contact programs and other resources available through both City and volunteer programs, such as Social Services and the Red Cross. Special needs situations have been identified through use of the Heads-Up program and addresses of those with special needs are placed in the Departments computerized records system.

g. Public Information: The Chief of Police will have area media agencies notified and establish a media information briefing point either in the vicinity of a small-scale incident or at the police department in case of an areawide incident.

On a regular basis, information will be provided directly to media representatives present. All media agencies will be advised that no telephone inquiries will be responded to in order to reduce the burden on dispatchers and telephone lines.

h. Rumor Control: Factual information must be provided to media representatives particularly regarding any rumors. All police personnel will ensure that the police supervisors are advised of any rumors hears, so that the supervisor can provide factual information to media representatives.

i. Other Law Enforcement Agency Support: In cases of large scale disturbances, support may be solicited from other law enforcement agencies, such as the Virginia State Police. (See Appendix A).

j. Military Support: Any incident of the magnitude to require military support will be handled in accordance with the City of Williamsburg Emergency Operations Plan.

k. Martial Law: Any incident of the magnitude to require the imposition of curfew or martial law will be handled in accordance with the City of Williamsburg Emergency Operations Plan.

l. Public Facility Security: The involvement of one or more buildings, public or private, can generate a requirement for the provision of security to prevent looting, theft, or trespassing.

m. Traffic Control: It may be necessary to block roads and reroute traffic away from the affected area. Emergency service units should be so advised, announcements made over local radio stations, and alternate routes with appropriate signage established.

n. Equipment Requirements: For equipment needs beyond that readily available to the shift supervisor, contact should be immediately made with the Commanding Supervisor and/or the Chief of Police. Special equipment needed but not on hand may be obtained using City of Williamsburg emergency

purchase procedures.

o. Transportation: Any special transportation needs may be requested from appropriate city departments or other emergency services.

p. Deescalation Procedures: Supervisors will ensure an orderly de-escalation of controls and personnel, as appropriate as the situation stabilizes. Direction for withdrawal of resources must be as thoughtful and deliberate as the initial deployment.

q. Court/Prosecutorial Liaison and Other Legal Considerations: Contact will be made with the Commonwealth Attorney and the City Attorney concerning court/prosecutorial liaison and other legal considerations.

r. Legal Authority: The legal authority to handle emergency situations is in accordance with the Commonwealth of Virginia, City of Williamsburg Emergency Operations Plan as prepared in conjunction with the Department of Emergency Services.

s. Post-Occurrence (Aftermath) Duties: Aftermath duties include contact with agencies for damage control assessment. Necessary Public Works and utilities companies should be notified of road clearance needs, broken mains, downed lines, etc. Officers shall be disengaged as appropriate and the command post shall be discontinued and all departmental equipment shall be collected.

t. After-Action Reports: Supervisors will prepare after-action reports concerning all police activity during a disaster incident as well as recommendations concerning the handling of any future problems. A completed after-action report will be provided to the City Manager by the Chief of Police. After-action reports will include any budgetary impact, commitments, obligations, etc.

**46.1.3: Mass Arrest**

During the course of a civil disturbance, mass arrests may become a reality and must

be handled quickly and efficiently, providing for transportation to jail, release on summons, arrestee rights, etc. The following plan shall be implemented:

a. Arrest/Processing/Confinement Procedures (to include booking): Arrested persons will be removed from the point of the disturbance by the arresting officer and transported to the Regional Jail, where initial booking will take place. The Supervisor of the Special Operations Bureau will establish an arrest team to handle prisoners through processing and to confinement.

b. Juvenile Offenders: Juveniles involved in arrests will be treated according to juvenile procedures set forth by the Virginia State Code and Williamsburg Police Department Administrative Orders.

c. Transportation: Arrested persons will be removed from the point of the disturbance by the arresting officer and transported to the Regional Jail, where initial booking will take place. Additional vehicles may be requested by the on-site supervisor if necessary for transportation. If the number of arrests exceed the capacity of available police units, the Regional Jail prisoner van may be requested.

d. Detention Facilities: Detention shall be at the Regional Jail. Should the Regional Jail reach full capacity, prisoners will be transported to other local jails, i.e., Hampton, and Newport News.

e. Evidence Collection: Evidence shall be collected from the scene of the disturbance as soon as the situation allows for the safe and complete processing of the scene.

f. Security: Security for detainees will be provided by police officers on the scene. Specific assignments will be made by on-site supervisor. Additional assistance may be acquired from the State Police.

g. Identification: Identification of the arrested person shall be established and the arrested person will be photographed with the arresting officer.

Arrest/identification information will be recorded on the back of the photo and the photo blotter.

h. Interagency Agreements: Agreements have been established between Hampton and Newport News should the Regional Jail reach full capacity in the event prisoners will be transported to their facilities.

i. Defense Counsel Visits: Arrested persons will be allowed the opportunity to contact legal counsel at the conclusion of booking.

j. Court and Prosecutorial Liaison: The Commonwealth Attorney or his assistant will provide legal advise to police personnel as appropriate.

k. Media Relations/Public Information: All inquiries by media for information pertaining to mass arrest will be directed to the department's Public Information Officer. Details will be provided in compliance with the Virginia Freedom of Information Act.

l. Food, Water, and Sanitation: The Regional Jail will provide necessary food, water, and sanitation.

m. Medical Treatment: Arrested persons who are injured will be given medical treatment before any booking begins.

### 46.1.4: Hostage/Barricade Situations

Hostage and barricade situations present special problems to police officers and citizens because of the potential danger to officers, citizens and victims. Each hostage/barricade situation is different, but a basic plan may provide shift supervisors and officers with guidelines which may help diffuse the situation safely.

Criminals who use hostages to effect their escape are desperate individuals who, if allowed to escape, will pose a continuing threat to the hostage and to the public at large. Assurance that a hostage will be released unharmed is a meaningless promise.

The Department does not have the ability to protect a hostage who is removed from the presence of officers. Although protection of innocent persons is of great importance, officers shall not act as substitutes for a hostage. The safety of hostages can be best assured by keeping them in the presence of officers and by preventing their removal. However, officers should realize that exceptional situations could arise where considered judgment might dictate otherwise. In the event of a hostage/barricade situation, officers shall:

a. Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained tactical and/or hostage negotiation personnel.

b. The Watch Commander shall direct the dispatcher to notify the Hostage Negotiation Commander and other trained personnel as requested.

c. All interaction and communication between tactical and hostage negotiation personnel will be coordinated by the Incident Commander.

   On scene personnel are responsible for scene security, suspect surveillance, and any emergency or planned entry.

   Hostage negotiation personnel are responsible with establishing a "trust" with the hostage taker, which involves some "give and take" on both parts. Of primary importance in establishment of a dialogue is the knowledge that in negotiating, practically all demands are negotiable except supplying the hostage taker with weapons or additional hostage or exchange of hostages.

d. The Watch Commander shall direct the dispatcher to notify hostage negotiation commander and other trained personnel as requested. Upon arrival at the scene, the Chief of Police may direct contact with other personnel outside the agency as required (i.e., State Police).

e. Communication shall be established with other agencies, including:

   * Rescue squad - to stand by in general area;

* Williamsburg Community Hospital Emergency Room - alert to possible injuries;

* Williamsburg Fire Department - to stand by in general area;

* State police - to provide specialized service, such as K-9 unit, helicopter, emergency response team, etc.

f. Upon arrival at the scene, the shift supervisor shall establish an inner and outer perimeter.

g. Watch Commanders shall arrange for and supervise the evacuation of any bystanders in the danger area to a point of safety. If bystanders cannot be evacuated, they will be instructed to seek protection where they are.

h. With the cooperation of the Williamsburg Fire Department, personnel on the scene will arrange for the evacuation of any injured persons.

i. A command post will be established in a safe area near the point of incident. Command personnel will ensure interaction between tactical and hostage negotiation personnel.

j. The Williamsburg Fire Department will be notified for ambulance, rescue and fire service. Surveillance equipment will be used from the Williamsburg Police Department. If additional equipment is required, it may be requested from the State Police by the on-site supervisor.

k. As with all non-police personnel, news media access shall be restricted at the scene to ensure safety. The Incident Commander or his designee shall update media representatives on the situation.

l. The Chief of Police, or his designee, will authorize the use of force and/or chemical agents.

m. Only trained negotiation and support staff shall be used in any

hostage/barricade situation.

n. The Incident Commander will ensure that, should a hostage situation become mobile, all possible routes of travel are covered by police units. Additionally, surveillance vehicles may be assigned in order to observe the activities of the hostage taker.

o. The Incident Commander will be responsible for the submission of all after action reports to the Chief on all hostage/barricade situations containing all details of the incident.

### 46.1.5: Bomb Emergencies

Bomb threats and actual bomb emergencies present a serious threat to police officers, the public, and to property. In this age of terrorist activity, more actual bombings of public and private buildings are occurring. The police must be able to effectively respond to all bomb threats, assess the situation, and handle every situation in an efficient manner, so as to provide for the safety of the general public. Additionally, the police must be able to properly investigate bomb emergency situations in order to apprehend the party or parties responsible. The Watch Commander shall have the authority to implement this plan and will assume command of the operation until relieved by the Chief of Police or a supervisor of a higher rank.

- When a bomb threat is received, communications will immediately dispatch police and fire personnel. In addition, if a threat is received during regular City work hours, communications will alert all administrative and investigative personnel that an event is in progress.

- Explosive devices are a hazardous material event and the building search is the responsibility of the Fire Department. The Fire Department will manage the search for explosives with police assisting.

- Both police and fire units will respond to bomb threats. RADIOS WILL BE TURNED OFF! Police and fire personnel will work in teams (one police officer/one fire fighter). Teams will plan and coordinate the building search.

It is important that each team and command post personnel know the general location of searchers. In the event a device is found, the team will go immediately to the command post and the universal evacuation signal will be sounded (intermittent five second air horn blasts for sixty second duration). Upon hearing the evacuation signal, all personnel will immediately leave the building.

- If a device is found, the Fire Department will work it as a HAZMAT situation and will turn the scene over for criminal investigation after it is deemed safe.

- It is very important that no radio transmissions occur within 500 feet of the area being searched. In each instance of a bomb threat, all radios within the 500 foot perimeter will be off. A command post will be established outside the 500 foot perimeter.

Any deviation from this procedure must be approved by the incident commander.

Offense reports will be completed on each bomb threat/bomb emergency. Additionally, an after-action report will be completed by the shift supervisor to the Chief of Police relating all facts of the incident and recommendations, if appropriate.

**46.1.6 Equipment, Operational Readiness**

At least once a month, the responsible Bureau Head or his designee shall inspect all equipment assigned to his bureau and designated for use in unusual occurrence situations for operational readiness.

**46.1.7: Emergency Plans, Review and Accessibility**

City of Williamsburg Emergency Operations Plans are accessible to all command personnel and are reviewed annually and updated as necessary.

**46.1.8: Emergency Mobilization Plan**

The Williamsburg Police Department Emergency Mobilization Plan serves to guide Williamsburg Public Safety in the event of an active shooter occurrence or any other unusual occurrence requiring rapid deployment. An active shooter is characterized as one who participates in a random or systematic shooting spree, demonsttating their intent to continuously harm/kill others. This plan includes:

a. Communications: All call-back police personnel will be equipped with portable police radios. Each police vehicle is equipped with cellular telephones. Dispatch office is equipped with police radio, SIRS radio, telephone, and VCIN/NCIC terminal communications devices.

   The Watch Commander will ensure an Ad-hoc Command Post is established as soon as practical in the vicinity of the incident. The Ad-hoc Command Post will be responsible for primary communications and will be staffed by first responders. Immediately upon arrival of command level personnel on the scene, the City of Williamsburg Mobile Command Post will be situated in an appropriate area. Command level personnel from Police and Fire will man the command post during the incident to assure seamless communications between the organizations.

   Available radio frequencies:

   City Police – Main
   City Police – Tactical
   City Public Works
   City Fire – Main
   City Fire – Mutual Aid

   In the event mutual aid is requested, the responding agencies frequencies must be made available to the command post.

   Unified command theory allows decision making by all involved departments. Radio equipment in the command post will be tuned to the frequencies for City Police, Fire and assisting agencies. All command personnel will have portable radios as back-up communications.

The Williamsburg Police Department will be the lead agency in the event of a rapid deployment. The Fire Department will assist police by providing emergency medical services.

Once the command post is established and a perimeter secured, all authorized persons entering the area must report to the staging area for assignment. The area around the command post will have controlled access. Command personnel assigned to the command post must authorize personnel to enter the controlled area.

b. Alert Stages: In the event of an occurrence requiring rapid deployment, all officers who are not on essential emergency assignment will respond as directed to the scene of the incident. Communications shall dispatch the call proceeded by an emergency tone and direct all personnel to the scene of the incident. Emergency Medical Services should be toned out for response as well.

The first responders will stand-down other officers in the event rapid deployment is not essential.

Once the initial dispatch occurs, communications personnel should put out an all-call over the police department intercom advising of the rapid deployment, and initiate a command staff page.

Once the mobile command post is activated, the Incident Command will determine the alert stage for the emergency mobilization plan.

c. Primary and Alternate Assembly Areas: Due to the fluid nature of rapid deployment, the Ad-hoc Command Post will determine the location for the primary and any alternate assembly areas for police response. The Fire Department will need to be advised of secure areas in the proximity for assembly areas.

Consideration for Fire Department staging should include:

Area safety and security
Close proximity
Safe avenues of approach to scene
Large enough for vehicles and equipment
Area for triage
Area for landing zone

Once the Mobile Command Post is established, assembly areas should be assigned for recalled police personnel, mutual aid agencies, specialized response units (i.e., EOD), civil support elements (i.e., Red Cross) and media.

d. Equipment Distribution: Police vehicles are equipped with assault vests, Kevlar helmets, and chemical mask. The Watch Commander vehicle is equipped with a ballistic shield and rifle. The Acting Watch Commander vehicle is assigned a rifle.

Individual officer equipment should include:

Police identification
Authorized firearm
Ballistic vest
Flashlight
O/C Spray
ASP
Handcuffs
Radio
Protective gloves

The Fire Department will make emergency breaching tools available.

e. Special Task Force Activation: The Ad-hoc Command Post will advise of any additional or special response units needed. These units may include, but are not limited to:

SWAT
Crisis Negotiations
Explosive Ordinance Disposal
K-9

In the event a special response unit is activated, it will fall under the supervision of the Incident Commander.

f. Key Personnel Designations: The Watch Commander will remain in command of the scene until relieved by the appropriate Command Staff personnel. The Incident Commander will be in overall command. Each department will have a representative available to the Incident Commander.

The initial responders should focus on forming Contact/Rescue Teams whenever practical.

If possible the Contact Team should consist of:

Team Leader
Contact Officer
Cover Officer
Rear Guard

The Contact Teams priority is to make contact with the suspect(s), stopping the deadly behavior and limiting the suspects movement.

If possible, the Rescue Team should consist of:

Cover Officers
Rescue Officers

The priority of the Rescue Team is to rescue and recover victims, with an emphasis on those in need of immediate medical attention.

g. Coordination with Emergency Management Personnel: The Williamsburg Fire

Department will be responsible for coordination with trauma centers and medivac. Emergency Medical Personnel will determine where those in need of medical evaluation will be evacuated.

In the event the incident becomes protracted, the Incident Commander may elect to initiate the City of Williamsburg Emergency Operations Plan.

h. Transportation Requirements: In the event police vehicles are not available, personnel may be required to use privately owned vehicles to respond to the assembly areas.

In the event mass transportation will be needed, the Regional Jail will be contacted for available resources.

i. Management Control Measures: The Chain of Command, as reflected in the Department's Organizational Chart, serves as control measures for all activities during emergency mobilization. The assigned Incident Commander will assume command of the scene. In the event mutual aid is activated, the Department's Mutual Aid Policy will be followed.

j. Rehearsals: Annually, the Emergency Services Center is activated and mock nuclear disasters are rehearsed. The Williamsburg Police Department will conduct mock rapid response rehearsals when practical.

**46.1.9: VIP Security Plan**

The great mobility of politicians, business executives, celebrities, and foreign dignitaries means that Williamsburg could be visited at almost any time by VIP's (Very-Important Persons) for whom there is legitimate requirement to provide police protection and security. In addition, special events, such as Colonial Williamsburg visits, regularly bring celebrities into our city for whom special police provisions must be made. It is essential that the Williamsburg Police Department be prepared to provide police VIP security services in an efficient, competent, professional manner.

a. All requests for police security services of VIP visitors will be directed to the

Chief of Police, who will make an administrative decision as to the level and nature of services to be provided. The Chief of Police will coordinate as required with the City Manager. The Chief of Police will designate a single individual as supervisor and coordinator of any given security detail. Normally, such responsibility will be assigned to the Supervisor of the Uniform Bureau.

b. Equipment: Requirements regarding equipment needed such as vehicles, body armor, weapons, etc. for both security personnel and VIP party shall be considered when planning for VIP visits.

c. Travel routes. The Supervisor of Uniform Bureau shall plan and reconnoiter the quickest and safest routes, as well as alternative routing. The plan shall identify possible hazard locations. Determine if there is any planned construction or maintenance on travel route.

d. Physical inspection of buildings. Areas to be visited should be physically inspected by the Supervisor of the Uniform Bureau to ensure familiarity with layouts, exits, stairways, etc.

e. The Chief of Police and the security team coordinator will meet, as required, with the advance party/VIP security representative, and will prepare necessary plans for provision of security services.

f. Emergency First-Aid or ambulance services required by the VIP shall be provided by the Williamsburg Fire Department. The VIP shall be transported to Williamsburg Community Hospital, unless the seriousness of the sickness or injury dictate differently.

g. Communications shall be maintained between the security team and the Williamsburg Police Department through use of Williamsburg Police Department radios and cellular phones. If the security team does not have a radio that works with the Police Department frequency, one will be provided for them.

h. 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. Identification shall be a pre-agreed upon designation (lapel pins).

**46.1.10: Special Events Plan**

Special events include parades, entertainment/sporting events, highway construction/maintenance activities, picketing/demonstrations, etc. All requests shall be made to the City Manager's Office with recommendations made by the Police Department.

a. The Supervisor of the Uniform Bureau shall be designated as the police department representative to coordinate plans with the group requesting the special event.

b. The special event plan shall include a written estimate of traffic, crowd control, and crime problems expected for any given event.

c. The Uniform Bureau Supervisor shall provide contingency plans for traffic direction and control in the special event plan.

d. The Uniform Bureau Supervisor shall coordinate with the Supervisor of the Special Operations Bureau should the use of special operations personnel or additional police personnel become necessary.

e. The Uniform Bureau Supervisor shall include in the special events plan any logistical requirements necessary.

f. Special event plans shall coordinate components inside and outside the agency. Written plans shall be distributed to all involved organizations.

g. After action reports shall be required of any special events where unexpected problems or circumstances occurred.

## 46.1.11 Incident Command System

I. Definitions

- Action Plan - general objectives reflecting the overall incident strategy and specific activity for the next operational period. They may take the form of verbal instructions from the incident commander during the initial stages of an incident but should be developed in written form upon scene stabilization.

- Incident Command Post - the functional point where the command staff can meet to evaluate the situation and exercise overall command. Location of the command post (CP) shall be designated by the Incident Commander and announced by the Emergency Communications Center (ECC). The Mobile Command Post (MCP) is a valuable asset in major incidents and may be used as the Incident Command Post. It provides enhanced communication capabilities and a safe and sheltered environment in which to conduct operations.

- Incident Commander - Usually the highest-ranking supervisor on the scene, except when that officer has explicitly delegated incident command to a lower-ranking officer. NOTE: When two or more supervisors of equal rank are present, the supervisor whose primary assignment is most closely associated with the type of incident shall assume command.

A. System Activation Criteria

Law enforcement agencies respond to a wide variety of emergency incidents. An Incident Command System (ICS) provides for the effective management of personnel and resources at such emergencies, thereby enhancing the safety and welfare of both emergency workers and the community.

Accordingly, it is the policy of the Williamsburg Police Department that an Incident Command System be established at the scene of every emergency incident meeting the criteria described in this directive.

As with any emergency situation, the objectives of the Police Department during an ICS incident are to:

- protect life
- provide for the safety, accountability, and welfare of personnel
- stabilize the incident
- apprehend the offenders, if any
- protect property
- investigate the crime and collect the necessary evidence to support a prosecution
- ensure that information concerning the incident is relayed to appropriate individuals in the community, government, and media

B. Command Protocol

Officers who become aware of a situation in which any person's life is threatened, or which significantly threatens public peace and order, shall immediately take command of that situation.

The officer shall also request a supervisor to respond to the scene. Upon his arrival, that supervisor shall assess the situation and activate the applicable portions of the Incident Command System (ICS) if:

- there is a need to coordinate the efforts of officers or units who do not normally work together, or
- multiple supervisors are needed to handle various aspects of an incident, or
- the incident is likely to become a prolonged inter-jurisdictional or inter-agency incident

Officers and supervisors are reminded that they should always take command of any situation where people are placed at risk for injury or death. This applies during general patrol and also at scheduled events where the police role had previously not involved command authority.

For example, the Police Department often participates in large special events. These events have an organizer who retains authority over the event, including its security. However, when a sudden man-made or natural emergency threatens the lives or personal safety of the event's participants, the police role quickly shifts from that of an event participant to that of a public safety protector.

In such instances, Police Department personnel shall assume responsibility for the safety of event participants and work with the event organizer to minimize the threat. It should be remembered that event organizers may not be readily versed in emergency management, and strong leadership may have to be provided by the Police Department.

Transferring Command

1. The first supervisor arriving on the scene shall automatically assume command.

2. As they arrive on the scene, higher ranking commanders may choose to assume command of the incident, assume an advisory role, or delegate command for training purposes with the understanding that they retain overall responsibility for the conduct of the incident.

   (Upon the arrival of a higher ranking official, the Incident Commander shall ask the arriving official whether he desires to assume command. It is critical that the identity of the Incident Commander be clear at all times).

3. When being relieved, the outgoing Incident Commander shall thoroughly brief the incoming Incident Commander. Unless precluded by operational necessity, this briefing shall take place in person rather than by radio.

4. The new Incident Commander shall inform ECC of the command transfer via radio. ECC shall record this transfer of command in the CAD record of the incident, and shall inform all operational components engaged in the incident of the new commander's identity.

Functions of Command

Personnel who assume command of an ICS incident shall:

- Announce that command has been assumed and establish an effective command post
- Rapidly evaluate the situation

- Initiate, maintain, and control the communications process
- Develop an action plan (see DEFINITIONS) and assign personnel accordingly
- Review, evaluate, and revise the action plan as needed
- Provide for the continuity, transfer, and termination of command

Levels of Command

The organizational structure used to handle an ICS incident will vary in size and complexity depending upon the nature and scope of the incident. For example, a large terrorist incident that involves numerous agencies would obviously require a more complex organizational structure than would a serious traffic accident handled by a single police department.

Regardless of the type of organizational structure employed, however, there are always three levels of command that must be performed. These include:

1. The "Strategic Level," where overall direction of the incident is performed. This level applies to the Incident Commander, who bears the following responsibilities:

    - Establishing overall incident objectives
    - Setting priorities
    - Developing an aptitude incident action plan
    - Planning for contingencies
    - Assigning specific objectives to tactical level units

2. The "Tactical Level," where operational command of specific objectives, functions, and/or geographic areas occurs. This level usually applies to a senior or mid-level command official who is subordinate to the Incident Commander. In relatively small-scale incidents, however, the Incident Commander may elect to personally perform both the tactical and strategic levels of command simultaneously.

    It should also be noted that tactical level commanders have delegated

decision-making authority, and are usually free to assign personnel within their respective areas of responsibility.

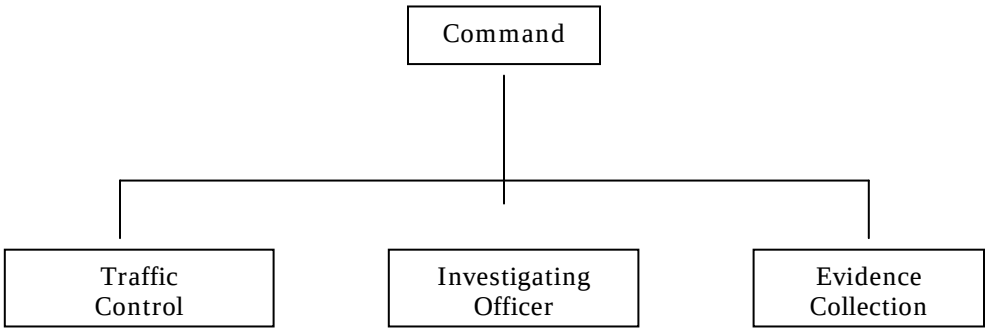
3. The "Task Level," where specific operational tasks are performed. This level applies to supervisors and lower-ranking command personnel who oversee and ensure the performance of tasks assigned to them by higher levels of command. Personnel administering the task level do not normally have decision-making and/or personnel assignment authority.

Organizational Structure

The relative size and scope of a given incident shall determine the ICS organizational structure employed during that incident. When an incident's size and scope changes, the organizational structure of the ICS must also change at a pace that ensures appropriate and effective deployment of personnel and resources.

There are three types of ICS organizational structure, including:

1. Basic Command Structure - Used in comparatively small-scale incidents involving a limited number of personnel (e.g., serious traffic accidents, local searches for a missing child). An example of a basic command structure appears below :




2. Sector Command Structure - Used in larger-scale incidents in accordance with the below criteria:

   a. Complex emergency situations often require that management be sub-divided into more easily handled parts, each of which is directed by a

supervisor. These may be called sectors, groups, or divisions (the term "sector" will be used here). The Incident Commander should subdivide work into sectors when:

- The number of employees involved in handling the incident exceeds the ability of the Incident Commander to directly control them, or

- The situation is complex, requiring the utilization of specialized units such as SWAT, Hostage Negotiation, or an Advanced Accident Investigator, or

- Those handling the incident are physically removed from the Incident Commander

b. When establishing sector commands, the Incident Commander shall assign each sector leader:

- One or more tactical objectives

- A radio designation

- The identity of resources assigned to the sector

c. Sector supervisors' responsibilities are:

- Complete assignments assigned by the Incident Commander

- Maintain accountability for all assigned personnel and ensure their welfare

- Conduct operations safely

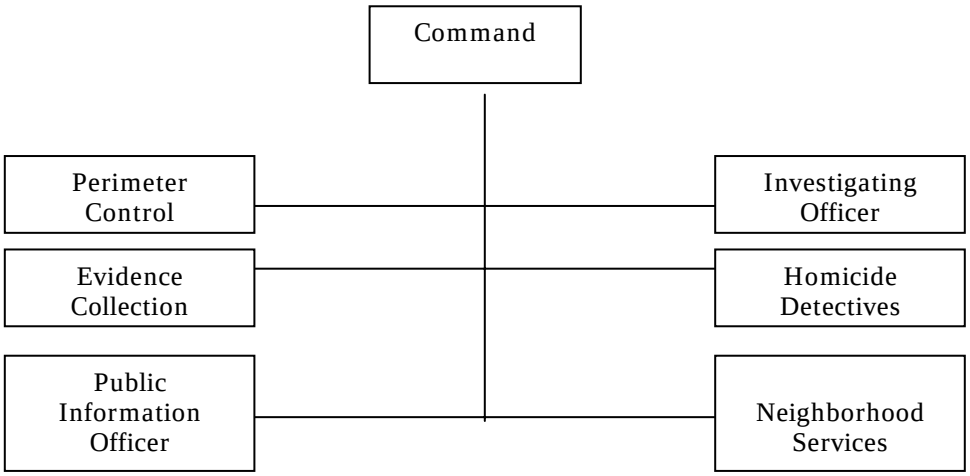
- Monitor work progress

- Redirect activities as necessary

- Coordinate with other sectors

- Provide command with progress reports. Command must be notified immediately of significant changes in the ability or inability of a sector to accomplish its objectives

An example of a sector command structure appears below (in this example the incident is a homicide):




3. Multiple Agencies Sector Command Structure - used in large-scale, complex incidents where multiple agencies and/or jurisdictions are involved. This plan is found in the City of Williamsburg Emergency Operations Plan.

Reporting Procedure

Once Incident Command has been established, all personnel who are not actively securing an operational position (or performing an assigned task) shall physically report to the Incident Commander or to a designated staging area.

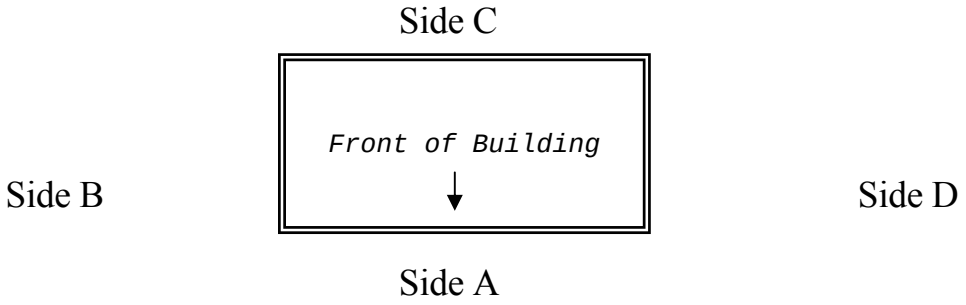
Personnel whose operational deployment and/or immediate duties preclude a physical reporting shall notify the Incident Commander of their position and status as soon as practicable. This notification shall be made via police radio on the frequency assigned to the incident unless operational necessity requires otherwise.

Radio Procedure

1. In most instances, the Incident Commander or ECC shall designate a radio frequency to be used exclusively for the incident. Thereafter, all personnel assigned to the incident shall monitor this frequency.

2. The radio designation "command" shall be used to identify the Incident Commander. If multiple incidents are involved, the geographic location of the incident shall precede the word "command" in order to distinguish one Incident Commander from another (e.g., "Richmond Road Command," "Ironbound Road Command," etc.).

3. To ensure police compatibility with Fire Department communications, WPD personnel shall use the below designations when referring to sides of a building. This requirement applies to all ICS incidents, regardless of whether the Fire Department is involved (e.g., barricade situation with no Fire Department presence).




C. Written Plans and Procedures Utilized

The City of Williamsburg Emergency Operations Plan and Radiological Emergency Operations Plans are to be used in conjunction in an ICS incident. These plans are located in the Communications Operations Center and the offices of the Bureau Heads.

D. Training of Agency Personnel

Standard Academic Training - This directive and other appropriate ICS materials shall be taught during the Department's annual training through the use of the applicable lesson plans.

E. Documented After-Action Report

1. Situations Requiring an After-Action Report

The final Incident Commander shall direct the preparation and submission of a Departmental after-action report following every incident in which the ICS system is implemented

2. Content of the Report

If an after-action report is submitted, that report shall be forwarded to the Chief of Police, and shall:

- describe the facts and circumstances of the incident
- describe the Department's response, including all significant assignments, actions, and command decisions (including a diagram or diagrams of the ICS organizational structure)
- describe the actions or assigned duties of other agencies involved in the incident (if known), and also describe the command interaction between WPD officials and the officials of other agencies
- critique or evaluate the effectiveness of the Department's performance, including that of the ICS component

F. Documented Annual Training Exercises

Tabletop Exercises - ICS shall be included as a component of the various emergency management tabletop exercises periodically conducted by the Department. An after-action report shall be prepared for each tabletop exercise in the same manner as would apply if the exercise had been an actual emergency.

Practical Exercises – When feasible, a practical mock exercise in which ICS is utilized shall be conducted. This exercise may be performed in conjunction with other emergency operations preparations (such as the Surry Nuclear

Drills) or preparation training for actual upcoming events.

An after-action report shall be prepared for each practical exercise in the same manner as would apply if the exercise had been an actual emergency.

G. Documented Analysis of Incidents and Training Effectiveness

Training of agency personnel will be analyzed annually upon completion of the lesson plan testing.

Tabletop exercises and practical exercises will be analyzed upon completion of each exercise for effectiveness and recommendations submitted for changes or improvements to the ICS plan.

All incidents that include implementation of the ICS plan, will be analyzed upon completion and documentation forwarded to the Chief of Police.

Annually, all training and incident analysis will be reviewed for effectiveness and any changes or recommendations will be submitted by the Supervisor of the Uniform Bureau to the Chief of Police for implementation.

**46.2.1: Tactical Team Procedures**

a. The Williamsburg Police Department does not maintain a tactical team. The Virginia State Police and other mutual aid agencies provide full-time or part-time tactical teams upon request in emergency situations. (See Appendix from the Governor.

b. The Chief of Police, or his designee, shall be responsible for deployment of tactical teams to supplement other operational components.

c. The on-site supervisor shall be responsible for the coordination and cooperation between tactical teams and other operational components.

**46.2.2: N/A**

**46.2.3: N/A**

### 46.2.4: Hostage Negotiator Selection

Police personnel trained as hostage negotiators are carefully screened and selected. Criteria for selection include testing and a clinical interview by a licensed psychologist or psychiatrist; experience as a law enforcement officer in a field assignment; and good verbal skills and problem-solving abilities.

### 46.2.5: N/A

# STATE POLICE MANPOWER AND EQUIPMENT AVAILABLE FOR DISPATCH IN RESPONSE TO CIVIL DISTURBANCES

The Superintendent of the Virginia State Police has indicated that 100 men could be moved within two hours and approximately 400 men could be moved within five hours.

The Division Commander would serve as Officer-in-Charge and work out of the headquarters of the local police or other designated location approved by him. The State Police troopers assigned to the disturbance would serve under the Division Commanders, and their activities would be coordinated completely by him.

Each trooper would have his own vehicle for transportation purposes. He would also be equipped for riot duty. In some circumstances, it would be inadvisable for troopers to drive to the scene due to limited space for automobiles.

The Department also has available a variety of specialized equipment and units which are readily available for emergency use. These units include:

1. Six armored vehicles.

2. Six bomb disposal units with two fully trained and equipped bomb technicians for each unit.

3. Seven helicopters.

4. Four fixed-wing airplanes.

5. Two fully equipped mobile command posts.

6. Seven SCUBA teams consisting of fully trained and equipped divers.

7. Seven tactical teams, each trained in counter-terrorism measures.

8. Forty-three canines and handlers, including eight explosive detector canines.

9. Seven specially equipped vehicles with portable generators and lights.

10. Forty-three troopers, each trained to conduct in-depth inspections of Motor Carriers and perform duties as first responders to hazardous material incidents.

11. Motorcycles capable of emergency response in heavily congested areas.

12. Two tactical robots for performing entries during tactical situations involving explosives, firearms, or hazardous material situations.

The troopers would be self-sustaining insofar as food and sleeping quarters are concerned.

## CROWD CONTROL FORMATIONS

The organization of the unit is based on the squad as the smallest operating tactical element. Individual officers are not trained or encouraged to operate individually in mob control. All tactics are such that the same formations, movements, and actions against the mob can be used by a squad, platoon, company or a battalion.

Members of the squad are divided into two groups, a front rank and a rear rank. The front rank is to be ready for contact with the mob elements and will usually carry tear gas grenades, and the baton, or riot stick. These men are used to attack the mob with sticks, to launch or throw gas grenades, and also to protect the rear rank, consisting of three squad members carrying special gas guns.

All action in which launching of gases is ordered is done on command. There is no indiscriminate use of the gas munitions. Use of the baton and changes in tactical formations are only on command of the commander of the unit, who stays behind the line of contact with the mob in order to better observe and control the action. The commander maintains his reserve under his immediate control. He is the only one that can authorize the use of firearms. In this manner, the responsibility can be placed directly on one officer, in case firearms are used with consequent casualties.

A. Formations

These are generally based on standard infantry formations. Police with knowledge and training in normal drill formations will have no difficulty in adapting to the small variations needed for more efficient mob and riot control.

There are four basic formations that are used for riot control. These are the COLUMN, the SKIRMISH LINE, the WEDGE, and the DIAGONAL formations. The last three are combat formations.

1. COLUMN - used generally for approach to the riot area. When coming into the view of the rioters for the first time and in approaching them, this formation should always be moving in doubletime. This fast tempo of march is very impressive, psychologically, to the mob members. In fact, all changes of formation in front of the mob are best performed in the faster tempo. This is not only for the visual effect but also for tactical reasons when formations must be changed rapidly in close

contact. All practice should be conducted likewise at double time.

2. LINE OF SKIRMISHERS - for use when confronting the mob, to advance against it, for a display of force, or to block off an area. This is the usual formation when the unit is in line confronting the mob but not in action or contact. From this formation gas can be launched and the wedge or other formation can be assumed rapidly.

3. WEDGE - used in clearing streets and splitting the mob. It is an offensive formation. In case of change of direction or of withdrawal, the wedge can be converted into a triangle or diamond by using the reserves to fill in the base. The diamond provides all-around security and is used to enter the mob to effect an arrest, for example.

4. DIAGONAL ("right echelon" or "left echelon") - formation is assumed from the line of skirmishers or from the wedge. Its principal use is in movement against the mob when it is desired for the entire unit or elements of it to drive the mob members in a given direction, such as down a particular street.

B. Rules for Use of Formations

1. The formation must be such that it can be maintained and the line held in the face of direct mob action and physical contact. The guiding principle is that movement is the action, whether it be offensive, defensive, or static, is always to be undertaken as a unit. Individual members of the units must never be permitted to operate separately, both for reasons of safety and efficiency. The strength of the police unit is the strength of its combat formations, much more than the individual prowess of the men.

2. Each formation should have a reserve, which will serve under the officer in command as he dictates, to meet the demands of the situation. It is never advisable to commit all reserves to action, if this can be avoided.

3. The officer commanding the unit must always be in the rear of the line of contact during action. The leader's exact position behind his unit during the action is not fixed; it is the position from which he can best perform his command duties.

4. The choice of formation and tactics used must always be such that no members of the mob can get to the rear of the unit. If a situation develops that makes this a strong probability, the formation should withdraw.

5. It is never advisable to commit a small formation too deeply into a mob or crowd; otherwise the unit may lose maneuverability and control and its avenue of retreat cut off.

6. If the unit formation is small and the crowd or mob very large, contact should be avoided and the mob handled from a distance, taking advantage of the use of smoke, long-range gas guns, and other tactical means.

7. If a retreat becomes necessary because of an unforeseen change in the situation, this retreat should always be made in formation, slowly so as not to give any indication of panic, and with the men facing toward the mob. Any situation that will indicate panic on the part of the unit will only encourage the mob and make it more aggressive. Even the members of the mob will initially respect the uniform worn by the unit, and the unit formation and discipline must be maintained to keep this respect.

8. Changes in formations and movements are always made quickly. Surprise is to be achieved whenever possible. The offensive is always to be maintained once an action has begun.

9. Should any member of a mob lay hands on a member of the unit and try to capture him or withdraw him from the formation, other members must instantly converge on the spot and overwhelm the opponent.

C. Forming Up

The men to be used in the formations should be assembled at a point near the scene of the disturbance, but yet out of sight of the mob. No attempt should be made against the mob until sufficient personnel are on hand to make any attempted action meaningful. The mob's first view of the police should show them a uniformed and equipped body of men, formed and marching smartly in

a disciplined military formation. The psychological shock upon the mob can be very effective in taking the heart out of the hangers-on and the undecided.

1. Upon the command from the SQUAD LEADER to FALL IN, each member of the squad will fall into a line on the LEFT of the SQUAD LEADER. The ASSISTANT SQUAD LEADER is the last man in line.

2. To establish the correct interval, or space, between each man, the left arm should be extended, at shoulder level, until it touches the shoulder of the next man. Each man should also "dress" the line by turning his head to the right. When the line is "dressed" and spaced, arms are dropped and heads brought back to the front.

3. The SQUAD LEADER will now give the command COUNT OFF. The SQUAD LEADER will sound off with 1, each member of the squad sounding off with the next number in sequence. Each man keeps his number whatever formation is being used.

4. To form the squad into a column from the front formation, the SQUAD LEADER gives the command RIGHT FACE. It is from the column that the tactical formations are formed.

D. Wedge

1. PREPARATORY COMMAND - "SQUAD WEDGE"

2. COMMAND OF EXECUTION - "MOVE"

   At the command of execution, the BASE MAN (#2 man) advances to the spot indicated by the Squad Leader. EVEN NUMBERED men align themselves in sequence on the BASE MAN, ONE pace to the RIGHT and one pace to the REAR of each preceding man. ODD NUMBERED men align themselves in sequence on the BASE MAN, ONE pace to the LEFT and ONE pace to the REAR of each preceding man. The SQUAD LEADER takes a position behind the men in formation from which he will have the best observation of the scene.

3. HAND SIGNAL PREPARATORY - Extend both hands up over the

head, fingers joined together at a peak.

4. HAND SIGNAL EXECUTION - Bring arms down sharply to the side,

E. Diagonal (Echelon)

1. PREPARATORY COMMAND - "SQUAD DIAGONAL (ECHELON) RIGHT (LEFT)"

2. COMMAND OF EXECUTION - "MOVE"

At the command of execution, the BASE MAN advances to the position indicated by the Squad Leader. The men align themselves in sequence on the BASE MAN, ONE pace to the RIGHT (LEFT) and ONE pace to the REAR of each preceding man. The Squad Leader takes his position of observation behind the diagonal.

3. HAND SIGNAL PREPARATORY - Lift the right (left) arm until it is 45 degrees above the plane formed by the shoulders; drop the other arm until it is 45 degrees below this shoulder line.

4. HAND SIGNAL EXECUTION - Bring arms down sharply to the side.

F. Line

1. PREPARATORY COMMAND - "SQUAD LINE"

2. COMMAND OF EXECUTION - "MOVE"

At the command of execution, the BASE MAN advances to the position indicated by the Squad Leader. EVEN NUMBERED men align themselves in sequence on line with the BASE MAN, ONE pace to the RIGHT of the preceding man. ODD NUMBERED men align themselves similarly to the LEFT of the BASE MAN. If desired, a specified number of spaces between men in the formation may be indicated in the preparatory command. The Squad Leader takes his position of observation behind the line.

3. HAND SIGNAL PREPARATORY - Fully extend both arms on a

horizontal line with the shoulders.

4. HAND SIGNAL EXECUTION - Bring arms down sharply to the side.

## TELEPHONE NUMBERS OF

## VIRGINIA STATE POLICE DIVISIONS

| | | |
|---|---|---|
| **FIRST DIVISION** | Richmond | (804) 553-3444 |
| **SECOND DIVISION** | Culpeper | (703) 825-8315 |
| **THIRD DIVISION** | Appomattox | (804) 352-7128 |
| **FOURTH DIVISION** | Wytheville | (703) 228-3131 |
| **FIFTH DIVISION** | Chesapeake | (804) 424-6820 |
| **SIXTH DIVISION** | Salem | (703) 380-2019 |
| **SEVENTH DIVISION** | Fairfax | (703) 323-4500 |

# EMERGENCY CONTROL OF TELEPHONE SERVICE IN

# HOSTAGE OR BARRICADED PERSON SITUATIONS

I. 18.2-50.1 Emergency control of telephone service in hostage or barricaded person situations; penalty. - Notwithstanding any provision of law to the contrary, the Superintendent of the State Police or the chief law enforcement officer of any county, city or town, or the sheriff of any county not having a police department, or his designee, may by written request require a telephone company employee designated by the company to cut, reroute or divert telephone lines in any emergency where a person barricades himself, or where a hostage or hostages are being held to prevent telephone communication by the holder of such hostage or hostages or the barricaded person with any person other than a law-enforcement officer or person authorized by such officer. Good faith reliance on an order issued by the Superintendent of the State Police or the chief law-enforcement officer of any county, city or town, or the sheriff of any county not having a police department, or his designee shall constitute a defense to any action brought against a telephone company arising out of attempts by the telephone company to comply with such order.

For the purposes of this section, a barricaded person is one who, by obstruction, barrier or otherwise, makes himself inaccessible and who constitutes a threat to the life, safety or property of himself or others. (1979, c. 363; 1980, c. 248; 1982, c. 45).

A. Verbal request will be honored; written confirmation within 24 hours.

B. C & P designee - Bell Atlantic Law Enforcement Liaison

II. Possible Diversions

If a hostage/barricade situation occurs and assistance of the phone company is needed, we should contact the Law Enforcement Liaison, 1-800-286-9669 (24 hours a day). If services cannot be obtained from this number, a back-up number to be used is 594-9100. Below are the list of telephone diversions we can request:

A. Change the existing telephone number; provide new number to law enforcement.

B. Deny outward service.

C. Deny inward and outward service if a "hostage" phone is used.

D. Establish call-forwarding, causing all incoming calls to be forwarded to a number provided by law enforcement.

E. Establish an "open" line; subject line connected at the Command Post.

These services can be provided in minutes if it is during a normal business day and their computer system is up. If it occurs after hours, it will take longer.

III. Other

A. Verification of usage.

B. Verification of number of lines at the location.

**BOMB THREAT**

**STEP ONE**

PERSON RECEIVING CALL SHOULD ASK THE FOLLOWING:

1. Exact location of the bomb?

2. Time set for detonation?

3. What does it look like?

4. What is the explosive?

5. What is the type of bomb?

6. Why was it placed?

REQUEST MORE DATA BY EXPRESSING A DESIRE TO SAVE LIVES. Remember legitimate callers usually wish to avoid injury or death.

(Person receiving call)

**BOMB THREAT**

**STEP TWO**

IMMEDIATELY AFTER caller hangs up, persons receiving call should notify supervisor of call and immediately fill out this form while the facts are fresh.

1. Date of call _____Time of call

2. Exact language used (exact wording or close as possible)

3. Male _____ Female _____ Adult

   Child _____ Race _____ Age

4. Speech ____ Slow _____ Rapid

   Normal ____ Excited _____ Loud

   Disguise ___ Broken _____ Sincere

   Any accent or other trait

5. Were there any background noises?

   Factory ____ Music _____ Talking

   Construction _ Office _____ Traffic

   Other

(Person receiving call)

**ADMINISTRATIVE ORDER**

**INTELLIGENCE**

**CALEA STDS: 51.1.1/51.1.2**

**EFFECTIVE: APRIL 1. 2002**

**APPROVED:**
**CHIEF OF POLICE**

**POLICY:**

Police intelligence is an activity principally concerned with collecting, processing, disseminating, and utilizing information relating to criminal conduct and relates to activities which pose a threat to the community in such areas of concern as organized crime and vice, terrorism, subversive activities, and civil disorders.

The Supervisor of the Special Operations Bureau is assigned responsibility for intelligence, and is the primary contact point for the collection, processing, disseminating and utilizing of intelligence. Departmental employees will report any information of an intelligence nature directly to either the Supervisor of the Special Operations Bureau or to the Chief of Police. Such reports may be oral or in writing and will be kept strictly confidential.

The Supervisor of the Special Operations Bureau is responsible for surveillance or intelligence equipment required for intelligence operations undertaken by the Williamsburg Police Department. The Supervisor of the Special Operations Bureau will ensure that the use of this equipment is appropriate, legal, and part of an approved plan. While the Williamsburg Police Department has minimal specialized equipment, highly specialized and sophisticated equipment is available from the Virginia State Police.

## 51.1.1: Safeguard Procedures

a. All information collected concerning the intelligence function shall be limited to criminal conduct and related to activities that present a threat to the community. In order to insure its legality and integrity, any questions of law or criminal procedure at any stage of an intelligence operation (e.g. planning, pretrial) will be addressed to the Commonwealths Attorney's office.

b. Information that is entered into the intelligence system shall be that which concerns criminal activity and that comes from a reliable/verifiable source.

c. Annually, the Supervisor of the Special Operations Bureau will purge out-of-date or incorrect information from the intelligence files.

d. Occasionally, investigators may be assigned to participate with one or more other law enforcement agencies as a member of an investigative task force dealing with major crimes or organized or vice crime or intelligence activities. Prior to any such assignment, the Chief of Police will have developed a written agreement with the other agencies involved which defines, explains, and clarifies the purpose, authority, responsibilities, accountability, resources available, operational procedures, and evaluation of activity results. Task force participants will be thoroughly briefed on all these prior to assignment.

## 51.1.2: Records, Storage and Security

Any intelligence information will be maintained in a secure file separate from other investigative files. In no case should intelligence files contain original material which should be part of other departmental files.

**ADMINISTRATIVE ORDER**

**INTERNAL AFFAIRS**

**CALEA STDS:** **52.1.1/52.1.12**

**EFFECTIVE:** **APRIL 1, 2002**

**APPROVED:**

**CHIEF OF POLICE**

**POLICY:**

A key tenet in professionalism is the ability of the practitioners to properly police themselves. However, the significance of this professional endeavor can be greatly diminished if the public is not aware of the positive effort extended toward this goal. The Williamsburg Police Department demands that all employees maintain the highest ethical standards of conduct and service to preserve public confidence and trust.

The internal affairs function is important for the maintenance of professional conduct in this department. The integrity of the department depends on the personal integrity and discipline of each employee. To a large degree, our public image is determined by the quality of the internal affairs response to all allegations of misconduct, misfeasance, malfeasance, and nonfeasance by employees, and to complaints impacting on the department's response to community needs. The goal of internal affairs is to ensure that the integrity of the department is maintained through an internal system where objectivity, fairness, and justice are assured by intensive, impartial investigation, and review.

Employees shall answer or render material and relevant statements to the designated departmental authority when so directed by the Chief. Employees shall answer all questions honestly, completely, and to the best of their ability. No employee shall, in any manner, interfere with an internal investigation. Except as authorized, or required, an employee shall not contact persons involved in an internal

investigation. Only the Chief of Police can authorize an internal investigation.

In keeping with the continuing efforts of this department to remain responsive to the citizens of Williamsburg, the following procedures are established. The department acknowledges that citizen complainants have a right to know if their complaint was recorded and investigated. Accordingly, at the time a complaint is received, the complainant will be advised that upon conclusion of the investigation, information relative to the findings and disposition will be available.

**52.1.1: Complaint Investigation**

a. The following types of complaints will normally be handled by a supervisor of the employee concerned:

* Discourtesy

* Other lesser violations of departmental rules

b. The following types of complaints will normally be handled by Internal Affairs:

* Commission of a crime.

* Immorality.

* Use of narcotic drugs.

* Accepting a bribe or gratuity.

* Drunkenness.

* Malfeasance/misfeasance in office.

* Injury to or mistreatment of a prisoner.

* Dishonesty.

* Releasing confidential information without authority.

* Excessive use of physical force.

* Other acts of a serious nature.

c. All complaints against officers will be reviewed by the Chief of Police.

**52.1.2: CEO, Direct Accessibility**

The Supervisor of the Special Operations Bureau is assigned the internal affairs function. The Internal Affairs Officer will report directly to the Chief of Police.

**52.1.3: CEO, Notification**

Department employees will ensure that all complaints or allegations concerning the police department are properly recorded, given a case number, and forwarded immediately to the Chief of Police.

Between 8:00 A.M. and 5:00 P.M., Monday through Friday (except holidays), any complaint will be transferred directly to the Chief after recording. At any other time, the complaint will be forwarded to the Supervisor of the Uniform Bureau, who will be responsible for notifying the Chief of Police.

**52.1.4: Investigation Time Limits**

The investigating officer must complete the internal affairs investigation within a 30-day period and will submit status reports to the Chief of Police every seven days until final report submission.

If more time is required to complete an investigation, a written request for an extension will be made to the Chief of Police, along with an explanation on why more time is necessary, and an estimated time of completion.

### 52.1.5: Informing Complainant

a. The Chief of Police will acknowledge receipt of the complaint to each complainant within seven days from receipt of the complaint.

b. A status report will be communicated to complainant indicating the investigation is still underway approximately halfway into the investigation (15 days).

c. Notify the complainant concerning the disposition of the complaint at the end of the 30 day investigative period. If such notification to the complainant will be delayed more than 15 calendar days (for example, due to pending court case) the Chief of Police will send or give an interim reply advising of the delay in resolution of the matter.

In every situation, written correspondence is preferred. Oral communication, whether in person or by phone, is acceptable, but must be noted in the investigative file.

### 52.1.6: Statement of Allegations/Rights

At the time employees are notified that they have become the subject of an internal affairs investigation, the investigating officer will issue the employee a written statement of the allegations, the employee's rights and responsibilities.

### 52.1.7: IA Procedures

a. Medical or laboratory examinations, if required, will be conducted as in any criminal investigation. As an exception, in an administrative question concerning fitness for duty due to possible drug or alcohol consumption, with the advance approval of the Chief of Police, Shift Supervisors may order an employee to undergo breath, blood, or urine test as appropriate.

b. Photographs may be taken of employees for use in the conduct of investigations. Any such use should meet the legal requirements for photo

lineup. As a rule, employees are routinely photographed and pictures are maintained in employment files.

c. An employee may be ordered to participate in any properly conducted, legal lineup.

d. Financial disclosure statements may be requested in accordance with Virginia Code.

e. An employee may request to voluntarily undergo a polygraph examination for exculpatory reasons. If deemed appropriate and arrangements for such examination can conveniently be made, this will be allowed. In any administrative matter, the Chief of Police may order an employee to undergo a polygraph examination limited to the administrative matter exclusively. In any criminal case, the employee under investigation has the rights of any other subject of a criminal investigation.

**52.1.8: Relieved From Duty**

Relief from duty may be a temporary administrative action due to an employee's physical or psychological fitness for duty or an action pending disposition of an internal affairs investigation.

Shift or Bureau Supervisors have full authority to relieve an employee from duty as a temporary administrative action and will promptly report such action through command channels.

In an internal affairs situation, if appropriate, a shift or bureau supervisor may relieve from duty, and recommend to the Chief of Police the suspension without pay of any officer whose continued presence on the job is deemed to be a substantial and immediate threat to the welfare of the department or the public.

An officer who refuses to obey a direct order issued in conformation with the department's written rules and regulations may similarly be released from duty by a shift or bureau supervisor and recommendation made to the Chief of Police concerning suspension without pay.

### 52.1.9: Conclusion of Fact

The Chief of Police will classify completed internal affairs investigations as:

* Unfounded - no truth to allegations.

* Exonerated - Allegations true, but result of adherence to proper and appropriate police procedures and techniques.

* Not sustained - unable to verify the truth of the matters under investigation.

* Sustained - allegations true.

### 52.1.10: Records, Maintenance and Security

The Chief of Police will maintain secure confidential files in his office of all complaints against the agency or employees. Completed investigations classified as unfounded, exonerated or not sustained will be maintained in internal affairs files in the Chief's Office.

### 52.1.11: Annual Summaries; Public Availability

Annually, the Chief of Police will review all complaints and publish a statistical summary of the nature, types, and volume of complaints with copies made available to departmental personnel and to the public.

### 52.1.12: Complaint Registering Procedures

A copy of "Preliminary Complaint Report" (Appendix A), will be given to any citizen requesting information on how to make a complaint against the department or an employee of the department. Assistance may be given to the citizen, if requested, to help complete the report. The process for filing citizen complaints is routinely

addressed by the Crime Prevention Officer at public meetings.

## APPENDIX A

## HOW TO MAKE A COMPLAINT

1. If you wish to make a complaint about the actions of a Williamsburg Police Officer or about any aspect of the Williamsburg Police operations, please;

    a. Come to the Police Department, 425 Armistead Avenue, and tell any employee that you want to make a complaint, or

    b. Call the Police Department, 220-2331, and tell the person answering the phone that you want to make a complaint, or

    c. Write your complaint out and mail it to the Chief of Police, Williamsburg Police Department, 425 Armistead Avenue, Williamsburg, Virginia, 23185.

2. A Williamsburg Police Supervisor will assist you in filling out a Report of Complaint Against Police Personnel form. This form asks you to identify yourself and then to give specific details about your complaint.

3. Your complaint will then be investigated. You may be contacted and asked additional questions about your complaint.

4. If it is going to take a long period of 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.

I do hereby certify that the above report is true, accurate, and complete as best I can present the facts pertinent to this complaint. I am available for interview by investigators from _____ to _____ on _____.

I understand that, under the regulations of the Williamsburg Police Department, the officer against whom this complaint is filed may be entitled to request a hearing before a Board of Inquiry. By signing and filing this complaint, I hereby agree to appear before a Board of Inquiry, if one is requested by an officer, and to testify under oath concerning all matters relevant to this complaint. I also understand that if a Board of Inquiry does hold a hearing concerning this matter, that a written record of all testimony will be made, and that a copy will be furnished to the officer and/or his attorney. If a hearing is held, the officer and/or his attorney has a right to be present and to cross-examine me concerning any testimony that I might give.

Signature of Complainant

Date and Time

Refused to Sign (Yes/No)

Officer Receiving Complaint

Date, Time, and Case Number

**ADMINISTRATIVE ORDER**

**INSPECTIONAL SERVICES**

**CALEA STDS:** **53.1.1/53.2.1**

**EFFECTIVE:** **APRIL 1, 2002**

**APPROVED:**

**CHIEF OF POLICE**

**POLICY:**

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

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

The objectives of the inspection process include:

* To learn whether a task is being performed as outlined and are procedures being complied with.

* To learn whether the anticipated results are being accomplished.

* Discover whether Department resources are being utilized to the best advantage.

* Reveal the existence of needs.

**53.1.1: Procedures**

a. Line inspection includes the personal inspection of employees, the equipment they use, the facilities they use, how it is used and cared for, how employees perform their duties and activities, and the result of their efforts. Line inspections are completed on a daily basis with any deficiencies corrected immediately.

b. Line inspections are an ongoing process conducted by those in direct command - those who have the authority to act or require immediate action of subordinates. More detailed inspections shall be completed as follows:

1. Special Operations Bureau Supervisors will make a semi-annual inspection of the uniforms, clothing and equipment of investigators.

2. Watch Commanders shall have semi-annual detailed individual inspections made of the uniforms and equipment of all personnel assigned to uniform duty.

3. Officers conducting briefings for special events (i.e. parades, VIP's, etc.), shall inspect to insure that all uniforms and required equipment are clean, serviceable, worn properly and available.

4. Watch Commanders will ensure a daily inspections of all vehicles is completed, to include all processing kits or special equipment needs (i.e., fire extinguisher, first aid kit, etc.).

5. Bureau Supervisors will ensure a monthly inspection of all departmental property and inventory is completed, to include operational readiness, service needs, and future requirements.

6. The Supervisor of Support Services will ensure a monthly inspection of all daily department operations needs (i.e., forms, paper, toner, etc.).

c. Line inspection responsibilities shall include personal inspection of employees, the equipment they use, the facilities they use, how it is used and cared for, how employees perform their duties and activities, and the result of their efforts. This duty includes the responsibility to take the immediate action indicated by the inspection. Such action should include recognition for exemplary performance and corrective action for deficiencies.

d. Where significant deficiencies exist, employee counseling will be provided by the supervisor and documented on Employee Counseling Forms. As in the case of exemplary performance, significant deficiencies should be brought to the attention of respective commanders in the chain of command by forwarding a copy of the Counseling Form.

e. Shift/Bureau commanders are responsible to ensure corrective action has been taken.

## 53.2.1: STAFF INSPECTIONS

All employees will participate in the continuous evaluation and quality improvement of our services. A staff inspection is a management tool that is used to assure the Chief of Police that administrative procedures are being adhered to. The staff inspection will promote an objective review of the Williamsburg Police Department administrative and operational activities, facilities, property, equipment, and personnel outside the normal supervisory and/or line inspection. The purpose of staff inspections is to assist in the effective discharge of their responsibilities by furnishing analyses, appraisals, and recommendations concerning the activities reviewed during an inspection process. The goal of a staff inspection is to assist by verifying or improving the quality of service delivery within the organization.

a. The Chief of Police will assign a designee to conduct a biennial staff inspection. The date of the staff inspection will be pre-announced and Bureau Supervisors will be advised in writing of the date of the inspection.

b. The scope of the Staff Inspection Designee's responsibilities encompasses the examination and evaluation of the adequacy and effectiveness of organizational systems and the quality of performance in carrying out assigned responsibilities. Staff inspections may include the listed categories:

1. Reliability and Integrity of Information - Staff Inspections should review the reliability and integrity of information and the means used to identify, measure, classify, and report such information.

2. Compliance with policies, plans, procedures, laws, and regulations -Staff Inspections should review the systems established to ensure compliance with those policies, plans, procedures, laws, and regulations which could have a significant impact on operations and should determine the degree of compliance.

3. Safeguarding of Assets - Staff Inspections should review the means of safeguarding assets and, as appropriate, verify the existence of such assets.

4. Economical and Efficient Use of Resources - Staff Inspections should appraise the economy and efficiency with which resources are employed.

5. Accomplishment of Established Objectives - Staff Inspections should ascertain if the Bureau is operating according to Policy and Procedures.

Areas to be Inspected:

1. Facilities

2. Equipment

3. Vehicles

4. Policy and Procedures

5. Files and Records

Methods Used to Gather Information:

1. Personal observations by Inspection Designee

2. Interviews with Bureau personnel

3. Interviews with internal and external customers of the Bureau

C. The entity to be inspected will be advised by memorandum of the date that the Staff Inspection will begin. The Staff Inspection Designee will prepare a Staff Inspection Report, which will address facilities and equipment, policies and procedures, files and records systems.

The Bureau Supervisor will generally be informed of deficiencies or weaknesses that are identified throughout the inspection process. However, the Chief of Police may direct the inspection to be confidential prior to the Inspection Report.

The Staff Inspection Designee will compile a detailed report of the inspection. Copies of the report will be forwarded to:

1. Chief of Police

2. Bureau Supervisor of subject of inspection

The Inspection Report shall be considered as a confidential internal, administrative, work product. Dissemination of all or part of the Report shall have prior approval from the Chief of Police.

D. The Bureau Supervisor is required to submit a written response to the Chief of Police within 15 days of receiving the Inspection Report. Upon receiving the Bureau Supervisor's response to the Inspection Report, a Post-Inspection Conference will be scheduled for the Chief of Police, the Bureau Supervisor, and the Staff Inspection Designee to review the significant findings, recommendations, and quality improvement opportunities.

The Chief of Police may assign the Staff Inspection Designee for a follow-up review to access actions and agreements established to correct deficiencies to ensure compliance in a timely manner.

The Chief of Police will retain the original report and responses according to the State Records Retention Schedule.

E. A Staff Inspection will be conducted within all organizational components at least biennially.

**WILLIAMSBURG POLICE DEPARTMENT**

**RECORD OF EMPLOYEE COUNSELING**

**DATE_____**

**NAME_____**

**BUREAU_____**
**_**

**STATEMENT OF PROBLEM:**

_____
_____
_____
_____
_____
_____

**ACTION TAKEN BY SUPERVISOR:**

_____
_____
_____
_____
_____
_____

**EMPLOYEE COMMENTS:**

_____
_____
_____
_____
_____
_____

**SIGNATURE OF SUPRVISOR** **SIGNATURE OF EMPLOYEE**

**ADMINISTRATIVE ORDER**

**PUBLIC INFORMATION**

**CALEA STDS:** **54.1.1/54.1.3**

**EFFECTIVE:** **APRIL 1, 2002**

**APPROVED:**

**CHIEF OF POLICE**

**POLICY:**

A well-informed public is essential to the existence of a democratic nation. Therefore, a citizen must be aware of current events. A free press serves the public by supplying needed information, stimulating thought, and providing a medium for expression.

Crime, its results, and efforts to combat it, are matters of public concern. The Department is involved in events where the news media are present and perform their task of gathering information.

It is necessary for full public disclosure of policies and openness in matters of public interest. Consistent with protection of legal rights of involved individuals and with consideration for maintaining the confidentiality of departmental records, the Department shall disseminate accurate and factual accounts of occurrences of public interest. Additionally, the Department shall strive to make known and accepted its objectives and policies. Every member of the Department should make all reasonable efforts to provide media representatives with full and accurate material consistent with accomplishing the task of law enforcement for the City of Williamsburg.

**54.1.1: Activities**

The Supervisor of the Special Operations Bureau is assigned responsibility for the public information function, and will function as the primary control point for

information dissemination to the community, to the media, and to other criminal justice agencies.

In the absence of the Supervisor of the Special Operations Bureau, Watch Commanders will be responsible for ensuring appropriate release of information to the media except as provided below. The Supervisor of the Special Operations Bureau will be responsible for release of information concerning matters under investigation by that office. Any press releases made should be brought to the attention of the Supervisor of the Special Operations Bureau as soon as possible.

The public information function shall include:

a. Assisting news personnel in covering news stories at the scene of incidents;

b. being available for on-call responses to the news media;

c. preparing and distributing agency news releases;

d. arranging for, and assisting at, news conferences;

e. coordinating and authorizing the release of information about victims, witnesses, and suspects;

   Information which is not legally privileged, will not prejudice the rights of the suspect, or interfere with an investigation will be released. However, the scope and content of information released must be determined according to the facts of each situation. Such determination is made by the lead investigator or other responsible authority. The following information will not be released due to 6th Amendment, statutory, or other restrictions:

   * The identity of victims of sex related crimes.

   * The identity of any suspect for whom a warrant or summons has not been issued, or indictment returned.

* The existence of any prior criminal record or any information concerning the character or reputation of the accused or remarks which tend to establish the defendant as a "professional" criminal.

* The existence or contents of any confession, admission, or statement of the accused.

* The performance of any examination or test by the accused or the refusal or failure to submit to an examination or test.

* 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.

* Any opinions as to the innocence or guilt of the accused, merits of the case, possibility of any pleas or negotiations or value of any evidence.

* 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.

* The names of deceased prior to the notification of next of kin.

* Information relating to motor vehicle accident reports specifically prohibited by the Code of Virginia.

* Comments which tend to suggest that a defendant has aided in the investigation.

* Information concerning the planning of raids or other specialized enforcement efforts.

Release of Information Pertaining to Juveniles.

* Criminal Offense: Normally, name, address, or other distinctly unique information which serves to identify juvenile may NOT be released. Age, sex, city of residence, and offense details MAY be released. Under certain circumstances, a judge may authorize release of identity info.

* Accidents. If traffic charges are or may be placed as a result of an accident investigation, juvenile identity information will be withheld.

* There are eight traffic offenses for which court appearance is mandatory, which cannot be prepaid, and which will be used as the basic definition for a traffic/accident "misdemeanor". These eight will NOT be considered to be infractions and juvenile identity information will NOT be released. Offenses include:

  Indictable offenses.

  Infractions resulting in an accident. (If the juvenile is charged with any violation in an accident, juvenile identity information is NOT releasable. If a juvenile is involved in an accident, but is not charged with any violation, identity information is releasable.)

  DUI/permitting another who is DUI to operate vehicle owned by accused.

  Exceeding speed limit by 20 or more mph.

  Reckless driving.

  Driving under suspension or revocation of license.

  Leaving scene of accident.

  Driving without being licensed.

f. assisting in crisis situations within the agency;

g. coordinating and authorizing the release of information concerning confidential agency investigations and operations; and

h. developing procedures for releasing information when other public service agencies are involved in a mutual effort.

**54.1.2: Policy Input**

When policies or procedures involving the media are being developed , copies of such proposed policies or procedures will be provided to all area media agencies for comment, if desired. Comments received will be incorporated in departmental procedures, as appropriate. Copies of any approved changes in media release policies or procedures will be provided to all area media agencies for dissemination.

**54.1.3: News Media Access**

a. At scenes of major fires, natural disasters, or other catastrophic events, or at crime scenes, it may be necessary for police to establish perimeters and control access. Any such limitations should be clearly explained to media representatives. News media representatives should not be in a position to interfere with law enforcement operations at the scene of an incident. As soon as possible, however, media representatives should be assisted in gaining needed access to the scene when such access will not interfere with the law enforcement mission. Police officers may deny access for legitimate law enforcement investigative reasons or for safety reasons, however, they may not subsequently authorize media trespass on private property. It will be the responsibility of the media representative to obtain any permission necessary once the legitimate law enforcement mission allows access to the scene on private property.

b. Police lines are established to prevent persons from entering the area of a serious incident or crime scene. Dependent upon the tactical situation and

likelihood of jeopardizing police operations, members of the news media may be permitted to enter such areas.

**ADMINISTRATIVE ORDER**

**VICTIM/WITNESS ASSISTANCE**

**CALEA STDS:** *55.1.1/55.2.7*

**EFFECTIVE:** **APRIL 1, 2004**

**APPROVED:**

**CHIEF OF POLICE**

**POLICY:**

The Office of the Commonwealth Attorney in Williamsburg maintains an active Victim Assistance Program and provides for the majority of long-term and comprehensive victim assistance. However, since most victims/witnesses first come into contact with the police, Department members must function as "first responders" to those persons in need of assistance.

The goals of the Department are to provide useful information or referral to victims/witnesses and provide in-person assistance when referral is not appropriate. To meet these goals of victim/witness assistance, the Department will monitor operations, train members and update its procedures as necessary.

*55.1.1:* **Summary of Rights**

The Williamsburg Police Department is committed to the development, implementation, and continuation of victim/witness assistance programs that ensure that victims and witnesses are treated with fairness, compassion, and dignity. The Department recognizes the right of victims/witnesses to have access to both useful information and immediate police response and support when necessary.

### *55.1.2:* Analysis, Need/Services

In order to provide the most appropriate assistance in its service area the Department will obtain an analysis of victim/witness needs and available services at least every three years, to include:

* the extent and major types of victimization

* an inventory of information and service needs of victims/witnesses in general and for special victims

* victim assistance and related community services available

* identification of all unfulfilled needs and the selection of those that are appropriate for the Department to meet.

The Department may conduct this analysis itself or obtain this analysis from other credible sources.

### *55.1.3:* Policy/Procedure Development

The Supervisor of the Special Operations Bureau is responsible for developing policies and procedures concerning victim/witness assistance.

a. The daily review of case reports will ensure the delivery of victim/witness assistance services by Williamsburg Police Department personnel.

b. All personnel will ensure the confidentiality of victims/witnesses and their role in case development to the extent consistent with Virginia State Code.

c. All officers of the Williamsburg Police Department will inform the public concerning victim/witness assistance available. The Supervisor of the Special Operations Bureau and the Chief of Police will meet periodically to discuss current victim/witness services provided by the Department. Based upon these discussions, and as needed, the Supervisor of the Special Operations Bureau will apprise the media of these services or any changes thereto.

d. The Supervisor of the Special Operations Bureau, or his designee, will be responsible for maintaining a liaison with the Commonwealth's Attorney Victim Assistance Coordinator and other agencies as deemed necessary to:

* ensure agency referrals are based on current services offered, and

* review suggestions on improving the effectiveness of those services.

### *55.2.1:* Initial Assistance

a. Information, including the Williamsburg Police Department's emergency response phone number, that is available 24 hours a day as a single point of contact regarding victim/witness assistance, is supplied by the Police Department directly; and

b. Referral information is available 24 hours a day from a single point of contact identifying services offered in the City of Williamsburg by other organizations (governmental or private sector) for victims/witnesses. These may include medical attention, counseling, and emergency financial assistance.

### *55.2.2:* Assistance, Threats

The Department will provide appropriate levels of assistance to victims/witnesses who have been threatened or who express credible reasons for fearing intimidation or further victimization, to include:

* fully investigating any alleged violation of law that relates to the obstruction of justice.

* providing physical security for victims/witnesses located within the City of Williamsburg when deemed necessary by the Chief or his designee.

### *55.2.3:* Assistance, Preliminary Investigation

When an officer is assigned to conduct a preliminary investigation of any felony or misdemeanor crime against a person, that officer shall distribute and explain the

victim/witness assistance form to all victims or witnesses present. The victim/witness assistance form:

a. gives information to the victim/witness about applicable services, e.g., counseling, medical attention, compensation programs or emergency financial assistance and victim advocacy;

b. advises the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him or her;

c. informs victims/witnesses about the case number and subsequent steps in the processing of the case; and

d. provides a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case.

## DOMESTIC DISTURBANCE ASSISTANCE

I. The Williamsburg Police Department assigns 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. The Department must display leadership within the community in it's response to domestic violence. An immediate response can make a major difference in the disputants' lives. With due consideration for their own safety, officers responding to a domestic disturbance call shall (1) restore order, (2) arrest those persons responsible when probable cause exists that a crime has been committed, (3) provide for the safety and security of the crime victim(s), and (4) help participants contact appropriate agencies to help prevent future occurrences.

II. Definitions:

**ASSAULT** - See 18.2-57 and 18.2-57.2 ("Assault and Battery Against a Family or Household Member," which at 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).

A. A related matter, 18.2-60 criminalizes the sending of letters to anyone

threatening death or injury. (Class 6 Felony).

B. A magistrate issuing a warrant for a violation of 18.2-57.2 shall also issue an emergency protective order.

**DOMESTIC VIOLENCE SHELTERS/PROGRAMS** - means 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.

**FAMILY ABUSE** - any threat or act of violence, including forceful detention, which results in physical injury or places one in reasonable apprehension of bodily injury and which is committed by a person against such person's family or household member. (16.1-228)

**FAMILY OR HOUSEHOLD MEMBER** – per 18.2-57.2, 16.1-228, and 19.2-81.3, includes: (1)spouses, whether or not he or she resides 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, stepparents, children, stepchildren, brothers and sisters, grandparents and grandchildren regardless of whether they 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 cohabited or who, within the previous twelve months, cohabited with the suspect, and any children of either who then resided in the same home as the suspect.

**PRIMARY PHYSICAL AGGRESSOR** - (See 19.2-81.4) is the party that poses the greatest threat. The primary 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 primary physical aggressor based on the **totality of the circumstances**. Some or all of these characteristics may be present:

A. Evidence that any of the parties acted in self defense;

B. History of violence (prior assault convictions of the parties involved, including history of calls for service;

C. Relative severity of injuries inflicted on all parties, plus consideration whether the injuries were offensive or defensive;

D. Relative size, bulk, and strength of the parties involved;

E. Evidence from persons involved in or witnesses to the incident;

F. The likelihood of future injury to any party;

G. Current or previous protection orders filed against either party.

**PROTECTIVE ORDER** - is 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:

A. Emergency protective order/EPO for stalking.
B. Preliminary protective order/PPPO for stalking.
C. Full protective order/PO for stalking.

Statutes relevant to protective orders include 16.1-251, -253.1, -253.2, -253.4, -279.1, 18.2-60.4, 19.2-81.3, -152.8 through –152.10).

**Stalking** - means 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, another person or the person's family or household member in reasonable fear of death, criminal sexual assault, or bodily injury (a Class 1 Misdemeanor, 18.2-60.3).

A. Stalking behaviors include following a person to home, work and other places, parking outside home or office, threatening notes or telephone calls, threats, or computer based, on-line threats.

B. A person who violates any provision of a protective order related to stalking is guilty of a Class 1 misdemeanor (18.2-60.4).

III. Procedures

1. **GENERAL RESPONSIBILITIES:**

A. Department personnel shall refer victims of domestic violence and stalking 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. Referrals help prevent future disturbances.

B. Departmental 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.

2. **DISPATCHER RESPONSIBILITIES:**

A. Because the dispatcher is likely to be the first person to receive the call, he or she is instrumental in determining the type of response.

B. The dispatcher is responsible for deciding whether an officer is needed at the scene. To make that decision, the dispatcher shall determine the following, if possible:

1. Who is complaining? Phone number? Whereabouts and identity of the suspect/aggressor?

2. Name of caller and location of the incident? Location of caller and complainant, if different? Phone numbers?
3. Is the crime in progress, or when did it occur?

4. Is a weapon involved?

5. Have people at scene been injured? Is ambulance needed?

6. Presence of children? Witnesses?

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 dispatcher 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:

1. Suspect's whereabouts? If not known, obtain vehicle description, direction of travel, and elapsed time and access to weapons.

   Were alcohol or drugs involved?

2. A history of calls to this address? Outstanding warrants on disputants? Probation/parole status of suspect/aggressor?

3. A history of previous arrests?

4. A protective order in effect?

The dispatcher shall maintain telephone contact until the officers arrive in order to monitor the incident and provide support to the victim. The dispatcher shall advise the victim of the intended department response. The dispatcher shall provide the responding officer with as much information as possible to identify risks at the scene.

3. **OFFICER RESPONSIBILITIES:**

A. Arrival at the scene:

1. Obtain all possible information from dispatch before arrival.

2. Approaching the scene:

a. When possible, officers should wait for back-up and discuss strategy, approach the dispute scene in pairs.

b. Avoid the use of sirens and other alarms in the vicinity of the scene. The suspect 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 officer 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 her or him and any other persons at the residence.

(1) Officers will not accept statements from any disputant or witness that the call was a mistake

without investigating further. Officers will 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.

(1) In deciding to make a forced warrantless entry, officers shall evaluate the following elements: (a) degree of urgency involved and the time required to get a warrant; (b)probability 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 their 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 court.

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: Officer believes that someone, perhaps children, is in need of emergency assistance).

Officers will evaluate the following elements when considering a warrantless entry:

1. The degree of urgency involved and the time required to get a warrant.
2. The possibility of danger to others, including officers left to guard the site.
3. Whether the suspected offense is serious or involves violence.
4. Whether officers resonably believe that persons may be armed.

f. Finally, officers are reminded that they have a lawful right to investigate any situation which they reasonably believe to be an emergency.

g. 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).

(5) Protecting the victim from further abuse. Separate the victim from the suspect 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.

(6) Ascertain whether a protective order has been violated.

h. If weapons are present (whether firearms, knives, or any other object which could be used as a weapon), 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 on-duty supervisor. (Refer to 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 concerning transportation services for victims.

a. Officers shall transport victim to a safe location as they wish or as circumstances require. (See 19.2-81.3-81.4)

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 the safety and privacy by interviewing the victim in a place separate from the suspect, if identifiable.

2. Critical to success of the interview is officer manner. Officers must listen, show interest in disputants and their problem, and remain aware of nonverbal communications signals.

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 for parties to point out

anything that might be misrepresented).

6. Be aware that parties may make excited utterances which may have evidentiary value. Record these utterances when practicable and note them in your report.

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 the suspect.

4. Any threats made against victim or others?

5. Forced sexual contact against the victim?

6. Any court cases pending against suspect or any protective orders in effect?

7. Is suspect on probation or parole?

8. Did the suspect 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.

2. 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. Signs of trauma or abuse should be noted.

VI. Procedures: Issuing an emergency protective order

A. Emergency Protective Order

1. The EPO aims to protect the health or safety of any person. Regardless of a decision to arrest, if an officer has at least a reasonable belief that family abuse has occurred and their exists probable danger of further abuse, the officer shall petition a judge or magistrate to issue an EPO. (See 16.1-253.4)

a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he or she can request an EPO directly from a magistrate or the Juvenile and Domestic Relations Court.

b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.

c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, and provide other relief.

2. An officer can petition for an EPO by telephone or in person.

3. The EPO expires 72 hours after issuance. If the expiration would occur when court is not in session, then the EPO expiration is delayed until 5:p.m. of the next business day. Note that a law-enforcement officer may request an extension of an EPO if the person in need of protection is mentally or physically incapable of

doing so. The victim can petition for a preliminary protective order before the expiration of an EPO.

4. The officer shall complete form CD-626 and serve a copy to the respondent as soon as possible. The order cannot be enforced until the abuser has been served. The clerk/dispatcher shall enter the relevant information in VCIN upon receipt and update the entry upon service of the order.

5. The officer will submit the original order to the issuing judge or magistrate, provide a copy to the victim, and attach a copy to the incident report.

B. Emergency Protective Order (EPO) (Stalking)

1. The victim of stalking may obtain an EPO once he or she has sworn an arrest warrant for the offense under 18.2-60.3 (see also 19.2-152.9-10.). The abuser can be anyone, not necessarily a family or household member. The EPO cannot be issued until an arrest warrant has been obtained.

   a. An EPO for stalking may order the stalker to stop the threatening behavior, prohibit the stalker from contacting the victim in any way, and provide other relief.

2. An officer can request a warrant and an EPO by telephone or in person under a reasonable belief that stalking has occurred and will occur in the future. Further, the victim can request an EPO in person at the office of a magistrate or the General District Clerk's Office.

3. Provisions A.3-5 above apply.

C. Preliminary Protective Order (PPO) (Domestic Violence)

1. An abused/family household member may petition the Juvenile and Domestic Relations Court for a PPO (see 16.1-253.1). 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 PPO (protecting the petitioner or his or her family, or both). At the hearing where the PPO is issued, a hearing date for a permanent or full protective order shall be set. The PPO is valid for 15 days.

a. The PPO may order the suspect to stop the abusive behavior, prohibit contact between parties, order the abuser out of a shared home, grant exclusive possession over a home or car, and award temporary custody of children.

b. A victim does not need an EPO in order to obtain a PPO.

c. The victim must petition the Juvenile and Domestic Relations Court for a PPO.

2. The police records clerk shall enter the order into VCIN upon receipt, which record shall be updated upon service of the order.

D. Preliminary Protective Order (PPO) (Stalking)

1. Generally, the provisions of C above apply in stalking cases. The victim must go to the Juvenile and Domestic Relations Court of the jurisdiction where the stalking occurred to petition for the PPO.

2. A PPO may order the abuser to stop stalking behavior, prohibit contact between parties, and provide other relief as necessary.

E. Full Protective Orders (Domestic Violence and Stalking)

1. Domestic violence: In addition to the restrictions and prohibitions placed in a PPO, the full protective order may require an abuser to pay for the victim and children to live elsewhere, and for the abuser to receive treatment or counseling.

a. The victim and the abuser must attend a protective order

hearing at the Juvenile and Domestic Relations Court.

b. The full order is valid for up to two years.

2. Stalking: The full protective order observes the same restrictions and prohibitions of a protective order for domestic violence.

a. The victim and the abuser must attend a protective order hearing at the Juvenile and Domestic Relations Court.

b. The full order is valid for up to two years.

F. Full Faith and Credit

Officer shall enforce all protective orders from other states or possessions of the United States as if they were issued in Virginia. Enforcement of out of state protective orders does not require that they be registered in Virginia. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officer cannot arrest for violation of the order, however, if the violator has not been served with it.

G. Purchase/Transportation of Firearm by Person Subject to Protective Orders

Code of Virginia 18.2-308.1:4 prohibits any person subject to a protective order for domestic violence or stalking from purchasing or transporting a firearm while the order is in effect, punishable as a Class I misdemeanor. Firearms transported or purchased in violation of this law shall be confiscated and subject to forfeiture.

VII. Arrest Procedures

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, -81.3). 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.

Officers who develop probable cause that a person was the primary physical aggressor in a violation of 18.2-57.2 (assault/battery against a family/household member), 16.1-253.2 (violation of a protective order), shall arrest and take him or her into custody (19.2-81.3). Officers who develop probable cause that a person has committee stalking (18.3-60.4 or 603) shall arrest and take him or her into custody. (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 I misdemeanor offense).

1. Knowing that the safety of the complainant or victim probably will be compromised by an arrest, and recognizing that circumstances may preclude 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 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 primary physical aggressor and do not make an arrest, they shall nevertheless 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, or protective order/stalking, 10.2-152.8, 18.2-60.4), officer 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.

3. Officers making arrests under 19.2-81.3 (and 18.2-60.3, stalking)

shall petition for an emergency protective order (16.1-253.4 and 19.2-152.8 for stalking). 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 work 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 upon receipt).

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 of 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 elements of a stalking arrest. Ask victims:

   a. Is the suspect following you or did he or she follow you?

   b. Is the suspect harassing you or did he or she harass you?

   c. Is the suspect threatening you or did he or she threaten you?

6. The possibility of other offenses shall not be overlooked. Other related offenses include:

   a. Marital Sexual assaults (18.2-67.2:1).

   b. Violation of a stalking protective order (18.2-60.4, 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. Previous calls 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 16.2-253.2.

12. Aggressive behavior toward anyone, pets, anything, or threatening behavior.

D. Making the Arrest

1. Arrest the suspect 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 suspect is absent or has been arrested, transported (or arrange transportation for) the victim to a safe shelter or other appropriate place. Issue "be-on-the-lookout" message describing the suspect and arrange for an arrest warrant.

3. If an arrest must be made because a protective order has been violated, verify its validity by:

1. Examining the victim's copy, if available.

2. Having communications search VCIN or contact the issuing jurisdiction to confirm its currency.

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 (19.2-81.3 applies). This procedures applies both for domestic violence and stalking.

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 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 pacts essentials. Advise the victim to take only personal items plus important papers.

6. Give the victim telephone numbers of emergency shelters in the area and the police/sheriff emergency number.

7. Assure the victim that your agency shall 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 suspect is under a domestic violence or stalking protective

order and appears to have purchased or transported a firearm, confiscate it as evidence of 18.2-308.1:4.

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

1. All incident reports on domestic violence and stalking shall follow general reporting procedures with special attention to the victims services crime report procedures.

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 primary 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 statement as to the number of prior calls for law enforcement assistance.

   d. The disposition of the investigation.

3. In any case involving domestic violence, stalking, or related crimes, thoroughly document probable cause to arrest.

4. If an arrest is not made for domestic violence/stalking, the incident must still be documented, where either no probable cause existed, or circumstanced 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.

5. If children were present, make a report of abuse or neglect, if appropriate, and forward it to Child Protective Services.

6. 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.

7. At the conclusion of legal proceedings, return evidentiary property to victims. Coordinate victim's appearances in court or for line-ups.

H. Arrests of Law Enforcement Personnel

1. If the primary physical aggressor or abuser is an employee of this 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. If probable cause to arrest exists, the investigating officer shall arrest and gather evidence (including taking photographs) consistent with this general order.

   The investigating officer shall work 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 investigating officer shall assist in obtaining an EPO.

The investigating officer shall speedily present the case to the commonwealth's attorney.

4. The Chief of Police may assign the case for internal investigation.

   a. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges and identification to the Uniform Bureau Major.

   b. If the internal investigation supports a violation of agency policy, the chief shall take appropriate action consistent with personnel rules and regulations. Further, if the investigation confirms that domestic violence occurred, the chief 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.

5. The employee's supervisor shall monitor the employee's behavior. The supervisor shall stay alert to behavior that may be unseemly or indicative of problems requiring professional intervention, when

appropriate, coordinate counseling or psychological help.

### *55.2.4:* Assistance, Follow-Up Investigation

Officers conducting follow-up investigations shall, at a minimum:

a. recontact the victim/witness periodically to determine whether needs are being met, if, in the opinion of the Police Department, the impact of a crime has been unusually severe and triggered above-average need for victim/witness assistance;

b. explain to the victim/witness the procedures involved in the prosecution of their cases and their role in those procedures, if not an endangerment to the successful prosecution of the case;

c. schedule lineups, interviews, and other required appearances for the victim/witnesses, if feasible, and provide transportation, if necessary.

d. promptly return victim/witness property taken as evidence where permitted by law, rules of evidence, and Department property procedure.

e. advise the victim/witness that a full-time victim coordinator is available through the Commonwealth Attorney's office.

### *55.2.5:* Assistance, Suspect Arrest

Whenever possible, officers shall provide notification to the victim/witness of the arrest, charges, arrestee's custody status and changes thereto.

### *55.2.6:* Next-of-Kin Notification

Notifying next-of-kin in a case where there is a death, serious injury, and/or serious illness, can place the officer in a delicate and uncomfortable situation. The following procedures shall be utilized whenever possible and practical:

* Notification should be made as promptly as possible.

* The presence of a minister, relative, or close friend (if known) should be obtained whenever possible prior to notification.

* If notification has to be made alone, the officer should offer assistance to the next-of-kin in contacting a relative, close friend, and/or minister.

* Person receiving notification should be advised of means used in transmitting notification to the department, i.e., teletype/call from another law enforcement agency, unverified telephone call to the department, etc.

When requested by another agency to make notification of next-of-kin, the dispatcher and/or officer should attempt to obtain whatever pertinent information about the situation is available in order to assist the relative receiving the message.

**ADMINISTRATIVE ORDER**

**TRAFFIC**

**CALEA STDS:** **61.1.1/61.4.4**

**EFFECTIVE:** **JUNE 18, 2003**

**APPROVED:**

**CHIEF OF POLICE**

**POLICY:**

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is to the equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

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.

Because of the nature of their business, law enforcement officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon, and to detect and apprehend criminals.

This policy is intended to assist law enforcement in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to

encounter the police.

The purpose of the Williamsburg Police Department traffic administration and records systems is to reduce the number of motor vehicle collisions in the City of Williamsburg by having valid collision and enforcement data which is made available regularly to provide the field supervisor, public works department and other highway safety related groups with useful, adequate and timely information on which to base collision prevention efforts and preventive programs. The traffic records system shall contain information on all collisions and traffic enforcement measures taken.

**PURPOSE**

The purpose of this policy is to unequivocally state that racial and ethnic profiling in law enforcement are totally 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.

**61.1.1: Selective Enforcement Activities**

All uniform personnel of this department have responsibilities for the traffic function and its support. The Supervisor of the Uniform Bureau, acting through the Patrol Shift Supervisors, is responsible for planning, analysis, inspection, and coordination of the department's traffic activities on a day to day basis. Selective enforcement activities will be coordinated by the Supervisor of the Uniform Bureau. Departmental traffic activities include, but are not limited to:

a. Collision investigation and analysis;
b. Analysis of traffic enforcement activities;
c. Implementation of selective enforcement techniques and procedures;
d. Deployment of traffic enforcement personnel; and
e. Evaluation of selective traffic enforcement activities.

The Supervisor of the Uniform Bureau will prepare objectives and procedures reference traffic activities. The traffic collision and enforcement analysis system will provide data and information necessary for a proactive traffic enforcement response.

The Supervisor of the Support Services Bureau, will assist the Supervisor of the Uniform Bureau and the Supervisor of the Special Operations Bureau by assisting with data inputs into the traffic collision and enforcement analysis system, operating the departmental parking ticket system, and providing any other information or assistance needed in support of departmental traffic activities.

The department's efforts will be directed toward assigning officers to those areas where there is the highest likelihood that crashes will be reduced and/or crimes prevented through proactive patrol. Officers will receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, the laws governing search and seizure, and interpersonal communications skills. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities. Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction.

### 61.1.2: Enforcement Procedures

Enforcement action may consist of a warning, citation, or physical arrest.

a. Physical Arrest: Officers will make a physical arrest, in compliance with the Virginia Code:

- Violators of traffic laws pertaining to Driving Under the Influence of Alcohol or other Intoxicants;
- Whenever a felony has been committed involving a vehicle;
- When the operator refuses to sign the promise to appear on the traffic summons;

b. Virginia Uniform Summons (VUS): A VUS should be issued to a violator who

jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

c. Warnings: A warning may be issued to a violator whenever there is a minor traffic infraction committed in those areas where traffic collision experiences are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. An effective warning, properly given by an officer, can be as effective as other types of enforcement while building positive rapport with drivers.

**61.1.3: Violator Procedures**

a. Non-residents. Officers may consider use of warnings for non-residents, from outside the City of Williamsburg area, simply passing through the city, who commit a minor, non-hazardous violation.

b. Juveniles: Officers may consider use of warnings for juveniles who commit a minor, non-hazardous violation. Warnings may include advice to parents.

c. The Lieutenant Governor and members of Legislature, under the Code of Virginia: During the session of the General Assembly and for five days before and after the session, the Lieutenant Governor, a member of the General Assembly, or the Clerk thereof and their assistants, shall be privileged from being taken into custody except for treason, a felony or a breach of the peace. The issuance of a traffic summons for a moving traffic offense is allowed, as is a physical arrest in the case of an offense involving DUI.

d. Career consular officers of foreign nations are immune from arrest for criminal and traffic offenses unless arrests are ordered by a federal magistrate. Once identified, consular officials will not be detained unnecessarily. Consular immunity does not normally extend to members of consular officer's families or employees.

Diplomatic immunity is a principle of international law by which certain

foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their personal activities.

The vast majority of persons entitled to privileges and immunities in the United States are judicious in their actions and keenly aware of the significance attached to their actions as representatives of their sending State. On occasion, however, one of them may become involved in criminal misconduct. The more common violations are traffic (illegal parking, speeding, reckless driving, and DWI), shoplifting, and assault.

Whatever the offense or circumstances of contact, law enforcement officers should keep in mind that such persons are official representatives of foreign governments who are to be accorded the maximum degree of respect possible under the circumstances. It is not an exaggeration to say that police handling of incidents in this country may have a direct effect on the treatment of U. S. diplomatic or consular personnel abroad.

When a law enforcement officer is called to the scene of a criminal incident involving a person who claims diplomatic or consular immunity, the first step should be to verify the status of the suspect. Should the person be unable to produce satisfactory identification and the situation be one that would normally warrant arrest or detention, the officer should inform the individual that he or she will be detained until his or her identity can be confirmed. In all cases, including those in which the suspect provides a State Department issued identification card, the law enforcement officer should verify the status with the U. S. Department of State or in the case of the United Nations (UN) community, with the U. S. Mission to the United Nations. Once the status is verified, the officer should prepare his or her report, fully describing the details and circumstances of the incident in accordance with normal police procedures. If the suspect enjoys personal inviolability, he or she may not be handcuffed, except when that individual poses an immediate threat to safety, and may not be arrested or detained. Once all pertinent information is obtained, that person must be released. A copy of the incident report should be faxed or mailed to the U. S. Department of State in Washington, D.C., or to the U. S. Mission to

the UN in New York in cases involving the UN community, as soon as possible. Detailed documentation of incidents is essential to enable the U.S. Department of State to carry out its policies.

Stopping a mission member or dependent and issuing a traffic citation for a moving violation does not constitute arrest or detention and is permitted. However, the subject may not be compelled to sign the citation. In all cases, officers should follow their departmental guidelines and document the facts of the case fully. A copy of the citation and any other documentation regarding the incident should be forwarded to the U.S. Department of State as soon as possible. For "must appear" offenses, the Department uses the citation and any report as the basis for requesting an "express waiver of immunity." Individuals cited for pre-payable offenses are given the option of paying the fine or obtaining a waiver in order to contest the charge.

In serious cases (e.g., DWI, DUI, personal injury, accidents), telephonic notification to the U. S. Department of State is urged. The officer should follow his or her department's guidelines with respect to the conduct of a field sobriety investigation. If appropriate, standardized field sobriety testing should be offered and the results fully documented. The taking of these tests may not be compelled. If the officer judges the individual too impaired to drive safely, the officer should not permit the individual to continue to drive (even in the case of diplomatic agents). Depending on the circumstances, there are several options. The officer may, with the individual's permission, take the individual to the police station or other location where he or she may recover sufficiently to drive; the officer may summon, or allow the individual to summon, a friend or relative to drive; or the police officer may call a taxi for the individual. If appropriate, the police may choose to provide the individual with transportation.

e. Military Personnel. Military personnel who are first passing through the city may be treated as non-residents, above, or, if from this area, as residents.

**61.1.4: Informing the Violator**

A Virginia Uniform summons will be completed whenever a motorist is to be charged with a motor vehicle violation. The summons information includes:

a. Court appearance schedule.

b. Optional or mandatory nature of court appearance by the motorist;

c. Notice of whether the motorist is allowed to enter a plea and/or pay the fine by mail or at a the traffic court; and

d. Any other information necessary prior to release of the motorist (i.e., telephone number, current address, etc.).

**61.1.5: Uniform Enforcement Policies**

a. DUI Enforcement Procedures

Driving under the influence has been interpreted by various courts to mean that the ability to operate a motor vehicle is reduced or impaired by the consumption of alcoholic beverages or other drugs. It does not imply that the operator of a motor vehicle be in a state of alcoholic or drug-induced stupor or be entirely incapable of exercising physical control of his vehicle. Driving under the influence of intoxicants is an offense generally associated with leisure-time activity. Consequently, most arrests are made during the evening hours or in the early morning hours after taverns close or social gatherings end. Although the intoxicated driver may be observed any day of the week, weekends and holidays reflect an increase of offenses and arrests. Each officer will be familiar with laws and city ordinances that relate to driving under the influence.

Locating and Stopping:

As soon as an officer suspects a driver of being under the influence, observations should be noted for future reference. In most cases the officer will observe deviations from normal driving behavior. The following deviations are some of the indicators that a driver might be suffering some form of

impairment:

- Sitting through a green light
- Weaving
- Very slow speed
- Excessive speed
- Disregard for stop signs or signals

When a driver is observed whose actions are similar to the above or are not consistent with sound driving practices, an immediate stop should be made.

Be alert and use extreme caution when stopping a suspected intoxicated driver. Keep in mind that alcohol or drugs affect judgment and may result in erratic behavior. Follow established procedures for stopping traffic violators.

b. Persons Charged with Revoked/Suspended Operator's License:

The Virginia Uniform Summons (VUS) may be issued when an officer has stopped a vehicle and identified the driver as operating with a revoked or suspended license. An officer who sees an individual driving, who is known to be under suspension or revocation, if not able to stop the individual in a timely manner, may swear out a warrant for the violator.

c. Speed Enforcement: Excessive speed is the second greatest cause of death and injury on the American highways. Uniform methods of enforcement of speed laws within the City of Williamsburg should be applied by all officers. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

Pacing: The officer should follow the vehicle being paced at a constant interval for a adequate distance, normally two or more city blocks, to obtain a reading on the speedometer indicating a speed exceeding that posted. All speedometers must be calibrated at least every six months and calibration filed with the Clerks of the District and Juvenile Courts.

Radar: Radar is not to be utilized for "filler" or "slack" officer time, but should be planned and utilized where vehicle speed is excessive or of hazard to other motorists or pedestrians.

d. When handling a situation involving other hazardous violations, officers should consider the degree of the hazard, place, previous accident history of location, and the current directed patrol emphasis when making an enforcement decision.

e. Off-Road Vehicle Violations: Collisions involving off road vehicles that do not occur on a public highway do not require traffic collision reports.

Any officer observing an unlicensed off-road vehicle that cannot be legally operated on the public highways, being operated on the highway, shall order the vehicle to be removed and take appropriate enforcement action.

Officers should take appropriate enforcement action to insure compliance with vehicle registration laws as they pertain to off road vehicles. Officers should enforce law, rules and regulations concerning the operation of off the road vehicles on public-owned trails, parks, or property and traffic way crossing rules and regulations.

f. Equipment violations. With only annual inspections now required of vehicles, officers should consider issuance of summons for essential equipment defects.

g. Public carrier/commercial vehicle violations. Particularly in the downtown area, officers should consider congestion, lack of parking, and carrier needs for delivery access. Repetitive violators should be cited.

h. Other nonhazardous violations. Officers should consider warning unless repetitive or flagrant.

i. Multiple violations. Officers may cite all if deemed necessary, normally cite the most serious violation and warn on others.

j. Newly enacted laws and/or regulations. Normally, a grace period is established

by the Chief of Police during which only warnings will be given. Thereafter, officer should use discretion.

k. Traffic Collision/Enforcement

The Virginia Police Accident Report Form shall serve as the primary source for the collection of data concerning motor vehicle collisions within the city.

Each officer who, in the course of his duties, investigates a collision shall complete a State Form. The officer shall use the State Police Instructions for Police Accident Report guide to complete the report.

The State accident form will be turned into the Watch Commanders, who will review the form and ensure that the report is properly completed. Reports not properly completed shall be returned to the officer for corrections and/or additions. When the report is completed, it shall be forwarded to the Supervisor of the Uniform Bureau, who shall review the reports and make news releases as may be required. The report is then forwarded to the records department. A copy is sent to the Division of Motor Vehicles within 24 hours of receipt. Data is entered from the State Form into the computer. This may be accomplished by other departmental personnel assigned on a temporary basis, as available. The State form is filed in the appropriate Records files by case number. The Records Clerk may provide a copy of the State form to individuals, insurance companies and other interested parties, which includes a nominal fee.

l. Pedestrian and Bicycle Safety:

The Supervisor of the Uniform Bureau will determine what enforcement actions are needed to provide a pro-active pedestrian/bicycle safety enforcement program to:

- Reduce or eliminate human or environmental factors leading to collisions.
- Reduce or eliminate the behavioral actions, decisions, and events that lead to the collisions.

- Reduce or eliminate collisions by counteracting precipitating factors.

**61.1.6: Enforcement Practices**

a. Normal traffic enforcement involves visible traffic patrol by officers who observe and handle traffic violations during the performance of normal duties.

- Area patrol involves traffic enforcement within the officer's assigned area of responsibility (zones).
- Line patrol involves traffic enforcement along and concentrating on a particular section of roadway (Example - Richmond Road).
- Directed patrol instructions can specify enforcement efforts in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation being concentrated on.

b. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location, where just the presence of the vehicle will serve to remind the other drivers of the need for compliance with traffic laws. Shift supervisors may consider, if sufficient vehicles are available, the parking of a "ghost car" at an appropriate location. Enforcement which requires the use of a covert location is less well accepted by the motoring public, but may, at times, be the only way to tackle a particular problem.

c. Unmarked vehicles may be used for traffic enforcement. If unmarked vehicles are used, they are equipped with a siren and emergency lights.

d. The Williamsburg Police Department will establish traffic safety checkpoints in accordance with Administrative Order 61.3.4.

**61.1.7: Stopping/Approaching**

Objectives of Traffic Stops: There are two major objectives of a traffic stop; to take

proper and appropriate enforcement action and to favorably alter the violator's future behavior. The attainment of these two objectives depends upon the officer's ability to evaluate the violator's mental outlook, physical condition, and facts concerning the violation. This requires a thorough understanding of human relations and demands flexibility on the part of the officer. Enforcement procedures should minimize conflict which may develop between the officer and violator and assist in achieving the two major objectives.

Stopping the Traffic Violator: The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic artery, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. These procedures are to be followed when possible, and are presented from the perspective that ideal conditions exist.

The apprehension of a traffic violator begins when the officer has positioned himself behind the violator to begin the stopping procedure. At this point, the officer should notify the Communications Center of the intended location of the traffic stop, license number and number of occupants of the vehicle. The officer should note the license, make, model and color of the vehicle on a note pad, to be left inside the patrol vehicle.

The officer should be thoroughly familiar with the area, and anticipate the appropriate location to stop the violator. Consideration should be given to a location with ample space, appropriate lighting, and should avoid stops on hills, curves, intersections, private drives, and business locations which have limited parking.

The officer should signal the violator to stop. This signal should be with the blue emergency lights, hand signals, sounding the horn, and if necessary, the siren. These signals also alert other drivers of the intent of the officer and will usually facilitate securing the right of way for the stopping maneuver. The violator should be signaled and directed to the right side of the roadway close to the curb, or onto the shoulder if engineering design of the roadway permits this. On multi-lane roadways, the officer should insure the safety of the violator during lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.

Should the violator stop abruptly in the wrong lane or in another undesirable location, he should be promptly directed to move to a safer location. Officers should use the public address system to instruct violators to move to a safer location. If the officer's verbal directions and gestures are insufficient to bring understanding, the officer should quickly exit the patrol vehicle and give verbal instructions to the violator. The violator should not be permitted to move his vehicle once it has stopped, if it is suspected the driver is drinking to the extent that his driving ability is impaired.

Once the violator has stopped in an appropriate location, the officer should position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle should be positioned so that it will offer the officer some protection from oncoming traffic. This position should 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.

The officer should exit the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or occupants in the violator's vehicle. The officer should approach from the rear of the violator's car, looking into the rear seat area, and stop at a point to the rear of the trailing edge of the left front door. This position should be maintained if there are only occupants in the front seat. 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. In those cases where the violator's car has occupants in both the front and rear seats, the officer should approach to a point near the leading edge of the left front door, being especially 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.

In those traffic stops made by two man patrol vehicles, the passenger officer should be responsible for all radio communications, writing all notes and messages relayed from the communications center, and during the traffic stop should exit the vehicle and act as an observer and cover for his fellow officer. At no time should the two officers approach the violator together.

At night, the procedure is basically the same with the additional necessity of exercising caution in selecting an appropriate place for the traffic stop, signaling the violator, and positioning the police vehicle. After the stop, the head lights should be on low beam for the safety of oncoming traffic, and emergency lights in use on the patrol vehicle.

### 61.1.8: Officer-Violator Relations

Approaching the Traffic Violator/Officer Violator Relations: Once the officer has stopped the violator and approaches to a point where communications can begin the following guidelines should be observed in terms of officer-violator relationships:

- Be alert at all times for the unexpected, but do not be obviously apprehensive.
- Be absolutely certain the observations of the traffic violation were accurate, without reservation.
- Present a professional image in dress, grooming, language, bearing, and emotional stability.
- Be prepared for the contact by having the necessary equipment and forms, if they are to be used, immediately available.
- Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, it is advisable to have the form of enforcement action decided prior to the initial contact with the violator. An exception to this would be, when the officer, through conversation, finds an out-of-state driver performing a violation that would not be a violation in his jurisdiction, and the officer then decides to issue a warning rather than a citation as initially intended.

During their contact with a violator, the officer shall:

Greet the violator with an appropriate title and in a courteous manner. The officer will introduce himself by name and will advise the violator of why they have been stopped. The violator should not be kept in suspense.

Ask for the violator's driver license and vehicle registration, and accept only

these forms. Any attempt by the driver to offer money to the officer should be quickly refused; any persistence in offering should be treated as an attempted bribery. If the driver has no driver's license, obtain another document of identification.

Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise verbally abuse the violator.

Complete the forms required for the enforcement action taken or exercise a verbal warning. Explain to the violator exactly what he is supposed to do in response to the action taken and how this action will affect him.

If the enforcement action requires a court appearance make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.

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.

Return the violator's driver's license, registration, and a copy of the action taken.

Give an appropriate closing. For example, if the motorist was cooperative, “Thank you for your cooperation” may be in order. Do not use the trite expression, “Have a nice day,” which would be inappropriate in these circumstances. “Please drive carefully, your safety is important to us” is more appropriate.

Assist the violator in safely re-entering the traffic flow.

Do not follow the violator.

No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle

shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent. In each case where a search is conducted, this information shall be recorded, including the legal basis for the search, and the results thereof. It is required that consent searches only be conducted with written consent, using the proper department form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate "consented to search but refused to sign", inserting initials and the signature of any witness in the signature block. In all instances, whether consent is given to search or not, the officer will file a report articulating the circumstances of the incident.

In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determinating probable cause for an arrest or reasonable suspicion for a stop.

The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action, up to and including dismissal.

Any person may file a complaint with the department if they feel they have been stopped or searched based on racial, ethnic, or gender based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

Any officer contacted by a person who wishes to file such a complaint, shall provide the citizen with a copy of a citizen complaint form and will follow procedures as set forth in Administrative Order 52.

**61.1.9: Speed-Measuring Devices**

a. All departmental radar units meet current NHTSA standards.

b. Generally the following procedures are applicable to operation of radar units:

The radar unit must be properly installed in the vehicle and connected to the appropriate power supply.

The effective range of the particular radar unit must be thoroughly understood by the operator, so visual observations can support the speed meter readings.

The operator must choose an appropriate location in accordance with the directions of his command officer relative to traffic accident experience in which speed has been identified as a factor. The location must also be conducive to the effective and safe operation of radar.

The radar unit will be properly calibrated to insure accuracy in checking speed. The operator must follow manufacturer's recommended specific methods of checking calibration without exception. Any problems with operation of radar units or apparent malfunction should be promptly reported to the Supervisor of the Uniform Bureau.

The following elements must be established in court; by the officer, when radar speed charges are placed:

The time, place, and location of the vehicle that was checked, the identity of the operator, the speed of the vehicle, and the visual and radar speed check.

Officer qualifications and training in use of radar.

The radar unit was operated properly.

The unit was tested for accuracy prior and after use by an approved method.

Identify the vehicle and a visual observation of its apparent speed.

Speed limit in the zone in which officer was operating and where such signs were posted.

c. The Supervisor of the Uniform Bureau is responsible to ensure that radar units

receive proper care and upkeep, all required maintenance and calibration of radar units is performed, records kept, and that appropriate certificates are on file with the Clerks of the District and Juvenile Courts.

d. The Supervisor of the Uniform Bureau is responsible to ensure that radar units receive all programmed maintenance on time and according to specifications.

e. The Uniform Bureau Supervisor is responsible to ensure that all maintenance and calibration records are on file with the Clerks of the District and Juvenile Courts.

f. Radar training is given to all officers during the Field Training Program and periodically by manufacturer's representatives, Officers, in court testimony, should be able to cite/display training received or certificates issued.

### 61.1.10: Alcohol Enforcement Program

The arrest of an individual for driving under the influence differs significantly from other traffic law violations. Any person who operates a motor vehicle while under the influence of alcohol or other self-administered intoxicants or drugs poses an unpredictable hazard to law abiding motorists; therefore, each officer of the Williamsburg Police Department will make an intensified effort to remove this type of driver from the highway. The department has established a proactive alcohol enforcement program that has as its goal the reduction of accidents involving alcohol.

The Supervisor of Support Services will publish a monthly review of accident data to determine the areas with the highest concentration of alcohol related accidents, and times and days of week most appropriate for enforcement counter measures. He will also provide enforcement recommendations, check point location recommendations, and suggestions as to patrol techniques to the Supervisor of the Uniform Bureau.

The Supervisor of the Uniform Bureau will be responsible for assignment of personnel for enforcement duty, for liaison with the Commonwealth Attorney, and the Courts. In addition, the Supervisor of the Uniform Bureau is responsible for:

Assignment of regular patrols to cover the high accident locations times/days within the city, with emphasis on the violations that have caused the accidents.

Make available to schools, and other community groups speakers and demonstrations on the subject of drinking and driving.

Assignment of targeted DUI patrols to concentrate on violation areas, times and days that relate to Alcohol infractions. All such officers must have completed the four hour DUI Apprehension/Countermeasures training program.

**61.1.11: DUI Procedures**

When handling persons charged with driving while under the influence of alcohol or drugs, officers shall:

Officers will be polite and business-like, remaining aware that the driver's judgment, self-restraint, and self-confidence are the first faculties to be distorted by alcohol, creating the setting for lack of cooperation, belligerency, and even physical contact. Do not allow yourself to be drawn into an argument.

Get the violator out of the vehicle and to a safe location, carefully observing all actions and statements.

Obtain the person's operators license or other identification, if you have not previously done so.

Suspected drivers will be requested to perform the following preliminary tests:

* Dexterity test (e.g. standing on one foot, walking a straight line, picking up a coin, etc.)

* Alcosensor/alcolyser test-indicates amount/degree of alcohol present in the blood.

The test results and driving behavior should be collectively weighed in the decision to make an arrest; however, the suspect driver may refuse these tests. If so, the officer may arrest on the basis of observations of driving behavior. The suspect driver, whose dexterity performance is unacceptable yet chemical test reveals no alcohol consumption, should be carefully observed for signs indicating drug usage or abuse. Officers may also arrest in this case on the basis of observations of driving behavior and dexterity alone.

Provisions and procedures outlined in the Code of Virginia Section should be applied without regard to age to any suspected intoxicated driver. Every driver arrested for driving under the influence will be advised of the law requiring a blood or breath test to be taken and the penalty for refusal. (Implied Consent Law). If the violator submits to a chemical test for intoxication, it will be administered by a qualified physician, nurse, lab technician or breathalyzer operator. Normally, test is conducted at the Jail.

If a violator does not submit to a chemical test after having been advised of the law, the officer will deliver the arrested person before a committing magistrate who will further advise the violator of the law. If the violator further refuses to take a test, the magistrate will execute the refusal form.

Departmental forms will be completed accounting for the incident and indicating the results of any tests that have been administered. Examples:

- State Form requesting independent analysis of blood sample. The violator may select one of the listed labs and sign or have counsel sign. This completed form will be attached with arrest warrant and traffic summons and forwarded to the appropriate District Court.
- "Declaration of Refusal" completed form will be attached to arrest warrant, traffic summons and forwarded to District Court.

After forms are completed and suspect is incarcerated or released:

- If a blood sample was taken, the arresting officer will complete the address

labels on the boxes containing the samples (brown-state, blue-private). The private sample will be addressed as indicated by the violator on the Independent Lab Form. Both boxes will be mailed by the arresting officer.

- If the violator did not indicate a private lab to have the private sample analyzed, the blue box will be deposited in the evidence locker provided for such tests.

### 61.1.12: License Reexamination Referrals

During routine traffic law enforcement activities, officers frequently encounter persons who 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 the enforcement action by the officer, the officer will notify the Virginia Division of Motor Vehicles in writing of these findings or suspicions, giving the individual violator's full name, date of birth, operator license number and a brief description of the disability noted.

### 61.1.13: Parking Enforcement

Parking is restricted in various areas to ensure reasonable access and to expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality. The enforcement of parking regulations is a responsibility shared by all uniformed officers of the Williamsburg Police Department and Parking Enforcement personnel utilizing the computerized TickeTrak system and paper tickets. The Police Officer or Parking Enforcement personnel enter the vehicle and violation information into the TickeTrak system. A ticket is printed and placed under the wiper of the violating vehicle, along with the appropriate envelope. Daily, the handheld TicketTrak units are downloaded into the main computer by the Day Shift Supervisor. Once downloaded, access is available to the Finance Department for payment information. Payment is to be made either by U. S. Mail, in person at the Finance Department, or through the City computerized on-line payment system.

Violators have 7 days after ticket issuance to pay the fine. When a citizen requests a review or appeal of the parking ticket during this period, they should be directed to the General District Court, where they will be given the proper form to complete to

request a hearing.

When the ticket has not been paid in the proper amount of time, nor an appeal filed at the General District Court, a list is compiled by the Parking Administrator of unpaid tickets. The Records Department will print a copy of each of each unpaid parking ticket and forward a copy of each ticket to the issuing Police Officers and Parking Enforcement personnel. The Police Officers and Parking Enforcement personnel will forward the copy of the tickets to the Magistrates Office and swear to the violations. Completed summons will be forwarded to the Record's Clerk for processing.

Certain situations occasionally arise when, in the best judgment of the issuing officer, the issued parking ticket should be voided. In these cases, the issuing officer may retrieve the ticket, write "VOID" across the ticket, initial it and forward it to the Records Department. A brief statement explaining why the ticket was voided should be made at the bottom of the ticket.

In certain situations, however, it is more cost effective to void a parking ticket rather than make repeated attempts to collect payment. Situations include:

Parking tickets issued to out of state vehicles.

Parking tickets issued to persons who have moved from their DMV listed address leaving no forwarding address.

Parking tickets issued to persons living outside the State of Virginia.

Parking tickets issued to rental vehicles.

### 61.2.1: Policies and Procedures

The investigation of traffic collisions is necessary to determine traffic law violations, to protect the rights, of the individuals involved, to assist in traffic education, and to obtain engineering data. The Williamsburg Police Department has as one of its goals and objectives the reduction of motor vehicle collisions. To accomplish this, the department performs a variety of traffic collision investigation functions including

providing emergency service to the injured, protecting the collision scene, conducting collision investigations and follow-ups, preparing reports and taking proper enforcement action relative to incidents. The purpose of collision investigation is to properly determine the causative factors involved in an automobile collision and utilize these factors to develop enforcement that will reduce the incidence of collisions. Collision reports taken are utilized by the Division of Motor Vehicles, the Department of State Police and the Department of Highways at the state level and by the City of Williamsburg at the local level to study the frequency of collisions at a given location and time, the causes, the conditions that exist at the time, etc. The reports are also used by the City of Williamsburg to develop selective enforcement programs engineering studies, and to promote street and highway safety.

A traffic report will be completed on any traffic collision involving:

a. Death or injury;

b. Property damage in accordance with State Law;

c. Hit and Run;

d. Impairment due to alcohol or drugs;

e. Hazardous materials.

f. DMV does not require reports on private property accidents. Collision reports will be completed when the driver is charged as a result of their operation of a motor vehicle. Collision reports will be completed on all private property accidents involving City vehicles.

### 61.2.2: Collision Scene Responses

A police officer will be respond to and prepare a report of collision involving any of the following:

a. Death or injury;

b. Hit and Run;

c. Impairment of an operator due to alcohol and drugs;

d. Damage to public vehicles or property;

e. Hazardous materials;

f. Disturbances between principals;

g. Major traffic congestion as a result of the collision; or

h. Damage to vehicles to the extent towing is required.

In case of extremely inclement weather, a collision involving only property damage, the dispatcher or officer may, with the Shift Supervisors' approval, obtain basic information over the phone and request that the involved parties come to the department and file a report in person within 48 hours of the incident. The employee taking the telephonic report shall record the name, address, operator license number, and telephone number of all involved drivers.

**61.2.3: Collision Scene Duties**

a. The officer assigned to the zone in which an collision occurs shall normally be responsible for the investigation of any collision that occurs during his tour of duty. He shall have the responsibility and authority to request assistance from any other officers as needed. He is then also the primary investigating officer and in charge at the scene, unless the Shift Supervisor deems it more appropriate to assign another officer. In the case of a serious collision involving multiple vehicles with personal injury, the dispatcher may assign several police units to respond. Under such circumstances, the Shift Supervisor will designate one of the officers as the primary investigator.

Upon the receipt of a report of an accident that requires the services of a police

officer, the officer assigned shall proceed as expeditiously as possible to the scene. The police vehicle should not be parked at the scene in a manner that will endanger other pedestrians, motorists, or citizens. The officer should consider using the police vehicle as a shield to protect the scene as well as himself.

If during periods of reduced visibility or darkness, the officer will put on reflectorized safety vest prior to leaving the vehicle. Flares are available in each police vehicle for use in creating an illuminated warning pattern to alert other motorists. Traffic cones may be requested from the police department and used as well. The objective is to protect the scene and participants and to temporarily detour traffic safely around the scene.

b. At the scene of an accident, the officer should identify all injured persons and offer assistance until the arrival of the Williamsburg Emergency Services and Fire Department. In case of injuries, persons trapped in vehicles, etc., the Rescue Squad should be called.

c. The officer at the scene of an accident shall identify any and all fire hazards and/or hazardous materials, contact the appropriate department for help, and take measure to ensure safety of all persons involved at the accident scene. In case of danger of fire from leaking ruptured gas tanks or where there is any major entanglement of two or more vehicles, or where there is any sign of hazardous materials having been transported, the Fire Department should be called. All police vehicles are equipped with a copy of the current Emergency Response Guidebook, which permits both rapid identification of DOT vehicles and contained placards for hazardous materials and gives information concerning the nature of the hazard, emergency procedures, evacuation disasters, etc. Any police officer arriving at the scene of such a collision and seeing hazardous materials placards should immediately request the Williamsburg Fire Department. The Williamsburg Fire Chief will assume control of any scene involving hazardous materials and all police officers will provide support as required. Any investigation of the collision will only occur after such has been approved by the Fire Chief.

d. At the scene of the collision, the investigating police officer must gather information for subsequent use in completing necessary report forms. Information to be collected at the scene may include, but is not limited to:

Interviewing principals and witnesses and securing necessary identity/address information;

Examining/recording vehicle damage;

Examining/recording effects of the collision on the roadway, or off the roadway on other property structures, etc;

Taking measurements as appropriate;

Taking photographs as appropriate;

Collecting and processing evidence;

Exchanging information among principals.

e. The officer at the scene shall ensure protection of the collision scene until completion of the investigation.

Virginia Code requires any person removing a wrecked or damaged vehicle from a highway to remove any glass or other injurious substance dropped upon the highway from such vehicle. Where the quantity of debris is too great for the wrecker operator, Public Works should be requested. The Williamsburg Fire Department will assist in washing down combustible substances.

f. A vehicle inventory report will be completed when an officer assumes responsibility for towing a vehicle involved in a collision.

Prior to the vehicle being towed, the officer will obtain the tow truck driver's signature on the inventory report.

The officer will ensure that the inventory report is filed on the towed vehicle clipboard maintained in the dispatch office.

### 61.2.4: Follow-Up Investigations

Follow-up activities which may be necessary include:

Collecting off scene data;

Obtaining/recording formal statements from witnesses;

Reconstructing collisions;

Submitting evidentiary materials for laboratory examination;

Preparing collision and/or offense reports to support criminal charges arising from the collision.

In a serious collision involving severe injuries, fatalities, multiple vehicles, etc., it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, accident crash team specialists, or other specialists. Such expert assistance should be requested through the shift supervisor and/or the Supervisor of the Uniform Bureau.

Enforcement action should be taken whenever believed appropriate by the investigating officer, when that officer has detected a violation of a traffic law or ordinance and when evidence exists to satisfy all the elements of that particular violation.

At the scene of the collision, the officer may take immediate enforcement action and issue a Virginia Uniform Summons.

If driver transported to hospital prior to arrival of officer, and officer later at hospital concludes DUI, arrest warrant should be obtained.

On other traffic related investigations, when the officer leaves the scene of the offense and follows up and later identifies an offender or offense, arrest warrant/summons should be obtained from a magistrate.

### 61.3.1: Traffic Engineering

The primary responsibility for traffic engineering rests with the City of Williamsburg Department of Public Works and the Virginia Department of Highways. The police department will assist these agencies in the following manner:

- Collecting and compiling selected traffic data;
- Conducting special traffic surveys and studies;
- Analyzing collision and enforcement data;
- Prepare reports, make recommendations concerning efficient use of traffic controls, new and revised laws/ordinances, and engineering improvements;

a. All complaints received by this department concerning engineering deficiencies will be forwarded to the Director of Public Works, as appropriate, for evaluation and or corrective action, and the complainant advised of action taken.

b. Collision information and enforcement data is transmitted to local engineering authorities by submitting a copy of every accident report prepared in the City monthly to the Director of Public Works and through the monthly City Council report, which reflects all enforcement data. Any information required by regional traffic engineering authorities is provided through this department.

### 61.3.2: Direction/Control Procedures

a. Officers directing traffic at scene of an accident will route traffic safely around wrecked vehicles and debris. Wearing high visibility vests, officers will maintain an orderly flow of traffic until wreckage is cleared. Maximum use of emergency lights and flares/cones is strongly encouraged at accident scene.

b. When directing traffic, it is necessary that people using the highway know the

officer is there for that purpose and the officer knows and utilizes standardized, appropriate gestures and audible signals to stop, start and turn traffic.
To indicate that the officer is present for the purpose of directing traffic, he should turn the signal light (if there is one) to blink or flashing.

To insure uniform hand signals and gestures for manual traffic direction and control, the officer should:

Position himself so that he can be seen clearly by all, usually in the center of the intersection or street.

Stand straight with weight equally distributed on both feet.

Allow hands and arms to hang easily at his sides except when gesturing.

Stand facing or with his back to traffic which he has stopped and with his sides to traffic he has directed to move.

To stop traffic, the officer should first extend his arm and index finger toward and look directly at the person to be stopped until that person is aware, or it can be reasonably assumed that he is aware, of the officer's gesture. The pointing hand is raised at the wrist so that its palm is toward the person to be stopped, and the palm is held in this position until the person is observed to stop. To stop traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.

The officer should first stand with shoulder and side toward the traffic to be started, extend his arm and index finger toward and look directly at the person to be started until that person is aware, or it can be reasonably assumed that he is aware, of the officer's gesture.

With the palm up, the pointing arm is swung from the elbow only, through a vertical semi-circle until the hand is adjacent to the chin. If

necessary, this gesture is repeated until traffic begins to move. To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction.

When directing a right turn, the officer should proceed as follows:

If the driver is approaching from the officer's right side his extended right arm and index finger and gaze are first directed toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn.

If the driver is approaching from the officer's left side, the same procedure may be followed utilizing the left arm extended or the extended left forearm may be raised to a vertical position from the elbow while closing the fingers so that the remaining extended thumb points in the direction of the driver's intended turn.

Left turning drivers should not be directed to effect their movement while the officer is also directing oncoming traffic to proceed. Therefore, the officer should either direct opposing vehicles to start with avoiding left turn gestures directed at turning drivers, which will lead them to complete their turn only when there is gap in the oncoming traffic, or to stop or hold oncoming drivers, after which the left turning driver can be directed into his turn. The officer's right side and arm should be toward the oncoming traffic, and the left side and arm should be toward the left turning driver. After stopping oncoming traffic by using the right arm and hand, the right hand should remain in the halt position, then the extended left arm and index finger and officer's gaze is directed toward the driver who intends to effect a left turn. When the left turning driver's attention has been gained, the extended left arm and index finger are swung to point in the direction the driver intends to go.

Street width permitting, in order to clear the lane occupied by a driver who intends to make a left turn, but cannot because of oncoming traffic, he can be directed into the intersection and stopped adjacent to the

officer's position until the left turn can be safely completed. The driver should be directed into the intersection by pointing toward him with the extended arm and index finger, which is then swung to point at the position at which the officer wishes the driver to stop and wait for clearing traffic. In the alternative, the driver may be directed to move with one arm and hand gesture while the other arm and hand are utilized to point to the position at which the driver is to stop. After the driver is positioned within the intersection, the officer may either halt oncoming traffic and direct the completion of the turn or permit the driver to effect the turn during a natural break in the oncoming traffic.

Signalling Aids

The whistle is used to get the attention of the drivers and pedestrians. It is used as follows:

One long blast with a STOP signal

Two short blasts with the GO signal

Several short blasts to get the attention of a driver or pedestrian who does not respond to a given signal.

The whistle should be used judiciously. It should not be used to indicate frustration, and the volume should be just sufficient to be heard by those whose attention is required. Whistle blasts directed at pedestrians should be moderate in volume. The whistle should be used only to indicate stop, go, or to gain attention, and when its purpose had been achieved, the officer should cease sounding the whistle. If the whistle is utilized continuously, it ceases to hold meaning for drivers and pedestrians.

The voice is seldom used in directing traffic. Arm gestures and the whistle are usually sufficient. There are numerous reasons why verbal commands are not used. Verbal orders are not easy to give or understand and often lead to misinterpretations which are dangerous. An order which is shouted can

antagonize the motorist. Occasionally a driver or pedestrian will not understand the officer's directions. When this happens the officer should move reasonably close to the person and politely and briefly explain his directions. No officer shall exhibit loss of temper by shouting or otherwise indicate antagonism toward those who do not understand or who do not wish to obey the officer's directions.

Use of flashlight with illuminated cone or baton.

To stop a driver with the baton, the officer should face the oncoming traffic, hold the baton in the right hand, bend the right elbow, hold the baton vertical, then swing the baton from left to right through an arc of approximately 45 degrees.

The GO and TURN direction are the same gestures as those previously described except that the baton acts as an extension of the hand and index fingers. Signals and directions given with the aid of the baton should be exaggerated and often need to be repeated because of the poor visibility existing. The baton light should be turned off when it is not being actively utilized to give directions.

A flashlight alone can also be used to halt traffic, but less effectively and safely than with cone attachment. To stop traffic slowly swing the beam of the light across the path of oncoming traffic. The beam from the flashlight strikes the pavement as an elongated spot of light. After the driver has stopped, arm signals may be given in the usual manner, the vehicle's headlight proving illumination.

c. Officers responding to the scene of a fire call will ensure observance of the following rules in regards to traffic control:

- No vehicles, including those of volunteer fireman, will be allowed to drive into the block where fire apparatus is parked and operating. No vehicles will be allowed to cross fire hoses without the approval of the Fire Chief.

- In cases of fires at facilities such as the hospital or jail, no vehicles, including those of volunteer fireman, will be allowed on the grounds. The exception to the rules above will be life saving vehicles on actual calls for service.

- Vehicles which interfere with fire operations may be towed as needed.

d. Traffic Control during Adverse Road and Weather Conditions.

The Watch Commander will notify the local radio stations, public works, and the fire department of adverse road conditions that will affect the motoring public.

The Watch Commander may close a street if, in his opinion, the surface conditions and terrain creates an unusually hazardous condition. The supervisor should request Public Works assistance in alleviating the problem, and request public service radio announcements be made reference the closure.

The Watch Commander shall request dispatchers to notify the proper utility company and assign officers to direct traffic and safeguard movement at the scene of all downed power lines, broken gas or water mains, or construction sites, when the situation endangers unnecessarily the safe movement of traffic through the area.

e. On occasion, officers must manually operate traffic control signal lights, normally to either attempt to recycle a signal light or to place the signal lights on flash or blink. Officers shall manually control traffic control devices only in the following situations:

When traffic light malfunctions;

To facilitate movement at traffic accidents or other emergencies;

To provide a thoroughfare for a motorcade, funeral procession, etc;

To alleviate congestion resulting from use of automatic controls particularly during planned, special events.

f. Temporary Traffic Control Devices.

Normally, temporary traffic control devices will only be used with the approval of the shift supervisor for control of traffic during peak rush hours or during special events or in the event a key signal light malfunctions. Signs may be requested from public works. Watch Commanders will ensure return of all signs as soon as no longer required.

Use of temporary stop signs will be limited to those key intersections at which a traffic signal has failed completely. If the traffic signal can be placed on four-way blink or flash, this is preferred over use of the temporary stop sign.

g. All departmental patrol personnel are issued high visibility reversible raincoats, and reflective vest are issued to each patrol unit. Either shall be utilized, as appropriate, when assigned traffic control duty.

**61.3.3: Escorts**

a. As a matter of long-standing custom, funeral escorts are provided on request by local funeral homes. Funeral directors are asked to give 24-hour advance notification of specific times when officer escorts are required, and then to confirm these the day of the escort, in order to reduce officer idle or waiting time. Officers escorting funerals will ensure that traffic at an intersection is stopped in both conflicting directions before leading a procession through. Escort officers should request other officer assistance in handling critical intersections when a large number of vehicles are involved. Officers will turn on vehicle lights and emergency light.

Requests to escort oversize vehicles or vehicles with dangerous or hazardous materials are occasionally received. One or more escort officers will be assigned by the shift supervisor as required. Officers may have to exit police vehicles in order to guide, judge clearance, assist with directional change, etc.

Appropriate vehicle emergency lighting equipment should be used during such escorts.

Police officers frequently receive motorist requests for directions to a particular location in the city. Police officers, time permitting, may escort such vehicles to the appropriate location. Requestors should be directed to follow the police unit, but to also comply with all traffic signals and direction. Police emergency equipment will not be used in such escorts.

Police vehicles will under no circumstances escort any emergency vehicle that has its own operating emergency equipment. Officers may facilitate the movement of other emergency vehicles by assisting with traffic control at key intersections.

Other escort requests will be dealt with by the shift supervisor based on past practice and/or good judgment.

b. Emergency escorts will only be given to private vehicles when it would endanger the life of the patient to move him from the private vehicle to an emergency vehicle. Where escorts are provided the officer shall:

Drive at a speed not to exceed posted speed limit by more than 10 miles per hour. The officer must remember the driver of the escorted car may not be as skillful a driver as himself and may also be emotionally upset;

Notify the shift supervisor of the escort;

Obey all traffic lights proceeding through them only after it is safe for TWO vehicles to do so.

**61.3.4: Roadblocks**

The Williamsburg Police Department will use roadblocks or traffic check points only in situations where:

A life threatening crime has been committed recently within close proximity such as to cause the officers to believe that there is a high possibility of apprehending the suspect if a road block where established. In addition, identity, or reasonably sufficient description of the individual is known and will enable the officers at the scene of the road block to execute an arrest upon sighting the individual in question, or

In directed patrol assignments where information has been developed through the analysis of data to indicate that a sufficient number of traffic violations are occurring to justify the inconveniencing of the general motoring public to deter these violations and improve safety to the general motoring public.

When road conditions make passage by the motoring public a threat to safety. (To wit: serious accident, power lines down, ruptured water or gas line, etc.).

Authority to Establish Road Blocks/Traffic Check Points

Any supervisor may order the establishment of a roadblock for apprehension of a criminal, providing that the roadblock does not extend beyond one hour of the offense, or the last sighting of the individual whichever is longest. These roadblocks may be extended beyond the one hour time limit by obtaining permission from the Supervisor of the Uniform or Special Operations Bureau, or the Chief of Police.

Roadblocks established based upon traffic accident and offense data analysis and targeted on specific traffic offenses must be authorized in advance of establishment, by the Supervisor of the Uniform Bureau or the Chief of Police. All the roadblocks established under this section must comply with the site selection criteria outlined in this order.

Any supervisor may establish a road block to protect from road hazards.

Traffic Check Point Site Selection

It will be the responsibility of the Supervisor of the Uniform Bureau and/or the Chief of Police to select and design all checkpoint site locations. All checkpoint sites will be selected using the following list of criteria. Not all sites will meet all criteria, but only those sites that most nearly conform to the criteria will be chosen.

- The checkpoint location has a high incidence of alcohol-related traffic collisions;
- The checkpoint site is on a route known to be traveled by motorists driving under the influence of alcohol;
- The location has adequate visibility to oncoming traffic and to the motoring public in general;
- The location has adequate space available to allow police officers to pull vehicles out of the traffic stream for further examination without creating a safety hazard or the officers can establish a safe area to conduct further examination in the roadway by closing a lane of travel;
- The volume of traffic is appropriate to the number of police officers available to operate the checkpoint site. There will be three to four Police Officers working at a checkpoint during the normal operations. In no case will there be less than three officers manning a check point;
- There are no particular characteristics of the site location that will create a hazard for motorists and police officers;
- The location must have adequate space for police vehicles and personnel that will work the site. Generally, two marked police cars will be used.
- The site location is in an area where motorists approaching the checkpoint will be unable to turn off or avoid the checkpoint.

Traffic Check Point Scheduling:

The hours of operation of checkpoints will be primarily 10:00 P.M. to 2:00 A.M. on Friday and Saturday nights. Other times will be selected based on the need as it is determined by the analysis of data. If special events should arise where the checkpoints may become feasible, then other times may also be established.

The Supervisor of the Uniform Bureau will schedule all the personnel to work the checkpoints.

On any given date that the checkpoint is in operation, there will be a minimum of three police officers assigned, one of whom will act as the Supervisor in charge of the checkpoint operation. Depending on the time and volume of the traffic, additional manpower may be scheduled.

Qualifications for police officers at traffic checkpoint sites.

- Sworn police officers;
- Previous experience in DUI enforcement;
- Training in the traffic checkpoint program.

Traffic Checkpoint Site Setup

Safety Precautions: When setting up the checkpoint, the personnel should make sure that all precautions have been taken to afford the highest degree of safety to the police officers, pedestrians, other personnel and the checkpoint, and motorists passing through the checkpoint by use of an appropriate number of lights, barricades, and signs. Avoid using a large number of flares; one or two flares may be used to warn motorists approaching the checkpoint. All checkpoints will conform as closely as possible to the specifications outlined in the memorandum authorizing the location for checkpoint use.

Location of Police Vehicles: Police vehicles should be parked in an area that will not present a hazard to the police officer, pedestrians, or the general flow of traffic.

Testing Area: Establish a safe place to pull off those vehicles whose drivers will be examined further for DUI. This area should be out of the general flow of traffic, preferably off the highway with good access both to and from the highway. An effort should be made to have this area

adequately lighted.

It shall be the responsibility of the supervisor in charge of the checkpoint to ensure all personnel have the proper equipment. The traffic safety vest will be worn by all personnel working at the checkpoint.

The supervisor in charge of the checkpoint shall have the discretion to cancel the checkpoint at anytime due to inclement weather. When possible, the decision should be made in advance, prior to setting up the checkpoint. It shall be the responsibility of the supervisor in charge of the checkpoint to contact all affected personnel in the event of a cancellation.

Opening the Traffic Check Point Operation

It shall be the responsibility of the supervisor in charge of the checkpoint to open and close operations at the checkpoint. If a shortage of police officers should occur due to arrests for DUI, the supervisor will have the discretion to close or reopen the checkpoint.

Traffic Congestion: If the supervisor feels that there is a traffic problem due to a back-up of vehicles at the checkpoint site, he may temporarily reopen traffic to the normal flow to reduce the problem. There will be a pre-selected geographic point at each location and when the traffic backs up to that point, the field supervisor should release traffic to avoid further congestion.

Stopping Traffic Safely

Police officers are used to warn, slow, and move traffic up in line to the point where other police officers conduct the actual checks and interviews. Police officers that are not involved in interviewing motorists shall also assist in the directing of traffic through the checkpoint as needed, and will be alert to detect any vehicles attempting to avoid the checkpoint or for other violations as vehicles move through the area.

Police officers must be extremely safety conscious during checkpoint operations and should advise motorists leaving the checkpoint to drive safely, as well.

Interviews of Motorists

The police officer shall give a brief greeting along with advising the motorist that the police are conducting an "Operator's License and Traffic Check Point".

The police officer shall request the motorist to present a valid operator's license.

It is suggested to keep the length of the stop to a minimum, when possible, no more than thirty seconds. This is to reduce any unnecessary delay and/or intrusion. During this period, the officer must rapidly make observations concerning possible alcohol/DUI violations.

In the event that the motorist does not have a valid operator's license with him, or tells the police officer that it is suspended or revoked, then the motorist will be directed to the follow-up area used for further examination. The police officer at the follow-up area shall radio in and get a DMV operator's license check. If the dispatcher advises it is valid, the police officer may give a warning and, with no sign of alcohol impairment, the motorist may be allowed to leave the checkpoint. If the DMV check comes back not valid, suspended, or revoked, the police officer may then issue a Virginia Uniform Summons (VUS).

It shall be at the discretion of each individual police officer as to when to issue Virginia Uniform Summons for other vehicular violations such as, but not limited to, expired registration, expired inspection, defective equipment, etc.

When no alcohol is detected and the police officer observes no sign of impairment, then the motorist should be released after presenting a valid operator's license. The police officer should also advise the motorist to use caution when leaving the checkpoint.

Further Evaluation of Motorist when Suspicion of DUI Exists:

When there is an indication that the driver has been drinking, the police officer should extend his investigation by checking for signs of impairment, such as voice, eye-hand coordination, general appearance, etc., to determine if the driver should receive further examination.

When a police officer feels that further evaluation of alcohol impairment is necessary, he will direct the motorist pull to the follow-up area, and will proceed to the follow-up area for continuation of the investigation. A relief officer will fill the vacancy created at the checkpoint.

Once in the follow-up area, the police officer should proceed with some of the normal preliminary testing procedures, such as the field sobriety test and the Alco-Sensor. If evidence is not sufficient for a DUI arrest, the driver should be released with a warning. It is at the discretion of each police officer as to whether to allow the person to drive away, have a friend in the car drive, call a cab, or the driver may agree to have a volunteer drive them home, provided that volunteers are present for this purpose. The driver who is in the BAC range that cannot be properly prosecuted should be released to someone else. The driver to assist should also be checked, and only those with no BAC or very low BAC, should be allowed to assist.

DUI Arrest Procedure

When a police Officer has made an arrest for DUI at the sobriety checkpoint site, he should follow all the normal steps of a DUI arrest, such as advising rights, transporting of prisoner, blood/breath testing procedures, Magistrate, towing car or parking car in a safe place and transporting to the Jail.

If a motorist has been arrested at the sobriety checkpoint site for DUI and Blood/Breath testing is available on site the police officer shall utilize that testing facility along with following the other standard procedures for DUI arrests.

Closing the Checkpoint Site

All personnel shall assist in the removal of safety equipment along with other equipment at the checkpoint. This equipment must be safely and securely stored for the next usage. It shall be the responsibility of the supervisor in charge of the checkpoint to ensure that all police officers and other personnel have been transported away from the site.

The supervisor in charge of the checkpoint shall see that no litter is left behind at the checkpoint site. All personnel at the checkpoint should assist with this function. The shift supervisor on duty at the close of the checkpoint shall conduct an inspection of the site to ensure that all litter is removed.

Recordkeeping at Checkpoint Sites: It is important that all of the data is kept accurately. The supervisor will be responsible for collecting data each time a checkpoint is set up. This information will be forwarded to the Supervisor of the Uniform Bureau and elsewhere as may be directed by the Chief of Police. The following is a list of statistics which will be kept on a form provided for each site, etc.

- Number of motorists interviewed at checkpoint.
- Number of motorists detained for further testing.
- Number of motorists released after testing (with warning)
- Number of motorists arrested for DUI at checkpoint.
- Number of summons and/or arrest(s) in addition to DUI arrests.

**61.3.5: N/A**

**61.3.6: N/A**

**61.3.7: O**

**61.4.1: Assistance, Highway Users**

a. Officers of this department will provide assistance to motorists that is reasonable under the existing situation.

b. Assistance may include requesting the dispatcher to call mechanical assistance, wreckers, or obtaining other services as needed. Time and duty permitting, the officers may assist stranded and disabled motorists to obtain fuel and repairs, but officers are not required to perform the repairs personally.

c. Officers should be aware of possible dangers to motorists, who are stranded in isolated areas and hazardous locations on the highway, and should take steps to reduce these threats by transporting motorists to safer locations and or setting out devices to warn other motorists.

d. Officers will provide emergency first aid and/or fire suppression until medics and firefighters arrive.

### 61.4.2: Hazardous Highway Conditions

Officers locating debris in the roadway that is a hazardous shall remove it or request notification of Public Works to have it removed from the road to a safe location. Until corrected, officers will assure measures are taken to provide safe passage of all traffic.

Requests or suggestions for additional or new highway safety features will be forwarded through the chain of command to the Chief of Police who will forward the request to the appropriate department or agency, if the situation warrants. These requests will specify the services/actions requested and location;

### 61.4.3: Towing

It is essential that departmental procedures be clearly defined in all possible cases. The setting forth of procedures for towing of vehicles and the subsequent inventory of such vehicles creates a record which protects the vehicle and the property in it while the vehicle is in police custody. This record also protects the Police Department from claims resulting from losses from or damage to the vehicle while in police custody.

It is the policy of this department to inventory any vehicle that is impounded (towed) for the purpose of protective custody. This policy is not a subterfuge for warrantless searches and does not apply to vehicles that have been seized in connection with a crime and are subject to search on probable cause or pursuant to a search warrant.

The Williamsburg Police Department requires that when a driver of a vehicle is taken into custody and the vehicle would be left unattended on a public right of way, alternatives shall be afforded the owner/driver prior to towing.

Sworn employees have legal authority to authorize the tow of vehicles to storage facilities when the vehicle owner/driver is in violation of specific laws or ordinances. However, towing of vehicles should be avoided whenever practicable. Court decisions regarding towing, impounding, and inventorying have stood by the precedent of allowing police to inventory legally seized and towed vehicles. However, the key to this practice is the legality of the seizure. The courts have stated repeatedly that the owner/driver must be given the opportunity to arrange for the disposition of his vehicle unless the officer is acting under statutory authority to seize the vehicle pursuant to statute or as evidence in a crime. Any vehicle impounded pursuant to statute or seized as evidence will be inventoried.

Exceptions:

Unattended vehicles in violation of code or ordinances.

Discretionary Action: There may be limiting or mitigating circumstances where the exercise of discretion would indicate that towing is in the best interest of the driver and the department.

Towing Situations:

a. Unattended Vehicle: Whenever any motor vehicle is left unattended upon any public owned property the police officer may order it towed in accordance with City Code or Virginia State Law.

Abandoned Vehicle: Whenever any motor vehicle is abandoned upon public property, the police officer may order it towed in compliance with Williamsburg City Code at the expense of the owner of the vehicle.

b: Removal from Public Property: Any police officer discovering or having report of any motor vehicle, trailer, or other vehicle blocking a driveway or parking area, or obstructing or interfering with the movement on any driveway or parking area without the land owner's permission may order the vehicle towed at the expense of the owner of the vehicle.

Unattended Traffic Hazard/Violation of Law: Officers may tow any motor vehicle found on the public street or grounds unattended by the owner/operator that constitutes a traffic hazard or parked in a manner in violation of the law.

Removal from Private Property: Property owners may act immediately to have vehicles towed which occupy lot, area, space, building or part thereof without their permission under Virginia Law. The law requires them to order the vehicle towed and notify a law enforcement officer simultaneously.
Other Towing Situations:

Accident: Any vehicle involved in an accident shall be removed to the shoulder of the road or elsewhere as soon as possible after necessary accident investigation information has been obtained. Vehicles shall be removed from the shoulder without unnecessary delay.

Vehicles may be pushed at no expense to owner to the shoulder of the road or other legal parking spot which does not obstruct or impede vehicle travel. If this is not possible, and a traffic hazard is potentially created, towing at the expense of the owner may be ordered by the police officer.

Emergency Situation: Any vehicle found illegally parked, in the vicinity of a fire, traffic or airplane accident or area of emergency, which creates a traffic hazard or interferes with the necessary work of police, fire, or other rescue workers may be ordered towed, at the expense of the owner, by a police officer. Vehicles being used by radio, TV, and press are exempt unless they

obstruct police, fire, or rescue operations.

Impeding/Danger to Traffic: No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway of others, except in cases of mechanical breakdown or accident. If such disabled vehicle is not promptly removed and creates a traffic hazard the police officer may order the vehicle towed at the expense of the owner.

State/County/Municipal Vehicles: Paragraphs 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.

Alternatives: Prior to towing a vehicle subject to this order, the driver shall be afforded a reasonable opportunity, predicated on the circumstances, to provide for the removal of the vehicle within a reasonable length of time. Various alternatives are available to the driver:

Release: The vehicle may be released to a person, designated by the driver, who possesses a valid driver's license who may, if mentally and physically capable, take possession and move the vehicle.

Park: The vehicle may be parked and locked, if lawful and not a hazard, and later removed within a reasonable length of time.

When towing is considered to be in the best interest of the citizen and the Department, reasonable effort shall be expended to facilitate release of such vehicle with minimal cost and personal discomfort to the rightful owner.

Release Form: If the driver elects to exercise one of the alternatives, the officer will prepare the Williamsburg Police Department Owner/Driver Release. After the driver affixes his signature, the form will be processed by submitting the form with the officer's incident report.

Vehicle Check: Provisions of the procedure do not preclude a vehicle status inquiry; e.g., stolen or wanted check.

Inventory: When a vehicle, per owner's request, is not towed nor impounded, there is no authority for an inventory of the vehicle and contents.

Impoundment: This policy does not preclude action being initiated when plain view observation reveals contraband or evidence of a crime.

Liability: Neither the City nor the individual officer shall be held liable for any damage to, theft of, or theft from a vehicle when the owner/driver has elected not to move the vehicle. The officer, as involuntary bailee, owes only the same care that the owner/driver does for the security of the property.

c. The vehicle storage receipt is to be made on all vehicles towed or impounded at the request of a Police Officer for the purpose of establishing protective custody of the vehicle and any property in the vehicle. This will not include vehicles towed from the scene of accidents or other incidents where the owner or other responsible person is available to assume responsibility for the vehicle and/or property. In all cases where a vehicle is towed or driven in, a vehicle storage receipt is completed, along with a complete inventory.

Three copies of the vehicle storage receipt will be made on any car towed or driven in under the above circumstances. One copy will go to the wrecker service, one copy will be attached to the tow/impound clipboard in the Dispatch Office, and one copy will be filed in the Supervisor of the Uniform Bureau Office to assist with compliance with the City Ordinance, "Due Process Appeals Procedure". Vehicle storage receipts must be signed by the officer and the wrecker driver (if vehicle is towed). Hold orders or release instructions should be written on the vehicle storage receipt and made known to the wrecker driver.

The inventory should be conducted in the presence of a witness when practicable. The interior of the vehicle should be carefully examined, including under the seats, the trunk, and all compartments, to determine if items of value are present. All containers that can be easily opened found in the vehicle should be opened. Obviously containers should <u>not</u> be opened if there is reason to

suspect that it would be hazardous to do so. Portable items of significant value should be noted on the vehicle storage receipt. Do not force open locked glove compartment or trunk. Place a note on the storage receipt that same are locked and not inventoried if keys aren't present.

Appropriate enforcement action shall be taken, if during a routine inventory, evidence, contraband, proceeds or instrumentalities of a crime are discovered.

Wrecker Rotation List

All wrecker services wishing to be called by the Williamsburg Police Department must meet the following criteria:

- Be reasonably available.
- Must have trained operators and use proper towing methods.
- Equipped to remove glass and debris from streets or highways.
- Accept responsibility for vehicle and contents by signing Police Department Inventory Form.
- Be available to release vehicles seven (7) days a week.
- Rates will be "reasonable, necessary costs".
- Must provide proof of insurance.

Use of Wrecker Rotation List

Officers requests next wrecker and advises if special equipment is needed.

Dispatcher, using correct wrecker list, calls wrecker service whose turn is next.

Dispatcher logs wrecker's dispatch and arrival time in Wrecker Log and "No Response" if applicable.

Watch Commanders will review report any problems during the monthly staff meetings.

**61.4.4: Traffic Safety Materials**

The Department will prepare, maintain, collect and distribute, to motorists and potential motorists, materials that will encourage their assistance and compliance with traffic rules and regulations. Such materials will be made available at the department and at all talks, speeches, or visits to schools, community groups, etc.

**ADMINISTRATIVE ORDER**

**PRISONER TRANSPORTATION**

**CALEA STDS:** **71.1.1/71.5.1**

**EFFECTIVE:** **APRIL 1, 2002**

**APPROVED:**

**CHIEF OF POLICE**

**POLICY:**

Transportation by Williamsburg Police Officers of persons who are in custody is a constant requirement and a frequent activity. In all instances of transfer of persons in custody, there are concerns that should be kept in mind for the prisoners' safety and their rights while assuring that they do not escape, that they are not injured or do not injure others, and that the safety of the transporting officer is not endangered.

When an arrest is effected, officers shall thoroughly search the prisoner to insure the safety of themselves as well as others. Any contraband, evidence, fruits or instrumentality of a crime, unrelated to the arrest but discovered incidental to a body search, shall be seized and appropriate charges filed. Except in emergency situations, officers shall be discreet in the search of prisoners of the opposite sex so as to avoid claims of impropriety.

As officers of this department perform prisoner transport, they should be prepared to do this in a manner that will provide adequately for the safety and security of the prisoner and the transporting officer.

## 71.1.1: Pre-Transport Prisoner Searches

The transporting police officer shall always search a prisoner before placing him into the vehicle. It should never be assumed that a prisoner does not posses 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 comes into the custody of the officer after visual contact has been lost. The requirement for thorough search prior to transport is applicable to each subsequent transporting officer. Strip or body cavity searches shall be handled in accordance with Administrative Order 1.2.8.

### 71.1.2: Searching Transport Vehicles

Officers will search police vehicles prior to beginning their shift and after each prisoner transport to ensure that no weapons, contraband, or other items are available to the prisoner. Officers will also ensure that all equipment assigned to their unit is available and in good condition and that the vehicle is ready to be put into service.

### 71.1.3: Procedures, Transporting by Vehicle

Shielded Units

When one or more officers are transporting one prisoner, the prisoner will be positioned on the rear seat on the side opposite the officer driving.

When one or more officers are transporting two prisoners, both prisoners will be located on the rear seat. If two officers are involved, the second officer (located in the front passenger seat) shall position himself/ herself so as to maintain visual contact continuously.

Unshielded Units

When one officer is transporting one prisoner, the prisoner will be located in the front passenger seat.

When two officers are transporting one prisoner, the prisoner should be located on the rear seat opposite the driver. The second officer shall be positioned directly behind the driver.

When two officers are transporting two prisoners, both prisoners shall be placed in the

rear seat. The second officer (located in the front passenger seat) shall be positioned so as to maintain visual contact continuously.

When transporting a prisoner of one sex by an officer of another sex, the dispatcher shall be advised as to locations and mileage readings upon departure for, and arrival at, the place of booking or confinement. The transporting officer should proceed directly to the destination by using the shortest route practical. The dispatcher shall be notified immediately should a delay occur.

### 71.1.4: Maintaining Visual Contact

While transporting a prisoner, the officer will keep visual contact at all times, even when it becomes necessary to allow the prisoner the use of toilet facilities.

In a situation where visual contact is not possible (female prisoner needing toilet facilities and male transporting officer or vice versa), the officer should ensure that he has as much control of the situation as possible. The prisoner should not be allowed in the facility with another person and the officer should ensure that there are no escape routes within the facility and that there are no potential weapons available to the prisoner.

In situations encountered requiring transporting officer to stop his police vehicle to render emergency assistance, the officer will immediately call for back up and stay on the scene only as long as safety necessitates. Officers that stop to assist in emergency situations while transporting a prisoner will, when practicable, maintain visual contact with the prisoner.

### 71.1.5: Prisoner Communications

The transporting officer will not allow prisoners to communicate with other people while in transit unless the situation is such that a verbal exchange is necessary. The officer should realize that he has to use his good judgment when deciding whether to allow a conversation to take place between the prisoner and another party when the prisoner is in the process of being transported from one point to another.

### 71.1.6: Procedures, Transport Destination

When transporting prisoners from one facility to another, the transporting officer upon arriving at his destination with the prisoner will follow these procedures:

a. Firearms will be secured in the designated place at the facility being entered.
b. Restraining devices will be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
c. The proper paperwork (jail committal, property form, etc.) will be submitted to the proper person at the receiving facility.
d. In situations that require it, the officer will ensure that proper signatures are obtained on paperwork to be returned to the Police Department.
e. Officers will advise receiving agency personnel of any known potential medical or security hazards and will fill out any required forms.

### 71.1.7: Procedures, Escape

In the event a prisoner escapes while being transported, the transporting officer will use the following procedures:

a. Assistance will be requested immediately from the jurisdiction you may be in at the time of the escape.

b. The transporting officer will submit a written report to the Chief of Police as soon as he returns to the department explaining the circumstances of the escape.

c. The transporting officer will offer his services in order to recapture the escapee as soon as possible.

### 71.1.8: Notify Court of Security Hazard

The Judge of the Court will be notified whenever a prisoner that presents a security hazard is being transported to his court.

## 71.2.1: Prisoner Restraint Requirement

During prisoner transport, the following procedures will be followed:

A single prisoner should normally be handcuffed with both hands behind his back. However, on long trips, hands may be cuffed in front, and the prisoner's belt reversed and used to hold handcuffs secure in front, or a body belt utilized.

In transporting more than one prisoner, each prisoner should be handcuffed in front with each prisoners' arm intertwined with another prisoner's.

Leg restraints and waist belt restraints may also be utilized as needed in order to minimize the risk of injury and/or escape.

If the prisoner is to be transported for a long distance that may require being restrained for long periods of time, the transporting officer should utilize available restraining devices in order to make the prisoner as comfortable as possible but at the same time not lessen his control over the prisoner.

Under no circumstances will a prisoner be handcuffed to a part of the transport vehicle itself, such as the door post, protective screen barrier, etc.

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

Mentally Disturbed Prisoners: If the officer encounters a mentally disturbed prisoner that needs to be transported and the use of a strait jacket becomes necessary, he will request the assistance of Eastern State Hospital Security Personnel to effect the transport. At no time will a strait jacket be utilized to restrain prisoners who can be successfully transported by utilizing other means.

Restraining Devices:

Only the restraints necessary to insure safe custody of a subject and afford safety to

the officer shall be utilized. Except when health, physical condition or circumstances of arrest dictate otherwise, all persons transported will be handcuffed.

### 71.3.1: Sick, Injured, Disabled

Injured/Sick Prisoners

A prisoner who displays evidence of, or complains of, an injury or illness shall be transported to a medical facility for examination and/or treatment. The transporting officer is responsible for custody of the prisoner until relieved. Medical attention will be obtained prior to transporting the prisoner to the booking facility if the injury/sickness occurs prior to the transporting officer's arrival at the facility.

The transporting officer must use the same discretion as previously explained in utilizing restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be totally incapacitated, restraining devices may not be appropriate. It is left to the officer's discretion as to when to use restraining devices in these particular situations.

Circumstances surrounding any injury/illness will be reported immediately to the Watch Commander and documented on the appropriate departmental form. When possible, names and addresses of witnesses should be obtained.

Handicapped Prisoners

When transporting a handicapped prisoner, the transporting officer will request assistance when needed in order that the transport may be completed in a manner that is the most convenient, comfortable and safe for both the prisoner and the officer. The rescue squad may be contacted for assistance.

The transporting officer, when having a handicapped person in custody must use common sense while transporting these individuals. When the handicap is such that there is no danger of escape or injury to the prisoner or officer, then the restraining devices may be inappropriate. The officer must determine at the

time of the transport what if any device will be utilized with these special situations.

**71.3.2: Hospital Security and Control**

When a prisoner is transported to a medical facility and is admitted to the facility by the attending physician, the officer will immediately notify the shift supervisor of the situation. The transporting officer will in turn use the following procedures to ensure control of the prisoner:

Have the prisoner released from police custody, if possible and appropriate, by contacting and seeking advice from the Commonwealth's Attorney and magistrate.

If the prisoner should be kept under observation at all times, normally restraining devices should be utilized. Officers should consult with medical personnel in reference to the best utilization of restraining devices.

If the prisoner has to remain in police custody, the medical facility should be requested to put the prisoner in a secure, private room if possible.

The Watch Commander should make contact with the Supervisor of the Uniform Bureau and request assistance in maintaining 24-hour control of the prisoner.

The oncoming Watch Commander should be notified of the situation as soon as practical and schedule of officers assigned to the guard function should be developed and assignments made clear to all concerned.

The Watch Commander should brief every officer who assumes the guard assignment as to what restrictions and duties are expected.

The Watch Commander will ensure that the officer assigned to guard a prisoner is checked periodically and relieved as necessary.

**71.3.3: Special Situations**

It is the responsibility of the Regional Jail to transport prisoners to funerals, to visit critically ill relatives, etc.

**71.4.1: Vehicle Safety Barriers**

Most marked vehicles are equipped with a shield separating the front and rear compartments. Normally, these vehicles will be utilized in all prisoner transports in order to prevent prisoner access to the driver's compartment.

**71.4.2: Rear Compartment Modifications**

All vehicles equipped with shields and utilized in transporting prisoners will have the rear interior door and window handles disabled in order to minimize the risk of escape by prisoners while transporting.

**71.5.1: Prisoner ID and Documentation**

a. When picking a prisoner up for transport at a detention facility, the transporting officer should ensure that he has the correct person. This can be accomplished by:

   Officer's personal knowledge of the prisoner.

   Requesting verification by the jail custodian of the prisoner's identity.

b. When transporting a prisoner from a detention facility to court or from one detention facility to another, the transporting officer should request from the custodian of the prisoner any paperwork, property, medical records, etc., that should accompany the prisoner.

c. When transporting a prisoner and there is knowledge of potential security problems, the transporting officer will ensure that the facility receiving the prisoner is made aware of the situation. This also includes any knowledge relating to suicidal tendencies or any other unusual circumstances. Such information will be forwarded in written form and attached to documents

accompanying the prisoner.

**ADMINISTRATIVE ORDER**

**HOLDING FACILITY**

**CALEA STDS: 72.1.1/72.9.7**

**EFFECTIVE: APRIL 1, 2002**

**APPROVED:**
**CHIEF OF POLICE**

**POLICY: (72.9.1)**

The Williamsburg Police Department maintains no temporary holding facilities. No area, nor room within the station will be utilized as a temporary holding area.

Temporary Detainees will be under direct supervision of a police officer at all times while in the police station and will not be left unattended.

Detainees will not be secured to fixed objects at the Williamsburg Police Department and male, female and juvenile detainees will be separated.

**72.9.7 TRAINING USER PERSONNEL**

All personnel with any responsibility for detainees/prisoners in temporary custody are thoroughly trained in proper procedures at the Hampton Roads Regional Academy of Criminal Justice and during the Field Training provided by the Williamsburg Police Department.

**ADMINISTRATIVE ORDER**

**COURT SECURITY**

**CALEA STDS: 73.1.1/73.4.3**

**EFFECTIVE: APRIL 1, 2002**

**APPROVED:**

**CHIEF OF POLICE**

**73.1.1: N/A**

**73.2.1: N/A**

**73.3.1: N/A**

**73.3.2: N/A**

**73.4.1: N/A**

**73.4.2: N/A**

**73.4.3: N/A**

**ADMINISTRATIVE ORDER**

**LEGAL PROCESS**

**CALEA STDS:** **74.1.1/74.4.1**

**EFFECTIVE:** **APRIL 1, 2004**

**APPROVED:**

**CHIEF OF POLICE**

**POLICY:**

The proper handling and control of all warrants, summonses, capias, detention orders and other legal documents that are received by the Williamsburg 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. To this end, it is the policy of this Department that all legal documents received will be accounted for and executed with the utmost promptness.

**74.1.1: Information, Recording**

The records clerk/dispatcher will serve as the document clerk and will be responsible during normal duty hours of the following:

Logging in all legal documents in the Document Control Book that are to be served in this jurisdiction.

Logging in all legal documents in the Document Control Book that require service in other jurisdictions.

Maintaining the in house computer legal document file and hard copy legal document file.

Ensuring all legal documents are accounted for.

Purging the legal document files on a quarterly basis in accordance with the Code of Virginia.

Mailing of legal documents to other jurisdictions for service.

Maintaining follow up on all legal documents mailed to other jurisdictions for service.

Issuing legal documents to the Watch Commander for service.

The dispatcher will serve as the document clerk after normal duty hours.

The following information shall be documented concerning legal documents:

a. Date and time received;
b. Type of legal process;
c. Nature of document;
d. Source of document;
e. Name of plaintiff/complainant or name of defendant/respondent;
f. Officer assigned for service;
g. Date of assignment;
h. Court docket number; and
i. Date service due.

**74.1.2: Execution/Attempt Service, Recording**

A Legal Document Disposition Form is attached to all legal documents in the possession of the Williamsburg Police Department. A record on the execution or attempted service of the legal documents is maintained on this form, and includes:

a. Date and time service was executed/attempted;
b. Name of Officer(s) executing/attempting services;

c. Name of person on whom legal process was served/executed;
d. Method of service/reason for nonservice; and

e. Address of service/attempt.

**74.2.1: N/A**

**74.2.2: N/A**

**74.3.1: Procedure, Criminal Process**

A computerized legal document file and a hard copy file is maintained and accessible on a 24 hour basis by either the document control clerk or the dispatcher on duty.

Legal documents received, whether by mail, VCIN network, or hand delivered, will, at all times be delivered to the dispatch office and given to the documents control clerk on duty for the logging in process. This does not apply to on scene arrests made by members of this department where the legal document will be received and served while the suspect is in custody.

The Watch Commander will assign the legal document to one or more of his subordinates for service, and be responsible for the return of the legal document and/or the legal document disposition form to the document clerk at the end of his shift. The Watch Commander will review and plan with officers the operational details concerning service of all legal documents requiring the custodial arrest of an individual. Matters of law, threat assessment/safety, and tactics will be considered prior to service. The supervisor will ensure that sufficient personnel are assigned to effect service safely. This is particularly important when serving an arrest document at a private domicile.

* If the legal document is from this jurisdiction and served, the legal document disposition form will be filled out (final disposition section) and returned to the on duty documents clerk. The document control clerk will enter the final disposition in the Document Control Book the hard copy of the Legal Document Disposition Form, computer file, and forward the hard copy to the normal duty hour document clerk.

* If the legal document is from this jurisdiction and not served, the legal document disposition form and legal document will be returned to the

Document Control Clerk at the end of shift. The clerk will mark the document returned on the hard copy, file, and reassign the legal document to the on coming Watch Commander.

* If the legal document is from another jurisdiction and served and the subject is summoned to appear, the original of the document, the legal document disposition form, and the court copy of the Uniform Traffic Summons will be returned to the legal document clerk at or before the end of the shift. The legal document clerk will enter the final disposition into the Document Control Book, hard copy of the legal document disposition form and the computer legal document file, and forward the hard copy legal document disposition form, the court copy of the Uniform Traffic Summons, and the original legal document to the normal duty hour legal document clerk. The normal duty hour document clerk will mail to the sending jurisdiction, the court copy of the Uniform Traffic Summons, the original of the legal document, and a cover letter.

* If the legal document is from another jurisdiction and served, and the subject is incarcerated, the legal document disposition form will be filled out, and returned to the document clerk on duty before the end of shift.

* If the legal document is from another jurisdiction and unserved, the reason will be noted on the legal document disposition form and the form will be returned to the on duty documents clerk at the end of the shift.

Officers assigned legal documents for service will make every effort to execute them during their tour of duty, making note as to reasons the legal document was not served on the legal document disposition form. Whether the legal document is served or unserved, the legal document disposition form and legal document will be returned to the Watch Commander who will return it to the on duty document control clerk.

Legal documents will be assigned for a minimum of three cycles. Those legal documents that remain unserved will be filed in the dispatch office in the legal document file. The legal documents will remain in the file until an officer calls for them or they are returned to the Commonwealth Attorney as per the Code of Virginia.

Legal documents received from other jurisdictions which are not served in ten days,

will be returned to the sending jurisdiction unless notified otherwise by the sending jurisdiction. This will be accomplished by the normal duty hour documents clerk. A cover letter will be returned with the legal document with explanation for non-service.

Virginia statues and departmental administrative orders govern the execution of criminal documents to include:

- Types of warrants to be executed
- Territorial limitations upon execution
- Time requirements for execution
- Summoning aid
- Issuance of summons in lieu of arrest
- Use of force
- Immunity from arrest

### 74.3.2: Arrests Warrants Require Sworn Service

Arrest warrants (misdemeanor and felony), capias, and temporary detention orders, mental detention orders will be executed by sworn law enforcement officers only as per Virginia Code.

### 74.4.1: Asset Forfeiture

All property acquired through asset forfeiture is accounted for in agency records maintained in the Asset Forfeiture file secured in the Special Operations Bureau files. All forfeited property is disposed of pursuant to State and Federal law.

**ADMINISTRATIVE ORDER**

**COMMUNICATIONS**

**CALEA STDS:** **81.1.1/81.3.4**

**EFFECTIVE:** **APRIL 1, 2004**

**APPROVED:**

**CHIEF OF POLICE**

**POLICY:**

The success of a Police Department depends to a large extent upon the caliber of communications and records system the department has developed. To this end, the Williamsburg Communication Section is established and is the main control center for the on-going operations of the department. The Section provides the agency with access to local, state, and federal criminal justice information systems as well with the State Office of Emergency Services. The basic function is to satisfy the immediate information needs of the department in the course of its normal daily activities and during emergency situations. The speed and accuracy with which information flows through is a measure of the department's capability to respond to the needs of the community.

The policy of the Communication Section is to provide the greatest level of support to line operations possible with the equipment and personnel available.

**81.1.1:** **N/A**

**81.1.2:** **Operations Meet FCC Requirements**

The Williamsburg Police Department is licensed to operate on assigned radio frequencies by the Federal Communications Commission (FCC). Every operator of the department's radio equipment will comply not only with department operating procedures but also rules and regulations of the Federal Communication Commission.

FCC rules require stations to identify themselves periodically (during each transmission or once each 30 minutes) and prohibits the use of profane or obscene language during radio transmissions. Station identification is normally accomplished by the dispatcher by using the call sign "KLL 679" and by periodically, at least every 30 minutes, giving the station call letters "KLL 679".

### 81.2.1: 24 Hour, Toll-Free Service

The Williamsburg Police Department provides 24-hour, toll-free telephone access for emergency calls for service through the E911 telephone system.

### 81.2.2: Single Emergency Number

The Williamsburg Police Department has a single emergency phone number, 911, and prominently displays it in phone books, on police vehicles, on public phones and in other conspicuous places.

### 81.2.3: Continuous, Two-Way Capability

The Williamsburg 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, police officers, and other local and state 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 both.

The Department maintains an intra-departmental communications network to provide rapid and efficient police response and to facilitate management control. All methods of departmental communication, including radio, telephone, and mail are reserved for official business only.

### 81.2.4: Recording Information

The dispatcher shall be responsible for completing a dispatch record (either paper or computerized) for each call for police service. Normally, radio dispatch records will be prepared in the following cases:

Citizen complaints

Citizen reports of crime

Follow-up investigations

Incidents involving arrests, citations or summons

All situations where an officer is dispatched

All situations where an officer is assigned to take action at a later time

Criminal and non-criminal (including administrative calls) calls initiated by officers.

Information for completing these records will be obtained from the complainant (such as name, address, phone number, etc.,). Any information that is needed, but not known by the dispatcher, may be obtained from the officer assigned after the call is completed.

Information required is as follows:

a. Incident number;

b. Date and time of request;

c. Name and address of complainant, if possible;

d. Type of incident reported;

e. Location of incident reported;

f. Identification of officer(s) assigned as primary and backup;

g. Time of dispatch;

h. Time of officer arrival;

i. Time of officer return to service; and

j. Disposition or status of reported incident.

Additional information to enhance officer safety shall be solicited by dispatchers when handling requests involving calls of a violent nature or crimes in progress. Questions that shall be asked include, but are not restricted to:

Are any weapons involved, and/or available?

Are suspects still at the location?

Direction of fleeing suspect/vehicle and description.

Is anyone injured?

**81.2.5: Radio Communications Procedures**

a. Circumstances requiring radio communications by officers varies depending on the situation. Officers will relay, via radio, all information concerning traffic stops (i.e., location, description of vehicle, tag information) arrival and clearance from a call for service, be on the lookout information, and any other pertinent information necessary to perform their duty via the police radio system. Lengthy discussion or disagreement relating to an assigned radio call will not take place over the radio. Conflicts in reference to an assigned radio call will be directed to and resolved by the shift supervisor.

b. Officers will notify the dispatcher whenever they are out of service for any

reason. The dispatcher will note the time and reason on the appropriate calls for service document.

c. Call numbers will be assigned by using the officers designated departmental computer number. Example: If the officers computer number is 25, his call number for all shift assignments will be Unit 25. The following exceptions will apply for command staff personnel and other agencies:

Chief, Unit 1
Deputy Chief, Supervisor of Special Operations Bureau, Unit 2
Uniform Bureau Supervisor, Unit 3
Support Services Bureau Supervisor, Unit 4
Other Agencies, Units 200-299

Plain language will be used in all public safety radio transmissions. Professional terminology will be used to describe all calls for service. Radio transmissions must be brief and to the point. Above all, the radio traffic must be clear and accurate. Examples of acceptable radio protocol:

<u>EXAMPLE #1</u>

| | |
|---|---|
| DISPATCH: | Unit 25 |
| UNIT: | Unit 25, Go Ahead |
| DISPATCH: | Unit 25, Traffic Accident with Injury, Location |
| UNIT: | Unit 25, Copy or O.K. |
| DISPATCH: | Time |

<u>EXAMPLE #2</u>

| | |
|---|---|
| UNIT: | Unit 25 |
| DISPATCH: | Unit 25, Go Ahead |
| UNIT: | Unit 25, Traffic Stop, Location |
| DISPATCH: | Copy or O.K., Unit 25, time |

Plain language will be used when interacting with other agencies, via phone or radio.

d. Dispatchers frequently receive field unit request for assistance or service from interacting agencies or their units. Service provided by these agencies shall be secured as follows:

James City County Police, State Police, York County Sheriff's Department, contacted by radio on TECAP frequency or phone depending on urgency.

Virginia State Police manpower assistance, helicopter, K-9, aircraft) - contacted by radio on SIRS frequency or by telephoning the local area office.

Fire/Rescue Equipment - Williamsburg Fire Department and Rescue Squad will be contacted by radio on respective frequencies.

Wreckers - tow service will be requested in accordance with departmental procedures.

Cab Service - will be requested via telephone.

Environmental and Human Services (e.g., Virginia Gas, VEPCO, C & P Telephone, Social Services, Juvenile In-take Office, Salvation Army, etc) - request for services will be made telephonically by calling business phone numbers during normal working hours, or their emergency number after hours.

Plain language will be used when interacting with another agency, via phone or radio.

e. The Communications Section will be responsible for routine dispatching and deployment of field forces. When a Watch Commander has knowledge of a situation of such nature that it is necessary for him to assume command of field unit assignments, he will advise Communications and assume command.

Dispatcher will use the tone alert button to alert field units that an emergency or hazardous situation exists. To enhance officer safety, the dispatcher will activate the tone alert button for a period of 1-2 seconds prior to dispatching emergency calls or messages of the following type:

* Threat to life or great danger of serious injury or major property damage.

* Active felony, violent misdemeanor; or situations which may result in either.

* Where a felony or violent misdemeanor has occurred and it is probable that the suspects are at the scene or in the area.

* Accident or illness that may result in substantial personal harm.

* Any unusual incident that demands an immediate response, such as, accident blocking major traffic arteries, alarm at financial institutions, fire or other serious incident.

* Officer needs assistance.

Calls of the nature listed above will automatically require the dispatching of a back-up unit if available.

f. Watch Commanders will be notified, proceed to, and assume command of the following types of incidents:

* Serious injury to a police officer;

* Accident involving a police vehicle, especially if an officer is injured, other persons are injured, or major damage is involved;

* Major crime, to include murder, bank robbery, jail break, heinous crime, and assault where death may occur;

* Barricade/hostage situation;

* Disasters, catastrophes, or severe weather producing emergency conditions;

* Serious complaint or incident involving a police officer;

* Serious accident, injury, or incident involving City personnel or property;

* Any other incident where shift supervisor is requested.

**81.2.6: Access to Resources**

Communications personnel have immediate access to the following departmental resources:

a. Officer in charge;

b. Duty roster of all personnel;

c. Residential telephone number of every agency member;

d. Visual maps detailing the agency's service area;

e. Officer status indicators;

f. Written procedures and telephone numbers for procuring emergency and necessary external services to the agency; and

g. Tactical dispatching plans.

**81.2.7: Victim/Witness Calls**

a. The communications office serves as the primary point of contact for persons seeking victim/witness information. The first duty of communications personnel is to judge the characteristics of the call to determine whether an emergency or non-emergency response is required. If the call is determined to be of an emergency nature an officer will be dispatched immediately. Non-

emergency calls will be handled by dispatching the first available officer. Victim/witness inquiries for information only can be handled by communications personnel over the telephone. The Victim/Witness Information Form provides all available referral information pertinent to our service area.

b. Communications personnel shall offer referral information by telephone to victim/witnesses. This information will include the name of the referred agency, the designated phone number, and when appropriate, law enforcement services which are available. Victim/witnesses entering the police department will be provided with a Williamsburg Police Department Victim/Witness Information Form. When necessary and appropriate, an officer will be called to provide the victim/witness with necessary police services.

**81.2.8: Recording and Playback**

The Williamsburg Police Department has the capability of immediate playback of recorded telephone and radio conversations while it maintains a continuous recording of radio transmissions and emergency telephone conversations next to the communications center. Communications recorder records, stores and provides for immediate playback of all incoming and outgoing telephone/radio conversations originating from or terminating in the communications center.

a. Records will be retained for a minimum period of 60 days;

b. The Supervisor of Support Services is responsible for ensuring the secure handling and storage for recordings in the limited access room; to include password security.

c. All communications personnel are informed of the proper procedure for reviewing recorded conversations. Any additional requests for reviewing recorded conversations, other than emergency/urgently needed, shall be made to the Supervisor of Support Services.

**81.2.9: Local/State/Federal CJI Systems**

The VCIN Terminal provides access to local and regional law enforcement information networks, statewide information resources (VCIN, DMV), and the National Crime Information Center.

Tele-type messages entered by communications personnel that are filed and maintained in the Communications Section include:

stolen vehicle, article, license plates, weapons, etc., entries
wanted/missing persons

Similar message files are maintained recording the clearance of entries listed above.

Stolen vehicle and wanted and missing persons information will be disseminated daily by Communications personnel as follows:

Entries received from other enforcement agencies will be disseminated to officers by posting wanted messages in the roll-call briefing material.

Entries generated by our agency will be disseminated to officers by posting in the roll-call briefing material.

Entries generated by our agency will be disseminated to other enforcement agencies and state/federal crime information systems as requested by investigating officer.

In order for wanted persons, missing persons, stolen property, stolen vehicles, etc. to be entered into the system, the following condition must be satisfied. Shift supervisors must approve the entry. Communications personnel, after making wanted, stolen, or missing persons entries, will attach a copy of the entry message, all related administrative or broadcast messages, a copy of existing offense/incident report, together and file in appropriate place.

Traffic fatality forms are also filed in the center. A form must be completed and message sent to CMD 1 following any traffic fatality in the city.

## 81.2.10: Access to Inter-Jurisdictional Systems

Each dispatch position is equipped to include frequency station control modules that provide for monitoring and dispatching on frequencies to include:

Police Repeater - normal police repeater channel

Police Talk-Around - used for main police channel if police repeater fails

Police Standby - used for main police channel if land lines to main repeater fail

Police Auxiliary – "live" control module for second police frequency, or replacement module in case of failure of other control modules

Fire Auxiliary - mutual aid channel, control module for second fire/medic frequency, or replacement module in case of failure of other control modules second fire/medic frequency

Fire Repeater – "live" normal fire/medic repeater channel

Fire Standby - used for fire/medic in case of main repeater failure

SIRS - Statewide emergency radio network

Public Works - City public works frequency

## 81.2.11: Emergency Messages

All emergency messages will be accepted by a dispatcher and forwarded to the on-duty Watch Commander. Subject to the availability of personnel, emergency messages of any legitimate type, will be delivered. Any message pertaining to a death, serious injury or serious illness will be delivered in person, by a police officer and, if practicable, accompanied by a Police Chaplain.

In situations where individuals must be located to deliver a message regarding death, illness, etc., the following procedure will be followed:

- Communications will immediately notify the Watch Commander.

- After assessing the situation, the Watch Commander may authorize Communications Personnel to broadcast a fax to all area hotels.

- The fax machine will automatically produce a fax report which will be attached to a copy of the information sheet sent to area hotels to be put in the Chief's box by Communications Personnel. A copy of the fax sheet must also be placed in the Patrol Information Book.

- Patrol officers shall make reasonable attempts to check hotels in their zones as time allows.

Emergency attempt to locate situations, such as suicidal/ill persons, runaways, felons, etc., will be handled as follows:

- Communications will immediately notify the Watch Commander.

- The Watch Commander will authorize Communications Personnel to broadcast a fax to all area hotels.

- The fax machine will automatically produce a fax report which will be attached to a copy of the information sheet sent to area hotels to be put in the Chief's box by Communications Personnel. A copy of the fax sheet must also be placed in the Patrol Information Book.

- Patrol officers are responsible for checking all hotels in their respective zones. The Hotel Check List will be completed and turned in to the Watch Commander at the end of the shift to be placed in the daily paperwork or passed on to the next Watch Commander for completion.

Note: Colonial Williamsburg Security shall be notified in all situations, both

emergency and non-emergency. CW Security personnel will notify and check foundation hotels.

**81.2.12: Misdirected Emergency Calls**

The Williamsburg Police Department will accept any misdirected emergency call and will forward the call to the appropriate law enforcement agency. When necessary, dispatchers will promptly relay the information to the agency having jurisdiction over the call.

**81.2.13: N/A**

**81.2.14: Reports by Phone or Mail**

Whenever possible, all crime and incident reports must be handled by a police officer being dispatched to the scene.

When a victim of a crime has left the area and imminent return is not probable, a report may be filed by use of the U.S. Mail. When a complainant advises a report of a crime via phone, they will be directed to prepare a written statement of all available information and mail this to the Williamsburg Police Department. Upon receiving a complaint by mail, a Williamsburg Police Department Incident Report will be completed by an officer.

**81.2.15: N/A**

**81.3.1: Communications Center Security**

a. All facilities occupied by the Communications Section are designated as restricted areas and are off limits to all persons except departmental personnel. Departmental personnel, with the exception of dispatchers, are to be in the Communications Section facilities only on official business, and in order to enhance street officer safety and minimize dispatcher distraction; access to the Communications Center will be limited to authorized personnel to include:

* Dispatchers/Relief Dispatchers (police officers) serving as or assisting duty dispatchers.

* Document clerks.

* Watch Commanders and Bureau Supervisors.

* Chief of Police.

* Equipment Service Technicians.

* Civilian observers, as approved by supervisors and when accompanied by a police officer.

* It is recognized that emergency situations arise in the Communications Section from time to time, and any employee may provide necessary assistance when requested by authorized personnel.

b. Security measures taken to protect dispatchers and equipment include:

* Video monitoring equipment;

* Bullet resistant glass and steel plate at the public information/complaint window;

* Locked doors restricting public access to the dispatch section;

* Radio and repeater power sources and transmission lines housed in locked rooms;

c. Back-up power sources are provided for repeater system and the entire communications system;

d. The back-up power system is located in a locked, non public access areas. All antennas/repeater equipment are secured by locked, barbed wire fences.

### 81.3.2: Alternate Power Source

Back-up power sources are provided for repeater system and the entire communications system to ensure continued operation of emergency communication equipment in the event of the failure of the primary power source. The generator self-tests weekly and tests are recorded on an internal log.

A back-up generator is also available at the main repeater site. In the event of long-term power outages, the Supervisor of Support Services will direct that the generator be refueled each shift. The Supervisor of Support Services is responsible for regular maintenance and testing of this generator. Gas will be obtained at the City Shop using a master key obtained from the Supervisor of the Uniform Bureau.

### 81.3.3: Telephone System

Multiple line telephone including E 911 and administration lines, lesson the potential for receiving a busy signal on an emergency line. This line separation also frees up communications personnel to handle emergencies and other important matters in a more efficient and effective manner.

### 81.3.4: Mobile/Portable Radios

The Williamsburg Police Department has multichannel radio equipment capable of two-way operation on joint public safety frequencies. The capabilities range from simple car-to-car arrangements to interagency networks.

**ADMINISTRATIVE ORDER**

**RECORDS OFFICE**

**CALEA STDS:** **82.1.1/82.3.8**

**EFFECTIVE:** **APRIL 1, 2004**

**APPROVED:**

**CHIEF OF POLICE**

**POLICY:**

The Records Office of the Williamsburg Police Department, under the supervision of the Supervisor of Support Services, serves as the agency's central records component. Centralization of records within the department reduces duplication of work and increases efficiency.

Dispatchers, record clerks, the Communications Supervisors, and the Chief of Police's Assistant will normally handle all requests directed to the Records Office. Watch Commanders, Bureau Supervisors, and Communications Personnel have access to and are authorized to refer to files and records during hours when the Records Office is closed to the public, thus providing 24 hour access to operations personnel (i.e., patrol, investigations).

Records are maintained in compliance with statutes, as a public service, as an investigative and administrative aid, and to provide statistical data. Department records are confidential; upon approval, criminal records and arrest information may be released to qualified agencies. In addition, the Department will provide certain crime and traffic reports to authorized persons.

Departmental records functions include, report review, report control, records maintenance, records retrieval, accounting for UCR/IBR reporting purpose, routing of reports, release of information to the public, and ensuring status on follow ups.

The Supervisor of Support Services is assigned responsibility for the overall records function and report review, routing of reports, and status reports on follow up which are normally separate and distinct from, but on occasion may overlap, those overall departmental records functions performed by records personnel. Direct coordination between supervisors will be initiated, as required to resolve any problems.

**82.1.1: Privacy and Security**

a. Juvenile fingerprint cards, photographs, and criminal records authorized for retention, will be separately and securely maintained.

b: Fingerprint cards and photographs may be retained when the court finds that a juvenile thirteen years of age or older has committed a delinquent act. Fingerprints and photographs may be retained and copies sent to CCRE according to Virginia State Law. Arrest information (i.e., fingerprints, photographs, custody reports) which may be collected and made part of a juvenile arrest record will be retained for the specified length of time then disposed of as directed in the retention schedule. Fingerprint cards and photographs will be destroyed when:

* No petition is filed against a juvenile whose fingerprints or photographs have been taken in connection with an alleged violation of law.

* A juvenile is found not guilty by juvenile court or circuit court of a charge of delinquency.

* A juvenile less than thirteen years of age and under who is found guilty of a delinquent act.

Dissemination of Juvenile Arrest Information:

Virginia Code 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 arrest information/records may be disseminated to individuals/agencies on a need to know basis to include:

A court having the child currently before it in any proceeding;

The officers of public and nongovernmental institutions or agencies to which the child is currently committed, and those responsible for his supervision after release;

Any other person, agency, or institution, by order of the court, having legitimate interest in the case or in the work of the law-enforcement agency;

* Law-enforcement officers of other jurisdictions, by order of the court, when necessary for the discharge of their current official duties;

* The probation and other professional staff of a court in which the child is subsequently convicted of a criminal offense for the purpose of a presentence report or other disposition proceedings, or by officials of penal institutions considering his parole or discharge or in exercising supervision over him;

* The child, parent, guardian, or other custodian and counsel for the child by order of the court.

Police 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 for which the arrest was made. Such information may only be used for current investigation and not for creation of new individual files or records.

Provisions for the expungement and sealing of juvenile arrest records are explained in detail in the Virginia Code and will be adhered to as mandated.

These rules/regulations/statutes are applicable to originals, copies, and manual or automated criminal history information records which are used, collected, stored, and disseminated by the Williamsburg Police Department.

c. Access to the Department's Records section where criminal history record information is collected, stored, processed, and disseminated shall be limited to authorized persons to include:

Record's clerks

On duty dispatcher

On duty Watch Commander and all sworn personnel

The Communications Supervisor

Bureau Supervisors/Accreditation Manager

Chief of Police

In the event our VCIN terminal (with CHRI inquiry capability) has to be left unattended, a message must be sent to State Police Headquarters requesting that the terminal be rendered inoperative for that period of time.

d. Persons authorized to release Criminal History Record Information (records clerk, duty dispatcher, shift supervisor) shall be responsible for completing the Dissemination Control File whenever any such information is disseminated to persons not employed by the Williamsburg Police Department. Supervisors shall insure that security measures are followed to provide maximum security of criminal history record information. Unauthorized persons will not be allowed to enter areas where such information is stored, collected, or processed.

The Supervisor of Support Services shall insure that:

* Inquires are processed in accordance laws, rules and regulations.

* Dissemination Control file is maintained and updated.

* Juvenile Arrest records are collected, disseminated, retained, and disposed of in accordance with state law and schedules.

All Criminal History Record Information shall be disseminated in accordance with the Code of Virginia. Information may be disseminated to individuals as follows:

To authorized officers or employees of criminal justice agencies (e.g., FBI, State Police, Sheriff's Department, Probation and Parole, Juvenile Detention).

To individuals and agencies for research purposes provided an agreement exists addressing the security and confidentiality of the data. No such agreements currently exist which involve this department.

Agencies of state/federal government conducting investigations to determine employment suitability or eligibility for security clearances allowing access to classified information.

Individuals or agencies authorized by court order or rule.

Agencies of any political subdivision of the state conducting applicant investigations for public employment, permit or license.

Public or private agencies when and as required by law to investigate applicants for foster or adoptive parenthood.

Authorities for the purpose of granting citizenship or for international travel.

Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice. No such agreements currently exist which involve this department.

Individuals and agencies which require criminal history information to implement state/federal statute, or executive orders of the President or Governor that expressly refer to criminal conduct and contain requirements and/or exclusion expressly based on such conduct.

Public Service companies (e.g., Vepco, Gas, Etc) conducting applicant investigation when such employment involves personal contact with the public

or when past criminal conduct of applicant would be incompatible with the nature of the employment.

All persons requesting a copy of their own local criminal history record information.

Commissioner of Department of Social Services for investigating applicants to operate a child care center.

Information concerning the arrest of an individual may not be disseminated to a non-criminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition has been recorded and no active prosecution is pending.

Persons requesting the dissemination of CHRI which is reported to the Central Criminal Record Exchange (i.e., Class I, II misdemeanor, felonies) will be provided a Criminal History Record Request form and instructed to make a direct inquiry.

If there are any questions regarding to whom information can be released, one of the following avenues should be taken:

Check with the Supervisor of Support Services, the Shift Supervisor, or with the Chief of Police.

Ask the requesting company or persons to submit a copy of the federal/state statute or court order permitting them access to the information.

Requests for criminal history record information by prospective employers, except those specifically authorized by law, may be honored by the Records Office subject to the following conditions:

The offenses concerned are not required to be reported to CCRE.

The prospective employer must furnish the Records Clerk with a signed, notarized statement from the individual concerned, requesting the release of information.

Requests for offenses reportable to CCRE will be referred to CCRE, without confirming or denying the existence of a record.

An individual, or his attorney, may upon proper identification, review any criminal history record information maintained on that individual by this department or the CCRE. All such requests shall be handled by the Supervisor of Support Services.

Prior to any such inspection, the Supervisor of Support Services, may request a verification of the individual's identity through the furnishing by the individual of a set of inked fingerprints. Such verification shall be required for requests to inspect CCRE records. If the individual's fingerprints are not on file, they will be mailed to CCRE for verification prior to an inspection of a CCRE record.

At a minimum, for inspection of a record maintained by this department, verification of identity shall be through presentation of a valid motor vehicles operator's license, valid nonoperator's identification card, or valid photo identification of a federal or state agency.

All requests to challenge a criminal history record will be referred to the Supervisor of Support Services who will proceed as specified in the rules and regulations of the Criminal Justice Services Commission.

In the event an error in records maintained is detected, all known copies of the record shall be corrected. The Supervisor of Support Services shall notify, in writing, all agencies and individuals who have received the record of the correction. The Supervisor of Support Services, also, upon request, shall give the individual or his attorney a list of all non-criminal justice agencies to whom data has been furnished.

### 82.1.2: Records Retention Schedule

All records of the Williamsburg Police Department are maintained in accordance with the State of Virginia Records Retention Schedule.

## 82.1.3: UCR/NIBRS

The Williamsburg Police Department is an active participant in the national UCR/IBR Reporting Program. Crime data is collected and reports are prepared and submitted on standard report forms as specified in the UCR manual. Reports must be received by the Virginia State Police IBR Office in Richmond by the 7th of each month. Currently the Williamsburg Police Department maintains a computerized crime reporting system which will report in both UCR and NIBRS format.

## 82.1.4: Operational Accessibility

Police Records are maintained in physical files and on a computer network system. Central records files and computer files are accessible 24 hours a day to the records clerk, on-duty dispatcher, and sworn personnel.

## 82.1.5: Report Accounting System

The status of reports is monitored and controlled in Administrative Order 42. Supervisors are responsible for insuring that cases assigned to their personnel are properly followed up to a successful conclusion or early case closure. Without the benefit of a case monitoring system, this function becomes difficult to manage and results in a low degree of success.

The original of all reports along with follow-up reports will be maintained in the Williamsburg Police Department records office.

Follow-up report procedures and report status are maintained utilizing the departments computer system. The Supervisor of the Special Operations Bureau is responsible for the maintenance of report status on the system.

## 82.1.6: Computer Security

The Management of Information Systems Division manages the Police Department's computer network. The city policy for computer security is a mandatory change of network password every 90 days. A firewall is also maintained by the MIS Director to prevent hacking into the network through an outside source. Passwords for the

Records Management and Computer Aided Dispatch software require a password change every 6 months. This software, including MAGIC and Freedom is managed by Support Services. Since this system is part of the City network, it is protected through the MIS Divisions Firewall. The MIS System Supervisor will immediately advise the Supervisor of Support Services of any access violations of the computer network.

**82.1.7: Introduction of Outside Software**

Due to the possibility of computer virus infection, all outside software and discs will be inspected by the Supervisor of Support Services Bureau before being used in a departmental computer. All software that is in the Department's computer system shall be properly licensed.

**82.1.8: Backup of Computer Files**

The Management of Information Systems Division manages the Department's computer network. The MIS Division maintains and conducts backup of all software applications in accordance with their current policy.

**82.1.9: Security of Computerized Criminal History Files**

All departmental computerized Criminal History Files are access controlled by password. The dissemination procedure outlined in Administrative Order 82.1.1 is to be followed.

**82.2.1: Field Reporting System**

a. Written police records, on appropriate forms, will be required in all of the following:

   Citizen Complaints

   Citizen reports of crime

   Follow-up investigations

Incidents involving arrests, citations, or summons

All situations where an officer is dispatched

All situations where an officer is assigned to take action at a later time

Criminal and noncriminal cases initiated by officers

b. Forms to be used in field reporting include;

Offense reports

Traffic accident reports

Arrest reports

Uniform Virginia Summons

Property/evidence reports

Felony and misdemeanor files

Open Door/Open Window/False Alarm Report (located on Activity Sheet)

c. The Field Training Program provides intensive training into the proper information required by all reports prepared. The Department's computerized reporting system prompts the officer for inserting information into a report and, in many cases, offers options to be chosen to ensure proper completion.

d. The Field Training Program and the Department's Information Management System ensure proper completion of all reports prepared. In addition, a review is completed by the Watch Commander, the Uniform Bureau Supervisor, the Special Operations Bureau Supervisor, and the Accreditation Manager. A computerized review is completed by the Management section of the Information Management System before final approval is completed.

e. All field reports will be submitted to the Watch Commander for approval after completion, indicate approval by initialing the report and forwarding it through the Chain of Command to the Chief of Police's office for final disposition.

**82.2.2: Reporting Requirements**

Written police records, on appropriate forms, will be required in all of the following:

a. Citizen reports of crime;

b. Citizen complaints;

c. Incidents resulting in an employee being dispatched or assigned;

d. Criminal and noncriminal cases initiated by officers

e. Incidents involving arrests, citations, or summons

**82.2.3: Case Numbering System**

Every incident of law enforcement service, including traffic accident investigations, criminal investigations, traffic enforcement, criminal investigations and miscellaneous calls for law enforcement service all require a case number. Officers are assigned a unique case number for every incident, whether self-initiated or assigned through dispatch. Case number are given in consecutive order, beginning with the number 00001 on January 1, proceeded by the year (i.e., 20005-00001). The Supervisor of Support Services is responsible to ensure that all cases receive a number, that no numbers are omitted, and that no numbers are duplicated.

**82.2.4: Report Review Procedures**

The Watch Commander receiving a report during his shift will review the report for accuracy, completeness, legibility, etc., and, after his review and approval, will sign off on the report in the designated area.

### 82.2.5: Report Distribution

All offense/incident and supplementary reports will be forwarded to the Supervisor of Special Operations Bureau for review and assignment for follow-up and disposition. Copies of traffic collision reports are not released to those involved by the officer, but may later be purchased by parties involved and/or insurance companies upon their request at the Records Office of the Police Department.

All departmental procedures shall be adhered to in reference to release of information to the media.

All reports concerning child abuse or neglect shall be forwarded to Social Services for informational purposes or handling.

### 82.3.1: Master Name Index

The Williamsburg Police Department maintains a master name index in the computer system. Names listed in the master name index file include victims, complainants, suspects, witnesses, persons issued traffic citations, persons involved in traffic accidents, and persons injured in traffic accidents.

### 82.3.2: Index File

The Williamsburg Police Department maintains the records management system that provides an index system that includes:

a. Service calls and crimes by type;

b. Service calls and crimes by location; and

c. Stolen, found, recovered, and evidentiary property.

### 82.3.3: Traffic Records System

The Williamsburg Police Department maintains a computerized traffic records system

containing:

a. Traffic collision data--reports/investigations/locations;

b. Traffic enforcement data--citations/arrests/dispositions/locations;

c. Roadway hazard reports; and

d. Traffic accident and enforcement analysis reports.

**82.3.4: Traffic Citation Maintenance**

To facilitate the accountability of the Virginia Uniform Summons, the following procedures will be used:

a. Officers will receive VUS books from the Supervisor of Support Services. The summons books will be issued in numerical sequence. These numbers will be recorded for cross reference purposes and maintenance of records.

b. The officer receiving a book of summonses will check the numbers of each summons. An accountability log will be maintained by the Supervisor of the Support Services Bureau. In event a summons is lost or stolen, the officer will immediately report the loss to his shift supervisor, who shall notify the Support Services Supervisor of the missing summonses as soon as possible.

c. A sufficient number of summons books should be issued each officer to insure an adequate supply during weekends and holidays. All other citations will be securely stored.

**82.3.5: Operational Component Records**

A central repository of records is maintained in the Records Office to include:

Offense Reports;

Arrest Reports;

Traffic Accident Reports;

Adult Arrest Records;

Juvenile arrest records (kept separate from adults);

Traffic Summons;

Disposition on criminal and non-criminal cases, to include cases declined for prosecution or dismissed by prosecutor;

Other administrative files as directed by the Chief of Police;

Personnel records.

Active and non-active case files are maintained by investigations in a secure/limited access area.

Files maintained by each organizational component:

Special Operations Bureau: Vice/Organized Crime, Career Delinquent Program, Investigative Files, Case Tracking, Intelligence File, Investigative Time Allocation, Informant File, Crime Prevention, Special Operations.

Support Services Bureau: Adverse Impact, Affirmative Action, Applicant Files, Archives Records, Criminal History Dissemination, Department Auction, Department Inventory, E-911, Emergency Operations Plan, Employment Eligibility List, Equal Employment Opportunity Files, Expungement Records, Form Inventory, Legal Document Files, Promotion Eligibility List, Recruitment Files, Selection, Subordinate Evaluations, VCIN/NCIC Files, Written Test Validity Study.

Uniform Bureau: Skills, Knowledge, Ability Inventory, In-Service File (Officer/Dispatcher), Breathalyser File, Special Schools, Roll Call Training Log, Career Development, Schedule Files (Work, Radar, Court), Calibration,

Special Events, New Officer File, DMV Information, Traffic Check Points.

### 82.3.6: ID Number and Criminal History

A unique identification number is assigned and a criminal history file is maintained on each person custodially arrested by the Departments computerized record system. All subsequent arrests and information concerning that person are referenced to this identification number. Criminal history transcripts are immediately accessible through VCIN/NCIC system.

### 82.3.7: Recording Arrest Information

a. Misdemeanor processing will be done in accordance with current State law.

If the arrested person is charged with a felony, the person will be transported to the Magistrate to be formally charged, if the warrant was not obtained prior to the arrest. The person must be read the charge on each warrant. A Virginia Uniform Summons must be filled out, case number obtained, and an NCIC check should be made on the person prior to being released from custody.

All paperwork must be filled out, forwarded to the Watch Commander for review, and routed correctly by the supervisor. Regardless of the type of criminal arrest a Virginia Uniform Summons will be completed.

On a Felony Arrest, the original served warrant, along with the yellow C.C.R.E. form and the bond papers will be sent to the General District Court.

b. Fingerprinting will be done in accordance with the State Code of Virginia. Fingerprinting will normally be handled by the Regional Jail.

c. Photographing will be done in accordance with the State Code of Virginia. Photographing will normally be handled by the Regional Jail.

### 82.3.8: Warrant/Wanted Person Procedures

The warrant/wanted persons file consists of components to include:

Legal document file - warrants, capias, etc., are filed alphabetically by suspect's last name.

Computer file - recorded in to serve as master name index which provides cross reference capability with document file on a 24 hour basis.

Legal document Control Book - serves as a cross reference number index.

Active VCIN/NCIC wanted person entry file.

a. Wanted persons are normally entered into VCIN/NCIC by communications or records personnel. Criteria and guidelines as listed in the VCIN and NCIC manuals will be followed when making such entries. Entries will be made as soon as possible.

b. Information from other jurisdictions may be received through teletype, telephone, fax machine, or in person.

c. All information will be recorded immediately in both the agencies manual files and computerized files by the records clerk that receives the information.

d. VCIN/NCIC manual guidelines will also be followed when verifying wanted person information and receiving information from another jurisdiction.

e. VCIN/NCIC manual guidelines will also be followed when canceling wanted person information and receiving information from another jurisdiction.

f. Access will be available on a 24 hour a day basis to the warrant section.

Audits of wanted persons entered by our department will be made monthly, by the Supervisor of Special Investigations and the Support Services Bureaus, utilizing a wanted persons printout provided by Virginia State Police as a cross reference.

**ADMINISTRATIVE ORDER**

**COLLECTION AND PRESERVATION OF EVIDENCE**

**CALEA STDS:** **83.1.1/83.3.2**

**EFFECTIVE:** **JUNE 10, 2003**

**APPROVED:**

**CHIEF OF POLICE**

**POLICY:**

Proper documentation, collection, preservation and submission to the forensic laboratories of physical evidence may provide the key ingredients of any police investigation. The crime/incident scene is most often the starting point of a criminal investigation. Additionally, the story of the Offense/ Incident is told through evidence collected at the crime/incident scene. Through evidence located at the scene, suspects are developed, or eliminated, investigative leads are substantiated or disproved. The officer or investigator must always be aware that any physical evidence collected might someday have to be presented in a court of law; therefore, it is imperative that each police officer exercise care in the processing of a crime/incident scene so as not to overlook valuable evidence or to contaminate or to destroy collectable items. Physical evidence appears in many shapes, sizes and forms, thereby necessitating various recovery, preservation and submission techniques. The officer or investigator processing crime/incident scenes should be properly equipped to collect, identify and package the evidence so that it will not be changes in form and value when it reaches the laboratory. It will be the responsibility of the officer collecting the evidence to maintain a chain of custody of that evidence in order to ensure that it is presented to the court in a professional manner and in compliance with all legal requirements.

A receipt shall be prepared for property impounded as evidence. The receipt and evidence shall be delivered to the appropriate departmental facility or property officer within twenty-four hours. Departmental directives provide accountability procedures for all items impounded as evidence.

### 83.1.1: 24 Hour Availability

Crime scene specialists are available on a 24 hour basis for prompt collection and preservation of evidence and to process a crime scene/traffic collision.

### 83.1.2: Collecting from Known Source

The forensic laboratory can only compare known items with items showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items as blood, hair, fibers, paint, glass, soil and tool marks. The Virginia State Forensic Lab required submission of control samples when available.

### 83.2.1: Guidelines and Procedures

Normally, the first officer on the scene will be the patrol officer. Officer responsibilities at the scene include:

-Responding to the scene promptly and safely;
-Protecting the scene to prevent the destruction or contamination of evidence;
-Preparing the original offense report;
-Locating items of evidence;
-Locating witnesses;
-Photographing and sketching the scene when appropriate;
-Collecting physical evidence;
-Preservation and packaging of physical evidence;

Crime Scene Processing Equipment:

Officer/Investigator responding to a crime scene will make a determination of equipment needed for processing. The Watch Commander will be responsible for insuring that all needed equipment is delivered to the scene.

The following procedures shall be followed by the first officer on the scene:

Do not rush into the crime scene, an armed suspect may still be present. Rushing may also result in accidental destruction/contamination of evidence.

The officer, on arrival, must rapidly decide how to approach the crime scene in a manner least destructive to potential evidence.

A primary responsibility of the officer at the scene of the crime is to render assistance to the victim by giving first aid, by calling an ambulance, etc. If the victim is obviously dead, do not disturb the body. The officer's approach route to the injured person should be such that any physical evidence in the vicinity remains untouched or is protected where it lies.

If the suspect is found at or near the scene, the officer must protect himself. If he has reasonable or probable cause to believe that the suspect committed a felony, he should place him under arrest, search him, make note of any spontaneous statements the suspect may make, and advise him of his rights if he is to be questioned further.

The officer must request the dispatcher to notify all appropriate personnel (shift supervisor, investigators, etc.) and/or determine equipment needs, if the crime or incident scene is the type that the officer can process.

Protecting the Scene:

The first officer on the scene must secure the initial point of the incident and must extend the area of protection out towards the perimeter. Having secured the room in which a crime was committed, he should expand coverage to the entire building or outside area.

Crime scenes may be secured by the following methods:

-Police Officer(s)
-Barricades or rope or banner guard used to define area to be protected.

-Signs used to control access.

Notes and Reports-Valuable Records:

The officer's original notes are his personal and most readily available record of the crime scene. He must refer to those notes to complete any or all finished reports required of actions taken on the scene of the crime.

Types of information to be record at the scene include:

-Case number
-Date and time of arrival at scene
-Location of scene
-Name of victim
-Name of suspect, if known
-Actions taken at scene
-Name of collecting officer

Preliminary Scene Survey: Officer/Investigator actions at the crime scene should include the following:

-Observe and record (look but don't touch)
-Determine nature and extent of crime scene
-Determine location of evidence
-Determine order of collection
-Establishment of best working route
-Duplicate movement of perpetrator and plan search accordingly
-Note all existing conditions
-Note items out of place or damaged
-Note relationship between items
-Initial rough sketch should be made

Crime Scene Sketch: Detailed crime scene sketches, including measurements, are normally prepared only in major crimes. Minimum detail to be contained in the sketch include:

-Time and date of preparation
-Location of offense
-Location of items of evidence in the scene
-Location and names of victims, witnesses and suspects
-Relationships of the crime scene to other rooms, buildings, or roads
-Name of person preparing the sketch
-Direction of north
-What lights were on/off
-What windows were open
-Radio/television, etc. on or off

**83.2.2: Photography and Video Tapes**

At the end of the preliminary scene survey, overall photographs/video tapes of the scene should be taken.

Overall photos should be taken from several different locations.

If an interior scene, a wide angle lens should be used.

Photograph the surrounding area thoroughly.

Close up to scale photo of evidenced items.

Information to be Recorded on Photographs: The officer processing the scene will maintain a record of each photo taken at the crime/incident scene. Information to be recorded when taking the photos will include:

-Type of camera used
-Kind of lighting used (existing light or flash)
-Date and time of exposure
-Person taking photos
-A brief description of subject in photos
-Kind of film used, including ASA speed of film
-Case number

All film must be property receipted and treated as evidence.

Midrange Photography. Midrange photography is utilized to orient the viewer as to the exact location of items of evidence in the scene.

If possible, the officer should attempt to include two items of evidence into the field of view. If this is not possible, then a common item, (desk, bed, table, etc) should be included in all the midrange photos.

Midrange photos should be taken with a normal lens to prevent distortion.

Close-up Photography: Before any item of evidence is moved, a close up photograph should be taken, as follows:

Fill field of vision with item.

Take one close up shot of item with a scale. The six inch rule in the evidence collection kit can be used for this purpose.

The officer can place a strip of fingerprint tape across the face of the rule, making sure not to cover the measuring increments. Information to be written on the tape include:

-Item Number
-Case Number
-Date
-Officer's Initials

Location of Evidence-Measurements: Prior to the collection of any item of evidence the following procedure should be followed:

Take measurements by use of triangulation or coordinate method so that the officer can exactly place the item of evidence at the scene.

A close visual examination of the item should be conducted by the officer so he knows exactly what he is dealing with.

### 83.2.3: Fingerprinting

Fingerprinting is the last action to be taken in crime scene processing. When processing crime scene for latent fingerprints, the officer/investigator should take the following into consideration:

-The size of the item to be dusted
-The type of surface
-Potential for destruction if moved. If movement, or transporting the object will destroy latent prints, the object should be processed at the scene.

Officers dusting for prints will utilize the powder and brush located in each police unit. Prints developed by lightly dusting processable surfaces will be taped and put on a print card for preservation and comparison. The following information shall be noted on the back of each card:

-Case Number
-Type of Crime
-Location
-Victim
-Date/Time
-Officers Name (Print and Sign)
-Diagram, Show Location Print was Discovered

Print cards will be documented on a property receipt and treated as evidence. All known suspect inked cards will be classified and filed for each reference.

### 83.2.4: Equipment and Supplies

The Uniform Bureau and the Special Operations Bureau will have access to a crime scene search kit containing the following items:

a. Latent Fingerprint Recovery

-Brushes (fiberglass, magnetic, etc)
-Powder (various kinds)
-Lifting tape
-Blank Cards for print recovery
-Magnifying glass

b. Photography equipment.

-35 mm camera
-Flash attachment
-2 extra rolls film, black and white and color print slide film.
-Tripod
-2-6" Rulers/and or self stick ruled tape

c. Sketching Equipment

-Pad of Graph Paper on Clip Board
-Pencils
-Erasers
-Various Triangles
-50' metal tape
-10-12' measuring tape
-12" ruler

d. Blood Recovery Kit

Physical Evidence Recovery Kit (Perk) for use in Sexual Assaults.

Footwear or Tire Impression Kit.

-Pre-measured Dentstone Package
-Pre-measured Water Package

-Spatula
-Toolmark Impression Kit
-Masking Tape
-Marking Pen(s)
-Evidence Tape
-Paper Bags (various sizes)
-Paper Envelopes (various sizes)
-Plastic Bags (baggies and garbage bags)
-Smaller Plastic Boxes
-Scissors or knife
-Flashlight

### 83.2.5: Computer Equipment

Computers are used in identity theft, credit card forgery, stalking, narcotics trafficking, and child pornography and the evidence can be quickly and easily erased. This ability to destroy evidence makes it a necessity that the police department be able to seize such evidence. A definition of a computer, according to the Code of Virginia is:

"an electronic, magnetic, optical, hydraulic, or organic device or group of devices which pursuant to a computer program, to human instruction, or to permanent instructions contained in the device or group of devices can automatically perform computer operations with or, on computer data and can communicate the results to another computer or to a person. The term computer includes any connected or directly related device, equipment or facility, which enables the computer to store, retrieve or communicate computer programs, computer data or the results of computer operations, to or from a person, another computer or another device."

Computers include, but are not limited to, the following: a computer processing unit (CPU), laptop computers, wireless telephones, cordless telephones, answering machines, caller id devices, electronic paging devices, facsimile machines, smart cards and magnetic stripe cards, id card printers, scanners, printers, copiers, compact disk duplicators and labelers, digital cameras/video recorders, audio recorders, electronic gaming devices, home electric devices, global positioning devices, personal data

assistants (PDA), hand held computers, security systems, vehicle computer devices, storage devices (compact disks, floppy disks, mini disks, etc.) and skimmers.

A "certified computer crimes investigator" is a police officer that has completed training through a recognized computer school and achieved a certification. A "computer specialist" is a police computer crimes investigator that has completed technical training in the extraction of evidence from a computer.

The following is the procedures that the Williamsburg Police Department will use for seizing a computer with the least likelihood of loosing evidence:

- The first officer on the scene will secure the scene. Officer safety is of the utmost importance.
- Preserve area for potential fingerprints**.**
- Immediately restrict access to computer(s) and attached peripherals.
- Do not attempt to seize or process the computer crime scene without the Computer Crimes Investigator or Computer Specialist present.
- Contact the Certified Computer Crime Investigator or Computer Specialist via the on-call Investigators List.
- The on scene Certified Crime Investigator or Computer Specialist will:

    - Photograph the monitor screen.
    - Disconnect the computer from the power source. Unplug the CPU from the back of the unit. Laptop computers generally use a battery which is located on the bottom of the unit. Remove the battery from the unit. The battery should not be returned to the unit until the evidence collector is ready to collect the evidence.
    - Evidence tape should be placed over each drive slot.
    - Photograph/diagram the back of the computer.
    - Labels should be placed on the back of the unit and the existing connections.
    - Place labels on all connector and cable ends – this allows reassembly.
    - Package all computer parts as fragile – do not store near magnets, transmitters and other damaging elements.
    - Seize all peripheral devices, cables, keyboards and monitors.

- Seize all manuals, notes, etc. Passwords may be located in the notes.

The retrieval of information/data in computer cases should be accomplished only by a certified computer crimes investigator with the technical training to retrieve such evidence. The Federal Bureau of Investigation, Norfolk, has a dedicated computer evidence collection team. The Virginia State Police, Chesapeake, also has resources for computer evidence collection through the Bedford County Sheriffs Office.

**83.2.6: Report Preparation**

A report by the officer/investigator processing a crime/incident scene, will be prepared giving an accurate account of events. This information should be placed in the Offense/Incident report and will include:

-Date and time arrived at the scene.
-The location of the crime.
-The name of the victim (if any).
-The name of the suspects (if any).
-The officers actions at the scene.
-The case number.
-All names of officers at the scene.

Failure to Recover Physical Evidence/Photograph Scenes of Offense/Incidents: Whenever photographs are not taken or where physical evidence is not recovered from the scene of a crime against person or property the officer/investigator assigned will prepare a report articulating conditions prohibiting the collection of evidence. This may be included in the offense report or subsequent follow-ups.

**83.3.1: Evidence, Transfer of Custody**

The record of transfer of custody of physical evidence is documented by use of a property receipt. The property receipt indicates, at a minimum;

-Date and time of transfer;
-Receiving persons name;
-Officer's name;
-Case number;
-Property transferred.

**83.3.2: Evidence, Laboratory Submission**

a. The Property Officer is responsible for submission of evidence to the Lab.

b. Methods for packaging and transmitting evidence to the laboratory;

Biohazard labels put on any body fluid or other toxic submission.

When an item of evidence has been collected that by its very nature may deteriorate (for example, a liquid sample of semen, a blood soaked shirt, etc.) it should be transported to the forensic laboratory the same day, if at all possible.

When an officer transports a perishable item to the lab for immediate analysis, the laboratory should be called first so they will be ready to receive the item.

In those cases where immediate transport to the forensic lab is not possible:
-Refrigerate (no more than one week) and transport to lab.
-Air dry (no more than one week) and transport to lab.
-Avoid contamination and package properly non-perishable items.

c. Any evidence submitted to the Division of Forensic Science will be accompanied by a completed Request for Laboratory Examination Form. When applicable, a property receipt will also accompany items to the lab.

d. The bottom part of the request form is reserved for documenting chain of custody, and must be completed by relinquishing officer as well as receiving person at the lab. Department property receipts shall be signed to document chain of custody.

e. The Division of Forensic Science automatically will supply written results on all requested examinations to include date and time of receipt and name of person receiving the evidence as required by State Law.

## APPENDIX A

## DIVISION OF FORENSIC SCIENCE

## PHYSICAL EVIDENCE COLLECTION GUIDE

INTRODUCTION

As items are collected at a crime scene or in connection with a criminal investigation, there must be an awareness that at some point in time the items collected may be presented in a court of law. The individual collecting these items must therefore strive to develop collection and preservation techniques which will prevent the evidence from being challenged later on the grounds that it has been confused, altered or contaminated. If the evidence is properly collected, handled and identified, the Forensic Laboratory can be utilized to its maximum potential and the evidence can be successfully presented during criminal litigation.

MARKING TECHNIQUES

MARK EVIDENCE - When the size and/or nature of the evidence allows, and when there is no possibility of contamination, obliteration or destruction, the specific item of evidence should be marked for identification. When marking the actual item of evidence, initials or a personal mark will suffice.

MARK CONTAINER OR TAG - When the size or nature of the evidence does not allow, or there is any possibility that marking the evidence will contaminate, obliterate or destroy the evidence, do not mark that particular item of evidence. When these conditions exist, properly mark the packaging material or container for identification purposes. Also, a properly marked evidence tag may be attached to certain evidence. If a tag is used, those with a metal wire and lead seal are preferred. The container or tag may then become part of the evidence presented in court.

IDENTIFYING INFORMATION - When marking packing material(s) container(s) or tag(s) the following identification information should be used: Agency Case Number, Date, Location from which Evidence was collected, Name or Initials of Person Collecting Evidence, the individual item of evidence number, and a description of the evidence (particularly important if opaque packaging material is used).

MARKING INSTRUMENTS

PERMANENT TYPE MARKER - A permanent, black, fine or medium tip marker is suggested for use on most types of evidence. This type of marker is particular useful for marking on items when a ball-point pen is unsuitable.

SCRIBE - A sharp tip, tungsten carbide scribe is recommended for etching on hard surfaces where the use of a marker or pen may be difficult or impractical.

NOTE TAKING

All items of evidence collected should be properly documented. Notes on each piece of evidence should include a description of the item, the exact location where found (take measurements), date, time, the identity of the finder, the item of evidence number and any other pertinent information.

COLLECTION TECHNIQUES

When possible, all items should be recovered; collected, and submitted by one primary collection officer. Direct contact between hands and evidence should be avoided; the use of tweezers to collect evidence is recommended. All items should be packaged separately. This procedure will prevent cross-contamination. Seal packaging material with tape and initial; avoid contact between tape and evidence.

PACKAGING MATERIALS

PAPER BAGS - Paper is the most versatile of all packaging materials. Paper bags are convenient to use, generally inexpensive, easy to obtain, and come in a variety of sizes. Paper is a porous material which allows the evidence to "breathe",

thereby reducing the possibility of bacterial contamination of certain types of materials, such as items bearing blood or other physiological fluids, soils, and plant life containing moisture. Paper packaging materials should not be used to package very wet items of evidence and care must be taken not to reuse bags that may contaminate evidence.

PLASTIC BAGS - Though plastic bags are relatively inexpensive, easy to obtain, and available in many sizes, the non-porous nature of plastic will not allow air contact with the evidence and therefore may contribute to bacterial contamination. Plastic bags are suggested for use only when the evidence is too wet for paper packaging. If plastic is the choice of packaging material and physiological material is enclosed, then the evidence should be taken directly to the laboratory (same day), refrigerated until transported to the laboratory (maximum one week), or air dried and transferred to a paper bag. If a transfer of packaging materials is made, be sure to maintain each container which may contain valuable trace evidence. Advise condition of evidence to receiving examiner. Do not package firearms identification evidence in plastic packaging material.

MISCELLANEOUS MATERIALS - Pill boxes, ointment tins, glass vials, glass jars, paint cans, cardboard boxes, envelopes, etc. may be used when a particular situation dictates their use. These items should be previously unused. (See specific packaging instructions

PACKAGING INFORMATION

| (SPECIMEN) | (AMOUNT) | (INSTRUCTIONS) |
|---|---|---|
| BUILDING MATERIALS | | |
| Glass (known) | 3 inch piece of broken glass | Identify, wrap & seal |
| Glass (Questioned) | All | Identify, place in box between protected layers of tissue, wrap & |

| | | |
|---|---|---|
| | | seal |
| Metal (known) | Submit item or up to 1/4 lb. | Identify, wrap in paper and seal |
| Metal (Questioned) | All to 1/4 lb. | Identify, wrap in paper and seal |
| Rope, twine & Cordage (known) | One yard | Identify, wrap & seal |
| Rope, twine & Cordage (Questioned) | All | Identify, wrap & seal |
| Safe insulation (known) | 1/2 lb. | Pack in paper or plastic container. Indicate make, model, age of safe & identify |
| Safe insulation (Questioned) | All to 1 lb. | Place in paper or plastic container, identify and seal. |
| Wire (known) | 3 feet (do not kink) | Wrap, identify & seal |
| Wire (Questioned) | All (do not kink) | Wrap, identify & seal, Mark ends to be examined |
| Wood (known) | One foot section | Wrap in paper, iden-tify & seal |
| Wood (Questioned) | All | Wrap in paper, iden- |

| | | |
|---|---|---|
| | | tify & seal |
| DRUGS | | |
| Capsules | All unless excessive amounts* | Identify, package in box or vial to prevent crushing & seal |
| Liquids | All to one bottle each | Identify, package in such a way to prevent leaking or breaking |
| Plant Material | Small amounts submit all. Weights over ten pounds submit at least 1/2 ounce. | Package in a paper envelope or bag so moisture can escape. Avoid placing pipes and other paraphenalia to be tested into bags with plant material. Identify and seal but do not use excessive amounts of tape when sealing package. |
| Powder | All | Identify, seal package samples cannot escape or cross-contaminate. |
| Tablets | All | Same as capsules. |

FINGERPRINTS

| | | |
|---|---|---|
| Latent Print lifts | All latent prints and when possible elimination prints of all people who have legal access to the area or object in question. | Transfer the processed print from the object to a color contrasting nonporous card or cards using transparent tape. Place complete identifying information on reverse side of lift. Also note the exact location from which latent was removed. Place in any envelope and seal. |
| Non-Porous Items metal) | All | Powder process item e.g., glass, at the scene if possible. Use black powder and clear tape or place item in a paper or plastic container, minimize interior movement evidence label as to content identify and seal. |

Excessive amounts of drugs or plant material - call lab for specific instructions.

If evidence requires other examinations in addition to latent prints, do not powder process at the scene. To avoid contamination submit item to lab for all examinations.

| | | |
|---|---|---|
| Porous items, i.e. paper, unpainted wood, etc. | All | Handle with tweezers if possible, place in paper or plastic identify and seal. |
| FIREARMS | | |
| Bullets | All | When possible scratch initials on base, wrap individually in soft paper & place in a small rigid container to prevent movement during transit. Label container, identify & seal. |
| Cartridges or Shot | Two | Scratch initials on shells (unfired) side of case or shell near mouth, wrap in paper and place in small rigid container. Label container, identify & seal. DO NOT MAIL |
| Cartridge Cases (fired) | All | If recovered from revolver cylinder, note position of chambers, mark chambers to correspond with cartridge cases designation. |

| | | |
|---|---|---|
| | | Scratch initials inside of mouth. Wrap individually in paper and place in a rigid container. Label container, identify and seal. |
| Clothing | Send only clothing that contain powder residue or gun shot penetrations | Identify with tag, place between layers of paper and wrap individually so no residue will be transferred or lost. Label container, identify & seal. |
| Firearms | All | Unload, record cartridge case/cylinder relationship when firearm is a revolver, scratch initials on frame, wrap in paper, label paper as a content and place in a cardboard box for transmittal. Never use plastic bags for firearms. Note on box, "Firearm Not Loaded." |
| Shot Wads | All | Initial end with permanent marker, wrap individually in soft paper, place in rigid container. |

| | | |
|---|---|---|
| | | Label container, Identify and seal. |
| FRACTURE MATCH | | |
| All items | All | Known and questioned items packaged separately. Protect each piece from chipping or breaking in transit by using layers of soft packaging material in a box. Identify & seal. |
| HAIR AND FIBERS | | |
| Fibers (known) | Entire garment or other item if possible. If not possible, a representative sample of all fibers present. | Identify, Wrap in paper & seal. Separate from questioned items. |
| Fibers (questioned) | All | Place in clean paper fold properly*, put in envelope, seal and identify. |
| Hair (known head) | 10 to 12 pulled from various parts of the head ( a representative sample). | Place in envelope, seal & identify. Do not allow tape to make contact with hair sample. |

| | | |
|---|---|---|
| Hair (known pubic) | 10 to 12 pulled from various parts of the public area (a representative sample). | Place in envelope, seal & identify. Do not allow tape to make contact with hair sample. |
| Hair (questioned) | All | Small specimens, should be placed on clear paper, properly folded, placed in envelope, seal & identify. Larger specimens may be placed in an envelope or zip-locked plastic bag & sealed. Do not allow tape to make contact with sample. |
| QUESTIONED DOCUMENTS | | |
| Fraudulent items, i.e., checks, money orders, credit card invoices, drug prescriptions, notes and messages (robbery threatening, suicide extortion, murder, etc) fraudulent contracts, papers, licenses, i.d. cards, etc. | All Originals | Place questioned items in an envelope separate from known items. Advise on outside of envelope if questioned items are to be processed for fingerprints. Identify and seal. |
| Obliterated, Erad-icated and indented | All Originals | Protect by placing in separate plastic |

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| writings. | | evidence envelopes, identify and seal. |
| Specimen hand-writing & hand-printing. | Obtain amount sufficient to reflect suspects full range of writing traits, characteristics and habits. | Study questioned writing to become familiar with wording mispellings arrangement, use of printed or longhand style of capitol letters, etc. Duplicate writing conditions of quest-ioned documents as to paper size and format writing in-strument, size, and shape of writing, and writing speed in obtaining exemplars. |
| Signature cases (known specimen) | Obtain 15-20 signatures repeated on separate slips or dummy forms. Obtain addit-ional writing using personal history forms or other hand - writing specimens forms in common use, including narrative writing. | Do not allow suspect to see questioned exhibit before necessary exemplars have been obtained. Give no instructions initially as to samples by spelling, punctu-ation, etc. Number each exhibit in order given and indicate on back when suspect is instructed to spell |

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| | | differently, etc. |
| | Exemplar booklets are available. Non-request specimens should be provided where suspect concentrates on disguising effort. Addresses & identification particulars on checks should be included in obtaining specimens. | Remove from sight as soon as completed. If questioned signature appears, unnatural, have suspect furnish some samples using unaccustomed hand sample signature of any true person whose name is forged should also be furnished. |
| Extended Writing Cases (known specimens) | Obtain several samples in letter for letter or word for word order from dictation, or use same procedures applicable to signature cases where appropriate. | Both upper & lower case handprinted specimens should be obtained if questioned writing is hand printed. Supplementing dictated specimens with non-request writing (employment records, credit, school papers, etc). |
| Typewriting (known) | Obtain three copies in word for word order of questioned typewriting. Include partial copies in light | Removal of ribbon may be important when there is evidence of quest-message there on. For carbon paper samples either |

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| | medium & heavy degrees of touch. Also obtain carbon paper sample of every character on the keyboard in both upper & lower case. | remove ribbon or place ribbon in stencil position. |

SEROLOGY (IMPORTANT-SEE NOTE AT THE END OF THIS SECTION)

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| Blood (liquid known) | 1 tube preserved (clotted sample-purple top vacutainer) | Submit same day to lab or refrigerate until. |
| Blood (liquid questioned) | As much as possible to 1 tube. or transfer to clean dry non-porous surface (i.e. piece of glass,etc) | Submit same day to lab or refrigerate. Scrape blood crust off non-porous surface onto clean white paper, fold, place in envelope, and seal. |

* Use druggist fold

** Refrigerate a maximum of one week.

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| Blood (dried stains, non- | Submit item if possible. If not describe location of stain & either 1)scrape crusts onto clear paper 2) use blood | Wrap each item separately & seal, to retain blood that might chip off during transit. Fold and place in envelope & seal. |

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| | Recovery kit. | Submit same day to lab or refrigerate. |
| Blood (dried stains, fabric) | Submit item if possible. | Wrap each item separately in clean plain paper so no bloody area rubs against another. Wrap & seal. |
| Blood (stained fabric, wet) | Submit item immediately or air dry (use no heat or direct sun-light. | Package so no bloody area rubs against another. Paper bags allow air to reach fabric and help in drying. Use plastic bags only if excessive blood and fear of contamination of other items is a problem. Wrap and seal, keeping transfer of stains in mind as above. |
| Body Secretions (known) | 3 or 4 cotton swabs thoroughly wet with saliva. | Place in plastic bag or vial and submit the same day to lab or air dry. Submit two control swabs. |
| Body Secretions (unknown) | All | Same as blood, see specific category. |

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| Clothing | All | Wrap in paper and seal each article individually. If wet, air dry before packing. |

NOTE: All wet blood or body secretions will deteriorate unless cared for properly. When submitting these items to the laboratory, indicate to the examiner that these types of samples are enclosed. Please biohazard label on all containers.

Controls, which indicate if the unstained material in any way affect the tests, must be submitted with all questioned samples. Controls are obtained by collecting an unstained, clean section of the questioned item, or if the blood recovery kit is used, a saline swabbing of the unstained area in question.

SHOE AND TIRE IMPRESSIONS

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| Plaster Casts (i.e. tire treads & shoe prints) | All shoe prints circumference of tire if possible | Submit soil intact with case when possible. Wrap in paper, place in a box & pack to prevent breaking. Do not use plastic bags. Allow case to dry before transmitting. |
| Lifts, (i.e. shoe & tire prints) | All | Label for identification, place in envelope and seal. |
| Photographs | All | Label for identification, place in envelope and seal. |
| Shoes | All | Identify, wrap in |

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| | | paper and seal. |
| Tires | All | Identify, place in large box if possible. |
| SOILS AND MINERALS | | |
| All Known | 1/4 lb. | Use sealed paper container to avoid spillage. |
| All Questioned | All to 1 lb. | Use sealed paper container to avoid spillage. Do not use glass container or envelopes. |
| TOOL MARKS | | |
| Tools | All | Identify, wrap each separately & seal. |
| Tool Marks | Submit item if possible. | Protect marks on bearing marks item, photo, cut out portion bearing marks or prepare rubber cast of marks. Identify wrap and seal. |
| TOXICOLOGY | | |
| Blood | If possible submit one tube of unclotted | Identify and seal sample. Refrig-eration is pre- |

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| | blood per specific drug analysis. If the drug is unidentified or unknown, submit at least one tube of blood plus urine or vomitus. | ferred, but not usually required. |
| Urine | Several fluid ounces if possible. | Identify & seal sample. Refrigeration is preferred but not usually required. |
| Vomitus | As much as available. | Identify & seal sample. Refrigeration is preferred but not usually required. |
| TRACE EVIDENCE | | |
| Acids (known) | 1 pt. liquid | Plastic or all glass bottle. Tape bottle top to secure and label for i.d. DO NOT MAIL. |
| Adhesive Tape | Recovered roll. | Do not cut, wrap or distort. Place on thick sheet of plastic and transfer plastic with tape into a box. Avoid |

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| | | tape contact with box. Identify box and seal. |
| Alkalies (known) | 1 lb. solid | Plastic or all glass bottle, tape bottle top secure and label for identification. DO NOT MAIL. |
| Alkalies (questioned) | All to 1 lb. | Plastic or all glass bottle, tape bottle top secure and label for identification. DO NOT MAIL. |
| Arson Debris | As much as possible from point of origin. | Package in clean glass or metal container so as not to loose volatiles. Seal and Identify. DO NOT MAIL. |
| Explosion Debris | All | Place in a plastic bag, transfer bag into a box, identify and seal. |
| Explosive Materials | All (i.e. blasting caps, fuse, dynamite etc) | CALL LAB FOR INSTRUCTIONS |
| Gasoline, Kerosene or other suspected volatiles. | All to 1 gallon | Place in a clean metal container, identify & seal. Glass container may |

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| | | by used if top does not have rubber-type seal. DO NOT MAIL. |
| Matches | All | Place in a small metal or glass container, identify and seal. |
| Oil (known) | 1 quart | Place in a small metal or glass container, identify and seal. |
| Oil (questioned) | All to 1 quart | Place in a clean metal or glass container, identify and seal. |
| Paint (known) | 1/2 square inch or equivalent with all layers represented. | Place in clean vial, or in clean paper, fold, place in envelope, Identify and seal. |
| Paint (questioned) | All | If submitting sample only, package same as known. If submitting item of evidence wrap carefully and seal so as to retain paint that might chip off in transit. |
| Wood (known) | All to one foot in length | Protect area to be examined. Wrap in paper, identify and seal. |
| Wood (unknown) | All | Protect area to be |

examined. Wrap in
paper, identify and seal.

**ADMINISTRATIVE ORDER**

**PROPERTY MANAGEMENT**

**CALEA STDS:** **84.1.1/84.1.7**

**EFFECTIVE:** **APRIL 1, 2002**

**APPROVED:**

**CHIEF OF POLICE**

**POLICY:**

It is the policy of the Williamsburg Police Department that all evidence and property recovered or turned into this agency be properly packaged, handled, recorded, stored and accounted for. This system will maintain strict accountability for all items held as property and evidence. All policies and procedures will comply with Federal, State, or local law. Property/evidence management functions include: property in custody; i.e., found, recovered, and evidentiary property.

The Property/Evidence Custodian is assigned responsibility for the property management function, and will serve as the primary contact point for matters associated with this function. The Property/Evidence Custodian is accountable for all property accepted by or stored in the department's property storage areas.

The Department will safeguard and properly dispose of all property which comes into custody. Efforts will be made to maintain property in the same condition as received and to preserve the evidentiary integrity of property which has been received for possible court presentation. Unless property is contraband or must be presented into evidence, reasonable efforts will be made to ensure return to the rightful owner. In accordance with Code of Virginia, evidentiary property may be returned to the owner after photographing if it is not necessary for the trial. Property which cannot be returned to the rightful owner will be disposed of as provided by law.

An appropriate property receipt (Appendix A) shall be prepared by an employee who comes into possession of impounded, recovered, or found property. All items shall be delivered to a departmental facility or to the property/evidence custodian as set forth in departmental directives.

**84.1.1: Evidence/Property Control System**

a. The recovering officer will be responsible to properly package and label all items collected or recovered as property or evidence, to prevent any tampering, contamination, or destruction of same. The recovering officer shall immediately list and describe all items recovered on a Property Receipt as soon as possible, but prior to the end of their tour of duty.

b. The following procedures will be followed by the officer turning in property:

1. When property is obtained during the times the evidence custodian is on-duty, the officer will complete the "Property Receipt" form (retaining the pink copy for their own records), and the "Lab Request" form, if necessary, and have all evidence/property properly bagged and sealed. The officer will locate the Property/Evidence Custodian and turn over the property. The Property/Evidence Custodian will sign the Property Receipt and enter the property/evidence into the property/evidence log. The Property/Evidence Custodian then places the property/evidence in the officers designated bin or designated locked cabinet (drug, firearms, valuables). The property receipt is then filed by officer name in order of case number.

2. When property is obtained during the times the Property/Evidence Custodian is not on-duty, the officer will complete the necessary forms and have all items properly bagged or tagged and sealed. Property will be placed in the 24-hour lockers or, if the item is too large, the officer will contact: Watch Commander for non-evidentiary property; Property/Evidence Custodian for all evidentiary property.

Perishable Property/Evidence - If property/evidence requires

refrigeration and the Property/Evidence Custodian is not available, the officer will contact the shift supervisor for securing of property in the evidence refrigerator.

c. A crime report detailing the circumstances by which the property came into the agency's possession and describing each item of property obtained will be prepared by the reporting officer.

d. All property in possession of this department shall be properly marked and packaged. Special considerations shall be made for the following:

Weapons:

Officers and employees of this department will not under any circumstances keep any weapon that is found, turned in or confiscated.

All weapons coming into the custody of this department will be immediately inspected to insure their safe storage. It is imperative that all firearms be unloaded before being submitted to the Property/Evidence Custodian, and all packages marked to indicate that weapons are contained therein.

All firearms coming into custody of this department will be checked by the recovering officer against NCIC/VCIN stolen files and a copy of the reply attached to the property form.

Property/Evidence Custodian is responsible for the completion and dissemination of all forms required by the Virginia State Police as applicable to the Criminal Weapons Clearinghouse as identified in Virginia Code.

Drugs and Narcotics:

In the case of drug property or evidence the recovering officer shall obtain a gross weight (content and package) for quantitative and quality

control.

Scales for weighing will be available in the identification room. Before using the scales, officers should check to insure the scale is at zero balance and correctly set. The gross weight of the item will be recorded on the property receipt and stored in Evidence Room.

The gross weight will be checked again by the Property/Evidence Custodian upon receipt and stored in Evidence Room.

If the drug is a tablet or capsule, a count may be performed in addition to; not in lieu of weighing. An exception is permissible when the drug is sealed in tamper proof protective packages.

All drug evidence will be processed to the lab for examination as soon as possible by the Property/Evidence Custodian. Each time the Property/Evidence Custodian accepts or releases drug property or evidence, the package or container shall be inspected for tampering and weighed.

Alcohol:

All property/evidence consisting of alcoholic beverages and their containers must be sealed so that there is no chance of leakage while in the custody of the Property/Evidence Custodian.

Contraband alcoholic beverages would be those seized from those persons that are interdicted, under age, etc., where the persons possession of alcoholic beverage is in itself illegal.

Alcoholic beverages seized or recovered which are not contraband or used for evidence and can not be returned to the owner will be disposed of in accordance with State Statute. Destruction will show the name of the witness on the property receipt.

e. For articles of exceptional, valuable, or of a sensitive nature, the Property/Evidence Custodian may be called in after normal duty hours to provide extra security measures in handling. The Property/Evidence Custodian will ensure that separate locked areas are used within the property/evidence room as added protection for the storage of drugs, money, jewelry, weapons, and precious metals. In addition, a safe deposit box will be available storage of large amounts of money, jewelry/gems and precious metals.

f. At a minimum, reporting officers shall check all property against NCIC or VCIN records and departmental property records to attempt to identify and notify the owner or custodian of property in the agency's custody.

g. When property may be lawfully released to the owner, the Property/Evidence Custodian will attempt to notify the owner (by telephone or letter) and make arrangements to return the property to the rightful owner as soon as possible.

The Property/Evidence Custodian will release property and evidence only to authorized persons, and may demand proof of authorization or identification of the owner or investigating officer, to whom they are releasing property. The Property/Evidence Custodian will ensure that property receipts are filed by case number and calendar month in that officers property file. Quarterly, all property receipts will be reviewed to determine if property can be returned to owner, held for public auction, destroyed, or held for annual disposition to the State Treasurer.

Additionally the impounding officer will be required to execute the Property Disposition List to assist with the legal disposition of all property.

**84.1.2: Storage and Security**

The Property/Evidence room is secured by a access restricted locked door, an internal fenced area, a motion detecting alarm system with access restricted to only the Property/Evidence Custodian.

The Property/Evidence Custodian will be accountable for the control of all storage

rooms, and will ensure that all stored property whether of evidentiary value, found or recovered property, is properly documented in the property records of the department. In addition, the Property/Evidence Custodian will maintain a property/evidence room that is clean, orderly, secure, and will take necessary steps to insure that property and evidence in custody is being protected from damage, deterioration and/or theft. It is the responsibility of the Property/Evidence Custodian to ensure that access to the property room is restricted at all times. Only persons accompanied by the Property/Evidence Custodian are permitted entry. Entry by all other persons is prohibited.

Secure refrigerated storage is available for perishable items, such as blood and urine specimens. Use of this refrigerator is restricted to in-custody property and evidence. Secure storage is available for large items such as bicycles, appliances, etc., in the basement fenced area of the Police Department. When evidence is too large for the property lockers, the Property/Evidence Custodian will be notified and the Property/Evidence Custodian will ensure appropriate security of the evidence.

### 84.1.3: Temporary Security

The department maintains 14 lockable storage lockers located in the Uniform Storage Room which provides for locked secure storage during time periods when the Property and Evidence Room is closed. The individual evidence compartments will be locked with Master padlocks. The only keys available will be under the control of the Property/Evidence Custodian, with backup keys locked in the Key Control Vault for which the Chief of Police has the only key. In the event that an evidentiary item is to large to fit in one of the evidence lockers, Watch Commanders are authorized to call-in the Property/Evidence Custodian to take charge of the item and store it in the Property/Evidence Room. Under no circumstances will evidentiary, found, or recovered property be kept in the Officer's personal possession.

### 84.1.4: Restricted Access

Access is restricted to the Property/Evidence Custodian to areas of storage of in-custody or evidentiary property. Any other person entering the secure storage area must be accompanies by the Property/Evidence Custodian.

### 84.1.5: Records, Status of Property

The Property/Evidence Custodian is responsible for the records system of property/evidence that is in the custody or control of the Williamsburg Police Department. All property/evidence is entered into the department's computer system by the reporting officer. The Property Receipts indicate a written log of when the property was received or released; character, type and amount of property on hand; and chain of custody from the time the property was stored until its final disposition.

When a private citizen reports found property but refuses to relinquish custody to the police department, the interviewing officer shall complete a miscellaneous report making notation of the finder's name and address, social security number, telephone number, location of the property and description of the property.

### 84.1.6: Inspections and Reports

a. The Special Operations Bureau Supervisor will conduct regular monthly inspections to insure compliance of the Property and Evidence Section with these policies and procedures and State Statutes and City Ordinances.

b. When a new Property/Evidence Custodian is designated by the Chief of Police, an inventory of all property will be conducted jointly between the new and outgoing custodians. Entry door locks will be re-keyed and alarm codes changed at that time.

c. An annual inspection of property and evidence will be held by the department and conducted by the Chief of Police or his designate (who should not be connected routinely with property control functions).

d. Unannounced inspections of the Property and Evidence Section will be conducted as directed by the Chief of Police.

### 84.1.7: Final Disposition

The Property/Evidence Custodian will ensure that final disposition of found, recovered, and evidentiary property is accomplished within six months after legal requirements have been satisfied. Any exceptions to this will be called to the attention of the Chief of Police.

On a quarterly basis, the Property/Evidence Custodian will give each officer a list of property/evidence that they are responsible for determining final disposition. They are to compare that list with the pink copies of Property Receipts they retained. If the property/evidence can be returned, destroyed or forfeited it should be noted on the disposition list which will be returned as soon as possible to the Property/Evidence Custodian.

Assets seized by lawful forfeiture and court order will be documented by a property receipt and all official documentation (court order, seizure papers, etc). All items seized under asset forfeiture laws will be disposed of in accordance with State and Federal laws.

## APPENDIX A

## EVIDENCE/PROPERTY CUSTODIAL PROCEDURES

### PROPERTY/EVIDENCE RECEIVING

1. Officer collects evidence/property. Evidence/property is to be either immediately returned to owner, turned over to Property/Evidence Custodian, or to 24 hour lockers. Evidence is to be accompanied a Property Receipt. The officer will retain the pink copy of the Property Receipt for their own records. Each officer will have their own Property Receipt file.

2. Property/Evidence Custodian takes possession of property/evidence and signs property receipt, date and time received, and enters information from property receipt into the evidence/property log.

3. Property/evidence is transported to the property/evidence room, where property is assigned to the collecting officers' personal bin or designated locked cabinet (firearms, drugs, valuables). Bin and cabinet designation is assigned and recorded on the property receipt.

4. Property receipt is filed by officer name according to case number.

### PROPERTY/EVIDENCE REQUEST BY OFFICER

1. Within 48 hours, officer who requires property/evidence must fill out the property request form and forward it to the Property/Evidence Custodian.

2. The Property/Evidence Custodian will locate the property receipt, then locate the property/evidence.

3. The officer will sign the property receipt.

4. The officer will receive the original copy of the property receipt.

5. The Property/Evidence Custodian will then put remaining copies in the Property Out file.

6. When the property/evidence is returned, the property disposition section of the property request form shall be completed with disposition as follows:

   a. Property returned to owner by officer - property receipt signed by owner and returned to Property/Evidence Custodian.

   b. Court ordered destruction - property returned to Property/Evidence Custodian for proper disposal, property receipt to be put in Destroy File by Custodian.

   c. Pending Further Legal Action - property returned to Property/Evidence Custodian, property receipt filed according to case number, property returned to proper bin.

7. All property/evidence that is returned to owner or destroyed must be taken off the evidence/property log or the written property log, whichever is applicable. Property receipt will be filed in either the Destroyed Property file or the Return to Owner file, as appropriate. These tasks are the responsibility of the Property/Evidence Custodian.

## PROPERTY/EVIDENCE LAB PROCEDURES

1. Officers prepare a Laboratory Request Form for all evidence to be submitted to the Forensic Lab.

2. The Property/Evidence Custodian, or his designee, will transport said evidence to the Forensic Lab.

3. The Lab Request is signed by the Laboratory Officer accepting the evidence.

4. Laboratory Officer will give the Property/Evidence Custodian a copy of the Laboratory Request.

5. The Laboratory Request Form is then brought back to the Property Room and placed with the respective Property Receipt and placed in the Lab Box. These forms will stay there until evidence is returned. When property is picked up from the lab, it is brought back to the property room. At this point, said property is signed into the officers' respective bins or designated locked cabinet where property is located, and Property Receipt is then filed by case number in the officers' respective file.

6. Property/Evidence that is to be processed in the Williamsburg Police Department Lab will be accompanied by a copy of the property receipt which will be signed by the processing officer. The original property receipt is placed in the Williamsburg Police Department Lab box. When property/evidence processing has been completed, the property/evidence is taken back to the property custodian and will be placed in the officers assigned bins and the Property Receipt is filed according to case number.

7. Property that is processed that is no longer needed as evidence is to be returned to the owner by the Property/Evidence Custodian or his designee. Property that has no owner and is no longer needed as evidence will be handled in accordance with statutory requirements. Any and all dispositions of property/evidence will be documented on the Property Receipt, which will be filed in the appropriate file.

# RULES AND REGULATIONS

**INTEGRITY**: All officers of the Williamsburg Police Department will display the high degree of integrity as explained by the Law Enforcement Code of Ethics. For purposes of this Department, the Law Enforcement Code of Ethics is adopted as a rule.

**GENERAL DUTIES**: All officers of the Williamsburg Police Department will, at all times, within the City limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, the Commonwealth of Virginia, and all ordinances of the City of Williamsburg, in accordance with the rules, regulations, policies, procedures and orders of the City of Williamsburg and the Williamsburg Police Department.

**OBEDIENCE TO LAWS, ORDINANCES, RULES, REGULATIONS, ETC**:

a. Employees of the Williamsburg Police Department will obey all Federal and State Laws. They will also obey all laws and ordinances of the City of Williamsburg or other municipalities in which the employees may be present. Employees will obey all rules, regulations, directives and orders as may be issued by the Department. Employees must acquire and maintain a working knowledge of all laws of the Commonwealth of Virginia and the ordinances of the City of Williamsburg, and the orders, rules, and policies of this Department.

b. Employees of the Williamsburg Police Department will obey all lawful orders issued to them by competent authority, as well as respond to calls for assistance from citizens. Officers assigned to special units or details are not relieved of the responsibility for initiating action outside the scope of their assignment when necessary.

c. Supervisory officers of the Williamsburg Police Department will not knowingly or willfully issue any order in violation of any law or ordinance or of any rule, regulation, general or special order of the Williamsburg Police Department.

d. To permit effective supervision, direction, and control, employees should promptly obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. In the event an employee is given two different orders that may be in conflict, the last order given should be complied with unless the order is retracted or modified. In the event an employee receives conflicting orders, the employee should inform the person giving the last order of the conflict of orders. That person giving the conflicting order should then resolve the conflict by either retracting, modifying, or requesting the employee to comply with the latest order. In the event the conflicting order is not altered or retracted, the employee will not be held responsible for disobedience of the order or directive previously issued.

e. No employee of the Williamsburg Police Department is required to obey any order which is contrary to the laws of the United States, State of Virginia, or ordinances of the City of Williamsburg; however, such refusal to obey is the responsibility of the employee and they will be required to justify their action.

f. An employee who has information concerning illegal actions, dereliction of duty, malfeasance, misfeasance, or unprofessional conduct by another employee shall promptly report same to an immediate supervisor.

g. An employee in doubt as to the nature or details of an assignment shall seek clarification from the supervisors by utilizing the Chain of Command.

**DISCIPLINARY/PERSONNEL ACTIONS:**

a. Disciplinary actions may include warning, oral or written reprimand, suspension with or without pay, reduction in pay, demotion or termination. Personnel actions may include probation, counseling, training, close supervision, performance evaluation, transfer, and termination.

b. As appropriate, disciplinary action and/or negative personnel actions may be taken for any of the following reasons:

1. Incompetent or inefficient performance of duty or inattention to or dereliction of duty.

2. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature tending directly to discredit or injure the public service or to jeopardize the effective functioning of the service; or any willful violation to the provisions of this article of the rules and regulations.

3. Mental or physical unfitness for the position which the employee holds.

4. Conviction of a felony, or a misdemeanor involving moral turpitude or a pattern of misconduct as displayed by a series of convictions of misdemeanors not involving moral turpitude, or similar type of infraction.

5. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, or any other form of misconduct or negligence of which the employee has knowledge.

6. Failure of a supervisory employee or commanding officer to take corrective action with regard to such employees under their supervision as may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of such dereliction.

c. A commitment to public service and professional ethics precludes engaging in strikes or similar concerted activities. The policy of the Department is to seek the removal from office of any employee who plans or engages in strike, work stoppage or slow-down.

d. Standards of conduct established by these Rules and Regulations shall apply to all employees of the Department.

e. Officers are required to read the Complaint Book, all departmental orders, roll

call board instructions and memos, or other official publications.

f. Nothing in this manual of Rules and Regulations is limiting in the sense of charges against employees, because the alleged act or omission does not specifically appear in this Manual, Orders of the Department or in the laws or ordinances of which the Department takes cognizance. Specific rules of conduct cannot be established that will govern every employee action or behavior. Any act or omission contrary to good order, discipline, or accepted social practice may subject an employee to disciplinary action.

**GENERAL CONDUCT**:

a. Employees of the Williamsburg Police Department will display respect for their superior officers, subordinates and associates. When on duty and in the presence of the public, superior officers shall be addressed or referred to by rank.

b. Employees of the Williamsburg Police Department will, when addressing their subordinates, associates, supervisors or members of the general public do so in a courteous manner, and will not use abusive, violent, insulting or provoking language which could be deemed insulting to any individual or group by reason of their racial or ethnic background.

c. Employees of the Williamsburg Police Department, will at all times, be civil and courteous in their conduct and behavior. They will maintain an even disposition and behavior. They will maintain an even disposition and remain calm and cool, regardless of provocation, in executing their duties. An employee shall give his/her name upon request, unless extenuating circumstances dictate otherwise.

d. Employees of the Williamsburg Police Department will not gossip or speak rumors detrimental to the Department or another employee. Employees shall not publicly criticize the Department, its' policies or its' employees by talking or by writing in any manner which is defamatory, obscene, unlawful, or tend to interfere with the operation of the Department.

e. Employees of the Williamsburg Police Department will display absolute honesty in deed and speech.

f. Employees of the Williamsburg Police Department will cooperate and coordinate their efforts with other employees to insure maximum effectiveness. This high degree of cooperation and coordination will extend to other law enforcement organizations and government agencies.

g. Employees of the Williamsburg Police Department will not conduct lengthy or extended personal conversations or associations or relationships with persons of the opposite sex for social or personal reasons while on duty. This does not prevent official association in the performance of assigned duties.

h. An officer will not display cowardice in the line of duty or in any situation where the public or another police officer might be subjected to physical danger. Unless actually incapacitated themselves, officers will aid, assist and protect fellow officers in time of danger or under conditions where danger might reasonably be impending.

i. Employees of the Williamsburg Police Department will not at any time use or attempt to use their official position, badge or credentials for personal or financial gain or advantage.

j. Employees shall conduct their private and professional lives in such a manner as to avoid an adverse reflection upon themselves or the Department. Complaints will be investigated by appropriate officer(s) authorized by the Chief of Police.

k. Employees have stable incomes upon which they may forecast future earnings. For this reason, and because of public confidence in their responsibility, it is relatively easy for employees to contract financial obligations which, if not controlled, may become an impossible burden. Financial distress may impair the individual's effectiveness and bring discredit upon the Department. Employees should avoid incurring financial obligations which are beyond their ability to satisfy.

l. Employees shall maintain a professional demeanor. They will not read newspapers or magazines while in uniform and in a public place or in a patrol unit. They shall not commit any act which detracts from a professional image.

m. Employees shall not engage in business transactions with suspects, defendants, or prisoners, except as authorized by the Chief of Police.

n. Employees shall not solicit the aid of any individual or group outside the Department for assistance in procurement or transfer, duty assignment, or promotion.

o. Employees may not bid in any auction conducted by the Department.

p. An employee shall not feign illness or injury. If injured or ill, the employee shall remain at his residence except to consult a physician, attend a medical facility or obtain prescribed medications. If convalescence is to be at a location other than his residence, he will notify his immediate supervisor.

q. No employee, except in the discharge of duty, may knowingly associate with persons engaged in unlawful activities.

r. Compromising police cases - employees, without Departmental sanctions, shall not:

1. Interfere with the service of lawful process;

2. Interfere unlawfully with the testimony of witnesses or defendants;

3. Attempt to have any charge reduced, altered, or stricken from the appropriate court document;

4. Engage in any action which will interfere with the efficiency or integrity of the criminal justice system. Participation in plea negotiation is not construed as a compromise.

s. An employee who has knowledge of the death, or serious injury or illness, of another employee or member of an employee's immediate family will promptly notify the Communications Room and provide the pertinent information.

t. An employee shall not, in an official capacity, solicit the aid of the news media for personal gain.

u. Preferential treatment shall not be extended to any representative of the media.

v. An employee shall not enter public places while on duty except to perform assigned tasks of normal duty. An employee shall not loiter in Departmental areas.

w. Departmental vehicles shall be used by authorized personnel only in conjunction with Departmental activities.

x. Resignation: An employee should submit a written resignation two (2) weeks prior to the effective date. The employee shall report to the Support Services prior to 9:00 a.m. for check-out processing on the last day of employment prior to weekend or holiday.

**GIFTS, GRATUITIES, REWARDS, ETC.**

a. Employees will not solicit any gifts, gratuities, loans or fees where there is any direct or indirect connection between the solicitation and their departmental affiliation.

b. Employees will not accept either directly or indirectly any gift, gratuity, loan or fee or any other thing of value, arising from or offered because of police employment or any activity connected with police employment.

c. Employees will not accept any gift, gratuity or other thing of value the acceptance of which might tend to influence directly or indirectly the actions of the employee or any other employee in any manner of police business; or which

might tend to cause any adverse reflection on the Department or any employee.

d. No employee of the Department will receive any gift or gratuity from other employees junior in rank without the express permission of the Chief of Police.

e. Employees will not accept any gift, gratuity or reward in money or other considerations for service in line of duty to the community, or to any person, business or agency except lawful salary and that authorized by Virginia Code.

f. Unless approved by the Chief of Police, no employee shall officially endorse any commercial enterprise, nor authorize the use of his/her title, rank, departmental affiliation, or photograph.

g. Employees shall not recommend any person or premise to any municipal, state, or federal agency regarding the issuance, revocation, or suspension of any license or permit, except in discharge of official duty.

h. Employees shall not suggest, recommend, or otherwise promote the services of any attorney, bail bondsman, towing agency, or other service to any person with whom they have contact as a result of Departmental business.

i. Employees shall not solicit free admission to theaters or other places of amusement. Acceptance of free admission or passes must be sanctioned by the Chief of Police.

**SUGGESTIONS OR GRIEVANCE**:

a. Employees of the Williamsburg Police Department wishing to make suggestions for the improvement of the department, or feeling injured or offended by the treatment, orders or neglect of duty of a superior, will have the privilege of communicating, verbally or written, through proper channels such suggestion or complaint to the Chief of Police, however, certain matters, such as those of a personal or confidential nature may be brought directly to the Chief of Police. If it is deemed appropriate, the Chief may refer the employee back to the Chain of Command to insure the proper and efficient functioning

thereof.

b. Civilian employees may utilize the City of Williamsburg Grievance Procedure of the Department.

c. Sworn officers may elect to use the City of Williamsburg Grievance Procedure (except Chief of Police and Bureau Supervisors) or the Law Enforcement Officers' Procedural Guarantees in Virginia Code (except Chief and probationers), when in the employee's opinion, he or she has been treated unfairly by a superior or a contemporary.

**DUTY**:

a. Employees of the Williamsburg Police Department will report for duty at the time and place specified by their assignment, Supervisor, or orders and complete the number of hours on duty required by their assignment. Failure to report shall be deemed neglect of duty.

b. Unless otherwise directed, an employee shall report to roll call at the time and place specified, properly attired and equipped, and will present a neat and clean appearance, unless the assignment makes this requirement impractical.

c. Office Hours: Normal business hours of the Department will be from 8:00 a.m. to 4:30 p.m., Monday through Friday. An administrative employee's scheduled working hours may vary from the normal business hours at the discretion of the Chief of Police.

d. Employees of the Williamsburg Police Department, while on duty, will remain alert and awake.

e. Employees of the Williamsburg Police Department, while on duty, will not engage in any activity or personal business which could cause them to neglect their duty.

f. Prohibited Activity: Employees shall not engage in the following activities

during duty hours:

1. Sleeping (unless authorized), loafing, or idling.

2. Recreational reading.

3. Private business or personal transactions.

4. Carrying any articles or wearing any articles of attire which distract from the proper performance of duty or professional image.

g. While on duty, an employee shall not leave the City limits without authorization of his supervisor, except in immediate pursuit of a person to be arrested, cited, or to reach other parts of the City.

h. Except in emergencies, an employee shall not leave a post or assignment without having been properly relieved. In such situations, the employee will cause his supervisor to be notified as soon as possible.

i. Employees shall not engage in political or religious discussion to the detriment of good discipline, and will not use remarks that degrade national origin, sex, race, creed, or beliefs.

j. Relief From Duty: Any supervisor may relieve an employee from duty to prevent embarrassment or discredit to the Department.

k. Relief From Duty Work Schedule: An employee relieved from duty for extended periods, pending formal disciplinary action, may be administratively assigned to normal office hours.

**PATROL DUTY HOURS AND ROLL CALL**:

a. In order to enhance coordination between the shifts either ending or beginning their respective tours, and to insure better preparation of the officers going on duty, the following policies and procedures are used by the Williamsburg

Police Department. These policies and procedures are assigned to secure:

1. Compliance with uniform and weapons regulations; pertinent information regarding offenses or incidents in and around our jurisdiction;

2. Notification of any new orders; or memorandums issued; and

3. Exchange information with the off-going shift personnel. It is imperative that police personnel be fully informed of their duties so they may perform at an optimum level.

b. The following time shall be observed when changing shifts:

1. 8:00 P.M. - 8:00 A.M.

2. 8:00 A.M. - 8:00 P.M.

c. No officer going off duty will report to the station until he is notified by the dispatcher to do so. The officer will sign off by radio when he gets to the station, thus ending his/her tour of duty.

d. An officer reporting for duty will present himself at roll-call in the prescribed uniform and with the required equipment.

e. The Watch Commander will conduct roll call at the time and place designated by the duty schedule, read the orders of the day, give any special instructions, make assignments and conduct inspections of the uniform of each officer.

f. Immediately upon beginning the tour of duty, the officers will inspect their assigned vehicles for equipment and any unreported damage. Upon completion, the supervisor will inspect all vehicles.

1. An officer assigned to any police vehicle is responsible for reporting any damage or loss of equipment, as soon as operationally feasible, to his

immediate supervisor.

2. Needed repairs will be reported to the supervisor listing all defects.

3. Vehicle windows will be closed and doors locked when the vehicle is parked on the line.

4. Keys will not be left in unattended vehicles.

g. Employees will inspect any vehicle assigned to them and report any operational deficiencies, damage/defects to the Watch Commander. Failure to report damage/defects will create presumption an inspection was made, that no damage or defects were found, and therefore, the employee is responsible for damage.

**DAILY DUTY ROSTER**:

a. The daily duty roster is a means to put into a written record the assignment of personnel to a specific duty. Any method other than a written record may result in haphazard carrying out of assignments. The duty roster facilitates the completion of assignments by providing the dispatchers with valuable information as to who is working, who is not, and where each unit is assigned. It also provides a written record for the purpose of recording information on personnel time sheets.

b. The use of a daily duty roster is a part of our management system and a part of the total effort to facilitate the completion of our mission with as little confusion and wasted effort as possible.

c. Procedures:

1. The daily duty roster will be kept in the dispatch office and turned into the Chief's Assistant after each twenty-four hour cycle.

2. The daily duty roster will be filled out by the Watch Commander at the

beginning of each respective shift. Extra duty personnel must call the dispatcher to be put on the roster when working Departmental Extra Duty.

**LEAVE**:

a. Employees of the Williamsburg Police Department will not be absent from duty without first obtaining approval from their supervisor.

b. Absenteeism: An employee who is unable to report for scheduled work will notify, or cause to be notified, the concerned supervisor stating the reason and the expected date and time of return. Notification shall be accomplished as early as practicable or pursuant to departmental directives.

c. Absent Without Leave: An employee shall be considered in this category when absent and leave has not been granted.

**INFORMATION**:

a. Employees of the Williamsburg Police Department will not communicate to any person not an employee of this department any information concerning operations, activities or matters of police business, the release of which is prohibited by law or which may have an adverse impact on the department image, operations, or administration.

b. Employees of the Williamsburg Police Department will communicate promptly to a supervisor information regarding tips on crimes or criminal activity or other relevant law enforcement information which may come into their possession. After conferring with their supervisor, employee and supervisor will notify the proper Bureau Supervisor of the information.

c. Employees shall advise their supervisors of any unusual activity, situation, or problem in which the Department would logically be concerned.

d. Except as authorized below, employees shall not communicate information

which might assist persons suspected of or charged with criminal acts:

1. Employees may communicate information to appropriate departmental employees or the Commonwealth Attorney's office that would exculpate individuals.

2. Employees may communicate information that would assist in the rehabilitation of convicted persons.

e. An employee shall not reveal the contents of any official police record, report or document except as authorized by the Chief of Police or according to departmental procedures.

f. The contents of criminal history or arrest records shall be divulged only to authorized individuals as provided by departmental procedures and state law.

g. An employee shall not alter, forge, or tamper with any police record, report, citation, or other departmental document.

h. An employee will not communicate any information of an internal nature that concerns the Department, Departmental activities, or members to persons outside the organization without authorization.

i. An employee shall not willfully misrepresent or falsify any matter, verbally or in writing.

j. Employees shall extend cooperation to members of the news media consistent with department policies, provided the investigation or prosecution of a police case is not jeopardized. A situation with the news media which cannot be resolved shall be referred to the Chief of Police.

**PUBLIC APPEARANCES**:

Employees of the Williamsburg Police Department will not fill speaking engagements

or publish articles as official representatives of the Police Department without permission from the Chief of Police. Employees shall refer requests for speakers to the Chief of Police for assignment as appropriate.

**ALCOHOL, DRUGS, AND TOBACCO, USE OF**:

a. Employees of the Williamsburg Police Department will not drink any alcoholic beverage while on duty. Officers in plain clothes, with the consent of their command officer, may drink limited quantities while on duty when necessary to accomplish the police mission, but consumption shall be restricted so as to prevent intoxication.

b. Employees of the Williamsburg Police Department will not appear for regular duty, or be on regular duty, while under the influence of intoxicants to any degree whatsoever or with an odor of intoxicants on their breath.

c. An employee shall not purchase any alcoholic beverages while in uniform.

d. An employee shall not bring or retain any intoxicant on department premises or in vehicles except when required by the performance of assigned tasks.

e. In the event of an emergency recall situation, each officer must determine fitness for duty if alcohol has been consumed. A supervisor will be consulted and asked to confirm or deny, as appropriate, the officer's judgement in the matter. No adverse actions will be taken if, in an emergency recall situation, the officer believes self to be incapacitated for duty, says so, or is told so by a supervisor, prior to actually going on duty.

f. Williamsburg Police Department employees will not use any narcotic, stimulant or dangerous drug while on duty or off duty unless prescribed by a physician. Employees using any prescribed drug, narcotic or any medicines that could possibly induce impairment of their performance will notify their supervisor.

g. Employees of the Williamsburg Police Department will not use tobacco while in formation, engaged in traffic control, in a City building, a City vehicle, or

while in contact with the public.

**ACTIVITIES OFF-DUTY**:

a. Recall: When off duty, an employee shall be subject to recall to duty as needed.

b. Emergency Stand-By: An employee shall be subject to emergency stand-by as deemed necessary.

c. Police Action While Off-Duty: An officer shall act in his official capacity if he becomes aware of an incident which requires police action and time is of the essence to safeguard life or property. While off-duty:

   1. Should an off-duty officer become aware of an incident which requires police action, and life or property is not endangered, he shall report the incident to the appropriate police agency for action.

   2. Regardless of duty status, officers shall not utilize vehicles unmarked and with no audible and visual emergency signalling devices to stop traffic law violators.

d. Officers shall not become involved in neighborhood disputes in an official capacity. Such disputes shall be handled by disinterested persons.

e. While off-duty, an employee shall not use alcoholic beverages to a degree which may adversely reflect on the Department.

f. Sworn personnel who are off-duty are encouraged to have an authorized firearm in their possession unless off-duty activity dictates otherwise. Departmental credentials shall be in possession of any officer carrying a weapon off-duty.

g. Off-duty conduct shall not be such as to reflect adversely on the Department.

h. There is an immediate lowering of esteem as well as suspicion of ineffectiveness when public contact is made by an employee evidencing the use

of intoxicants. Additionally, the stresses of law enforcement require that an employee be mentally alert and physically responsive.

**PROPERTY, EQUIPMENT AND UNIFORM**:

a. Employees of the Williamsburg Police Department will be responsible for the proper care and the use of Department property and equipment assigned to or used by them and will promptly report to their supervisor any loss, damage, destruction or defect thereof.

b. Employees of the Williamsburg Police Department will operate Department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator will notify a supervisor immediately. Under no circumstances will an officer involved in an accident investigate the same.

c. Uniforms -

The proper wearing and maintenance of the Department's uniforms are significant enough to warrant the setting forth of policy and regulations on these subjects. The high visibility of the police officer and, in our situation, the police dispatchers, set us apart from the rest of society. The majority of people do judge police employees by first impressions. Initial opinions often are formed from visual impressions. This impression can be favorable if attention and care is provided by the individual to the wear and maintenance of his/her uniform.

1. It shall be the policy of this Department to furnish uniforms (to include clothing and other articles) for the individual police employee. This uniform is to be worn only when on duty or when on authorized assignments. The wearing of partial uniform is prohibited. An officer in uniform will at all times carry an authorized firearm.

2. The following regulations will apply to the wear and maintenance of uniforms:

a. Police Officer Insignia and Rank - The following are standard rank insignia:

1. Police Chief - Colonel - Gold Eagle
2. Deputy Police Chief - Silver Lt. Colonel Leaf
3. Police Major - Gold Maple Leaf
4. Police Lieutenant - Gold Bar
5. Police Sergeant – Silver Collar Chevrons

b. Awards: The following awards are authorized to be worn on Departmental uniforms:

1. Career Development Award, worn on uniform shirt collar.

2. City Service Award, on right shirt pocket.

3. Officer of the Year, on right shirt pocket.

c. Maintenance of Uniforms and Equipment: The uniform issued to each member of the Department will be kept clean and serviceable. Shoes will be kept clean and polished.

d. Separation from Department: Upon separation, all issued uniform and equipment items will be returned to the Department before the final pay is released. In the event of death of an employee, the immediate supervisor will recover all Departmental property. When an employee is suspended, his/her badge, weapon, and I.D. card will be turned in to his immediate supervisor. Failure to return all items of City property upon separation will result in withholding final pay and/or legal action being taken.

3. Uniform:

a. Uniform Shirtpockets: Bulky items will not be carried in shirtpockets. Pens may be placed in the space provided.

b. Undershirts: When a necktie is not worn, no portion of an undershirt will be visible.

c. Color of Socks: Black or navy socks will be worn.

d. Caps will be worn squarely upon the head with a space approximately the width of two fingers between the bridge of the nose and underside of the cap bill. Hats will not be bent or altered.

e. Uniform Shoes: Uniform Shoes or boots will be black in color. One pair of shoes will be furnished per year to police officers. Any replacement worn must be clean and polished. Old shoes must be presented when new ones are obtained.

f. Any member requesting new uniform articles must present the reasons for needing the new article(s). Old items must be turned in when new ones are issued.

g. Names Plates: Name plates will be worn centered over the right breast pocket with the lower edge adjoining and paralleling the top of the pocket.

h. Badges: Badges will be worn in the badge holder located over the left breast pocket.

i. Uniform Trouser: The uniform trouser will not vary from winter to summer duty. The winter shirt will be long sleeve with tie. The summer shirt will be short sleeve with open collar.

j. Uniform Leather: Sam Brown belt with holster in clarino.

1. Holster - worn front draw on gun hand side.

2. Handcuff Case - warn on opposite side from holster and with flap on top.

3. Bullet Pouch - worn on holster side and to front of holster.

4. Baton - opposite the holster.

k. Ammunition: Department issue only.

l. Weapons: Departmental issue only.

m. Handcuff: Departmental issue.

n. Alterations: No alterations made except tailoring to fit.

o. Uniform Sleeve Accessories: Department Emblem to be sewn on sleeve 1/2 inch below the shoulder seam.

4. No person employed by this Department shall wear, display, or possess any emblem, rank insignia, or badge which shall tend to represent any official police authority to which he/she is not entitled.

5. Civilian Clothing: When civilian attire is worn, and sidearms are carried, the sidearm is to be concealed at all times unless assignment dictates otherwise. No part of the uniform is to be worn with civilian clothes.

e. Employees wearing civilian clothing will present a neat and clean appearance. Employees will wear clothing which is appropriate to the type of duties and type of citizen contact expected, e.g., coat and tie for male or equivalent shirt, blouse or pants outfit dress for females is required for court, business contacts, etc. More informal sports clothing might be appropriate for late hours of work, etc. Civilian dress should not be a source of negative comment from the community or impact adversely in gaining community respect.

f. Employees of the Williamsburg Police Department will not temporarily or permanently convert any Department property to their own private or personal use or the use of any other person.

g. Employees are issued appropriate identification credentials and shall not obtain additional credentials which identify them as members of the Department.

   1. Sworn personnel shall have credentials in their immediate possession unless extenuating circumstances dictate otherwise.

   2. The loss of credentials shall be reported immediately to their immediate supervisor with a follow-up memorandum through the chain of command to the Chief of Police.

**TELEPHONE**:

Each employee will maintain a telephone at his/her residence. Personal telephone numbers shall be considered confidential and will not be disclosed to the public without permission of the concerned employee. Any change in residence or phone number must be reported within 24 hours to the Communications Center.

**OFF-REGULAR DUTY POLICE SERVICE AND OFF-DUTY EMPLOYMENT**:

a. Requests for off-duty employment or change of employment will be submitted to the Chief of Police. Upon approval by the chief, the original copy of the request will be filed in the personnel file with a duplicate copy going to the employee.

b. Off-regular-duty police service assignments and off-duty employment are limited to a cumulative maximum of 16 worked hours per calendar week. Permission to exceed the maximum requires specific approval of the Chief of Police.

c. The nature of the law enforcement task requires employees to have the ability to work irregular duty schedules which are subject to change. Additionally, it is necessary that an employee be alert during a tour of duty. For these reasons, certain occupations conflict with an employee's primary responsibility to the Department. Therefore, the Department may prohibit or impose conditions on outside employment.

d. Requests shall not be submitted, considered, nor approved should the nature of the position be considered detrimental to the best interests of the Department; e.g., collector, private detective, security guard or any questionable business activity.

**REPORTING ARRESTS, COURT ACTION, ETC**:

a. Employees of the Williamsburg Police Department will immediately report to their supervisor any arrests or court action, except divorce proceedings, instituted against them.

b. Employees shall make written notification to his/her supervisor any time they are involved in an investigation being conducted by another law enforcement agency.

c. Any employee of the Department who becomes involved in any accident, incident, or altercation, or any problem which may come to the public attention will give verbal notification as soon as possible. Written notification must be issued to the officer's supervisor within 24 hours. Supervisors will ensure that information is moved up the chain of command as rapidly as possible.

**ORGANIZATIONS AND MEMBERSHIPS**:

a. No member of the Williamsburg Police 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 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.

b. Organizational Affiliations: Employees shall not affiliate with or become a member of any organization, if such affiliation or membership will in any way interfere with or prevent the performance of duty.

c. Employees shall not, except in the line of duty, knowingly associate with any persons or organizations which advocate or foster hatred, oppression, or persecution of any person or group.

**MONEY EXPENDITURES**:

a. There will be no expenditures of money or financial obligations incurred in the name of the Department by any employee without prior knowledge and permission from the Chief of Police.

b. No employee shall imply or accept financial liability for loss or damage on behalf of the City of Williamsburg. Any inquiries concerning City financial liability will be referred to the City Attorney.

**POLITICAL ACTIVITIES**:

a. Nothing contained herein shall be construed to affect the right of an employee to hold membership in, or to support a political party or to vote as he chooses, provided attendance or activities are such that they cannot be construed as representative of Departmental views.

b. An employee shall not engage in the following partisan political activities:

1. Attempt to influence or solicit political service or contributions from other employees.

2. Use Departmental position, the authority inherent to the position, or any public property or equipment for any political purpose.

**LABOR DISPUTES**:

a. The Williamsburg Police Department cannot declare a labor dispute to be illegal. Such declaration must be established by a duly constituted court of law.

b. The manner in which a labor dispute is to be controlled is largely at the discretion of the Chief of Police. The Chief of Police or his designate may meet with representatives of the parties involved, and shall inform them of their rights and responsibilities.

1. Neither force nor violence will be tolerated and the law will be enforced with impartiality.

2. Rights of the public to use the streets and sidewalks will be protected.

3. Conditions or acts which lead to disorder are prohibited.

4. Disputants may not use indecent or obscene language or any manner of address which may incite violence.

5. Rights of employees to conduct orderly picketing will be protected.

6. Rights of non-striking employees and management to continue normal operations will be protected.

c. Officers assigned to locations affected by a labor dispute shall be alert to prevent violations of law and unlawful assembly of persons.

d. A command post shall not be located on or within the facilities of the parties involved.

**COMMUNICATIONS AND CORRESPONDENCE**:

a. An employee shall not use Departmental stationary for private correspondence.

b. An employee shall not correspond in the name of the Department without permission from his bureau supervisor.

c. Except for official business, an employee shall not use the Department as a mailing address. The Department address shall be entered on the documents as the employee's business address only.

d. An employee who receives an official communication directed to another shall forward such communication without delay. A supervisor who receives a written communication from a subordinate directed to higher authority, shall indicate either approval, disapproval, or notation as to acknowledgement of content and forward to the next person concerned.

e. Toll calls shall be accounted for as provided by departmental directives.

f. Unless directed to a specific person, telephone calls shall be referred to a supervisor. When transferring a long distance telephone call, every effort should be made to prevent unnecessary delay.

g. City telephones are to be used in accordance with City Policy. Only emergency personal long distance telephone calls must be authorized by a supervisor. Cellular phones are assigned to police vehicles and key personnel as authorized by the Chief of Police. Department issued cellular phones will be used only for official work related calls. Personal calls, outgoing and incoming, are prohibited unless an emergency exists and other options are not available.

**DEPARTMENTAL PROPERTY**

a. Employees shall be responsible for the proper care and custody of assigned departmental property.

b. Employees shall promptly report lost, damaged, or inoperative property to an immediate supervisor.

c. Each employee is responsible for the maintenance of manuals issued to him. Changes and inserts shall be posted when received. Manuals are subject to inspection.

d. When Departmental property reflects evidence of damage, not previously reported, the last person having use or custody shall be deemed responsible.

e. Employees who operate a City vehicle are required to possess a valid Virginia vehicle operator's license. Employees shall operate City vehicles in compliance with state traffic laws, City ordinances and Departmental directives. An employee who operates a vehicle with emergency devices activated shall abide by state statutes, exercise precautionary measures as may be necessary for safe operation, and drive with due regard for the safety of all persons.

f. The ignition key shall be removed and the doors locked with the driver is not in the immediate area of the City vehicle.

g. Unauthorized property or evidence discovered in a City vehicle shall be delivered to the employee's immediate supervisor as soon as possible with a memorandum that outlines the details.

h. Accidents which involve City vehicles shall be investigated and the required reports submitted in compliance with Departmental directives.

i. Departmental equipment, including lockers, desks, vehicles, computers, pagers and cellular telephones, remain property of the City of Williamsburg and all employees will not enjoy an expectation of privacy when using these devices. Data caches, voice and E-mail boxes, pagers memory banks and other employer-provided electronic storage systems may be "opened", "read" or inspected in the same manner as the contents of employer-furnished vehicles, desks, lockers, and other equipment.