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FOREWORD

This Manual sets forth the general responsibilities and standards of conduct expected of all employees of the Campbell County Sheriff's Office, both sworn and non-sworn. Such responsibilities and standards are expressed as General Orders, which apply across all Divisions of the Department. More specific Division Directives apply to employees assigned to each of the Agencies three divisions; these directives are not contained herein, but are made part of this manual by reference.

All General Orders within this document, and the Division Directives, which are, by reference, made part of this document, are issued under the authority of the Sheriff, pursuant to the provisions of Article VII, Section 4, of the Constitution of Virginia. This manual will be updated as necessary to reflect any changes in law and to accommodate departmental needs.

Each member of the Campbell County Sheriff's Office is expected to familiarize himself with the contents of this manual and, additionally, with the specific Division Directives of the division to which he may be assigned.

Steve A. Hutcherson
STEVE A. HUTCHERSON
SHERIFF

LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Authority and Organization of the Campbell County Sheriff's Office	**NUMBER: 101**
EFFECTIVE DATE: April 7, 2004	
AMENDS/SUPERSEDES: **Revised Date: 7/4/03**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.01.01, ADM.02.01, ADM.07.01 - ADM.07.04, ADM.08.01	

NOTE

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

I. POLICY

It is the policy of the Campbell County Sheriff to outline his authority, the organizational structure of the department, and its chain of command as it generally relates to public safety. The policy is stated for the purpose of ensuring maximum efficiency of all departmental employees, and for the information of all citizens of the County of Campbell.

II. AUTHORITY OF THE SHERIFF

The Sheriff is a constitutional officer by virtue of Article VII, Section 4, of the Constitution of Virginia, and is elected every four years. The specific responsibilities of the Sheriff are designated by the Constitution of Virginia and by the Virginia General Assembly in the form of state statutes. Attachment A to this order cites the statutes related to the authority and responsibilities of the Sheriff.

The execution of these responsibilities, however, is constrained by personnel and fiscal allotments made available by the State and the County Board of Supervisors through their respective funding processes. While the local governing board may request actions with regard to the operation of the Sheriff's Office, the Sheriff's decisions with regard to such requests are final unless overridden by the intervention of the courts.

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The Sheriff and his deputies are empowered to enforce the laws of the Commonwealth of Virginia and the ordinances of the County of Campbell within the county.

All personnel, upon assuming sworn status, must take an oath of office to enforce the law and uphold the Constitution of the United States, the Constitution of the Commonwealth of Virginia, and the ordinances of Campbell County.

All sworn personnel must receive and abide by the Law Enforcement Code of Ethics, as adopted by the National Sheriff's Association. The Code of Ethics is made part of the Policy Manual.

III. SERVICE AREA

With the exception of Federal enclaves, the Sheriff's Office serves the citizens and businesses of Campbell County, including those of incorporated towns within the county, which have established police departments when those departments are unavailable.

Generally, the Sheriff's Office confines its activities to the rural and unincorporated areas of the county. It responds to service requests from agencies responsible for Federal enclaves and incorporated areas. Only in emergency or other situations will it initiate action in these jurisdictions.

Normally, the Sheriff's Office limits its patrols to the roads, highways, and public lands of Campbell County, entering private property only at the request of the resident or owner (an assumption of permission is made with regard to shopping centers, apartment/townhouse complexes, etc.). However, the Virginia Statutes permit the Office, upon the order of a court or when exigent circumstances arise, to enter private property.

By State Statutes and County Ordinances, for its service area, the Sheriff's Office:

* Initiates crime prevention activities to reduce the threat of crime;
* Responds to public safety calls for service;
* Executes civil and court processes in Campbell County;
* Provides courthouse and courtroom security within Campbell County and,
* Reacts to requests for law enforcement or related assistance from other jurisdictions.

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IV. ORGANIZATIONAL STRUCTURE

The Sheriff's Office is organized into three divisions, which contain sections and further, divided into functions, shifts, and individuals as depicted in the organizational chart (Attachment A). Each is assigned specific functional areas of responsibility which include activities directly related to carrying out the Office's objectives. The divisions are under the direct command of the Office of the Sheriff.

The attached organizational chart will be updated, at least annually, when necessary, to reflect the chain of command, lines of authority and communication, rank, and personnel authorization.

A. Office of the Sheriff

This office is responsible for establishing policy and working with the Board of Supervisors and other agencies to ensure that the resources necessary to accomplish the agency's responsibilities are provided. Additionally, this office is the arbitrator of all complaints/grievances of and about departmental employees.

Policy is issued in the form of guidance to division commanders who, in turn, are responsible for the formulation and continuing update of specific directives for their respective divisions. The directives must reflect the most up-to-date procedures and techniques to provide for the safety of all employees and to meet all legal mandates. Therefore, the commanders must review directives on an ongoing basis. All division directives, changes or updates must be approved by the Sheriff before becoming effective.

This office consists of the Sheriff, the Chief Deputy, the Internal Affairs function, and Sheriff's Administrative Specialist. The Sheriff's Administrative Specialist is responsible for performing the personnel/payroll function for the department as well as other functions. The Chief Deputy Sheriff assumes the functions of the Sheriff in his absence.

B. Administrative Services Division

The Administrative Services Division is headed by an Administrative Captain. The following are the components or functions of this Division:

1. Central Records Section: Maintains all departmental records of offenses, arrests, calls for service, etc.; enters records into and manages the Automated Criminal Records Systems. In addition, this function generates statistical data used in analysis of various departmental functions.

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2. Property/Evidence Section: Maintains physical custody and associated records of all evidence, and found, recovered, or seized property. In addition, this function orders and issues equipment and supplies used in the department.

3. School Resource/D.A.R.E./Crime Prevention/Community Relations: This function conducts the School Resource and D.A.R.E. Programs in the County of Campbell. This function is also responsible for implementing and conducting crime prevention activities with the public. In addition, it conducts community relations functions to increase citizen awareness of the department's operations.

4. Court Security: This function is responsible for providing bailiffs to the court, moving prisoners to and from the courts, operating metal detectors and other security devices as required, and being present in court at all times when the court is in session.

5. Civil Process: This function receives, processes, and serves all legal documents requiring Sheriffs' service.

6. Training Function: This function coordinates the training requirements of all personnel, maintains training records, and schedules attendance in various training classes for personnel.

7. Applicant Investigation: This function performs background investigations and other testing for applicants for employment with the Campbell County Sheriff's Office.

8. Accreditation: This function manages the accreditation process for the department ensuring that compliance is being met by the department with established state standards. This is an on going process with re-accreditation occurring every four years.

C. Field Operations Division

The Field Operations Division is headed by a Field Captain. The Field Operations Division provides twenty-four hour proactive patrol of Campbell County, as well as reactive response to calls for service. It is also responsible for traffic control and enforcement, preservation of crime scene evidence, and K-9 activities. The Operations Division is divided into three shifts. Each shift is headed by a Field Lieutenant. All shifts have access to specialized units. Each patrol shift is responsible for answering calls for service, enforcement of all criminal violations, and follow-up investigations of misdemeanors and felonies. Other Field Operations Division responsibilities include:

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1. Canine: This function is responsible for answering calls for service for narcotics investigative work. The canine deputy(s) performs in accordance with GO 510.

2. Traffic Enforcement: This function utilizes selective enforcement in those areas identified as problem traffic locations by the use of radar and by other methods. Child Seat Safety Technicians are trained to inspect and train others in proper child seat placement.

3. County Enforcement: This function responds to all calls for service for violations of county codes. The deputy also works closely with the Campbell County Administrator's Office, Zoning Office, Landfill, and County Attorney.

D. Criminal Investigation Division

The Criminal Investigation Division is headed by an Investigations Captain. The Criminal Investigation Division provides intensive follow-up investigation of those crimes which are not resolved during the initial response to the call for service. It utilizes current state-of-the-art techniques and procedures to make a maximum effort to solve (clear) reported crimes. It also focuses on specialized crime areas such as organized crime, vice, controlled substance abuse, and intelligence activities. The division includes investigations of:

1. Crimes against the Person: This function is responsible for the investigation and prosecution of crimes committed against people such as, robbery, rape, and murder.

2. Property Crimes: This function is responsible for the investigation and prosecution of crimes committed against property such as, burglary, destruction of property, arson, and larceny.

3. White Collar Crime: This function is responsible for the investigation and prosecution of "white-collar" crimes such as, fraud, embezzlement, and bad checks.

4. Internal Affairs: This function is responsible for conducting Internal Affairs Investigations through direction of the Sheriff.

5. Identification/Evidence Recovery: This function is responsible for the collection and preservation of all evidence collected from crime scenes.

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6. Special Investigations: This unit is responsible for investigation and prosecution of all narcotic related offenses. It conducts covert and overt operations in performing these functions. This is also the organized Crime Component and is assigned the detection, investigation and prosecution of groups of persons involved in organized illegal activities. This function also performs the intelligence function. This function gathers and disseminates information regarding criminal activity.

V. CHAIN OF COMMAND

The Sheriff, with authority vested by the Constitution of Virginia and State statutes, is the chief law enforcement officer for the county. His decisions with regard to the operation of his department are final unless overridden by intervention of the courts.

The Sheriff also authorizes the organizational structure of, and chain of command within, the Campbell County Sheriff's Office.

Employees within each of the agency's divisions report to, and are supervised by, the next higher supervisor. This supervisor shall be an identifiable person who shall be responsible for the employee's assignments, performance evaluations, counseling, disciplinary actions, etc. In order to avoid confusion and to promote efficiency within the agency, each organizational component shall be under the direct command of only one supervisor. Also, each employee shall be accountable to only one supervisor at any given time. This does not preclude orders or direction being given by a senior supervisor or any other supervisor in the absence of his/her primary supervisor.

Sworn Personnel

Deputy

Master Deputy

Field Sergeant

Field Lieutenant

Administrative Lieutenant (In the absence of a shift supervisor (Field Sergeant or Lieutenant), the Administrative Lieutenant will assume supervisory responsibilities.

Investigator - In the absence of a shift supervisor (Field Sergeant, Field Lieutenant, or Administrative Lieutenant), the Criminal Investigator on duty will assume supervisory responsibilities.

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Administrative Captain (Division Commander)

Investigations Captain (Division Commander)

Field Captain (Division Commander)

Chief Deputy (Major)

Sheriff

Support Staff

Civilian Employee

Administrative Captain, Administrative Lieutenant, Chief Deputy and/or Sheriff as denoted in the organizational chart.

Divisions are commanded by captains. Shifts are supervised by lieutenants.

VI. SENIORITY WITHIN POSITION

With regard to positions of equal rank, that individual most senior shall rank. Most senior is defined as follows (if the first condition is met equally, then the second condition applies):

Length of time in current rank. (From date of last promotion to present)

Length of employment with the Campbell County Sheriff's Office.

VII. CROSS-DIVISIONAL PROTOCOL

Under normal operational conditions, cross-divisional assignments from a superior rank to a lesser rank will not occur. In situations where two or more divisions are engaged in a single operation, the division having primary responsibility for the function shall command the operation. This does not preclude the designation of a person of lesser rank having the required qualifications from acting as an incident commander for the overall operation.

VIII. SPAN OF CONTROL

A. To achieve effective direction, coordination, and control, the number of employees under the immediate control of a supervisor should not exceed twelve people.

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B. For any major event in which large numbers of departmental personnel will be on duty, plans for the event will clearly delineate the command and structure.

IX. DELINEATION OF RESPONSIBILITY

A. Written job descriptions that include skills, knowledge, and abilities for that position, which are reviewed annually, exist for all positions and are available as an annex to this policy. All personnel are encouraged to periodically review their job descriptions and to make suggestions to their supervisor concerning any changes they believe should be made.

B. Certain tasks may be assigned to individuals that require focus of effort for some period of time. These special tasks will be in addition to those duties and responsibilities prescribed in the current job descriptions. Examples of these include, but are not limited to:

1. Deputies temporarily assigned to the Criminal Investigation Division for additional manpower to combat a particular ongoing offense i.e., burglaries in a specific area.

2. Deputy tasks such as, D.A.R.E. Instructor, School Resource Officer, Range Officer, Field Training Officer, Acting Supervisor, etc.

X. AUTHORITY AND RESPONSIBILITY

At every level within this department, personnel are given the authority to make decisions necessary for the effective execution of their responsibilities. Employees are given the latitude to make certain decisions commensurate with their authority. Each employee will be held fully accountable for the use of, or failure to use, delegated authority. Any employee who has questions regarding his/her delegated authority should bring such questions to the attention of his/her supervisor for prompt resolution. Legal questions may be referred to the County or Commonwealth's Attorney, through their chain of command. Questions concerning other facets of the criminal justice system may be likewise referred. Employees' acceptance of, and proper use of, authority will be evaluated on an ongoing basis and reflected during the performance evaluation process. Improper use of authority or failure to accept authority will be reported through command channels as rapidly as possible.

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XI. DIRECTION

The Chief Executive Officer of the Campbell County Sheriff's Office is the Sheriff. As such, he has the authority and responsibility for the management, direction, and control of the operations and administration of the agency.

A. Supervisor Accountability

All supervisory personnel are accountable for the performance of employees under their immediate control.

B. Lawful Orders

Lawful orders, including those relayed from a superior via an employee of equal or lesser rank shall be in accordance with General Order 200.

C. Conflicting Orders

Conflicting orders shall be handled as set forth in General Order 205.

D. Senior Staff Meetings

Staff meetings of the Campbell County Sheriff's Office are scheduled for every second Monday afternoon at 1400 hours, unless otherwise notified. Staff meetings shall be attended by the following:

1. Sheriff,
2. Chief Deputy Sheriff,
3. Division Commanders,
4. Shift Supervisors (Lieutenants), Administrative Lieutenant, Court Security/Civil Process Lieutenant,
5. Divisional staff, as may be required or requested.

Monthly, each Senior Staff member will be asked to include items for discussion during the Monday staff meeting. These items will be included in a written agenda and a copy will be distributed to each attendee prior to the meeting.

The Administrative Specialist will take minutes of each staff meeting, type and distribute to all members in attendance prior to the next monthly staff meeting, when so requested by the Sheriff.

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Division Commanders have the authority to call staff meetings for those persons under their direct chain-of-command.

One of the purposes of the Senior Staff Meetings is for the review of proposed policies, procedures, rules and regulations prior to their promulgation. Upon completion of staff input, appropriate revisions shall be made and the final draft of the written directive shall be forwarded to the Office of the Sheriff for his signature. When signed by the Sheriff, the directive, rule, policy or procedure becomes effective. Administrative staff shall then forward copies of approved directives, rules, policies, and procedures to all affected components and personnel. A transmittal sheet shall accompany the approved written instrument specifying to whom the directive is addressed and to whom the transmittal sheet is to be returned after the receiving person has initialed for the document in the appropriate place. Personnel receiving such documents shall place them in appropriate manuals or files for future reference and guidance.

Staff meetings are also the forum by which communication, coordination and cooperation between divisions are maintained. All divisions shall utilize this mechanism to ensure liaison with other divisions, in addition to daily contact, as required.

XII. GENERAL MANAGEMENT

A. Management Information System

The Campbell County Sheriff's Office has a management information system that includes statistical and data summaries of agency activities. This information is used in the management decision-making process with respect to prediction of workload, determining manpower and resource needs and preparing budgets. The database for this system includes calls for service, offense reports, arrest reports, and Incident Based Reports.

B. Administrative Reporting Program

The Administrative Reporting Program includes the following:

1. Monthly Report: A summary of data from the daily reports of the previous 30 days. In addition, division commanders may make comparisons with previous months or for the same month in the previous year to determine future needs. This report is produced initially by the Records Section and forwarded to division commanders for review, analysis, and completion.

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2. Annual Report: A summary of agency activities occurring during the previous year. This report includes statistical summaries and comparisons, division reports, and major agency activities. The Annual Report is produced by staff officers designated by the Sheriff at the beginning of the calendar year.

STATUTES RELATED TO THE AUTHORITY AND RESPONSIBILITIES OF THE SHERIFF

AREA OF RESPONSIBILITY		LEGAL AUTHORITY
A.	General Law Enforcement	Commonwealth v. Malbon, 1950 Va. 368, 78S.E.2d683 (1953); Reports of the Attorney General, 1976-77 at 253, and at page 257.
B.	Criminal Investigation	Same authority as stated for "General Law Enforcement." See also, Va. Code § 15.2-1609.2 providing for compensation for any full-time deputy sheriff, who is designated as an investigator by the sheriff in whose services he is employed.
C.	Traffic Law Enforcement	Same authority as stated for "General Law Enforcement." See also Va. Code § 46.2.102.
D.	Service of Criminal Process	Va. Codes § 15.2-1609.3; 16.1-129; 19.2-56; 19.2-73.1; 19.2-76.1; and 19.2-81.
E.	Service of Civil Process	Va. Codes § 8.01-292; 8.01-293; 8.01-294; 8.01-295; 16.1-79; and 16.1-99.
F.	Courthouse/Courtroom Security	Va. Code § 53.1-120.
G.	Court Bailiff	Va. Code § 53.1-120; but see also § 16.1-69.37 relating to bailiffs for courts not of record.
H.	Enforcement of Federal Laws	On federal lands, Va. Code § 7.1-21;
I.	Records Keeping	Va. Code § 15.2-1722 (A). It shall be the duty of the sheriff of every county to insure, in addition to other records required by law, the maintenance of adequate personnel, arrest, investigative, reportable incidents, and non-criminal incidents records necessary for the efficient operation of a law enforcement agency.

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LAW ENFORCEMENT AGENCY ROLE

VLEPSC STANDARDS: ADM.01.01; ADM.01.02; ADM.04.01

I. PURPOSE

The purpose of this General Order is to establish procedures for the development of Sheriff's Office goals and objectives.

II. POLICY

The duties of the Campbell County Sheriff's Office are established by the Virginia constitution, as authorized by the Code of Virginia and establish the basic role and authority of the Sheriff's Office. Policy is shaped from these basics, and offers guiding principles. This definition of goals and objectives serves three purposes. First, officers and employees are given direction and guidelines for standardization of performance. In this way, officers and employees can see how their efforts have a direct relationship to accomplishing the specific goals and objectives of the department. Second, each division may establish measurable sub-objectives which contribute to accomplishment of departmental objectives. Third, members of the public are provided with a way to measure the performance of the department.

Goals and objectives, once established, may be updated annually. Input must be sought from all employees as a means of improving the relevancy and coverage of goals and objective statements. All personnel must be aware of Sheriff's Office goals and objectives.

III. PROCEDURES

A. General

1. The Campbell County Sheriff's Office will formulate, annually update, and distribute to all personnel written goals and objectives for the Office.

2. Draft departmental goals and objectives will be circulated and input solicited from all employees in the revision of proposed goals and objectives and/or the development and inclusion of new goals and objectives.

3. The Commander of each Division component will submit an annual evaluation stating the progress made toward the attainment of goals and objectives.

4. The basic organizational structure of the Campbell County Sheriff's Office is as shown in GO 101.

B. Process

1. Each year, the Sheriff will cause the review, revise, and issuance of a proposed set of Sheriff's Office goals and objectives. Proposed goals and objectives will be circulated for comment. Employees will provide input, suggestions for change, additions, etc.

2. The Sheriff's Office will annually publish the approved departmental goals and objectives. In turn, supervisors of units will prepare sub-objectives, soliciting employees input in the process. Shift supervisors will submit sub-objectives to the Field Operations Division Commander, who will forward these sub-objectives to the Sheriff. The Commander of the Investigation Division and the Commander of the Administrative and Technical Services Division will also submit sub-objectives to the Sheriff.

3. The Sheriff will compile, publish, and distribute the annual Sheriff's Office goals, objectives, and component sub-tasks for the year.

C. Oath of Office

Section 49-1 of the Code of Virginia requires that all officers, upon assuming sworn status take an oath to support the Constitution of the United States, Commonwealth of Virginia, and the ordinances of Campbell County. See Appendix B.

D. Agency Code of Ethics

1. Standard of Conduct: The Law Enforcement Code of Ethics is adopted as the general standard of conduct for officers of the Campbell County Sheriff's Office.

2. Each officer shall receive and abide by the following code of ethics:

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

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

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

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

E. Conduct Unbecoming an Officer: A Law Enforcement Officer is the most conspicuous representative of government. To the majority of people, the officer is a symbol of stability and authority upon which they can rely. Police conduct is scrutinized, and when actions are found to be excessive, unwarranted, or unjustified, is criticized far more severely than comparable conduct of persons in other walks of life. The conduct of a public employee, on or off duty, reflects upon the Sheriff's Office. Therefore, employees must avoid conduct which might discredit them or the Sheriff's Office.

F. Integrity: The public demands that the integrity of its law enforcement officers be above reproach. Succumbing to even minor temptations can be the geneses of a malignancy which may ultimately destroy an individual's effectiveness and contribute to the corruption of others. An officer must avoid any conduct which might compromise the integrity of himself, his fellow officers, or the Sheriff's Office.

G. Courtesy: Effective law enforcement depends on a high degree of cooperation between the Sheriff's Office and the public. The practice of courtesy in public contacts encourages understanding and appreciation; discourtesy breeds contempt and resistance. The majority of the public are law-abiding citizens who expect fair and courteous treatment. While the urgency of a situation might preclude the ordinary social amenities, not practicing courtesy is not a manifestation of weakness; on the contrary, it is consistent with the firmness and impartiality that characterizes a professional police officer.

This General Order becomes effective February 21, 2002, and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

R. E. Maxey, Jr.

SHERIFF

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Conduct and Responsibilities of Appointees of the CCSO	**NUMBER: 200**
EFFECTIVE DATE: April 18, 2012	
AMENDS/SUPERSEDES: ***Revised Date: 05/30/2002***	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: ADM.07.04; PER.09.01	

NOTE

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

I. POLICY STATEMENT

It is the policy of the Campbell County Sheriff's Office that appointees adhere to a high standard of conduct. To that end, it is directed that appointees familiarize themselves with all general orders, division directives, and applicable laws and ordinances of the jurisdiction of the Sheriff's Office.

In the event of wrongful or improper actions, an appointee of the Sheriff's Office may not cite lack of knowledge of regulations as a justification.

II. GENERAL RESPONSIBILITIES OF EMPLOYEES

A. Obedience to Orders and Directives

All appointees shall observe and obey all laws and ordinances, and all general orders and specific directives of the Sheriff's Office.

B. Lawful Orders

All appointees shall perform their duties as required or directed by law, Sheriff's Office rule, policy, or order, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

Any appointee who has knowledge of other appointees, individually or collectively, who are, knowingly or unintentionally, violating any laws or statutes, ordinances, or rules and regulations of the Sheriff's Office, or who disobey orders, shall bring any and all facts pertaining to the matter to the attention of a superior officer. The superior officer contacted shall take appropriate action through the chain of command. In the event an appointee believes that appropriate action was not taken, he may bring the matter to the attention of the next higher supervisor.

C. Ethical Conduct

Appointees of the Sheriff's Office shall at all times conduct themselves in such a manner as to reflect favorably on the Sheriff's Office. No conduct which brings the Office into disrepute or which reflects discredit upon the appointee as a member of the Sheriff's Office shall be acceptable.

GENERAL RESPONSIBILITIES OF EMPLOYEES OF THE CAMPBELL COUNTY SHERIFF'S OFFICE

VLEPSC STANDARDS: PER.03.05; PER.03.06; PER.09.01; TRN.03.01

I. POLICY STATEMENT

It is the policy of the Campbell County Sheriff's Office to establish the general responsibilities of its employees, which are as follows:

II. KNOWLEDGE OF REGULATIONS

Each employee of the Department shall establish and maintain a working knowledge of all laws and ordinances in force in the State and the County of Campbell, regulations and general orders of the Department and the divisions thereof. In the event of improper action or breach of discipline, it shall be presumed that the employee was familiar with the law, regulation, or order in question. Violation of any law, regulation, or order may be grounds for disciplinary action.

III. CAMPBELL COUNTY PERSONNEL REGULATIONS

Employees of the Department shall be governed by the personnel rules established by this Office as outlined in these general orders, unless specifically exempted. Each employee of the Department shall familiarize himself with these general orders.

IV. OBEDIENCE TO LAWS AND REGULATIONS

All employees of the Department shall observe and obey all laws and ordinances, all rules and regulations of the County of Campbell and the Department, all general orders and regulations of the Department.

V. PERFORMANCE OF DUTY

Each employee shall perform the duties required of him by law, Departmental rule, policy, or order; or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

VI. REPORTING VIOLATION

An employee who has knowledge of other employees (individually or collectively) who are (knowingly or unintentionally) violating any laws or statutes, ordinances, or rules and regulations of the Department, or who are disobedient to orders, shall bring any and all facts pertaining to the matter to the attention of a superior officer. The superior officer contacted shall take appropriate action. If the superior officer fails to take appropriate action, the matter may be brought to the attention of a superior higher in the chain of command, or to the Sheriff.

VII. PRESERVATION OF PEACE AND PROTECTION OF LIFE AND PROPERTY

It shall be the duty of each sworn employee of the Campbell County Sheriff's Office to:

- preserve the public peace,
- protect life and property, and
- enforce and uphold the laws of the Commonwealth of Virginia and the Ordinances of the County of Campbell.

VIII. STANDARDS OF CONDUCT

Unbecoming Conduct

Each employee shall conduct himself, at all times, both on duty and off duty, in such a manner as to reflect favorably on the Department. Conduct unbecoming an employee shall include any conduct which may bring the Department into disrepute, or which reflects discredit upon the employee as a member of the Department, or that which may impair the operation or efficiency of the Department or the employee.

Immoral Conduct

Each employee's conduct with regard to personal and business affairs shall be maintained in keeping with the highest standards of the law enforcement profession. No employee shall participate in any incident involving moral turpitude which may impair the employee's ability to perform his duties, or which may cause the Department to be brought into disrepute.

Associations

Employees of the Department are prohibited from regular or continuous associations or dealings with persons known to be under criminal investigation or indictment, or with persons in the community with a reputation for present involvement in felonious or criminal behavior except such association as shall be necessary in the performance of official duties, or when unavoidable due to certain personal relationships.

IX. COOPERATION/COORDINATION

Each employee shall coordinate his efforts with other employees of the Department, and with Campbell County agencies, with the objective of ensuring maximum achievement and continuity of purpose through teamwork. Each employee is charged with the responsibility for maintaining a high degree of cooperation, both within the Department and with any other agency.

X. ASSISTANCE TO FELLOW DEPUTIES

No sworn employee of the Department shall fail to aid, assist, or protect a fellow deputy to the full extent of his capabilities in time of need, in accordance with established procedures.

XI. OBLIGATION ON DUTY

Sworn employees of the Department are always subject to duty, although periodically relieved from its routine performance. Each sworn employee shall at all times respond to the lawful orders of superiors and other proper authorities, as well as to requests for law enforcement assistance from citizens. Proper law enforcement action must be taken whenever required. Sworn employees assigned to special duties are not relieved from taking proper action, even though outside the scope of their specialized assignment, when necessary.

XII. REPORTING TO DUTY

Each employee shall report for duty at the time and place required by assignment or orders, and shall be properly uniformed, equipped, and prepared to assume duty. Each employee shall give his undivided attention to orders, instructions, and other information which may be disseminated. Each employee shall be punctual and prompt in response to all call requirements of duty, court appointments, and in any other situation where time may be specified.

XIII. INSPECTIONS

Inspection of any sworn employee's dress, uniform, or equipment may be made at any time by competent authority. Such inspections may include, but may not be limited to, examination of lockers, desks, or any other space on Departmental premises utilized by any employee.

XIV. HUMAN RELATIONS

Each employee shall perform his duties in an efficient, courteous, and orderly manner, employing good judgment and patience at all times. Each employee shall refrain from harsh, profane, or insolent language or acts, and shall be courteous and civil in his dealings with others. No employee shall utilize racial or ethnic slurs, but shall use respectful, civil forms of an address to all persons, regardless of their lifestyle. Display of bias toward any person on account of race, sex, religious preference, or lifestyle shall be considered conduct unbecoming an employee of the Department.

XV. ASSISTANCE TO CITIZENS

While on duty, sworn employees shall aid and assist citizens within Campbell County whenever such aid or assistance appears to be appropriate and is not in conflict with the general principles of law enforcement, or in violation of legal statutes or departmental rules and regulations. Included in this instruction is the requirement to render all possible assistance to any citizen who may wish to make any report in accordance with established policies and procedures of the Department. While in an off-duty status, each employee has a professional obligation to act, in any bona fide emergency situation or where his assistance is requested.

XVI. IDENTIFICATION AS A LAW ENFORCEMENT OFFICER

Each sworn employee shall identify himself by displaying the official badge and/or identification card before taking action, except where impractical or infeasible, or where identity is obvious. Upon the request of any citizen, a sworn employee shall willingly supply his name in a courteous manner.

XVII. TRAINING

Each employee shall attend appropriate Departmental and other in-service training at the direction of competent authority. Such attendance shall be considered a duty assignment.

XVIII. STAND-BY DUTY

Any sworn employee placed on stand-by duty shall furnish the Communications Center and Sheriff's Administrative Specialist with his location and/or telephone number where he may be immediately contacted.

XIX. PHYSICAL FITNESS

Because quick response to situations requiring physical exertion may be required of a sworn employee, the safety of the general public and of deputies demands that each sworn employee maintain himself in good physical condition, regardless of assignment. Poor physical condition (e.g., obesity), is as much a detriment to the Department's image as improper demeanor or unkempt uniform appearance. Each sworn employee of the Department is encouraged to keep fit and to undertake such programs of exercise as may be required to do so. When required, each sworn employee shall have physical examinations conducted by a designated medical treatment facility, at no cost to the employee.

XX. ESTABLISHING ELEMENTS OF VIOLATION

The existence of facts confirming a violation of law, ordinance, rule, or regulation is all that is necessary to support any allegation for a charge under this section. It is not necessary that formal complaint be filed or sustained.

XXI. TRUTHFULNESS

When questioned by competent authority, each employee shall give complete and honest answers to any question related to the performance of his official duties, or to his fitness to hold public office.

XXII. POLYGRAPH

Each employee shall be required to submit to a polygraph test if deemed necessary by the Sheriff or his designated representative, if the gravity of any incident or violation so dictates.

XXIII. CRITICISM OF DEPARTMENT OR SUPERIORS

Under no circumstance may an employee speak critically, in a derogatory fashion, to other employees or to persons not of the Department in regard to the orders or instructions issued by a superior officer. If an employee has reason to believe that any order or instruction is inconsistent or unjust, then that employee may appeal to the next higher authority in the Department.

This General Order becomes effective on February 21, 2002, and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

R. E. Maxey, Jr.
SHERIFF

PROHIBITED ACTIVITIES

VLEPSC STANDARDS: PER.09.01; TRN.03.01

I. POLICY

It is the policy of the Campbell County Sheriff's Office to provide guidance to employees by identifying specific prohibited activities.

II. THE FOLLOWING ARE PROHIBITED ACTIVITIES:

A. LOITERING, SLEEPING, LOAFING ON DUTY

No employee of the Department shall loiter, loaf, or sleep on duty, or in any other manner shirk their responsibilities in the performance of their assigned duties.

B. MALINGERING

An employee may be absent from duty due to sickness only when that employee is suffering from an illness or injury, or when that employee must provide necessary care of an immediate member of their family, which care would prevent the proper performance of duty. No employee shall feign sickness or disability, nor shall they attempt to deceive a supervisor concerning their mental or physical condition. Each employee, prior to utilization of sick leave, shall notify their immediate supervisor or other supervisor, as appropriate, prior to their scheduled reporting time.

C. MEDICATION

No employee shall be under the influence of any illegal drug. Medication prescribed by a physician may be taken; however, any sworn employee under the influence of any prescribed medication upon reporting for duty shall inform their immediate supervisor of that fact. A supervisor may, if appropriate, limit or restrict on-duty activity of an employee in such cases.

D. PURCHASE/CONSUMPTION OF INTOXICANTS

No employee of the Department shall consume or purchase any intoxicant while on duty. No employee shall consume intoxicants while off duty to the extent that evidence of such consumption is apparent when they report for duty, or to the extent that their ability to perform duty is impaired.

E. INTOXICATION

No employee shall be intoxicated while on duty. No employee of the Department shall operate a Department vehicle while intoxicated.

F. INTOXICANTS ON DEPARTMENTAL PREMISES

No employee shall bring to or keep any intoxicants on Departmental premises, except when necessary in the performance of duty. No intoxicants shall be transported in any Department vehicle, on duty or off duty, except as may be necessary in accordance with official duties.

G. PUBLICITY

No employee shall use their position with the Department to enhance or promote any private enterprise, or to seek personal publicity. This provision is intended to protect the Department and individuals from potential conflicts of interest.

H. DEBTS

Financial responsibility is expected of each employee of the Department. Each employee shall make every reasonable effort to pay in a timely manner all debts for which they are legally responsible.

I. GIFTS AND GRATUITIES

No employee shall knowingly accept any gift, gratuity, service, or discount which would constitute a conflict of interest, or the appearance of a conflict of interest, or which would reflect unfavorably upon the Department. In no case shall any employee solicit any gift, gratuity, service, or discount. This is not intended to prohibit sworn employees from accepting such minor assistance as beverages (e.g., coffee) from businesses or individuals offered while the employee is on duty; in all such cases, the employee shall utilize the "reasonable and prudent man" approach in judging the appropriateness of accepting the item in question. Generally, however, gifts and gratuities shall not be accepted unless previously approved by the Sheriff or Major.

J. OTHER TRANSACTIONS

All employees of the Department are prohibited from buying/selling anything of value from/to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case, or which arose out of their Departmental employment, except as may be specifically authorized by the Sheriff or Major.

K. DISPOSITION OF UNAUTHORIZED GIFTS OR GRATUITIES

Any unauthorized gift, gratuity, loan, fee, reward, or other material benefit which comes into the possession of any employee of the Department shall be forwarded to the Major, along with a written report explaining the circumstances. The Major shall present the Sheriff with information concerning the matter, and the Sheriff shall determine appropriate action. Any employee involved shall be notified in writing of the disposition of the matter.

L. COMMERCIAL TESTIMONIALS

No employee shall permit their name/photograph to be used in endorsing any product or service connected with law enforcement without the permission of the Sheriff. Nor will any employee allow their name/photograph to be used in any commercial testimonial which alludes to their position or employment with the Department without the permission of the Sheriff.

M. MEMBERSHIP IN ORGANIZATIONS

With the exception of Armed Forces Reserve components, no employee may become affiliated with any organization which in any way exacts prior consideration, or which would prevent its members from rendering proper and efficient service to the Department, except with prior approval from the Sheriff.

N. PERSONAL PREFERMENT

No employee shall seek the influence or intervention of any person outside the Department for purposes of personal preferment, advantage, transfer, advancement, or to gain favor or preferential treatment of any kind.

O. SPECIAL PRIVILEGES

No employee shall issue to persons other than employees of the Department any card, button, badge, device, or statement which appears to grant special privileges or consideration.

P. POLITICAL ACTIVITY

Employees are encouraged to support candidates of their choice and may do so without fear of losing their appointment. If an employee is campaigning for a particular candidate, it is imperative that the employee not discuss the opposing candidate in a negative manner. Employees are not to treat other employees differently that have opposing political views.

Q. RUNNING FOR POLITICAL OFFICE

No employee of the Department, other than the Sheriff, shall run for a constitutional political office or any other elected position without permission of the Sheriff. The Sheriff may deny permission where he deems a conflict of interest exists, or if it is otherwise inappropriate.

R. INAPPROPRIATE LANGUAGE AND VIOLENCE

No employee shall use threatening, abusive, or insulting language toward any other employee of the Department or toward any person in the Department's custody. No employee shall strike or offer any violence toward any other employee of the Department.

S. USE OF TOBACCO PRODUCTS

No employee shall use tobacco products while performing official duties, except in designated smoking areas, during meal breaks or while operating department vehicles on routine patrol.

T. TAPE RECORDINGS

No employee of the Sheriff's Office may surreptitiously record conversations with any other employee of this agency. An exception may be made with prior approval of the Sheriff or his designee.

This General Order becomes effective on January 7, 2004, and shall rescind all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

Terry E. Gaddy
SHERIFF

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Wireless Communications	**NUMBER: 203**
EFFECTIVE DATE: May 4, 2016	
AMENDS/SUPERSEDES: ***GO 203 Revised Date: 10/15/2010***	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: OPR.01.06	

NOTE

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

I. PURPOSE

The purpose of this policy is to provide guidelines for the use of all wireless communication devices whether agency issued or personally owned.

II. POLICY

In telecommunications, wireless communication is the transfer of information without the use of wires. The distances involved may be short (a few meters as in television remote control) or long (thousands or millions of kilometers for radio communications). The term is often shortened to "wireless". It encompasses various types of fixed, mobile, and portable two-way radios, cellular telephones, personal digital assistants (PDAs), and wireless networking. Other examples of *wireless technology* include GPS units, garage door openers and or garage doors, wireless computer mice, keyboards and headsets, satellite television and cordless telephones.

III. PROCEDURE

A. General Guidelines

1. No personnel shall talk on a cell phone while operating a county vehicle. If you must make a call or accept a call while driving you shall pull over to talk. The use of the phone shall include any hands free mode such as speaker phone and blue tooth as well as texting. <u>The only exceptions will be any exigent circumstances</u>.

2. Confidential conversations should not be held on cellular telephones as they are not a secure means of communication and may be monitored.

3. Mobile data terminals, if applicable, shall not be utilized while operating county vehicles. Personnel shall pull over to utilize the MDT.

4. All other wireless devices as outlined in the definition above, **WITH THE EXCEPTION OF THE CAMPBELL COUNTY RADIO SYSTEM**, shall not be used while operating a county vehicle.

B. Usage

1. The mobile data terminals do not have internet access or capability. Employees are not authorized to use mobile data terminals for personal use.

2. Regular telephone (landline) service shall be used in lieu of cellular service when accessible or readily available.

3. Cellular phones are not to be used as an alternative to or substitute for the Campbell County radio system. Confidential or sensitive material should be exchanged over landlines for security reasons; however, most communication can be conveyed by radio.

ADMINISTRATIVE ACTIVITIES

VLEPSC STANDARDS:

I. POLICY

It is the policy of the Campbell County Sheriff's Office to outline the general administrative responsibilities of its employees.

II. RESIDENCE OF DEPARTMENT MEMBERS

All sworn employees are required to reside within an one-hour drive of the Campbell County Sheriff's Office Administration Building, unless the Sheriff grants prior approval.

III. CHANGE OF ADDRESS

Each employee of the department shall provide his current home address and telephone number to the department. Immediately upon reporting for duty in a new section, an employee shall record his correct address and telephone number with the appropriate supervisor(s). All changes of address and/or telephone numbers must be reported within twenty-four hours of the change, on the appropriate departmental form.

IV. TELEPHONE REQUIRED

Each employee shall have a telephone at their place of residence, and shall provide his supervisor with his current telephone number. No employee's telephone number shall be released to anyone outside the department.

V. SUBMISSION OF REPORTS

Departmental employees shall promptly submit any report required in the performance of their duties or by competent authority.

VI. FALSIFICATION OR ALTERATION OF REPORTS

No employee shall knowingly falsify any official report, enter or cause to be entered any inaccurate, false, or improper information in official records of the department; nor shall he alter or request any other person to alter or withdraw any report, letter, request, or other written communication that is, or has been, conducted through official channels. This directive is not intended to preclude the correction of errors in spelling or grammar.

VII. SECURITY OF OFFICIAL RECORDS

No employee shall disclose departmental information, except as required by law or competent authority. Specifically, information contained in departmental records; other official correspondence; any information ordinarily accessible only to departmental employees; and names of informants, complainants, witnesses, and other such persons known to the department, are considered confidential in nature and shall not be disclosed. Indiscriminate and unauthorized disclosure of such information reflects gross misconduct.

VIII. REPORTING OF ARRESTS AND COURT ACTIONS

Any department employee who has been arrested or who has had court action initiated against him must, as soon as practicable, report such action to his immediate supervisor.

IX. COMPENSATION FOR DAMAGE

No employee of the department shall seek, file suit against, solicit, nor accept from any person or agency any money or other compensation for damages or expenses incurred in the line of duty, or for which the employee has received sick leave pay, without prior notification, in writing, to the Sheriff of his intended course of action.

X. PUBLIC APPEARANCE REQUESTS

All requests for public speeches, presentations, etc., will be routed to the appropriate Division Commander for approval and processing. Employees approached directly with requests of this nature shall refer the party to their Division Commander.

XI. CIVIL ACTION/COURT APPEARANCES/REPORTING SERVICE OF PROCESS

No employee shall testify in a civil action unless served with a legal subpoena. This directive shall not apply to cases in which the employee is the plaintiff, or where the employee is related to the defendant by blood or marriage. Employees shall not enter into any financial agreement regarding appearances as witnesses in any civil action. Any employee named as a defendant who is served with a civil process, or any employee who is served with a subpoena to testify as a witness in a civil action where another employee of the department is named as a defendant shall immediately notify the Sheriff in the following manner:

- A brief memorandum shall be prepared and forwarded to the Office of the Sheriff, which shall state that civil process or subpoena, was served, and which shall cite the method of service and date of service.

- A copy of the civil process or subpoena shall be attached to the memorandum.

XII. CIVIL DEPOSITIONS AND AFFIDAVITS

An employee shall confer with his supervisor before filing a deposition or affidavit in a civil case resulting from his performance of duty. The supervisor shall contact the Office of the Sheriff prior to giving the deposition or affidavit.

XIII. CIVIL CASES

Sworn employees shall avoid entering into civil disputes, particularly while performing duties, but shall still be responsible for enforcement of any laws or ordinances, which may become applicable to the situation.

This General Order becomes effective on May 30, 2002, and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

R. E. Maxey, Jr.
SHERIFF

CAMPBELL COUNTY SHERIFF'S OFFICE

CHANGE OF ADDRESS FORM

TODAY'S DATE:_____

EMPLOYEE NAME:_____

NEW ADDRESS:_____

_____

NEW PHONE NUMBER:_____

EFFECTIVE DATE:_____

This form is to be completed within twenty-four hours of change of address and/or telephone number. The completed form is to be given to the Sheriff's Secretary

ATTACHMENT A **GO 204**

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Procedural Orders	**NUMBER: 205**
EFFECTIVE DATE: April 18, 2012	
AMENDS/SUPERSEDES: ***Revised Date: 05/30/2002***	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: ADM.07.04; PER.09.01	

NOTE

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

I. POLICY

It is the policy of the Campbell County Sheriff's Office to establish the appropriate procedures for appointees to give and to follow orders.

II. MANNER OF ISSUING ORDERS

Orders shall be issued in a clear and civil tone, in an understandable manner, and in the interest of Sheriff's Office business.

III. UNLAWFUL ORDERS

No appointee of the Sheriff's Office shall knowingly issue any order that is in violation of any law, statute, or ordinance, or Departmental rules and regulations.

IV. INSUBORDINATION

Except as otherwise stated herein, defiance of lawful authority or disobedience to orders constitutes insubordination.

V. DISOBEDIENCE TO UNLAWFUL ORDERS

No appointee shall obey any order that he knows to be contrary to Federal or State law, or to County Ordinance. At the time an unlawful order is issued, the appointee shall advise the issuing authority of its illegality. Should that authority persist in commanding compliance, an appointee of superior rank to all parties involved should be summoned to resolve the controversy. Responsibility for refusal to obey rests with the appointee, who shall be required to justify his actions.

VI. OBEDIENCE TO IMPROPER ORDERS

An appointee who receives an order which he feels to be unjust or contrary to Sheriff's Office rules and regulations is required to obey the order, but may then proceed to appeal that order at the earliest opportunity.

VII. CONFLICTING ORDERS

Upon receipt of an order that is in conflict with any previous order or instruction, the affected appointee shall respectfully advise the person issuing the superseding order of the conflict. Responsibility for countermanding the original instruction then rests with the individual issuing the superseding order. If the superseding command is held in force, it shall be obeyed, thereby rendering all previous orders ineffective. Orders will be countermanded only when in the best interest of the Sheriff's Office.

VIII. REPORTS AND APPEALS - UNLAWFUL OR IMPROPER ORDERS

An appointee receiving an unlawful, unjust, or improper order shall, at the first opportunity and prior to the conclusion of the tour of duty in which the order was given, report the fact in writing to the Sheriff through official channels. This report shall contain the facts of the incident and the action taken. Appeals for the release from such orders may be made at the same time.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Uniforms and Equipment	**NUMBER: 206**
EFFECTIVE DATE: February 26, 2014	
AMENDS/SUPERSEDES: **Revised Date: 9/18/2012**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: ADM.19.01; OPR.01.02; OPR.01.03; OPR.01.05; PER.03.04	

NOTE

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

I. PURPOSE

The purpose of this directive is to establish the guidelines to be followed in the issuance and care of uniforms and equipment to members of the Campbell County Sheriff's Office.

II. POLICY

It is the policy of the Sheriff's Office to issue and/or provide funds for the purchase of clothing and equipment necessary to perform law enforcement duties to each sworn member of the agency. It is also the policy of the Sheriff's Office to formally state in writing the responsibility of both the department and its employees for the maintenance and upkeep of issued property and equipment.

III. PROCEDURE

A. General

1. All sworn members of the Campbell County Sheriff's Office, upon successful completion of the law enforcement academy, are issued uniform clothing, duty belt and gear, service weapons and other accessories, as deemed appropriate and necessary by the Sheriff to

perform the functions and duties of a Deputy Sheriff.

2. All sworn members shall be issued a department approved bulletproof vest. It is mandatory for all uniformed deputies, while they are on duty and engaged in patrol or field operations to wear their issued vest.

3. Sworn employees shall maintain regulation uniforms in neat/well-fitting order and in good repair, and shall wear uniforms in such a manner as to convey uniformity and in conformance with departmental policy. All employees shall be neat in "presentable attire" when reporting for or leaving work. "Presentable attire" is defined as a complete uniform or appropriate civilian clothing. When a sworn employee is not in full uniform, his issued firearm shall be worn in an inconspicuous manner.

   a. Uniforms worn by sworn members shall readily identify the wearer as a Deputy Sheriff by:

      (1) Name

      (2) Rank

      (3) Badge

      (4) Agency (Insignia/patch)

4. Deputies shall be held strictly accountable for the proper care, security, use, maintenance and operational readiness of all uniforms, equipment and accessories issued to him by the department. Extra precautions shall be taken to ensure the care, security and maintenance of weapons issued by the department. Proper care includes the cleaning of all issued weapons.

   a. Any defective, damaged, lost and/or stolen property shall be immediately reported to the Deputy's immediate supervisor and the appropriate Division Commander. If property is lost through negligence or intentionally damaged, the employee responsible may be subject to reimbursement charges and/or disciplinary action.

   b. Upon notification and investigation of the surrounding circumstances, the responsible supervisor shall, via the chain-of-command, notify the Sheriff of the defective, damaged, lost and/or stolen property, as appropriate.

5. No employee shall alter or repair any equipment of the department, including weapons, except qualified personnel specifically authorized

to do so by the Sheriff.

a. No weapon issued by the department shall be taken to an outside source for alteration or repair of any form without the appropriate permission of the department armorer and Division Commander.

6. The Administrative Assistant shall arrange for ordering clothing and uniforms seasonally or as needed.

B. Uniform Class / Dress Blouse

1. The **Class A Uniform** shall consist of:

Sheriff's brown dress shirt
Silver-tan trousers with sheriff's brown stripe
Campaign hat
Silver-tan tie (worn with long sleeve dress shirt)
Name tag (worn in center top of right breast pocket flap)
5 point star badge (worn over left breast pocket)
Appropriate rank insignia on collar corners
Black boots or black shoes (department issued)
Black duty belt and gear

a. Class A Uniform will always be the daylight shift uniform unless attending training or a special assignment where the Class B uniform has been pre-approved. Deputies performing K-9 duties and/or County Enforcement on daylight shift are exempt from this requirement; however, no one is to wear the Class B uniform to any court appearance.

b. Deputies assigned to the Investigations Division appearing in court shall wear the Class A Uniform or proper business attire as outlined here and in accordance with General Order 507. Circuit Court Jury Trial: Class A uniform with long sleeves and tie, suit and tie (male) or business suit (female); Circuit Court – No Jury: Class A uniform of the season, suit and tie (male) or business suit (female); District Court: Class A uniform of the season, suit and tie (male) or business suit (female). Deputies who routinely wear a uniform in the performance of their duties (i.e. Field and Administrative Divisions) shall only wear the appropriate uniform to the appropriate court as is written previously in this paragraph.

Golf style collared shirts are never acceptable. Cargo pants are never acceptable. Non-collared casual shirts are never acceptable. Long sleeve dress shirt and tie will be required for Circuit Court **only** if it is a jury trial.

c. The following guidelines are to be followed when wearing the uniform of the season:

Mandatory Long Sleeve Class A Uniform – November 1 through February 29

Optional Long Sleeve Class A Uniform – March 1 through March 31

Mandatory Short Sleeve Class A Uniform – April 1 through September 30

Optional Short Sleeve Class A Uniform – October 1 through October 31

2. The **Class B Uniform** shall consist of:

Sheriff's brown two-pocket BDU shirt
Sheriff's brown BDU trousers
Department issued baseball cap
Embroidered name tag over right breast pocket
Cloth badge over left breast pocket
Appropriate rank insignia on collar corners
Black boots (department issued)
Black duty belt and gear
BDU shirt

a. Class B Uniform will only be worn during training or as approved by the Sheriff for special assignments.

b. Deputies performing K-9 duties and/or County Enforcement are exempt from this requirement if their job assignment on a particular day would require the wearing of the Class B uniform.

c. Class B Uniform may **never** be worn for any court appearance.

3. Dress Blouse

The Dress Blouse is only to be worn when the Sheriff specifies it as the *Uniform of the Day*. The Dress Blouse is to be worn with the Class A Uniform and tie only.

Award ribbons are worn over the right breast pocket.

Name tag (worn in center top of right breast pocket flap).

5 point star badge (worn over left breast pocket).

4. Badge Shroud

The Badge Shroud will only be worn on Class A Uniforms when the Sheriff notifies employees. The notification will state when to begin wearing the shroud and when to remove the shroud.

C. Civilian Clothing

1. Sworn employees will normally be required to wear issued duty uniforms and equipment when reporting for and performing assigned duties. However, there are certain duties and assignments, which necessitate the wearing of non-uniform civilian clothing, either on a temporary basis or permanent nature. Clothing worn by all employees, both sworn and civilian, during working hours shall conform to standards normally found in private business, and which conform to other sections of this directive and department policy. Division commanders or their designee may prescribe the wearing of other types of clothing by employees, as deemed necessary in order to accomplish department goals.

2. Sworn employees permanently assigned to positions, which require the wearing of non-uniform clothing, shall, at the discretion of the Sheriff, be issued an annual clothing allowance. The amount of the allowance shall be determined by the Sheriff, and may be prorated depending on date of assignment. Said allowance is granted for the purchase and upkeep of appropriate clothing and accessories necessary to accomplish the duties for which the deputy is assigned.

D. Motor Vehicles

1. All motor vehicles assigned to the Sheriff's Office shall be received, recorded and issued by the Administrative Services Division Commander who serves as the Fleet Manager, in accordance with the

directives of the Sheriff.

2. Vehicles shall be equipped and assigned to deputies based on assignment and need. It shall be the responsibility of the Fleet Manager to ensure that the appropriate equipment is installed and operational prior to issuance.

   Only those deputies that live inside the boundaries of Campbell County shall be issued a take-home vehicle. Any deputies currently employed that live outside the county limits and have a take-home vehicle will be allowed to keep their vehicle, providing that if they move their residence at <u>any</u> time, they must move within the boundaries of Campbell County or forfeit their take-home vehicle.

3. While equipment may vary from vehicle to vehicle, all vehicles issued to uniform-patrol Field Deputies assigned to the Field Operations Division, shall be equipped with at least the following:

   a. Mobile radio transceiver, in operational order, or other devices that would allow the operator the ability to maintain constant communication;

   b. Exterior, roof-mounted bar light (blue) and/or equivalent interior mounted lights, in operational order;

   c. An electronic siren, in operational order;

   d. Spotlight;

   e. Public Address System;

   f. Conspicuous markings, making the vehicle readily identifiable, to include:

      (1) Reflecting Sheriff's seal, indicating department name (both sides), and

      (2) Reflecting signs on rear indicating "Sheriff's Office"

4. Vehicles used for selective traffic enforcement, covert operations, criminal investigations, and/or by supervisory personnel may be exempt from the requirements of subsection 3. d. through f. above, at the discretion of the Sheriff. However, any unmarked vehicles mentioned in this section used for traffic enforcement must be equipped with a siren, in operational order; emergency lights, in operational order; and allow the operator the ability to maintain

constant communication.

5. It shall be the responsibility of the deputy to whom a vehicle is assigned to ensure the vehicle is kept mechanically and operationally ready at all times. In addition, deputies shall maintain and submit any and all reports pertaining to the operation and maintenance of assigned vehicles in a timely manner and in accordance with department policy.

6. Care and security responsibilities of Sheriff's Office property and equipment, not only pertains to issued items, but also includes buildings and facilities utilized by or under the control of the department. No employee shall mar, mark, deface or destroy any surface on any department or county building or facility, unless in the proper execution of duty and with the consent of competent authority. Likewise, no posted notice within the department may be marked or altered, unless ordered by competent authority.

7. All personnel that have use of or are issued a county-owned vehicle shall ensure that the vehicle is submitted to a designated garage for routine maintenance at the prescribed intervals. Employees shall not change their own oil. Employees shall ensure that an inspection is conducted on the vehicle (at least monthly) to determine if excessive wear or damage is present and, if so, ensure that any deficiencies are brought to the attention of the Fleet Manager. If damage or extreme wear is found, the employee shall report this finding to the Fleet Manager by the next working day.

   It is the responsibility of each employee to check <u>all</u> fluid levels on their issued vehicle on a daily basis, prior to operation. It is recommended that employees have tires rotated every 12,000 miles. Oil is to be changed every 6,000 miles. Transmission fluid and filter are to be changed at 25,000 miles. Tune-ups are to be performed on the vehicle at the 75,000 mile mark.

   Deputies are responsible for notating on the maintenance repair log for their assigned vehicle when any of the above services are accomplished to include the date of service and name of facility providing service. If the cost of service is known, that shall be documented also. Any and all other services, i.e., front end alignment, etc., performed on the assigned vehicle shall be notated by the deputy on the maintenance repair log as soon after service is completed as practical.

8. Vehicle calibrations will be conducted semiannually on departmental vehicles used for traffic enforcement. The supervisor of the Special Operations Unit shall schedule and ensure that calibrations are completed on department vehicles.

9. Department vehicles will be inspected and documented monthly by a supervisor or designee of the Fleet Manager. Refer to General Order 310 for further details.

E. Modifications, Additions and Removal of Equipment

No employee shall remove, modify, install, or authorize same to any other person, any equipment, device, fixture or part(s), to or from, any vehicle owned by the County of Campbell. All modifications, removals or installations of any equipment, device, fixture, or part(s), shall be approved, in advance, by the Fleet Manager, with concurrence of the Sheriff. Employees in violation of this directive are subject to loss of use of the vehicle, payment of repairs, and/or other disciplinary action as directed by the Sheriff.

F. Off-Duty Use of Motor Vehicles

1. All motor vehicles issued to Sheriff's Office personnel are for the express purpose of providing the following at a minimum:

   a. Providing a high Sheriff's Office visibility in the neighborhoods of Campbell County.

   b. Providing a mechanism by which resources may be rapidly recalled and deployed.

   c. Providing a mechanism by which personnel with specialized skills and equipment may be deployed without having to respond to a central location.

   d. Enhancing the duty life of vehicles.

2. Any deputy operating a county-owned vehicle while off-duty shall:

   a. Have in their possession their badge, ID card, and department issued or department approved sidearm.

b. Have the two-way radio on and audible.

c. If in the area, advise Communications that they are in the area of a major crime when it is dispatched, and inquire of the supervisor on duty if they should respond. If they are directed to respond, they shall complete all appropriate documentation necessary for the offense they are responding to. Further, they shall avail themselves to the supervisor for other duties, as required, until released.

d. Stop, render assistance, and report to Communications all disabled vehicles, accidents, traffic hazards and other incidents that require law enforcement action.

e. Be available for immediate recall to duty. A deputy does not have the right to refuse to report for duty at any time he or she is requested to do so by competent authority.

3. Sheriffs' vehicles are not intended for personal use.

4. The following is **PROHIBITED**:

Purchasing or transporting any alcoholic beverages, except as provided in other departmental directives.

G. Title to Uniforms and Equipment

Title to all uniforms and equipment purchased for and/or issued to employees of the Sheriff's Office shall be vested in the County of Campbell. Uniforms and equipment shall only be worn and/or used in accordance with this directive and policies of the Sheriff.

AWARDS AND COMMENDATIONS

I. PURPOSE

The purpose of this directive is to establish a system for recognizing outstanding and/or heroic performance of duty and service of members of the Campbell County Sheriff's Office.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to recognize and commend employees who distinguish themselves through specific acts and/or accomplishments during performance of duty.

III. PROCEDURE

A. Levels of Recognition:

1. Medal of Honor: The highest award in recognition of an act involving extreme personal risk and heroism which is clearly above and beyond the call of duty.

   a. Only sworn members of the Campbell County Sheriff's Office are eligible to receive this award.

   b. Recipients of this award shall be presented with the following in recognition of their performance:

      (1) Campbell County Sheriff's Office Medal of Honor

      (2) Service Ribbon – CCSO Medal of Honor

      (3) Award Certificate – CCSO Medal of Honor

2. Medal of Valor: The second highest award. Awarded in recognition of acts involving significant personal risk and bravery beyond that which is expected during the performance of duty.

   a. Only sworn members of the Campbell County Sheriff's Office are eligible to receive this award.

b. Recipients of this award shall be presented with the following in recognition of their performance:

(1) Campbell County Sheriff's Office Medal for Valor

(2) Service Ribbon - CCSO Medal for Valor

(3) Award Certificate - CCSO Medal for Valor

3. Distinguished Service Medal: The third highest award. Awarded to members who demonstrate unusual judgment, zeal and/or ingenuity during an emergency situation, when such action is beyond that normally expected in the performance of duty.

a. Sworn and civilian employees of the Campbell County Sheriff's Office are eligible to receive this award.

b. Recipients of this award shall be presented with the following in recognition of their performance:

(1) Campbell County Sheriff's Office Distinguished Service Medal

(2) Service Ribbon - CCSO Distinguished Service Medal (Sworn)
Lapel Pin - CCSO Distinguished Service Medal (Civilian)

(3) Award Certificate - Distinguished Service

4. Lifesaving Medal: Awarded to Sheriff's Office employees whose actions under emergency circumstances directly result in the saving of a human life.

a. Sworn and civilian employees of the Campbell County Sheriff's Office are eligible to receive this award.

b. Recipients of this award shall be presented with the following in recognition of their performance:

(1) Campbell County Sheriff's Office Lifesaving Medal

(2) Service Ribbon - CCSO Lifesaving Medal (Sworn)
Lapel Pin - CCSO Lifesaving Medal (Civilian)

(3) Awards Certificate - Lifesaving

5. Meritorious Service Award: Awarded in recognition of sustained exemplary performance by an employee within the scope of normal responsibilities, but performed in such a manner as to deserve recognition.

   a. Sworn and civilian employees of the Campbell County Sheriff's Office are eligible to receive this award.

   b. Recipients of this award shall be presented with the following in recognition of their performance:

      (1) Campbell County Sheriff's Office Meritorious Service Medal

      (2) Service Ribbon - CCSO Meritorious Service Medal (Sworn)
      Lapel Pin - CCSO Meritorious Service Medal (Civilian)

6. Purple Heart Medal: Awarded to personnel that incur serious injuries due to hostile actions in the line of duty.

   a. Sworn and civilian employees of the Campbell County Sheriff's Office are eligible to receive this award.

   b. Recipients of this award shall be presented with the following in recognition of their performance:

      (1) Campbell County Sheriff's Office Purple Heart Medal

      (2) Service Ribbon - CCSO Purple Heart Medal (Sworn)
      Lapel Pin - CCSO Purple Heart Medal (Civilian)

      (3) Awards Certificate - Purple Heart

7. Emergency Service Award: Awarded to personnel that perform their prescribed duties in support of an emergency service operation.

   a. Sworn and civilian employees of the Campbell County Sheriff's Office are eligible to receive this award.

   b. Recipients of this award shall be presented with the following in recognition of their performance:

      (1) Service Ribbon - CCSO Emergency Services Award (Sworn)
      Lapel Pin - CCSO Emergency Services Award (Civilian)

      (2) Awards Certificate - Emergency Services

8. Commendation Award: Awarded to any employee for an act that materially contributes to the accomplishment of agency goals or for an act which brings favorable public recognition.

   a. Sworn and civilian employees of the Campbell County Sheriff's Office are eligible to receive this award.

   b. Recipients of this award shall be presented with the following in recognition of their performance:

      (1) Service Ribbon - CCSO Commendation Award (Sworn)
      Lapel Pin - CCSO Commendation Award (Civilian)

      (2) Awards Certificate - Commendation

9. Firearm's Proficiency Award: Awarded in recognition of those that qualify with their assigned weapon within three categories: Expert, Sharpshooter, and Marksman.

   a. Only sworn members of the Campbell County Sheriff's Office are eligible to receive this award.

   b. Recipients of this award shall be presented with the following in recognition of their performance:

      (1) Service Ribbon - CCSO Firearm's Proficiency Award

      (2) Designation on ribbon with the respective numbers:

      Expert - 1; Sharpshooter - 2; Marksman - 3

10. Education/Training Award: Awarded to those that have continued their professional education and training through formal civilian education or police specific courses based on the following criteria:

    Associate Degree or Equivalent Police Training
    Bachelor's Degree
    Master's Degree
    Ph.D.

    a. Sworn and civilian employees of the Campbell County Sheriff's Office are eligible to receive this award.

    b. Recipients of this award will receive the following in recognition of their level of educational accomplishment respectively:

       (1) Service Ribbon - CCSO Education/Training Award (Sworn)
       Lapel Pin - CCSO Education/Training Award (Civilian)

       (2) Appropriate designator:

       Associate Degree - centered on ribbon - 2
       Bachelor's Degree - centered on ribbon - 4
       Master's Degree - centered on ribbon - Silver Star (*) - 4
       Ph.D. Degree - centered on ribbon - Gold Star(*) - Silver star (*) – 4

(3) For each additional degree at the same level, a bronze star (*) is placed to the right of the centered number.

11. Years of Service Award: Awarded to personnel that have served for one year with the Department.

a. Sworn and Civilian employees of the Campbell County Sheriff's Office are eligible to receive this award.

b. Recipients of this award shall receive the following for their longevity with the Campbell County Sheriff's Office:

(1) Service Ribbon - CCSO Years of Service Award (Sworn)

(2) Appropriate numerical for years of service, issued in five year increments, to be centered on ribbon

(3) Lapel Pin - CCSO Years of Service Award (Civilian)

12. Perfect Attendance Award: Awarded to personnel that have served with no absenteeism in a calendar year.

a. Sworn and Civilian employees of the Campbell County Sheriff's Office are eligible to receive this award.

b. Recipients of this award shall receive the following for their perfect attendance.

(1) Service Ribbon - CCSO Perfect Attendance Award (Sworn)

(2) Appropriate numerical to designate each year

(3) Lapel Pin - CCSO Perfect Attendance Award (Civilian)

13. Division Assignment Award: Awarded to personnel for their assignment to a respective Division within the Department.

    a. Sworn and civilian employees of the Campbell County Sheriff's Office are eligible to receive this award.

    b. Recipients of this award shall receive the following for their assignment to their respective Division:

        (1) Division Assignment Ribbon (Sworn)

        (2) A bronze star (*) for each specialized duty position within the Department

        (3) Five bronze stars (*) are equal to one silver star (*).
        Five silver stars (*) are equal to one gold star (*).

        (4) Lapel Pin - Division Assignment (Civilian)

B. Nomination Procedure:

1. Any employee of the Sheriff's Office may recommend another employee to be considered for receipt of special recognition and award of a medal, ribbon or lapel pin.

    a. The employee making the recommendation should have personal knowledge of the act, achievement or service which warrants the award.

    b. The recommendation should be submitted (in memorandum form) through the chain-of-command to the Sheriff as soon as practical after the date of occurrence.

    c. The recommendation for the award shall include:

        (1) A complete synopsis of the event and/or service along with any related documentation available to substantiate the recommendation.

(2) Comments and recommendations from supervisory personnel within the chain-of-command.

2. The Sheriff shall appoint an Awards Review Board to evaluate and consider the circumstances and/or performance of the nominees and make a recommendation for the awarding of the appropriate level medal, pin or award.

a. The Awards Review Board shall consist of the Chief Deputy (Board Chairman) and one representative from each of the three agency divisions.

(1) Division representatives shall be appointed by the appropriate division commander and shall serve a term of one year.

(2) The Awards Review Board will convene at the direction of the Sheriff as deemed necessary.

3. The Sheriff shall consider recommendations from the Awards Review Board and make the final determination on all medals, pins and commendations.

4. While an employee's actions in a specific incident may meet the criteria for numerous levels of awards, only one level of award will be issued for any one action, with the highest level taking precedence.

C. Awards Ceremony:

1. The Campbell County Sheriff's Office will hold a formal Awards Ceremony annually at the direction of the Sheriff.

2. The Awards Ceremony will honor those employees who are to receive the following:

a. Medal of Honor

b. Medal for Valor

c. Distinguished Service Medal

d. Lifesaving Medal

e. Meritorious Service Award

f. Purple Heart Medal

3. The Chief Deputy, or his designee, will be responsible for coordinating ceremony activities and making appropriate notifications.

4. The following persons shall be invited to attend the formal awards ceremony:

a. Each employee designated to receive an award;

b. All agency employees;

c. Family and friends of the award recipients;

d. Other guests as deemed appropriate by the Sheriff; and

e. Members of the press and news media. (As deemed appropriate by the Public Information Officer or designee).

5. It shall be the Sheriff's discretion to make posthumous medal awards. Such medals will be presented to the deceased employee's family, as appropriate.

D. Display of Medals, Ribbons and Pins:

1. Only medals, ribbons and/or pins awarded by and/or authorized by the Sheriff shall be displayed on Campbell County Sheriff's Office uniforms.

2. Display of such decorations shall be in accordance with this directive and in compliance with other agency directives as appropriate.

3. Medals: Shall only be worn on full dress uniforms for ceremonial functions or as directed by the Sheriff.

a. Medals shall be worn above the name tag on the right side of the wearer's blouse or shirt.

b. Medals shall be arranged in order of prominence, from right to left, if multiple medals are authorized.

c. Medals shall only be worn by civilian recipients at the Awards Ceremony or at special ceremonial functions as directed by the Sheriff.

4. Ribbons: Service ribbons shall be worn on dress uniforms (mandatory) and on duty uniforms (optional) by deputies authorized to do so.

a. Service ribbons shall be worn, centered, one-half (2") inch above the wearer's name tag. Name tags shall be displayed in accordance with agency directives concerning uniforms and apparel.

b. Ribbons shall be arranged in order of prominence, from right to left, if multiple ribbons are authorized. Ribbon order of prominence is as follows:

(1) Medal of Honor

(2) Medal for Valor

(3) Distinguished Service Medal

(4) Lifesaving Medal

(5) Meritorious Service Award

(6) Purple Heart Medal

(7) Emergency Service Award

(8) Commendation Award

(9) Firearm's Proficiency Award

(10) Education/Training Award

(11) Years of Service Award

(12) Perfect Attendance Award

(13) Division Assignment

c. No more than three ribbons shall be worn in a row. If additional rows are necessary, they shall be arranged in the same location, one directly overtop the other, with order of prominence beginning at the top right.

d. Only one ribbon for each level of award will be worn by deputies authorized to do so. Subsequent ribbons awarded for the same level of recognition will be re-issued as follows:

(1) A "Bronze Star" will designate two awards.

(2) A "Silver Star" will designate three awards.

(3) A "Gold Star" will designate four awards or more.

e. While only one service ribbon may be displayed for each level of recognition, a separate medal will be issued for each such award.

5. Pins: Lapel pins shall be awarded to civilian employees, in lieu of service ribbons, in accordance with the provisions of this order.

a. Award pins may be worn on civilian clothing, at the discretion of the employee, in a tasteful manner.

This General Order becomes effective October 1, 1998, and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

R. E. Maxey, Jr.
SHERIFF

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Employee Discipline	**NUMBER: 208**
EFFECTIVE DATE: October 26, 2009	
AMENDS/SUPERSEDES: **Issue Date: 4/16/04**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.18.03, PER.09.02 - 09.05, PER.11.01	

NOTE

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

I. POLICY

It is the policy of the Campbell County Sheriff's Office to impose disciplinary action fairly and impartially.

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

II. PURPOSE

The purpose of this General Order is to establish procedures concerning informal and formal disciplinary practices within the Sheriff's Office.

III. DEFINITIONS

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

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

C. Discipline: A method of training or developing an employee by proper supervision and instruction. Discipline may be positive (awards) or negative (punishment).

IV. PROCEDURES

A. Positive Discipline

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

1. Recognition of excellent job performance through rewards or awards.

   a. When positive feedback concerning an employee's performance is received from people outside the department, the person who receives the information shall make a record of the comments which will be passed to the Sheriff. Copies of the citizen's statement and the Sheriff's response are sent to the deputy involved, the deputy's supervisor, and a copy of all correspondence is placed in the employee's personnel file.

   b. Truly exceptional acts should be clearly and promptly identified to the Sheriff. Such acts may be the basis for special awards or for special recognition by citizen-community groups or media coverage.

   c. Positive feedback can be documented on the Oral Counseling Form and made a permanent part of the employee's personnel file.

   d. The public is made aware of the process for recognizing employees for exceptional performance or acts through the agency website.

2. Discussion and Counseling

3. Training

B. Consistency in Discipline

The Sheriff believes that discipline must be applied consistently and uniformly. General Order 300 describes complaint procedures against employees, whereas this order provides discussion of employee recognition and penalties for various infractions.

1. The Sheriff's Office provides employees with a list of prohibited activities, (See General Order 202); however, no list can be all-inclusive. Employees are expected to have a reasonable perception

of what constitutes proper behavior, based on academy training, Sheriff's Office training and the observance of the behavior of employees generally.

C. Relief from Duty

Relief from duty shall be imposed whenever any supervisor questions an employee's physical or psychological fitness for duty. An internal affairs investigation may follow.

1. Lieutenants have authority to relieve an employee from duty, but must promptly report such action to the appropriate Captain, accompanied by a written report setting forth details and circumstances.

2. If the necessity to relieve from duty is not immediate, the behavior or actions of the employee shall be deemed a matter of internal affairs. In an internal affairs investigation, the Sheriff solely may relieve from duty an employee. The Sheriff may suspend without pay a deputy whose continued presence on the job constitutes a substantial and immediate threat.

3. Any deputy who refuses to obey a direct order in conformance with the department's rules, regulations, and general orders may be relieved from duty by the Lieutenant in charge. The Lieutenant must immediately notify the applicable Captain of this action.

D. Penalties:

The following penalties are available and discussed further in this policy:

1. Oral reprimand; counseling.

2. Written reprimand.

3. Demotion or Suspension without Pay.

4. Dismissal from Department.

E. Oral reprimand; counseling and training

Oral reprimands, while informal, require documentation with an employee's acknowledgment of such record. The following steps shall be observed:

1. At the time of an oral reprimand, the employee receiving it shall be counseled as to correct behavior, and further advised that a written record shall be maintained concerning the reprimand/counseling, and that the employee may read the record. An oral reprimand becomes a permanent part of the employee's personnel file.

2. The employee shall be further advised that he or she has the right to file a statement in his or her personnel file setting forth his or her position, in case of disagreement.

3. The counseling supervisor shall record the reprimand/counseling on an Oral Counseling Form to the personnel record containing the following information:

   a. Employee's name;
   b. Date of reprimand/counseling;
   c. Summary of reasons for reprimand/counseling;
   d. Suggestions for improvement or specific actions suggested;
   e. Summary of employee's response;

   f. The following statement must appear:

   "I acknowledge that I have today received oral counseling and I have been advised of the following: (1) that a written record of the oral counseling shall be maintained; (2) that the employee has a right to review the record and respond in writing; (3) that the form shall become part of the personnel record; and (4) that the employee is required to acknowledge the oral counseling by signing the record."

   g. Name of supervisor and signature.
   h. The employee shall sign and date the form following the above statement.
   i. Signature of Captain, Major, or Sheriff and date.

4. The oral reprimand/counseling may involve remedial training. Such training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance of basic academy classes, in-service, or other training specially created to accomplish the department's recommended employees' actions to correct or modify behavior. Remedial training is reasonably offered until the employee can demonstrate proficiency in the corrected behavior. All training shall be documented.

5. Supervisors are expected to counsel employees regularly without oral reprimands. Most counseling is informal, positive, supportive, and perhaps undocumented. Supervisors may keep written notes to aid in evaluations and justifying the basis for reprimands.

   a. Supervisors are responsible for counseling employees concerning job-related matters, within their capabilities. Many things can affect the job and an employee's performance, so job-related counseling may involve family and other individual, personal subjects. Counseling may include identification of unacceptable behaviors or actions, specifically what was done

wrong and the desired or acceptable performance. Counseling can attempt to determine the reason for the particular behavior, determine and recommend how to correct or improve performance or to solve the problem.

b. A variety of counseling resources are available within the community and employees in need of counseling, or desiring information about available resources, are encouraged to talk with any supervisor in the Sheriff's Office that they feel comfortable talking with. Campbell County is a participant with the "Employee Assistance Program – EAP."

The Sheriff's Office recognizes that no stigma is attached to seeking professional counseling to solve problems.

F. Written Reprimand

A written reprimand, issued by an immediate supervisor, cautions an employee about poor behavior, sets forth the corrected or modified behavior mandated by the Sheriff's Office, and specifies the penalty in case of recurrent poor behavior. A written reprimand becomes a permanent part of the employee's personnel file.

1. The following statement must appear on the written reprimand:

"I acknowledge that I have today received a written reprimand and I have been advised of the following: (1) that a written record of reprimand shall be maintained; (2) that the employee has a right to review the written reprimand record and respond in writing; (3) that the written reprimand shall become a permanent part of the personnel file; and (4) that the employee is required to acknowledge the written reprimand by signing the record."

2. The employee shall sign and date the form following the statement.

3. Signature of Captain, Major, or Sheriff and date.

G. Demotion or Suspension without pay

If the situation warrants, the Sheriff may demote an employee or suspend without pay up to and including 31 calendar days as outlined in General Order 300. A second suspension within a 12-month period will be grounds for dismissal.

Reduction in Rank and/or Pay - To any lower level deemed appropriate by the Sheriff as outlined in General Order 300.

H. Dismissal

Dismissals are outlined in General Order 300.

I. Panel Hearing

When progressive forms of discipline have not been successful or when in the discretion of the Sheriff the magnitude of the offense raises to the level that progressive discipline is not practical, the Sheriff may convene a panel hearing. The Panel may consist of the Sheriff, Chief Deputy, Administrative Captain, Field Operations Captain, Investigations Captain, Lieutenant (or immediate supervisor) of affected employee and/or any other person designated by the Sheriff.

1. The employee is notified in writing no less than one week prior to the hearing.

2. The employee may submit to the Sheriff for approval a list of potential witnesses to attend the hearing in his or her behalf. The Sheriff may approve or disapprove this request.

3. Evidence is provided from both sides.

4. The Panel considers the evidence.

5. The Sheriff renders a final opinion as to the employee's status.

6. The employee is notified in writing of the Sheriff's final decision.

J. Reporting Arrests – Defendant in Criminal and/or Civil Proceedings

Any employee arrested for, charged with, or convicted of <u>any</u> crime, or required to appear as a defendant in <u>any</u> criminal <u>and/or</u> civil proceedings, must so inform the Sheriff in writing as soon as possible. Employees do not have to report parking tickets or minor traffic offenses.

Employees must report citations or arrests for reckless driving, DUI, second or more violations for speeding, or any other traffic offenses with penalties over $25.00.

Employees must also report <u>any</u> pending civil actions against them. Failure to notify the Sheriff's Office of the foregoing shall be cause for punishment.

V. INFRACTIONS AND PUNISHMENTS

A. Except for gross breaches of discipline, supervisors shall attempt to begin employee discipline with the least punitive measures. If these do not work, then increasingly more severe measures may be required. While this process may take some time, it is important that each employee be dealt with justly, and in a manner that clearly indicates that positive, constructive measures to change behavior or performance preceded the imposition of more negative sanctions.

B. Sexual Harassment and Other Discrimination

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

Sexual harassment is further discussed in General Order 312.1.

VI. MAINTENANCE/SECURITY OF RECORDS

All materials and notes associated with internal investigations, including records of disciplinary actions, shall be kept in the Internal Affairs case file. These files shall be maintained by the Chief Deputy and kept in a locked, secure, confidential fashion as set forth in III. E. 5. in General Order 300.

Records of disciplinary actions described in this General Order shall be included in the offending employee's personnel jacket. Personnel files are maintained by the Administrative Specialist in a secure (locked), fire-proof filing cabinet. Further, the Administrative Specialist's office is only open during normal business hours. The filing cabinet is only un-locked on an as-needed basis.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Bias Reduction	**NUMBER: 209**
EFFECTIVE DATE: April 9, 2004	
AMENDS/SUPERSEDES: **Issue Date: 6/18/2002**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.02.05	

NOTE

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

I. POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect citizens observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, national origin, ethnicity, age, or religion. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our Sheriff's Office. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population: respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of citizens (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, deputies shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of citizens. Deputies shall not stop, detain, arrest, search, or attempt to search anyone based **solely** upon the person's race, sex, sexual orientation, gender, national origin, ethnicity, age, or religion. Deputies shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed an offense.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between deputies and citizens.

II. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

A. Bias

Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.

B. Biased policing

Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, sex, sexual orientation, gender, national origin, ethnicity, age, or religion in violation of constitutional safeguards.

C. Ethnicity

A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.

D. Gender

Unlike sex, a psychological classification based on cultural characteristics or traits.

E. Pretextual

Refers to the officer's pretext or reason for making a stop.

F. Probable cause

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

G. Profile

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

H. Race

A category of people based on common physical or genetic traits or characteristics. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.

I. Racial profiling

The unlawful detention, interdiction, or other disparate treatment of any person on the basis of their racial or ethnic status or characteristics. "Racial profiling" refers to practices prohibited by this department.

J. Reasonable suspicion

Articulable, objective facts which lead an experienced deputy to suspect that a person stopped has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a citizen. Courts require that stops based on reasonable suspicion be "objectively reasonable."

K. Sex

A biological classification, male or female, based on physical and genetic characteristics.

L. Stop

The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is **investigative detention**. Refer to GO 529 for a description of the circumstances which may give rise to reasonable suspicion for a stop. A citizen may not conclude a stop; the officer concludes the stop when his or her articulable concerns are satisfied.

III. PROCEDURES

A. Contexts of bias

Bias occurs most often in field interviews, stops (for traffic or investigative detention), or in narcotics cases. The following topics are those which most frequently relate to bias, with the relevant General Order in parenthesis. The orders indicated should be consulted for detailed guidance.

1. Arrests (GO 522)
2. Checkpoints (GO 503)
3. Complaints/internal investigations (GO 300)
4. Interviews/interrogations (GO 500)
5. Juvenile procedures (GO 533)
6. Vice, Narcotics and Organized Crime (GO 619)
7. Patrol Operations (GO 501)
8. Performance Evaluation (GO 319)
9. Prisoner handling/transportation (GO 531)
10. Searches/seizures (GO 530)
11. Traffic Enforcement (GO 503)
12. Use of force (GO 506, 506.1, 506.2)
13. Searches Incident to Arrest (GO 521)

B. General responsibilities

1. Officers are prohibited from stopping, detaining, searching or arresting anyone **solely** because of the person's race, sex, sexual orientation, gender, national origin, ethnicity, age, or religion. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. See GO 500 for further discussion.

2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Citizens shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Deputies shall document the elements of reasonable suspicion and probable cause in appropriate reports.

3. Deputies shall observe all constitutional safeguards and shall respect the constitutional rights of all citizens.

   a. As traffic stops furnish a primary source of bias-related complaints, deputies shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. See GOs 500, 503, and 521 for further guidance. How the deputy disengages from a traffic stop may be crucial to a citizen's perception of fairness or discrimination.

   b. Deputies shall not use the refusal or lack of cooperation to justify a search of the citizen's person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.

4. All personnel shall treat citizens with the same courtesy and respect that they would have citizens observe to Sheriff's Office personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.

   a. Personnel shall facilitate citizens' access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.

   b. All personnel shall courteously accept, document, and forward to the Sheriff of police any complaints made by citizens against the department. Further, deputies shall provide information on the complaints process to citizens.

   c. Some information collected by or stored at the department may be releasable to the public. Information dissemination shall be accomplished per the requirements of GO 401 (Virginia Freedom of Information Act).

5. When feasible, personnel shall offer explanations to citizens of the reasons for enforcement actions or other decisions that bear on citizens' well-being unless the explanation would undermine an

investigation or jeopardize a deputy's safety. When concluding an encounter with a citizen, personnel shall thank him or her for cooperating.

6. When feasible, all personnel shall identify themselves by name. When a citizen requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.

7. Unless required by law, a citizen's refusal to cooperate or provide information does not create any justification for further enforcement action. Refusals to sign a summons or failure to obey a lawful order of a deputy are examples of exceptions to voluntary cooperation.

8. All personnel are accountable for their actions. Personnel shall justify their actions when required.

C. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.

2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.

3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to managing community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.

4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.

5. Any criminal profiling requires supervisory participation and oversight. Any criminal profiles used in enforcement shall be authorized by the Sheriff per a detailed, written analysis. All criminal profiles shall be

authorized in writing and shall be self-canceling after a specified date. Upon cancellation, supervisors shall prepare a report on the utility and results of the profile and submit it to the Sheriff via the chain of command.

6. Supervisors shall ensure that all enforcement actions are duly documented with an informational incident report. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.

7. Supervisors shall facilitate the filing of any citizens' complaints about law enforcement service.

D. Pretextual traffic stops

1. Pretextual traffic stops, or those in which the explanation to the citizen of the reason for the stop may not reflect all of the deputy's actual reasons, are legal and in some circumstances are necessary.

2. Note that the deputy's subjective intent (pretext) is irrelevant when stopping a vehicle; the legitimacy of the stop will be gauged by its objective reasonableness. As long as a deputy has at least one legal reason for stopping a vehicle (such as a minor traffic violation), then it is irrelevant that the deputy had some suspicion unrelated to the traffic stop.

E. Disciplinary consequences

1. All complaints of bias-based policing shall be thoroughly investigated through the Sheriff’s Office internal affairs process.

2. Procedures as outlined in General Order 300 Internal Investigations, shall apply and be followed when a complaint of this type is received.

3. Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

F. Training

All sworn personnel shall receive initial and on-going training in proactive enforcement tactics, including training in officer safety and the laws governing search and seizure. In addition, all sworn personnel shall receive initial and on-going training in interpersonal communications skills, cultural, racial, and ethnic diversity, and courtesy.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Social Media	**NUMBER: 210**
EFFECTIVE DATE: November 14, 2016	
AMENDS/SUPERSEDES:	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS:	

NOTE

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

I. POLICY

The image of the Sheriff's Office depends on the personal integrity and discipline of all Sheriff's Office employees. Use of internet social networking/media sites (Myspace, Facebook, Twitter, etc.) is a popular activity; however, employees must be mindful of the negative impact of inappropriate or unauthorized postings upon the Campbell County Sheriff's Office and its relationship with the community. This order identifies prohibited activities by employees on such web sites and supplements GO's 200, 201, and 202 that address Conduct, General Responsibilities, and Prohibited Activities of employees of the Campbell County Sheriff's Office.

II. PURPOSE AND SCOPE

A. The purpose of this policy is to establish policy concerning personal web pages or internet sites when referencing this Office, and to ensure employees use appropriate discretion so as not to discredit this Office.

B. To clearly identify prohibited activities by employees of this Office on social networks and/or other web sites, on and/or off duty.

C. To provide guidelines for employees in applying rules of conduct to their online content.

D. To protect the Sheriff's Office and the employees from harm as the result of inappropriate postings or inadvertent harmful postings.

E. To maintain order and discipline within the Office, ensuring efficient operations and to maintain community trust and respect.

F. Professionalism, ethics and integrity are of paramount importance in the law enforcement community. To achieve and maintain the public's highest level of respect, we must place reasonable restrictions on our conduct and hold to these standards of conduct whether on or off duty. An employee's actions must never bring this Sheriff's Office into disrepute, nor should conduct be detrimental to its efficient operation.

G. To ensure that the release, either directly or indirectly, of information concerning crimes, accidents or violations of ordinances or statutes to persons outside the agency is not improperly disseminated, that all employees treat as confidential the official business of this Office.

III. PROCEDURES – Prohibited Activities and Guidelines

A. Except in the performance of an authorized duty, employees shall not post, transmit, reproduce, and/or disseminate information text, pictures, videos, audio, etc. to the internet or any other forum (public or private) that would tend to discredit or reflect unfavorably upon this Office or any employee of this Office.

B. Except in the performance of an authorized duty, employee use of the Office's computers to access social networking sites (Facebook, Myspace etc.) blogs or bulletin boards is prohibited.

C. Posting the following types of criminal justice information to social networking sites is explicitly prohibited:

1. Confidential, sensitive, or copyrighted information to which you have access due to your employment.

2. Data from ongoing criminal or administrative investigations including photographs, videos or audio recordings.

3. Photographs of suspects, arrestees or evidence.

4. Personal statements about a use of force incident or any case investigated by this or other law enforcement agencies.

5. Comments related to pending prosecutions.

6. Comments regarding other agencies.

D. Employees are prohibited from posting content that is inconsistent with their duties and obligations as an employee of this Office. For example: racist or sexist comments, comments insulting groups on the basis of national origin, county residents or the general public, political cartoons or caricatures that serve to make fun of a particular political party, candidate, which all tend to undermine the public trust and confidence required by the employees of this office. Cartoons and/or caricatures that depict any of the above content are strictly prohibited.

E. Employees are prohibited from posting, transmitting, and/or disseminating any pictures or videos of official agency training, activities, or work related assignments and/or any agency insignia, without the express written permission of the Sheriff or his designee.

F. If you choose to identify yourself as an employee of this Office, be clear that you are expressing your own views and not those of this Office or the County. Do not give the appearance that you are speaking for or acting on behalf of this Office or the County.

G. Negative comments on the internal operations of this Office, or specific conduct of supervisors or peers that impacts the public perception of this Office is not protected by the First Amendment speech, in accordance with established case law. Employees of other jurisdictions have been terminated under similar circumstances.

H. If co-workers are included in your social network, ensure that your content is consistent with agency policies regarding treatment of co-workers. For example, do not post content that would violate the agency's policy on sexual harassment, racial intolerance, political affiliation, etc.

I. If you choose to appear in uniform or display any agency insignia, a link between your online content and this Office has been established.

1. Your posted content has the potential to be shared broadly, including with individuals with whom you did not intend to communicate. For example opposing counsel may subpoena your posts if they are relevant to a lawsuit related to your official duties. Counsel may also use your posts to impugn your reputation or show a bias. You may be questioned on the stand by counsel or quoted in the media about comments and/or postings made on the internet.

2. Due to increased scrutiny of law enforcement personnel's postings to social networking sites by opposing attorneys we strongly discourage you from posting information or photographs regarding off duty activities that may tend to bring your reputation into question, even if taken out of context. Attorneys can use such information for impeachment purposes. For example: photographs that show employees drinking off duty, in various stages of undress, etc., while perfectly legal, can give the wrong perception to the public. Unfortunately perception becomes reality to some.

J. Employees may comment on issues of general or public concern *(as opposed to personal grievances)* so long as the comments do not disrupt the workplace, interfere with important working relationships or efficient work flow, or undermine public confidence in an employee. The instances must be judged on a case-by-case basis.

1. Matters of public concern are those matters of interest to the community as a whole, whether for social, political or other reasons.

2. Employees have a statutory right to express opinions on matters of public concern to state or local officials regardless of the impact on the workplace. (Virginia Code §15-2-1512.4).

3. Examples of local issues of general or public concern include the budget, spending priorities, any question scheduled for public hearing, illegal discrimination, official corruption, official impropriety, malfeasance on the part of any government officials, misuse of public funds, waste of public funds, fraud, abuse or gross mismanagement, inefficiency in managing and operation of government agencies, violations of law, local elections or public safety.

4. Examples of state or national issues of general or public concerns include election campaigns, elected officials, legislation, national security, budgets, foreign policy or any topic of broad public interest or debate.

5. Examples of personal grievances include disciplinary action, work schedule, morale, and complaints about supervisors or co-workers that do not involve actual wrongdoing, illegal discrimination, corruption or waste. These comments may subject an employee to disciplinary action if they constitute insubordination or if they otherwise violate GO's 200, 201, or 202.

K. Sites deemed inappropriate, whether an employment association or not, bringing discredit to this Office or to an employee of this Office, or promoting misconduct, whether on or off duty, may be investigated through a criminal and/or administrative investigation.

L. Computers furnished to members of this office are the property of Campbell County. As such, computer usage and files may be monitored and accessed at any time. All information generated and communicated via this equipment or use of the county email address while in your employment capacity or while using county property is county property and is subject to review by the public under the Freedom of Information Act (FOIA). The county monitors all inbound and outbound internet activity. When using internet services provided by the county, you agree to county monitoring of all internet communications.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Internal Investigations	**NUMBER: 300**
EFFECTIVE DATE: October 20, 2009	
AMENDS/SUPERSEDES: **Revised Date: 07/04/2002**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM. 18.01 – 18.06; PER.09.02 – 09.05	

NOTE

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

I. PURPOSE

The purpose of this General Order is to ensure the integrity of the Sheriff's Office by establishing procedures for handling complaints against members of the agency and/or the agency. The procedures outlined will ensure the prompt and thorough investigation of incidents to clear the innocent, establish guilt, and facilitate suitable disciplinary action.

II. POLICY

This Order is based on the premise that discipline is the function of command and that a well-disciplined force is a force that voluntarily conforms to all rules and orders. Law enforcement personnel, like all citizens, are protected by the guarantees of the Constitution but, as public employees, they are in a particularly stringent facet of public trust and responsibility. The public and the department have an important interest in expecting officers to give frank and honest replies to questions that are directly related to the performance of their official duties and/or their fitness to hold public office. This policy is promulgated in accordance with these considerations.

III. REGULATIONS

A. All complaints against the agency and/or employees of the agency will be recorded, investigated and adjudicated.

B. The incidents, which are to be handled in accordance with the provisions of this Order, are alleged or suspected violations of statutes, ordinances, or departmental

rules and regulations by any employee of the Sheriff's Office. Whenever circumstances allow, the employee shall be immediately notified in writing of the allegation unless it is deemed by the investigating authority that such notification could hinder an investigation.

When employees are notified that they have become the subject of an internal affairs investigation, the Sheriff's Office shall provide the employee with a written statement of the allegations; the employee's rights relative to the investigation; and the employee's responsibilities relative to the investigation.

Prior to questioning of an employee for an alleged infraction that may involve disciplinary action; the questioning investigator shall designate a reasonable time and place for questioning the employee. The questioning investigator shall advise the deputy being questioned of his name and rank, and of any person present during the questioning, and the nature of the investigation.

In all instances, when possible, written notification shall be made to complainants verifying that their complaint has been received for processing. This shall be accomplished by the Chief Deputy or Internal Affairs Investigator utilizing the CCSO pre-printed Notification Form and returning it to the complainant. This procedure necessitates prompt notification to the Internal Affairs Investigator or designated supervisor by any member of this agency receiving a citizen's complaint.

Further, notification of the continuing status and/or disposition of complaints against the agency or its employees is made by the Sheriff or his designee to the complainant and the employee(s) investigated.

C. The incidents include:

1. Complaints from members of the general public.

   All allegations of impropriety on the part of any employee shall be initially reviewed by a supervisor. If the initial contact with the supervisor is in person and the complaint cannot be resolved without an investigation, the following steps shall be taken:

   a. The supervisor shall request, and assist if necessary, the complainant to complete the Citizen Complaint Form.

   b. The original of this form shall be forwarded to the appropriate Division Commander for review and assessment to determine if the complaint should be forwarded to Internal Affairs or investigated at the Division Command Level.

c. If the Division Commander determines that the investigation should be conducted by Internal Affairs, a memorandum requesting the investigation and any related documents, including the complaint form, shall be forwarded to the Chief Deputy and/or Sheriff.

2. Complaints reported to supervisory or command personnel by members of the department.

3. Those actions observed by supervisory or command personnel, which appear to be in violation of law or departmental regulation.

D. Individual Responsibility

1. Each member of the department shall cooperate fully with the Internal Affairs Investigator or any other member of the department conducting such investigations. Supervisory or command personnel will initiate investigations into observed infractions or complaints received which fall within the scope of their authority. Any member of this department shall, upon request, furnish information to any citizen regarding the procedures used to file complaints.

2. The Division Commander or designated representative shall investigate the following complaints:

   a. General complaints concerning minor infractions or regulations and/or manner in which the employees performed their duties.

   b. Complaints relative to differences of opinion between an employee and a citizen arising from the performance of duty.

   c. Complaints concerning the manner in which a deputy investigated a crime, traffic accident, or service incident.

   d. Complaints concerning a deputy's authority to arrest or the propriety of a particular charge.

3. It shall be the responsibility of any employee to answer fully and truthfully any question pertaining to the investigation of an infraction of law or regulation, which might be asked by the investigating authority in the course of an administrative investigation. An employee does not have the right to refuse to answer any question or to refuse <u>to submit to a polygraph examination</u> concerning his performance of duty or his adherence to departmental rules and regulations. <u>Refusal to answer any such questions or to submit to a polygraph examination may result in the immediate discharge of the employee or deputy</u>.

4. During the course of an internal investigation, an employee may be required to submit to a medical/ laboratory examination, photographs, or may be required to submit financial records and participate in line-ups. Medical and/or laboratory test requests will be based on the probable cause that an employee may be under the influence of alcohol, a dangerous or illicit drug, or prescription medication that would affect the employee's ability to perform their job.

E. Internal Affairs Investigator

1. The Internal Affairs Investigator shall be responsible for, but not limited to, the investigation of all allegations involving corruption, brutality, breach of civil rights and/or criminal misconduct.

2. The Internal Affairs Investigator is a staff function and reports directly to the Sheriff.

3. Upon receipt of a minor complaint i.e., rudeness, tardiness, insubordination, etc., the Internal Affairs Investigator may, with approval of the Sheriff or Chief Deputy:

   a. Refer it to the appropriate Division Commander for investigation; or

   b. Provide required assistance to other investigating authorities, when requested.

4. The Chief Deputy shall maintain a ledger of all complaints against the agency or its employees entitled the Internal Affairs Control Log. Spaces will be provided in the ledger for:

   a. A control number;

   b. Date and nature of complaint;

   c. Name of person filing complaint;

   d. Name of person complained against; and

   e. Nature of final action taken by the Sheriff.

5. Records pertaining to internal affairs investigations shall be maintained in a locked cabinet in a secured area. Access to the Internal Affairs records or the Control Log will be prohibited to all personnel except:

   a. The Sheriff;

b. Chief Deputy Sheriff; and

c. Internal Affairs Investigator(s).

6. Investigations may be initiated upon the request of any member of the department who feels threatened by a false accusation or a contrived situation involving false evidence through the appropriate level chain of command.

IV. PROCEDURE

A. The Sheriff shall be immediately notified by any member of the agency receiving information/complaint of another member's involvement in any incident concerning deadly force, criminal misconduct, brutality, or breach of civil rights. Complaints of a minor nature can be made to the Sheriff through normal channels.

B. The Internal Affairs Investigator will be responsible for assuring a complete and expeditious investigation of all cases referred to the Section. The IA Investigator may request such assistance from other divisions as deemed necessary.

C. The Sheriff and/or Chief Deputy will be advised by the investigating authority of any new information developed during the course of an investigation which may necessitate:

1. Reassigning the accused deputy to other duties so he may receive closer supervision or be separated from the public or other deputies; or

2. Relieve the accused from duty or seek his immediate suspension.

D. When there are indications that the person complained against has been drinking, the accused may request an alcohol analysis test. Additionally, a supervisor may require a deputy to take an alcohol analysis test. The time lapse between the initial report or observation and the time of the test will be included in the initiating deputy's report, along with the result of the alcohol test. When there are indications that the employee has ingested drugs, the accused may request a urinalysis test. Additionally, a supervisor may require a deputy to take a urinalysis test.

E. When there are sufficient facts to indicate that the act complained of is immoral, indecent, involves the physical mistreatment of another person, or when the accused person has been drinking or is under the influence of a drug, the person may be immediately relieved from duty by any supervisory officer.

F. When the act complained of is a crime that might have resulted in arrest if the perpetrator had been a private citizen, the Sheriff shall be consulted for a decision as to whether the accused person should be arrested forthwith, if a warrant for his

arrest should first be obtained, or if criminal action should be delayed until the completion of the investigation. In the absence of the Sheriff, the next ranking officer shall make the determination or be notified. However, if exigent circumstances exist, the arrest may be effected prior to notifying the Sheriff or next ranking officer.

G. Written statements will be taken from the accused and from witnesses and complainants when they are helpful or desirable in arriving at a sound conclusion. Statements need not be in the form of questions and answers but may be in the form of a request.

H. Should it be determined at any time during the investigation that the complaint is clearly unfounded, the investigation shall be terminated and the evidence giving justification for the termination shall be forwarded to the Chief Deputy. If the case has been investigated by the Internal Affairs Investigator, it shall be forwarded to the Sheriff and/or Chief Deputy for review.

I. Upon completion of an investigation, it shall be classified as follows:

1. Unfounded - Allegation is false;

2. Exonerated - Incident complained of occurred, but was lawful and proper;

3. Not Sustained - Insufficient evidence to either prove or disprove the allegation;

4. Sustained - Allegation is supported by sufficient evidence. Only findings in this category will be included in an employee's personnel file; or

5. Policy Failure - The allegation is true and, although the action of the agency or deputy was not inconsistent with agency policy, the complainant suffered harm.

J. Upon classification as *sustained*, the Sheriff may impose disciplinary action as follows:

1. No action taken.

2. Oral Reprimand - The final report will indicate where, when and by whom given and the substance of the reprimand. The report of the fact that an oral reprimand was given shall be filed in the employee's personnel jacket;

3. Written reprimand - To be prepared and presented to the employee by his commanding officer. The reprimand shall include a statement, which indicates that similar misconduct in the future may result in more severe disciplinary action;

4. Suspension - Without pay up to and including 31 calendar days. A second suspension within a 12-month period will be grounds for dismissal.

5. Reduction in Rank and/or Pay - To any lower level deemed appropriate by the Sheriff; or

6. Dismissal from the Department - Upon dismissal, the employee shall be furnished with the following information:

    a. A statement citing the reason for dismissal, (which may not be exclusive);

    b. The effective date of dismissal;

    c. A statement of the status of fringe and retirement benefits after dismissal; and

    d. A statement as to the content of the employee's personnel record relating to the dismissal.

The requirements of this General Order do not apply to entry-level personnel dismissed while on probationary status.

V. REPORTING

A. Upon completion of the investigation, the final report shall include:

    1. Classification of the allegation as described in Section IV, Subsection I; and,

    2. When sustained, indicate the nature of the violation.

B. If the investigation is conducted by an authority other than the Internal Affairs Investigator, the report and other related documents shall be forwarded directly to the Chief Deputy for records control.

    The Internal Affairs Investigator will be responsible for forwarding the report to the Sheriff for final action.

    Personnel conducting internal affairs investigations shall not notify the complainant and/or employee of their investigation results. Notifications will be made by the Sheriff or his designee.

C. Reports of disciplinary actions handled at the Division Commander's level will be forwarded to the Sheriff via the Chief Deputy.

D. Final reports will not be delayed because of any pending court action. The Internal Affairs Investigator shall make every attempt to complete the investigation within 30 days. He/she shall provide an update at least every seven days to the Sheriff until

complete. In addition, the Chief Deputy or his designee shall contact the complainant at least once every thirty days to maintain liaison throughout the complaint process.

E. Upon completion of the investigation, the Sheriff or his designee shall notify the complainant and employee(s) of the results of the investigation.

VI. MAINTENANCE/SECURITY/CONFIDENTIALITY OF RECORDS

All materials and notes associated with internal investigations, including records of disciplinary actions, shall be kept in the Internal Affairs case file. These files shall be maintained by the Chief Deputy and kept in a secure fashion as set forth in III. E. 5. in this General Order. Records of disciplinary actions shall be included in the offending employee's personnel jacket, as specified in Sections IV. I. 4. and IV. J. 1 – 6. in this General Order. Internal Affairs case files shall be maintained indefinitely. Only upon service of an Expungement Order issued by a court having competent jurisdiction shall case files and disciplinary records be removed and destroyed.

All internal affairs investigations and records will be kept confidential and maintained securely by the Chief Deputy.

VII. SPECIAL PROCEDURES

Arrest warrants for Deputy Sheriffs

When it is necessary to ask for an arrest warrant for a member of the Sheriff's Office, the Sheriff shall be notified without delay. However, if exigent circumstances exist, the arrest may be effected prior to notifying the Sheriff. If an arrest warrant has been issued for a member of the Sheriff's Office, the shift supervisor shall notify the Division Commander, who in turn will notify the Sheriff prior to executing the warrant.

VIII. THE USE OF TRAINING AS A FUNCTION OF DISCIPLINE

When the disciplinary problem is one of productivity or effectiveness, supervisors are encouraged to utilize training, not only as a function of discipline, but as a tool to be used through positive and constructive methods to correct a problem that may be a result of lack of skills, knowledge, or ability.

IX. THE USE OF COUNSELING AS A FUNCTION OF DISCIPLINE

Supervisors are encouraged to utilize counseling as the first level of the disciplinary procedure in situations where it is appropriate. Counseling sessions at the shift level should be relatively informal. All counseling sessions shall be documented in shift files. Counseling performed at higher levels of the agency shall be documented, as appropriate. All records of counseling sessions involving citizen complaints shall be forwarded to the Chief Deputy Sheriff for records control. It should be remembered that counseling is intended to be a learning experience and to assist employees in attaining expected goals.

Dear

Your complaint was received on and is being processed by a Sheriff's Internal Affairs Investigator or Division Commander.

You will be notified of the investigative findings upon completion of the investigation. In cases requiring extensive investigation, you will be notified of the case status upon completion of the investigation.

Sincerely,

Terry E. Gaddy
Sheriff

TEG/crc

CAMPBELL COUNTY SHERIFF'S OFFICE
ADMINISTRATIVE PROCEEDINGS RIGHTS
POLYGRAPH EXAMINATION ACKNOWLEDGMENT OF RIGHTS

I, _____ have been ordered by

_____ to submit to a polygraph examination as a condition of employment in connection with the investigation of:

_____

_____

_____

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

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

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

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

_____ _____
Employee Signature Witness Signature

_____ _____
(Date) (Date)

CONFIDENTIAL

CAMPBELL COUNTY SHERIFF'S OFFICE

CERTIFICATE TO BE COMPLETED IN EVENT OF REFUSAL TO SIGN POLYGRAPH EXAMINATION ACKNOWLEDGMENT OF RIGHTS FORM

I, _____, hereby certify this form was
(Name and Rank)

presented to _____ on this date in
(Name and Rank)

connection with the above referenced investigation, that the contents of the form were made known to him/her and that failure to sign the form was grounds for disciplinary action, including dismissal from employment, said _____, refused in my presence to sign this form.

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

CONFIDENTIAL

CCSO ADMINISTRATIVE PROCEEDING RIGHTS
NOTIFICATION OF ALLEGATIONS

NAME _____ DATE _____
TIME_____hours

It shall be noted that the Sheriff is the final authority on all disciplinary matters and that all appointees serve at the will and pleasure of the Sheriff. The Campbell County Sheriff's Office provides that whenever an internal investigation by an agency focuses on matters, which could lead to the dismissal, demotion, suspension or transfer for punitive reasons of a law enforcement deputy, the following conditions shall be complied with:

1. Any questioning of the deputy shall take place at a reasonable time and place as designated by the investigating officer; preferably, when the deputy under investigation is on duty and at the office, unless circumstances dictate otherwise.

2. Before questioning the deputy, he shall be informed of: (1) the name and rank of the investigating deputy and of any individual to be present during the questioning and (2) the nature of the investigation.

Sheriff's Office policy provides that:

1. You are entitled to read the complaint lodged by the complainant.
2. Refusal to answer all questions pertaining to the allegations made by the complainant, either orally or in writing, shall be grounds for disciplinary action or may result in dismissal from the Sheriff's Office.
3. The answers given during the investigation of an administrative matter will not be used against you in any criminal proceedings.
4. The answers given do not constitute a waiver of your privilege against self-incrimination as related to criminal matters.
5. During an administrative investigation, no attorney will be permitted to be present. Accordingly, you are hereby advised that the following allegations have been directed to you:

COMPLAINT(S):
1. _____
2. _____

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

Signature _____ Date _____

Witness:_____ Date _____

Confidential

CAMPBELL COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS

DATE: _____

TO: _____

FROM:_____

SUBJECT: NOTIFICATION OF COMPLAINT

A COMPLAINT HAS BEEN FILED AGAINST YOU BY

_____
(COMPLAINANT)

CONCERNING

_____
(NATURE OF COMPLAINT)

CATEGORIZED AS:
_____

INTERNAL AFFAIRS FILE NUMBER: _____

THIS COMPLAINT IS BEING INVESTIGATED BY: _____

YOU ARE HEREBY DIRECTED TO APPEAR IN THE OFFICE OF
_____

AT _____ ON _____.

FOR THE PURPOSE OF ANSWERING QUESTIONS REGARDING THE ALLEGATIONS AGAINST YOU. IT IS ANTICIPATED THAT IN ADDITION TO YOURSELF AND THE INVESTIGATOR, THE FOLLOWING PERSON(S) WILL BE PRESENT DURING THE INTERVIEW:

_____

_____

ADMINISTRATIVE ACTION COULD RESULT IF THE ALLEGATIONS ARE SUSTAINED

NOTE: WHENEVER A DEPUTY IS UNDER INVESTIGATION OR SUBJECTED TO INTERROGATION FOR ANY REASON, WHICH COULD LEAD TO DISCIPLINARY ACTION, DEMOTION, DISMISSAL, OR CRIMINAL CHARGES, SUCH INVESTIGATION OR INTERROGATION SHALL BE CONDUCTED UNDER THE GUIDELINES SET FORTH IN THE POLICY AND PROCEDURES MANUAL OF THE CAMPBELL COUNTY SHERIFF'S OFFICE.

Confidential

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Off-Duty / Extra-Duty Employment	**NUMBER: 301**
EFFECTIVE DATE: February 7, 2008	
AMENDS/SUPERSEDES: **Issue Date: 7/4/2002**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: PER.04.01 – 04.02	

NOTE

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

I. PURPOSE

To define regulations governing off-duty and extra-duty employment and conduct while employed in an off-duty and/or extra-duty capacity.

II. POLICY

The Sheriff must ensure the continued efficiency and effectiveness of the Sheriff's Office while simultaneously reducing or eliminating conflicts of interest. To this end, the Sheriff shall manage according to whatever reasonable controls he deems necessary to restrict or regulate the conduct of employees. It is the policy of the Campbell County Sheriff's Office, therefore, to prohibit off-duty employment when it may impair efficiency or conflict with employees' duties and responsibilities. To promote the welfare and good reputation of the Sheriff's Office, however, this order outlines procedures to ensure appropriate, accountable, and reasonable off-duty work. The policy also addresses those situations where the potential use of law enforcement powers is anticipated hereinafter referred to as extra-duty employment. It is the general intention of the administration to discourage requests for sheriff-related extra-duty requests; however, the possibility exists that an unforeseen event could dictate the necessity of such action. Therefore, in the following regulations, guidelines have been identified that will be followed by all employees of the Campbell County Sheriff's Office. This general order complies with § 15.2-1712 of the Code of Virginia.

III. DEFINITIONS

A. Employment: Any work performed or services provided for compensation, including self-employment. Volunteer charity work is excluded.

B. Sheriff service area: The area located within the boundaries of Campbell

County.

C. Training period: That period of time during which a deputy is attending the designated training academy or is working under the direct supervision of a field training deputy or designated supervisor.

D. Off-duty employment: Employment, not law enforcement related, that is other than the regularly assigned duty shift. This employment does not require sworn enforcement powers as a condition of employment and the work does not provide implied law-enforcement service.

E. Extra-duty employment: Employment wherein the actual or potential use of law enforcement powers is anticipated.

IV. PROCEDURES

A. Off-duty employment

1. Employment shall not constitute a conflict of interest A conflict of interest, as determined by the Sheriff, is any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of Sheriff's Office employment.

2. Sworn personnel shall not work off-duty in any capacity during their training period.

3. Employees on medical or sick leave, temporary disability, or light duty due to injury are prohibited from working off-duty employment. An employee engaged in **any** off-duty employment may be called to duty in an emergency.

4. The Sheriff's uniform shall not be worn while engaging in off-duty employment. County-owned vehicles, radio, or other issued equipment shall not be used while traveling to and from or engaging in off-duty employment.

5. Employees who own or operate their own off-duty business must comply with all legal requirements, including applicable business license tax requirements.

6. Deputies engaged in off-duty employment are subject to call-out in case of emergency, and are required to leave the off-duty employment in such call-out. The deputy shall advise the off-duty employers of this obligation in advance.

B. Extra-duty employment

1. Deputy Sheriffs shall not engage in any law-enforcement related extra-duty employment unless arrangements for such extra-duty employment have been made through the Division Commander (or designee) of the employee, and approved by the Sheriff or his designee.

2. Deputy Sheriff's shall not work extra-duty employment in any capacity during their training period.

3. Deputy Sheriff's on medical or sick leave, temporary disability, or light duty due to injury are ineligible for extra-duty employment. A deputy sheriff engaged in **any** extra-duty employment may be called to duty in an emergency.

4. Prior to reporting for any extra-duty employment, the deputy is required to notify the Dispatcher of the fact that they are on duty for a special assignment. Once at the extra-duty location, the deputy shall sign out via radio with the dispatchers advising them of the location of the special assignment. Deputies shall also advise dispatchers of any change of location as well as when they are no longer on duty for the special assignment.

5. Deputies, while engaged in extra-duty employment, shall be subject to the orders of the on-duty sheriff's office supervisor. In Campbell County School security activities, deputies shall be supervised by the assigned School Resource Officer of that particular school and/or ranking employee of the Sheriff's Office working that particular event.

6. All sworn personnel working in an extra-duty capacity are to act in a professional manner, and will avoid performing tasks that tend to detract from the professional image of the Sheriff's Office. All Sheriff's Office policies and procedures are to be followed during extra-duty employment, as if the deputy were working on duty. **Sworn personnel are subject to the same legal authorization and limitations as they are on duty. Their enforcement power is restricted to state and local codes or ordinances, and does not extend to employer's rules and regulations. Enforcement of the employer's rule or regulations remains the responsibility of the employer.**

7. No deputy may refuse to respond to a request for aid from a citizen while working any extra-duty employment.

8. Deputies are to handle incidents, in which they have exercised law enforcement authority during extra-duty employment as they would on duty, including filing proper reports in accordance with Sheriff's Office policy.

9. Deputies are to respond to all inquiries from their supervisors regarding the nature and extent of extra-duty employment activities.

10. Deputies engaged in extra-duty employment are subject to call-out in case of emergency, and are required to leave the extra-duty employment in such call-out. The deputy shall advise the extra-duty employers of this obligation in advance.

C. All supervisors shall ensure that off-duty and/or extra-duty employment does not interfere with on-duty performance.

V. ADMINISTRATION

A. Off-duty employment administration

1. Requests for off-duty employment shall be submitted via the Campbell County Sheriff's Office Off-duty Employment Request form to the Shift Supervisor of the requesting employee. Employees shall not begin any off-duty work until approval has been granted.

2. Division Commanders shall approve/disapprove of off-duty employment after consultation with the employee's immediate supervisor, and pending final approval of the Sheriff.

   The requesting employee will be notified whether the request was approved or denied and a copy of the request, with a notation of approval/denial, will be placed in the affected employee's personnel file.

3. Shift supervisors are responsible for notifying the appropriate Division Commander of any problems relating to an employee's off-duty employment. Division Commanders will notify the Sheriff of these problems as well as recommend any actions to be taken.

4. Employees shall communicate any changes in information contained on the Off-duty request form as soon as possible to include notifying the Sheriff via the chain of command when the employee is no longer employed in the off-duty capacity.

5. To be eligible for permission to work off duty, personnel must be in good standing with the Sheriff's Office. Continued permission to work off-duty is contingent upon remaining in good standing.

6. The Campbell County Sheriff's Office shall not be responsible for medical expenses incurred from injuries sustained while working in any off-duty employment.
7. The Sheriff may revoke permission to work off-duty at any time.

B. Extra-duty employment

1. Requests for law enforcement-related extra-duty employment shall normally be submitted to the Administrative Office. A designee of the Sheriff will contact deputies who will be off-duty on the date for which services have been requested, and will assign personnel to fill the request. Campbell County School functions that require the presence of deputies will be assigned by the Administrative Services Division Commander or designee.

2. Deputies who agree to accept extra-duty employment assignments will include on their extra-duty time sheet the hours worked on such assignments and submit the forms to the department's Administrative Office. The County of Campbell as a part of the regular payroll system will make reimbursement for such assignments.

3. The Administrative Specialist will bill the extra-duty employer for the actual hourly cost of the employee who has completed the assignment to include worker's compensation and FICA costs for that employee.

4. All General Orders and rules of the Campbell County Sheriff's Office will be adhered to by any employee working extra-duty in a law enforcement capacity.

C. Off-duty and extra-duty employment of Sheriff's Office employees is subject to periodic review by the Sheriff. The Sheriff or his designee shall be the point of coordination to oversee that the Sheriff's Office policies, procedures and processes as well as other matters of concern are being obeyed.

D. In order to maintain the Sheriff's Office continued efficiency and effectiveness, the Sheriff, or his designee, may revoke at any time, any deputy's off-duty / extra-duty employment. This revocation can take place anytime the employment becomes a conflict of interest or negative perception placed upon the Sheriff's Office. The revocation will take effect immediately and as soon as practical the revocation will be reduced to writing.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Personal Appearance and Grooming	**NUMBER: 302**
EFFECTIVE DATE: September 18, 2012	
AMENDS/SUPERSEDES: **Revised Date: 4/13/04**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS:	

NOTE

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

I. PURPOSE

The changing mores and customs of modern society dictate the need for regulations governing personal appearance and grooming. The purpose of this Order, therefore, is to establish acceptable standards that are consistent with the semi-military characteristics of a Sheriff's Office.

II. POLICY

Respect for law enforcement officers is of paramount importance and, for the most part, respect is predicated upon the appearance and personal grooming of a Deputy. Based upon that premise, it is the policy of this agency that personnel will be clean, neat, and well-groomed at all times.

III. REGULATIONS

A. The following regulations are established for all sworn male personnel:

1. The hair may be worn in contemporary styles but no longer than the

top of the shirt collar at the back of the neck when standing with the head in a normal posture. Hair must be neat, clean, combed, and must not cover any portion of the ears. The bulk or length of the hair shall not interfere with the normal wearing of all standard headgear.

2. Sideburns with limitations are permitted. The length may extend down to a point straight and level with the lowest point of the ear lobe. The width of the sideburn shall be no more that one and one-half (1 2) inches, with edges parallel to prevent being flared. Sideburns are to be kept neatly trimmed at all times, and shall not be bushy or shaggy in appearance.

3. Mustaches must be neatly trimmed, with the growth limited to one-quarter (1/4) inch beyond the corner of the mouth; the ends of the mustache shall not be waxed or twisted.

4. Wigs or hairpieces are permitted if they conform to the above standards.

5. Deputies shall be clean-shaven when reporting for duty. A growth of whiskers shall be permitted only for medical reasons or when required by the nature of the assignment. An employee with a medical condition, which precludes his shaving, shall be assigned duties requiring the least possible public exposure.

B. The following regulations are applicable to sworn female personnel:

1. Sworn female personnel shall keep their hair clean, neat, and well groomed, while on duty. Hairstyles are not permitted to interfere with the normal wearing of the headgear and shall look professional at all times. The hair shall be arranged in such a style as to prevent any hair from extending below the lowest point of the uniform collar.

2. Wigs or hairpieces are permitted if they conform to the aforementioned standards.

C. The following regulations are applicable to <u>all sworn personnel</u>:

1. No earrings of any style or design shall be worn by any male sworn member of the department while on duty and/or representing the Sheriff's Office at any function.
2. Female deputies may wear small, plain, button or post-type earrings

of gold, silver, diamond or pearl. However, loop, ring or other dangle-type earrings shall not be worn while on duty.

3. Necklaces may be worn by sworn members of the Department so long as they are not visible to the public.

4. Any tattoos or body piercing must be concealed from public view while in uniform and/or receiving compensation from the Sheriff's Office as a representative thereof, unless prior approval is received from the Chief Deputy and/or Sheriff. This applies to any function the deputy may be attending.

5. Personnel assigned to investigative duties and other specialized enforcement activities, including the Criminal Investigations Division, which require an inconspicuous appearance may be exempted from the provisions of this Order, only upon prior approval from the Division Commander and/or Sheriff.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Reporting Personal Injuries	**NUMBER: 303**
EFFECTIVE DATE: May 14, 2016	
AMENDS/SUPERSEDES: *Revised: 02/21/2002*	**APPROVED:** Steve A. Hutcherson **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS:	

NOTE

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

I. PURPOSE

The purpose of this General Order is to ensure prompt and accurate reporting of any injury which may be covered under the provisions of the 1975 Workers' Compensation Act, as amended. These benefits are available to both qualified part-time and full-time County employees who are injured on the job.

II. PROCEDURES

A. On-Duty Injuries

1. Any Sheriff's department employee who sustains a personal injury during the performance of duty shall notify his immediate supervisor.

2. The injured employee or supervisor must immediately call the company Nurse Injury Hotline and report the workplace injury.

3. Any injury sustained by an employee during the course of off-duty police related employment in which the employee is compensated by the County of Campbell shall be considered an on-duty injury. All procedures as described previously in this policy shall be followed.

B. Off-Duty Injuries

1. All sworn employees shall report the facts and circumstances of any personal injury sustained while off-duty which may interfere with the performance of duty to the appropriate Division Commander. Such reports shall be made immediately, or as soon as the employee is physically capable of doing so. If the off-duty injury renders the employee incapable of reporting to the next scheduled tour of duty, the employee shall report this fact to his immediate supervisor not later than one hour prior to the time scheduled for the beginning of the tour of duty. The employee, upon returning to duty, shall supply a written notice from the attending physician indicating the employee's duty status. This notice shall then be forwarded to the Sheriff. No employee shall return to full duty or light duty status without written notice from the attending physician.

2. A sworn employee who is injured off-duty while performing a law enforcement function, such as a lawful off-duty arrest, shall report the injury in the same manner as if it occurred on-duty. However, the injured employee shall notify the shift supervisor on duty at the time of such injury. The shift supervisor shall investigate the circumstances and submit a detailed memorandum to the Sheriff. Copies shall be forwarded to the injured employee's Division Commander and immediate supervisor. The injured employee or shift supervisor shall be responsible for immediately notifying the company Nurse Injury Hotline.

3. Provisions of leave/compensation associated with Workers' Compensation are found in the Campbell County Employee Handbook. Employees are also encouraged to contact the Human Resources Department for further assistance.

GRIEVANCE PROCEDURE

VLEPSC STANDARDS: PER.08.01; PER.08.02; PER.08.03; PER.08.04

I. PURPOSE

This General Order is issued for the purpose of providing a fair, equitable and clearly defined means for the resolution of grievances, to ensure that employees and their supervisors are afforded a reasonable opportunity to file a grievance and to guarantee the opportunity to exercise the employee's rights set forth in the grievance procedure without fear of any reprisals or discipline against the grievant for doing so.

II. DEFINITION OF TERMS USED IN THIS ORDER

GRIEVANCE - A complaint or dispute by an employee relating to their employment, including but not necessarily limited to the following:

1. Disciplinary actions, including dismissals, disciplinary demotions and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance; and

2. The application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in Section III of this policy; and

3. Discrimination on the basis of race, color, creed, religion, political affiliation, age disability, national origin, or sex; and

4. Acts of retaliation as a result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse or gross mismanagement.

GRIEVANT - The sworn employee submitting a complaint or dispute in compliance with this General Order.

DEPARTMENT HEAD - The Sheriff. The Sheriff may, upon his written authorization, designate the Major (Chief Deputy) to act in his place as Department Head for purposes of this General Order.

DIVISION COMMANDERS - Captains of the respective divisions within the Campbell County Sheriff's Office.

RESPONDENT - The person representing the supervisory or managerial authority of the Sheriff's Office who is charged with responding to the submission of a grievance under this General Order. This may be the grievant's immediate supervisor, a Division Commander, the Major, or the Sheriff, depending on the step to which the grievance is taken.

III. MANAGEMENT RESPONSIBILITIES

The Sheriff shall retain the exclusive right to manage the affairs and operations of the Sheriff's Office. Accordingly, the following complaints are not grievable:

A. Establishment and revision of wages or salaries, position classifications, or general benefits;

B. Work activity accepted by the employee as a condition of employment, or work activity which may reasonably be expected to be a part of the job content;

C. The methods, means, and personnel by which such work activities are to be carried on;

D. The contents of ordinances, statutes, or established personnel policies, procedures, rules and regulations;

E. Failure to promote, except where the employee can show established policies or procedures governing promotion were not followed or applied fairly;

F. The termination, layoff, demotion, transfer, or suspension from duties due to a lack of work, reduction in work force, or job abolition.

G. The appointment, hiring, promotion, transfer, assignment, and retention of employees of the Sheriff's Office; and

H. The relief of employees from duties of the Sheriff's Office in emergencies.

IV. COVERAGE OF PERSONNEL

Only a permanent full or part-time sworn or non-sworn employee of the Sheriff's Office is eligible to file a grievance, under this order. The following sworn employees may not file a grievance:

1. Entry-level probationary deputies, and

2. The Major (Chief Deputy).

V. PARTIES TO A GRIEVANCE

A. In order to be pursued as a grievance, the condition or occurrence complained of by an employee shall:

   1. Personally and directly affect the employee; and

   2. Be capable of being remedied by the employer.

B. Questions concerning a particular employee's standing to file a grievance and/or the Sheriff's authority to remedy the occurrence or condition complained of shall be determined as shall any other question concerning grievability.

VI. GRIEVABILITY

A. The determination as to whether a complaint or dispute is grievable shall be resolved in writing by the Sheriff.

B. Either the grievant or a management representative may request in writing a determination of grievability at any time.

C. The Sheriff or his designee shall issue a determination of grievability, in writing, within ten work days of receipt of a request for such determination. Failure to decide the issue of grievability within such time, or any extension thereof, shall be deemed a determination that the issue is grievable.

VII. GENERAL POLICY

A. Once an employee reduces his grievance to writing, the employee must specify on the employee grievance form the specific remedy the employee expects to obtain through the use of this procedure.

B. When the grievant decides to reduce the grievance to writing, they shall obtain the necessary forms from the shift supervisor.

VIII. PROCEDURE

A. <u>First step - Immediate Supervisor Level</u>

The grievance procedure shall be initiated by a face-to-face discussion of the complaint or dispute.

1. An employee who has a complaint or dispute shall discuss the grievance with the employee's immediate supervisor within twenty working days after the occurrence of the event giving rise to the grievance, or within twenty working days following the time when the employee should reasonably have known of its occurrence.

   For the purpose of this section, the term "immediate supervisor" shall mean the person who is, or most recently has been, exercising limited supervision over the employee.

   For purposes of this section the term "occurrence of event" shall include, but not be limited to:

   a. The date on which the Sheriff, or his designee, advises the employee, either orally or in writing, of disciplinary action including, but not limited to, dismissal, demotion, suspension, or transfer; or

   b. The date on which the employee is advised, either orally or in writing, by an appropriate supervisor, consistent with the employee's chain of command, of disciplinary or corrective action, or of orders creating the dispute or complaint.

2. The grievance shall be reduced to writing at this step utilizing the employee grievance form.

3. No persons other than the grievant and the immediate supervisor may be present during this discussion.

4. The immediate supervisor shall respond to the grievance, in writing on the employee grievant form, within seven working days of the conclusion of the grievance discussion.

B. Second Step - Division Commander Level

If, after exhausting the first step, the grievance has not been resolved to the satisfaction of the grievant, the grievant may seek resolution of the matter by a face-to-face meeting with the grievant's Division Commander.

1. The grievant shall reduce his grievance to writing on the employee grievant form. The written grievance shall set forth the facts on which the complaint or dispute is based and shall specify the alleged wrongful act and resultant harm. The grievance shall give a description of the remedy, adjustment, or corrective action sought. The grievant shall provide all the information required by the form and shall sign the form. When required information is unavailable, the grievant shall so indicate in writing.

2. The written grievance shall be filed with the grievant's Division Commander within seven working days after the grievant has received his immediate supervisor's written response.

3. In the event that the immediate supervisor is also the grievant's Division Commander, the grievant shall advance to the third step of this procedure, after reducing the grievance to written form by filing the completed form with the Major within seven working days of the grievant's receipt of the response from the immediate supervisor.

4. The Division Commander shall hear the written grievance within seven working days of receipt thereof. Only the grievant, the Division Commander and appropriate witnesses for each side may be present at this meeting. Witnesses may be present only while providing testimony.

5. The Division Commander shall provide the grievant with a written response to the grievance within seven working days after the conclusion of the meeting.

C. Third Step - Major

If, after exhausting the second step, the grievance has not been resolved to the satisfaction of the grievant, the grievant may seek resolution of the matter by a face-to-face meeting with the Major.

1. The grievant shall submit the written grievance to the Major within seven working days of the grievant's receipt of the response of the Division Commander.

2. The Major shall hear the grievance within seven working days of the submittal of the written grievance.

3. The grievant, the Major, or other persons, if approved by the Major, may be present at this meeting. Witnesses may be present only while providing testimony.

4. The Major shall provide the grievant with a written response to the grievance within seven working days after the conclusion of the meeting.

D. Fourth Step - Sheriff

If, after exhausting the foregoing steps, the grievance has not been resolved to the satisfaction of the grievant, the grievant may seek resolution of the matter with the Sheriff. This shall be considered the final management step.

1. The grievant shall submit the written grievance to the Sheriff within seven working days of the grievant's receipt of the response of the Major.

2. The Sheriff shall hear the grievance within seven working days of the submittal of the written grievance.

3. The grievant, the Sheriff, or other persons, if approved by the Sheriff, may be present at this meeting. Witnesses may be present only while providing testimony.

4. The Sheriff shall provide the grievant with a written response to the grievance within seven working days after the conclusion of the meeting.

5. The Sheriff’s decision will be final.

6. The Sheriff shall review all records of grievance proceedings. These records shall then be maintained in the respective employee's personnel file.

IX. COMPUTATION OF TIME

A. Except where otherwise provided, time periods stipulated by these regulations shall be deemed to begin on the day following that on which any action is to be taken or report rendered, and to run with regard to weekends and/or holidays. Thus, for example, a written grievance following the first step must be presented to the grievant's Division Commander within seven working days of the immediate supervisor's reply to the informal grievance. The seven working days shall begin on the day after receipt of the supervisor's reply and terminate on the seventh calendar work day following.

B. Time limits established under this procedure are intended to be strictly construed and enforced. However, in the interest of fairness, any time limits may be extended if exigent circumstances occur. The Sheriff or his designee will determine when such conditions exist.

X. The terms of this General Order are not intended to contradict or extend to employees of the Sheriff's Office rights not granted or expressly prohibited by title § 15.2-1603 of the Code of Virginia, 1950, as amended. This General Order does not abrogate the Sheriff's full authority to direct and to control his deputies and to remove them from appointment.

This General Order becomes effective January 7, 2004, and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

Terry E. Gaddy
SHERIFF

MUTUAL AID

VLEPSC STANDARDS: ADM.13.01

I. PURPOSE

To explain the requirements necessary to implement a Mutual Aid plan and outline procedures.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to establish and maintain a Mutual Aid plan, which shall be in conformance to Virginia State Law and satisfy the needs of other jurisdictions and the Agency.

Four sheriffs and five local governments who are parties to this Mutual Aid plan, have determined that the provision of police aid across jurisdictional lines, and the ability of police officers and sheriffs and their deputies to make arrests across jurisdictional lines, will increase their ability to maintain peace and good order throughout the entire area.

III. DEFINITIONS

A. Emergency: Any state of crisis resulting from the existence of a state of war, internal disorder, or fire, flood, epidemic or any other hazardous occurrence of unusual or severe effect, threatening or causing extensive damage to life and/or property and requiring extraordinary measures to protect lives, meet human needs, and/or re-establish order.

B. Jurisdictions covered by the signed Mutual Aid Agreement are: Amherst County, Town of Amherst, Appomattox County, Bedford County, City of Bedford, Campbell County, City of Lynchburg, Town of Altavista, and Town of Brookneal.

IV. REFERENCE

Code of Virginia § 15.2-1730 Calling upon law-enforcement officers of counties or cities or towns for assistance - In case of an emergency declared by the chief law-enforcement officer of an adjoining county or city, or towns in adjoining counties for assistance from him or his deputies or other police officers, without the necessity for deputizing such deputies or officers. Such deputies or officers shall have full police powers in such county, city or town as are conferred upon them by law during the period of such emergency. (1974, c. 633: 1976, c. 206: 1997, c. 587.)

Code of Virginia § 15.2-1736 Mutual aid agreements among governing bodies of localities. The governing bodies of localities, and state-supported institutions of higher learning having a police force appointed pursuant to § 23-233, as well as sheriffs with law-enforcement authority within localities without a police force, or any combination thereof may, by proper resolutions, enter in and become a party to contracts or mutual aid agreements for the use of their joint police or other law-enforcement forces, both regular and auxiliary, their equipment and materials to maintain peace and good order. Any police or other law-enforcement officer, regular or auxiliary, while performing his duty under any such contract or agreement, shall have the same authority in such locality as he has within the locality where he was appointed. In counties where no police department has been established, the sheriff may, in his discretion, enter into mutual aid agreements as provided by this section. (1968, c. 157, § 15.1-159.7; 1987, c. 421; 1994, c. 268; 1997, cc. 587, 604; 2002, cc. 684, 709, 876.)

V. PROCEDURE B STATE OF EMERGENCY SITUATIONS:

Requesting Aid from Other Jurisdictions:

A. If the ranking, on-duty supervisor determines a State of Emergency exists, he shall:

1. Notify the Sheriff and the Field Operations Division Commander.

2. Instruct Communications to establish contact with ranking, on-duty supervisor of the Jurisdiction of which aid is requested.

3. Determine number and type of personnel and/or special equipment needed and relay same to ranking, on-duty supervisor of requested Agency.

4. Establish Command Post and exchange names of officers in charge of emergency scene.

5. Whenever possible, it is desirable to deploy members from requested agencies as a unit, under their own supervisor, along with a member of this agency as a communication link.

B. Upon receiving a request for Mutual Aid from another Agency, the ranking, on-duty supervisor shall:

1. Obtain number and type of personnel and/or special equipment needed from ranking, on-duty supervisor of requesting agency.

2. Determine the Sheriff's Office ability to provide requested assistance.

3. Obtain location of staging area and name of officer in charge of emergency scene.

4. Notify the Sheriff and Field Operations Division Commander.

C. Upon receiving authority to provide assistance, the ranking on-duty supervisor shall arrange same and assign appropriate personnel and/or equipment including:

1. A supervisor to accompany responding personnel and/or equipment to emergency scene.

2. The supervisor will provide status reports at regular intervals to ranking, on-duty supervisor of Sheriff's Office.

3. The supervisor will log manpower and/or equipment usage at emergency scene.

VI. PROCEDURE B NON-EMERGENCY

A. Contact the communications center of the jurisdiction you are entering, to announce your presence when conducting a criminal investigation or other police related matters. Request one of their officers to assist you.

B. The responsibility for investigation and subsequent actions concerning any criminal offense shall remain with the police agency of the locality whose court has original jurisdiction over the offense. Entering police personnel shall promptly notify the police agency or sheriff of the entered locality upon discovery of a crime over which a court of the entered locality has original jurisdiction.

C. All police officers, sheriffs or deputies, agents and other employees of the parties to this Mutual Aid Agreement shall be granted authority to enforce the laws of the Commonwealth of Virginia and to perform the other duties of a law enforcement officer in each jurisdiction subscribing to the Mutual Aid Agreement; such authority shall be in conformance with § 15.2-1736, and any successor statute, of the Code of Virginia and any other section of the Code of Virginia that may be applicable.

1. However, police officers or law enforcement officers of any jurisdiction or sheriff who are casually present in any other jurisdiction shall have power to apprehend and make arrests <u>ONLY</u> in such instances wherein an apparent, immediate threat to public safety precludes the option of deferring action to the local police agency or sheriff, or when such officer observes a person known to be wanted and subject to arrest, or for whom a warrant of arrest or capias exists.

   a. Contact the Commonwealth's Attorneys Office of the jurisdiction where the arrest was made in advance of the trial date. This will allow the prosecutor to be prepared for any objections the defense may make.

2. All police officers, sheriffs or deputies, agents and other employees of the parties to the Mutual Aid Agreement who are acting pursuant to the Agreement shall have the same powers, rights, benefits, privileges, and immunities in each jurisdiction involved with the Mutual Aid Agreement, including the authority to make arrests in each such jurisdiction as he has within the locality where he is employed.

VII. COMMUNICATION

All communication between agencies will use plain English language to avoid the confusion caused by conflicting codes and/or signals.

VIII. AUTHORITY

The Chief Law Enforcement Officer, or his designee, of each involved Agency or jurisdiction shall have sole authority to request or approve mutual aid assistance.

Reference: Virginia Code § 15.2-1724; 15.2-1730
Virginia Code § 15.2-1730.1; 15.2-1736

This General Order becomes effective January 2, 2003, and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

R. E. Maxey, Jr.

SHERIFF

EMERGENCY RECALL

VLEPSC STANDARDS: OPR.05.01; OPR.05.02; OPR.05.08

I. PURPOSE

The purpose of this General Order is to establish the authority and procedure by which employees may be recalled for emergency duty.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to provide for the prompt and uniform recall of sworn and civilian members in emergency situations. Those situations subject to recall of personnel shall be, but not limited to the following: possible riot situations, major disasters (commercial plane crash, weather emergencies, etc.), or large gatherings where crowd control is mandatory.

III. PROCEDURE

A. Authorization to recall manpower for emergency duty shall be as follows:

1. Sheriff.
2. Chief Deputy or his designee.
3. Field Lieutenant shall have the authority to initiate a recall, but shall notify in descending order the Sheriff, Chief Deputy or his designee as soon as possible.

B. Order of recall shall be as follows:

1. Off-going shift shall remain on-duty. Oncoming personnel due to report for next tour of duty shall be called as soon as necessary.
2. Off duty personnel - those on days off.

C. Assembly

1. Recall of members shall be accomplished by communications personnel initiating telephone or radio contact with respective personnel.

2. In all situations where an emergency recall order has been issued, the assemblage point shall be the Sheriff's Office or another specified location.

3. Communications Personnel will contact the Shift Supervisor and apprise him/her of the number and status of responding personnel.

This General Order becomes effective July 5, 2002, and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

R. E. Maxey, Jr.
SHERIFF

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Hours of Work and Leaves	**NUMBER: 307**
EFFECTIVE DATE: February 2, 2016	
AMENDS/SUPERSEDES: *Revised: 05/24/2012*	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: PER.03.02	

NOTE

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

I. PURPOSE

The purpose of this General Order is to insure equitable treatment of employees and to provide uniformity in matters of attendance and leave, insofar as it is practical and consistent with the efficiency of the Sheriff's Office.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to provide continuous coverage of personnel for the maximum safety of all citizens. It is also the policy of the Campbell County Sheriff's Office to ensure that employees are afforded the opportunity to utilize their acquired leave time as it is earned and, whenever possible, when the employee so desires.

III. PROCEDURE

A. Hours of Work:

1. Administrative personnel will work an eight-hour period between 0700 and 1700 hours Monday through Friday as a general rule. Special assignments may cause a change to personnel schedules.

2. Field Deputies, Field Sergeants, and the Field Lieutenants will work rotating shifts. The shifts will rotate on as close to a monthly cycle as possible. The shifts will be 0700 – 1930 / 0800 – 2030 with alternating

shifts of 1900 – 0730 / 2000 – 0830, or any other specially assigned shift. Working this shift will still comply with the FLSA of 160 hours per work period. Special assignments may cause a change to personnel schedules.

3. Meal breaks are not to exceed thirty minutes in length. There should not be more than three sworn personnel at the same place and time for a meal break. Permission may be granted by a supervisor to deviate from this for special events or meetings.

B. Holidays:

1. The Sheriff's Office holidays will be the same holidays observed by Campbell County offices. The Sheriff may, from time to time, designate additional holidays during the Christmas season to match those given to state employees by the Governor. The holidays to be observed by the Sheriff's Office are:

   The first day of January (New Year's Day)
   The third Monday in January (Martin Luther King Day)
   The third Monday in February (President's Day)
   The last Monday in May (Memorial Day)
   The fourth day of July (Independence Day)
   The first Monday in September (Labor Day)
   The second Monday in October (Columbus Day)
   The eleventh of November (Veteran's Day)
   The fourth Thursday in November (Thanksgiving Day) and the Friday after Thanksgiving Day
   The twenty-fourth and twenty-fifth of December (Christmas Eve and Christmas Day)

   The following holidays are considered "floating" holidays for County purposes. All County Offices are to remain open on these four floating holidays: The third Monday in January (Martin Luther King Day); the third Monday in February (President's Day); the second Monday in October (Columbus Day); and the eleventh of November (Veteran's Day).

   If any holiday listed above falls on a Saturday or a Sunday, the holiday will be observed on the closest Monday or Friday.

2. Non-administrative personnel will take one (1) holiday per month. Except for the Christmas period holidays (when designated by the Sheriff), holidays will not be carried over to the next year.

C. Leaves

Leaves of absence from duty fall into ten classes, and every absence shall be charged against the time authorized for the appropriate class of leave. Accurate and permanent records of employee attendance and leaves will be maintained. These ten classes are as follows:

Annual/Vacation Leave
Sick Leave
Family/Personal Leave
Workers' Compensation
Administrative Leave
Military Leave
Maternity Leave
Family & Medical Leave Act of 1993
Leave Without Pay
Compensatory Leave

1. Annual/Vacation Leave

All absences from work during established hours and on regular working days that are not covered by the aforementioned list of leave categories shall be charged against the time authorized for Annual Leave. These absences shall include both occasional absences and vacation.

a. Earning Annual Leave - The number of days of Annual Leave to which an employee is entitled is based on the employee's length of County service.

To receive each month's Annual Leave allowance, an employee must work or be on paid leave for at least half of the days of the month. An employee who works less than half of the month, or is on Leave without Pay status for more than half of the month, shall not be entitled to the Annual Leave allowance for that month. An employee may only use Annual Leave that has been earned and may not borrow against future, anticipated earnings of Annual Leave.

Sheriff's Office Employees may accrue an additional three days (24 hours) of annual leave if they have not used any sick leave during the previous calendar year. These three days are awarded on January 1 of each calendar year.

b. For Continuous Service - Annual Leave is based on continuous service with the Campbell County Sheriff's Office.

c. Accumulating Annual Leave - Employees are encouraged to utilize their Annual Leave for vacation purposes, in recognition of the value of periodic vacations to their personal well-being and resultant values to the public service from improved employee efficiency and motivation. Any annual leave time earned that brings the accumulated balance above those specified for the years of service shall be written off each December 31st.

d. Scheduling Annual Leave - To lock in vacation dates, all requests must be turned into the appropriate Division Commander no later than the last working day of February of each calendar year. Annual Leave shall be taken only as approved by the Division Commander on the basis of a schedule worked out with due concern for the conduct of the public business.

Employees may not have more than two consecutive weeks off for annual leave, e.g., a third consecutive week of annual leave, without the prior approval of the Sheriff.

e. Separation Payments - An employee's Annual Leave record shall be studied at such time as he leaves the County Service (whether by resignation, retirement, reduction in work force, death, dismissal, etc.). The final paycheck shall include compensation for Annual Leave that has not taken at the time of separation, not to exceed the maximum allowable of 240 hours for 40 hour per week employees. Compensation to be paid out shall include only leave earned as of the time of departure, to be calculated on a pro rata basis. In the case of voluntary resignation, written notice of the effective date of resignation must be submitted at least ten (10) working days in advance in order for an employee to receive this Annual Leave separation payment.

2. Sick Leave

All absences from work during established hours and on regular working days that are caused by illness shall be charged against the time authorized for Sick Leave. This Sick Leave shall not be considered an additional grant of Annual Leave, but shall be considered a privilege of which an employee can avail himself only when he is unable, because of illness, to perform his duties. In the event an employee finds that he is unable to come to work because of illness, the employee or a member of his family, must call the immediate supervisor, or other person so designated in the department, to provide notice that the employee will not be in that day. This notice should be given as soon as possible, but at the very latest two (2) hours prior to the beginning of the assigned work shift. Failure to provide notification can be cause for disciplinary action.

a. Earning Sick Leave – Sick leave will be applied as a lump sum amount to the employee leave balances in accordance with the accrual schedule.

b. For Continuous Service - Sick Leave is based on continuous service with the Campbell County Sheriff's Office. An employee who has left the Sheriff's Office and is subsequently re-employed, however, is not entitled to use previous service in calculating Sick Leave.

c. Authorized Absences - The Sick Leave Allowances of any employee may be used to authorize absences necessitated by reason of: Illness or injury (other than those relating to Workers' Compensation) incapacitating the employee to perform his duties; exposure to contagious disease such that his presence on duty would jeopardize the health of fellow workers or the public; appointment for employee or other family members for examination and treatment related to health when such appointment cannot reasonably be scheduled during non-work hours; illness or injury in the immediate family requiring the attendance of the employee.

An employee may be requested by the Sheriff to produce written evidence from a licensed physician indicating the extent of an illness and expected period of recuperation, whether it is for the employee or an immediate family member. The employee shall be responsible for obtaining whatever documentation may be required to verify an illness. In the event an employee, full-time or part-time, is returning to work following an extended sick leave due to a serious illness or major surgery, documentation from the physician must be provided by the employee upon request from the supervisor stating the physician has reviewed the employee's job duties and the employee is eligible to return to work. Documentation shall include any conditions or restrictions related to the job duties of the employee that may apply. Extended sick leaves may also be covered by the Family and Medical Leave Act of 1993, discussed elsewhere in the General Order.

d. Reserved Sick – Employees with reserved sick time can use these hours for authorized absences necessitated by reason of: Illness or injury (other than those relating to Workers' Compensation unless keeping your pay whole) incapacitating the employee to perform his duties; exposure to contagious disease such that his presence on duty would jeopardize the health of fellow workers or the public; family sick leave needs; and/or, maternity leave.

e. Separation Payments – Sick leave balances will not be paid out when an employee separates employment. Reserved Sick Leave that has not been taken at the time of separation shall be paid at the rate of $20 per day up to $3,000 (150 days). In the case of voluntary resignation, written notice of the effective date of resignation must be submitted at least ten (10) working days in advance in order for an employee to receive their Reserved Sick Leave separation payment.

3. Family/Personal Leave – Any absence from work for unanticipated reasons including those for which annual or sick leave could or would be appropriately used (e.g., bereavement, emergency leave situations).

4. Workers' Compensation benefits are available, according to the 1975 Virginia Worker's Compensation Act, as amended, to both qualified part-time and full-time County employees who are injured on the job. Refer to General Order 303 for specifics.

5. Administrative Leave

This general category of leave shall be used to designate any absences from work during established hours and on regular working days that may be specifically authorized by a Division Commander or above for being necessitated by the service. All such absences shall be with full pay, and shall be noted on the records as Administrative Leave with an indication of the reason it was granted, initialed by the Division Commander to signify approval.

a. Requirements of the Service – Administrative Leave would ordinarily be approved by a Division Commander for absences occasioned by: Jury duty; serving as a witness in court in cases unrelated to County employment, or other functions required by an arm of government; compensatory time off for work performed on holidays or other than established work days and hours.

6. Military Leave

All Sheriff's Office employees who are formal (regular or reserve) members of the United States armed services shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military duty. There shall be no loss of pay during such leaves of absence (active military tour, reserve training, etc.), except that paid leaves of absences shall not exceed fifteen workdays per federal fiscal year. When relieved from duty, they shall be restored to positions held by them when ordered to duty.

Further information concerning the County's Military Leave policy (as mandated by the State) can be obtained from § 2.2-2802, 2.2-2803 and 2.2-2805 of the Code of Virginia, 1950, as amended.

7. Maternity Leave

For employees on Maternity Leave, short term disability compensation will be authorized for a recovery period determined by the employee's physician, and this determination shall be given, in writing, to the Human Resource Office and to the Sheriff's Administrative Specialist.

8. Family and Medical Leave Act of 1993

In compliance with the Family and Medical Leave Act of 1993, all eligible employees, as defined below, shall be entitled to twelve (12) weeks of job-protected leave (unpaid at the employer's option) during a rolling twelve (12) month period for specified family and medical reasons. These reasons are:

a) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
b) Because of the placement of a son or daughter with the employee for adoption or foster care.
c) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
d) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
e) Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in any branch of the Armed Forces, including a member of the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternate childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
f) FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period.

An employee shall be entitled to FML if he/she has been employed by the County for a minimum of twelve (12) months and has worked at least 1,250 hours over the twelve (12) months immediately prior to the beginning of FML.

The Family and Medical Leave Act of 1993 is a comprehensive act that imposes obligations beyond those outlined here. This communication is intended to focus on the “maintenance of health benefits” section of the Act. For further information on how the law applies to employees, refer to the Campbell County Employee Handbook or contact the Human Resources Department for Campbell County.

9. Leave Without Pay

All absences from duty in excess of time authorized for the aforementioned list of leave categories shall be handled as Leave Without Pay and shall be entered on the attendance records of employees and so reflected on payrolls. Such absences shall not be in order unless approved by the Sheriff.

An employee on Leave Without Pay will not be compensated for any paid holidays that are among his Leave Without Pay days.

10. Compensatory Leave

Any compensatory leave earned in a twenty-eight day pay period may be carried over to the next twenty-eight day cycle. All compensatory time carried over must be used in that next cycle.

PERSONNEL RECORDS

VLEPSC STANDARDS:

I. PURPOSE

The purpose of this General Order is to provide guidelines for the control and maintenance of personnel records.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to maintain a current, accurate, and confidential personnel record for each employee.

III. PROCEDURE

A. A personnel file for each employee of the Sheriff's Office shall be maintained by the Administrative Specialist.

B. All employees shall be responsible for periodically reviewing their personnel file to ensure the information contained therein is current and accurate.

C. Information in the employee's file shall include, but not be limited to the following:

1. Employee's employment application.

2. Performance evaluation.

3. Correspondence concerning performance of duty.

4. Correspondence concerning appointment and promotion.

D. The Administrative Specialist shall ensure the confidentiality of employees' personnel records. Information in these files shall be released on an official need-to-know basis only.

1. Access to the personnel files is limited to the employee, those members of the department in the employee's chain of command, and the Internal Affairs Investigator.

E. Procedures for an employee challenging incorrect or misleading material are as follows:

1. The employee shall prepare a written statement, describing the information to be challenged and the specific reason why the information is believed to be incorrect.

2. This statement will be given to the Sheriff who will review such and respond accordingly. The Sheriff's decision will be final.

This General Order becomes effective July 18, 2002, and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

R. E. Maxey, Jr.
SHERIFF

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Inspectional Services	**NUMBER: 310**
EFFECTIVE DATE: May 24, 2012	
AMENDS/SUPERSEDES: ***Revised Date: 01/02/2003***	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: ADM.19.01; ADM.19.02	

NOTE

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

I. PURPOSE

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

II. POLICY

It is the policy of the Campbell County Sheriff's Office to conduct periodic inspections of employees, equipment, facilities, policies and functions within the agency in accordance with the procedures established herein.

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

B. Staff inspections generally focus on agency procedures and are done infrequently by staff personnel at the direction of the Sheriff. Staff personnel will be appointed by the Sheriff to inspect and evaluate division components not normally under their command. These staff inspections will provide an objective and unbiased evaluation of all departmental procedures facilities, equipment and personnel with the emphasis placed on the overall system rather than the individual.

III. DEFINITIONS

A. Inspectional Process

A mechanism for evaluating the quality of the department's operations, ensuring that the department's goals are being pursued, and identifying and correcting problems.

B. Line Inspection

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

C. Staff Inspection

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

IV. PROCEDURES

A. Line Inspections

1. Each supervisor is responsible for the inspection of personnel, activities, and equipment under his/her supervision and the initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate. The frequency of an inspection depends on the purpose of the inspection. On a daily basis, an employee's appearance, demeanor and use and maintenance of equipment are subject to inspection, but usually informally by way of roll call or observation by the supervisor.

2. Monthly inspections will be conducted by shift supervisors, or their designee, on equipment (vehicles, weapons, uniforms, etc.) and personnel. Each of these inspections requires the completion of the monthly vehicle inspection and monthly employee inspection

forms for all sworn personnel. The inspection forms will be maintained in a notebook located near the Administrative Services Division Commander's Office. Any corrective action, which must be taken, shall be noted on the appropriate inspection forms for follow-up and notification made to the appropriate person to remedy the issue.

3. All supervisors are encouraged to conduct both announced and unannounced line inspections. Supervisors will be responsible for identifying areas that need to be corrected, establishing a realistic time period for the correction, and ensuring that the correction is made.

4. All sworn personnel are expected to adhere to the chain of command and take corrective actions as suggested or ordered by any supervisor.

B. Staff Inspections

1. Staff inspections will be conducted under the direction of the Sheriff by appointed senior staff officers. The Sheriff will identify the purpose of the inspection, assign, and schedule senior staff officers to specific division/component inspections, and inform all personnel of the inspection. Senior staff officers may direct questions to any employee of the department and expect responses as if the Sheriff asked the questions. Complete access to the department's physical facilities and contents shall be granted to the inspectional officers.

2. A staff inspection will address a specific division/component, entity or action. Emphasis will be placed on the system rather than the individual. The senior staff officer may not apply disciplinary action against any member of this agency who, through the inspection process, has been found to have violated a departmental rule, regulation or procedure. Specific violations by employees will be noted. The affected division commander will be informed of the violation to determine the appropriate action.

3. Upon completion of the staff inspection, a written report (utilizing the CCSO Inspection Report Form) will be prepared by the staff officers and forwarded to the Sheriff. The report will include:

   a. Areas, items and/or personnel inspected;

   b. Results of the Inspection;

   c. Noted Deficiencies; and

d. Recommendations.

Recommendations should include a suggested plan for change and implementation. The Sheriff shall designate follow-up on any or all recommendations with assigned responsibility to the affected division commander.

4. Staff inspections should be conducted at a minimum of every three years.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Departmental Training	**NUMBER: 311**
EFFECTIVE DATE: April 12, 2016	
AMENDS/SUPERSEDES: *Revised Date: 1/2/2003*	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
***VLEPSC STANDARDS:* PER.05.03; TRN.01.01; TRN.02.01-02.03; TRN.03.01-03.02; TRN.04.01**	

NOTE

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

I. PURPOSE

The purpose of this directive is to define the various training programs to be utilized by the Campbell County Sheriff's Office in the professional development of all its employees, both sworn and civilian, and to establish the guidelines to be followed in the attainment of said training.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to provide all sworn employees with the highest quality professional training available in order to prepare them to accomplish the task to which they are assigned. All newly sworn deputies shall successfully complete a recruit training program prior to any routine assignment in any capacity in which the deputy is allowed to carry a weapon and/or is in a position to make an arrest, except as part of a formal field training program. This training begins with very defined and structured basic recruit training and continues throughout the deputy's career. Career development shall include such diverse training programs as in-service training, roll-call training, advanced and specialized training. In addition, civilian employees of the Sheriff's Office shall receive similar training as it relates to their particular duties with the Agency, in order to enhance performance and career development.

Training serves three broad purposes. First, well-trained deputies are generally better prepared to act decisively and correctly in a broad spectrum of situations. Second, training results in greater productivity and effectiveness. Third, it fosters

cooperation and unity of purpose. The department recognizes the importance of training and is committed to providing the best training available to all personnel.

III. PROCEDURES

A. Responsibilities of Administrative Services Division Commander - Department Training Coordinator

1. Notifying personnel of required training and training that is available to Agency personnel,

2. Assuring that required training programs are attended,

3. Continuously review and evaluate the training needs of all assigned components and individuals.

4. Stay abreast of changes in county, state and federal laws/regulations, which may affect the training requirements of the Sheriff's Office.

5. Routinely review, evaluate, and analyze the training programs of other law enforcement agencies in Virginia and the United States in order to ensure that the training programs of the Sheriff's Office are consistent with and comparable to nationally accepted professional standards.

6. Maintain liaison with the Director and Staff of the Central Virginia Criminal Justice Academy and the Department of Criminal Justice Services to ensure that mandatory training is provided and completed in a timely manner.

7. Maintain liaison with and cultivate external public and private organizations and other criminal justice agencies that have the expertise and willingness to provide quality training courses and/or facilities.

8. Notify employees of mandatory in-service retraining requirements in a timely manner and maintains liaison to ensure that scheduled training is completed within required time limits and attendance is recorded in the employees training record.

B. Responsibilities of Supervisors

1. Annually, the Supervisor will meet with each assigned employee for career counseling. This counseling shall occur at the same time as the employee's annual performance evaluation. The counseling shall include an examination of:

   a. Employee's performance record; and,
   b. A review of training programs applicable to the employee's duties.

C. Field Training Officers

1. Field Training Officers (FTO's) are a vital element in the overall training function of the Agency. From a training aspect, FTO's have a major area of responsibility – training of new recruits.

2. Duties and responsibilities of Field Training Officers are outlined in General Order 520 – Field Training Program.

D. Central Virginia Criminal Justice Academy Instructors

1. As a part of the contractual agreement with the Central Virginia Criminal Justice Academy, the Sheriff's Office is required to provide both funding and staff personnel based on agency size. The day-to-day supervision of such personnel shall be under the direction of the Director of the Criminal Justice Academy.

2. Selection of personnel for assignment shall be made at the discretion of the Sheriff as need arises. The qualifications and experience required for consideration will be requested by the Academy Staff.

3. The length of assignment to the Academy shall be determined by the classes to be taught by the individual instructor. Assignment to this task is in part-time status.

4. Deputies detailed to the Academy shall maintain liaison with Agency members attending recruit and in-service schools in order to assist with academic and/or personnel problems that may present themselves during training. Problems of a significant nature shall be immediately brought to the attention of the appropriate Division Commander.

E. Training Records

1. Training records are a vital and necessary part of the Agency's training function. The Administrative Assistant shall be responsible for maintaining training files on each individual employee, both electronically and in paper form.

   a. All employees shall be responsible for periodically reviewing their training file to ensure the information contained therein is current and accurate.

   b. Information in the employee's file should include, but not be limited to, the following:

      1. Employee's firearms certification;

      2. List of mandatory in-service re-certification classes attended; and

      3. Documentation of specialized schools attended.

2. Individual employee training files shall be immediately updated following participation in any authorized training program. Employees are to disseminate training documents as follows:

   a. All PIC forms are to be given to the Administrative Services Division Commander. Ensure that the PIC form is completed entirely and has at a minimum the following information:

      1. Title of the training received;

      2. The dates and number of hours of attendance;

      3. The identification of trainers or agencies presenting the course;

      4. Names of all agency personnel who received the training;

      5. If in-service credit was received

      6. It is not required to put the entire social security number, only the last four digits are required on the PIC forms.

   b. All training certificate copies *(not originals)* are to be given to the Administrative Assistant for input electronically as well as filing in the Training File.

3. The Administrative Assistant shall ensure the confidentiality of employee's records.

   a. Request for the release of training records outside the agency shall be routed through the Commander of the Administrative Services Division. Requests that may involve litigation shall be processed through the County Attorney's Office. If it is determined that such records are excluded from the provisions of the Virginia Freedom of Information Act, Section § 2.2-3704 of the Code of Virginia, a written explanation as to why the records are not available shall be made to the person requesting the records. Refer to General Order 401.

IV. Agency Training Programs

A. <u>Mandatory Training</u>

1. The Virginia Department of Criminal Justice Services mandates that all sworn law enforcement officers receive minimum training in the areas listed below. This training shall be provided to deputies at the Central Virginia Criminal Justice Academy in accordance with DCJS standards prior to the deputy being allowed to carry a weapon and / or is in a position to make an arrest, except as part of a formal field training program. DCJS standards dictate that all new employees must attend the basic law enforcement academy during the first year of employment.

   a. Basic (Minimum Standards) Training for Law Enforcement Officers: Applies to all sworn personnel functioning as law enforcement officers. Duration and course content established by the Virginia Department of Criminal Justice Services must be completed within one year of employment. Specific requirements and procedures are listed in General Order 520 (Field Training Program).

2. Mandatory In-Service Retraining: All sworn personnel of the department shall, every other calendar year, as required by law, attend a 40 hour in-service school, four hours of which shall be legal training and 2 hours shall be cultural diversity and/or racial bias. In house In-service instruction may include:

   a. Review of changes or revisions in the State Code by the General Assembly, taught by the Commonwealth Attorney’s Office annually.

b. Classes required at the direction of the Sheriff or Regional Training Academy, such as:

1) Supervisory and Management Training;

2) Policy and Procedure Training;

3) Any other training as deemed necessary.

c. Firearms training and qualifications required at least annually and preferably every six months.

d. Refresher training and qualification (if applicable) at least every other calendar year for any weapons other than firearms.

B. Roll-call Training

Roll-call training is designed to keep deputies up-to-date on changes in policy, procedure and legal issues that affect their job on a daily basis. In addition, it is to be used to refresh deputies and increase their awareness on routine and/or specialized subjects, which directly affect their safety and well-being.

C. Advanced Training

Advanced training is designed to improve the overall professionalism and effectiveness of persons holding supervisory and management level positions in the Sheriff's Office. Such training is aimed at improving the management and administrative skills of deputies and is usually obtained by sending employees to recognized institutions of higher learning, i.e. - colleges, universities, and/or professional law enforcement training centers, i.e. - the FBI National Academy, the Southern Police Institute, etc.

1. The Sheriff shall select persons within the Agency for attendance at advanced training programs, based on Agency need and demonstrated leadership abilities by possible candidates.

2. If at all possible, persons promoted to or expected to be promoted to supervisory positions shall be scheduled for advanced/management training in the following areas, as appropriate:

a. First-line supervisor training.
b. Mid-management development.
c. Executive command skills.

3. Persons receiving advanced training should be assigned to positions in line with the training upon successful completion. The Sheriff in accordance with existing Agency policy will make such duty assignments and manpower needs decisions.

4. If at all possible, advanced training will be obtained from institutions approved by the Department of Criminal Justice Services to conduct Minimum In-Service Retraining (MIR). Training which will be acquired out-of-state, or from facilities not already approved by DCJS, will be submitted for MIR approval by the Agency Training Officer prior to attendance. This procedure should be followed for any course attended. Attendees need to take a DCJS Partial In-Service Credit (PIC) form and submit upon return from the course. In addition, the course syllabus and biography of the presenter(s) is required for submission to DCJS to request in-service credit.

D. Specialized Training

Within the Sheriff's Office, there are certain jobs, which because of their complicity and/or high level of seriousness require in-depth specialized training by those persons assigned to accomplish them. Specialized training may be needed to actually accomplish the particular task or to administer and/or supervise the function. Such training may be obtained through specialized training programs conducted by Agency members qualified to instruct on such topics or by utilizing outside instructors and/or facilities.

1. The need for specialized training in certain positions will be based on experience of this Agency and other law enforcement agencies in dealing with similar assignments, state and federal law, nationally recognized standards and requirements of licensing, and/or certifying boards, organizations, etc.

2. Specialized training provided to personnel includes, but is not necessarily limited to the following areas:

   a. Development and/or enhancement of the skills, knowledge and abilities particular to the specialization,

   b. Management, administration, supervision, personnel policies and support services of the function or component,

   c. Performance standards of the function or component,

   d. Agency policies, procedures, rules and regulations specifically related to the function or component,

e. Supervised on-the-job training, in addition to the specialized training.

3. Most of the positions requiring specialized training dictate that such instruction be completed prior to assignment. However, there are certain tasks/positions that a deputy may be assigned to prior to actually completing the training, at the discretion of the Sheriff. If a deputy is assigned to specialized duty prior to being trained, said training should, if possible, be initiated within thirty days of assignment and the deputy shall function under the supervision of a qualified individual until the training is completed.

4. The following is a list of jobs/duties performed by members of the Sheriff's Office on a regular basis, which have been identified as demanding specialized training in order to accomplish. This list is not all-inclusive and may be amended by the Sheriff at his discretion.

   a. Prior to Assignment:

      General Instructor
      Firearms Instructor
      Hostage Negotiator
      Field Training Officer
      School Resource Officer
      Radar Operator
      Breathalyzer Operator
      Defensive Tactics Instructor
      K-9 Handler

   b. Within 30-days of Assignment:

      SRT Team Member
      Evidence Technician
      Narcotics Investigator

5. Notification/Selection: The majority of specialized job openings will be announced to all Sheriff's Office employees, via memorandum and shall include the application process, specific qualifications and the time deadline. The Sheriff, or his designee, shall review all applications and select the person(s) whose skills, knowledge, experience and abilities best suit the job. However, there are certain specialized jobs which, because of their sensitivity, may not be advertised at the discretion of the Sheriff. In such situations, the Sheriff shall discretely select the person who he feels is best qualified for the job.

6. Reimbursement for Training Costs: With the exception of training at the Central Virginia Criminal Justice Academy or required Minimum In-Service Retraining (MIR), reimbursement will be provided for meals, fees, lodging, books and materials for authorized training conducted outside of Campbell County. Reimbursements for costs incurred shall be at a prudent and reasonable rate. Such reimbursement will occur after completion of training and delivery of all receipts or other documentation of costs incurred during the course of such training to the Sheriff's Office. All receipts and documentation of expenses shall be turned in immediately upon completion of training.

E. Civilian Employee Training

1. Newly employed civilian personnel shall receive orientation training by Campbell County Sheriff's Office personnel that will include the agency's role, purpose, goals, policies, and procedures. In addition, each civilian employee shall be indoctrinated in his/her job assignment, responsibilities, chain-of-command, and any specific procedures/instructions necessary to accomplish their assigned function. This initial indoctrination shall be conducted by the supervisor of the section to which the employee is assigned, or his/her designee and will include responsibilities and rights of employees' information.

2. The civilian positions require specialized training, in addition to orientation, prior to the employee assuming full job responsibilities, such as typing ability and the ability to effectively use the Microsoft Office products. Prior office experience is essential.

3. The Sheriff's Office shall encourage all civilian employees to participate in training programs relating to specific job skills. Efforts shall be made to ensure that all civilian personnel attend at least one training session annually relating to their duties and responsibilities.

F. External Resources

There are numerous government agencies and private companies which run training programs on a regular basis at their facilities which are of benefit to and available to the Sheriff's Office. These various programs deal with a variety of topics and can often be obtained at no or very reasonable costs. In addition, many of these agencies/firms are capable of conducting this training at Sheriff's Office facilities. There are also numerous private and public concerns that will make their classrooms and facilities available to the agency for training purposes. When developing programs and seeking facilities, the following resources should be considered:

1. Other County Agencies;

2. State and Federal Agencies (Non-law enforcement);

3. State and Federal Law Enforcement Agencies; and

4. Private corporations and consultants.

G. Training Attendance

1. Each employee shall be required to sign-in and sign-out in an official training log when departing or arriving at other than scheduled times.

2. Employees shall be required to attend all sessions, in their entirety, for all scheduled training programs. Only authorized absences shall be excused (e.g., court appearances, illness, etc.). Persons scheduled to attend a training program shall notify the Academy and their Division Commander at the earliest possible time if it becomes necessary to miss scheduled training.

H. Advanced Education

Employees may seek additional higher education to complement career goals. Refer to General Order 326, V. for information regarding tuition reimbursement.

EMPLOYMENT DISCRIMINATION

VLEPSC STANDARDS: PER.02.01; PER.02.02; PER.02.03

I. PURPOSE

The purpose of this General Order is to prohibit workplace discrimination.

II. COMPLAINT PROCEDURES

A. Complaints of workplace discrimination.

1. Equal opportunity is the practice of fair treatment based on merit, fitness, and capability that support readiness. It is the policy of the Campbell County Sheriff's Office that equal opportunity will be provided for all employees regardless of sex, race, color, religion or national origin.

2. The standards of equal opportunity, equal treatment, equal representation, and equal selection are critical to the Sheriff's Office effectiveness and mission accomplishment.

B. To ensure that consideration will be given under this procedure, complaints of workplace discrimination must be filed within six months of the date of occurrence.

C. Complaints of workplace discrimination shall be filed directly with the Sheriff.

D. An investigation will be conducted by the Internal Affairs investigator.

1. The complaint file, including all information and documents pertinent to a complaint, shall be confidential.

E. Upon completion of the investigation, the Internal Affairs Investigator shall forward a report with his findings to the Sheriff.

This General Order becomes effective January 2, 2003, and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

R. E. Maxey, Jr.
SHERIFF

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Harassment / Sexual Harassment	**NUMBER: 312.1**
EFFECTIVE DATE: January 12, 2012	
AMENDS/SUPERSEDES: **Revised: 01/02/2003**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: PER. 02.01, PER.02.02, PER.02.03	

NOTE

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I. PURPOSE

The purpose of this General Order is to define and give examples of harassment / sexual harassment, outline prohibited behavior, and describe reporting procedures.

II. POLICY

The policy of the Campbell County Sheriff's Office is to provide a professional, businesslike work environment free from all forms of employee discrimination including incidents of harassment / sexual harassment. No employee shall be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Note that the conduct is measured against what an objective, reasonable man or woman (depending on the sex of the complainant) perceives as harassing behavior. The harassment may involve a man against a woman, a woman against a man, or a person against another person of the same sex. The harassing behavior, to be subject to this order, need not occur only during work hours on agency premises, but may occur before or after work at other locations. Harassment / Sexual harassment is misconduct and the department shall apply appropriate disciplinary sanctions.

III. DEFINITIONS

A. Harassment

The federal government prohibits discrimination based on race, color, religion, sex, age, national origin, pregnancy, genetic information, disability, veteran status, sexual orientation or any classification protected by applicable law. Such harassment and inappropriate behavior are inconsistent with the Sheriff's Office

philosophy of mutual dignity and respect for all its employees. The term harassment includes, but is not limited to, any unwelcomed verbal, written, or physical act which would make a reasonable person uncomfortable in the work environment thereby interfering with the employee's ability to perform his or her job and/or interfering with the individual's employment opportunities with the Campbell County Sheriff's Office.

Two kinds of harassment apply; *quid pro quo* harassment and hostile work environment harassment, defined below. The two forms of harassment may overlap.

B. Sexual Harassment

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

C. *Quid pro quo* harassment

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

D. Hostile work environment harassment

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

Examples of illegal and inappropriate behaviors of harassment may include, but are not limited to:

- Unwanted physical contact
- Making sexually suggestive comments, sounds or gestures
- Use of offensive nicknames or terms of endearment
- Unwelcome comments about a person's clothing, body, or personal life
- Any suggestion that race, gender, religion, color, national origin, pregnancy, genetic information, age, disability, veteran status, or any protected category would impact one's job, promotion, performance evaluation, or terms or conditions of employment

- Threatening, abusive, or inappropriate language and/or actions
- Making derogatory comments about an individual or group based on protected classifications discussed above
- Displaying offensive objects or pictures
- The use of e-mail, voicemail or internet to transmit or receive messages containing ethnic slurs, racial epithets, sexually explicit messages or using any Sheriff's Office equipment or property in any way to promote behavior that may violate this policy
- Other conduct referring to race, gender, religion or other classifications noted above, even if not objectionable to some employees, if it creates a working environment that others may reasonably find hostile or offensive
- Threatening harm or other retaliation in response to an individual's negative response to sexual conduct or any conduct that violates this policy
- Unwelcome sexual flirtations, advances or propositions
- Derogatory, vulgar, or graphic written or verbal statements (including e-mail or voice mail messages) regarding one's sexuality, gender or sexual experience
- Unnecessary touching, patting, pinching or attention to an individual's body
- Unwanted compliments, innuendoes, suggestions or jokes
- Displaying sexually suggestive pictures or objects, including the viewing and/or downloading of inappropriate pictures or materials from computer systems
- Leering or staring
- Providing sexual favors in return for employment rewards, or making threats if sexual favors are not performed and/or any suggestion that terms or conditions of employment are based on sexual or other favors
- Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, sexual orientation, pregnancy, national origin, age, disability, or status as a Vietnam-era or special disabled veteran
- Written or graphic material denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, sexual orientation, pregnancy, national origin, genetic information, age, disability, or status as a Vietnam-era or special disabled veteran and that is placed on walls, bulletin boards, or elsewhere on the premises or circulated in the workplace. This includes e-mail and voice mail messages as well as the viewing and/or downloading of inappropriate pictures or materials from computer systems
- Using internal or external computer sites, text messages, blogs or other internet or electronic systems to commit any of the prohibited acts described in this policy

IV. PERSONNEL RESPONSIBILITIES

A. Supervisors shall ensure that pornographic or suggestive photographs, illustrations, or cartoons shall not be posted or kept in any work area. Materials of this kind used for investigative purposes shall be properly secured according to evidentiary standards.

B. Supervisors shall order employees on department premises who are making sexually hostile comments, put-downs, or degrading remarks about other persons of the same or opposite sex to cease or face discipline. Supervisors, who allow sexual harassment to continue or fail to take appropriate corrective action upon becoming aware, may be considered a party to the offense, even though they may not have engaged in such behavior.

C. Personnel shall avoid physical contact with one another unless required by a training situation or police procedure.

D. Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in the investigation. Retaliation in any form is strictly forbidden and shall result in discipline.

V. COMPLAINT PROCEDURES

A. An employee who believes he or she has been harassed / sexually harassed should first tell the offender to cease the inappropriate behavior and explain objections to the behavior. The offensive conduct may have been thoughtless and/or insensitive or based on a mistaken belief that it was welcome. However, employees are not required to speak to the person believed to be in violation of this policy prior to bringing the matter to the attention of a higher authority within the Sheriff's Office.

If the conduct does not stop, or if the complainant is unable to confront the offender, the complainant shall contact his or her own immediate supervisor promptly.

If the harasser is the employee's immediate supervisor the next supervisor in the chain of command shall be contacted - promptly. The employee shall submit a memorandum to the Sheriff through the chain of command detailing the circumstances of the harassment.

If <u>any</u> supervisor learns of an incident of harassment, he or she shall investigate the matter even if the victim did not submit a complaint.

All employees have a mandatory obligation to promptly report harassment, whether as a victim or as an observer.

1. If the complainant is not an employee of the sheriff's office, the complaint itself is considered no less valid and shall be investigated according to the procedures set forth in this General Order and General Order 300.

2. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking (*Virginia Code* § 18.2-60.3) and sexual battery (§ 18.2-67.4) shall be handled immediately as criminal investigations.

3. If appropriate, the complaint may be resolved at the immediate supervisory level.

B. Victims have a responsibility to complain about harassment / sexual harassment in a timely manner and to pursue their complaint to a higher authority if not satisfied with the response of anyone in their chain of command. To ensure that consideration will be given under this procedure, all complaints of harassment must be filed within two months of the date of occurrence.

C. When an employee reports an allegation of harassment / sexual harassment, a confidential internal investigation shall begin immediately. An Internal Affairs Investigator will conduct the investigation. The complaint file, including all information and documents pertinent to a complaint, shall be confidential.

D. Upon completion of the investigation, the Internal Affairs Investigator shall forward a report with his findings to the Sheriff.

E. If the harasser is the Sheriff, the employee should report the incident(s) to the County Administrator promptly.

F. Employees have a right to, and are expected to, bring illegal and inappropriate behavior to the attention of the Sheriff's Office. Such individuals who, in good faith, bring such matters to the Office's attention, and those who participate in a Sheriff's Office investigation, will not suffer any form of retaliation as a result of bringing the matter to the Sheriff's Office attention or cooperating in the investigation. This means that no such employee will be disciplined, suffer tangible job detriment or otherwise be treated unfairly, harshly or in any manner designed to discourage future complaints, for complaining about discrimination or harassment or for participating in an investigation.

If an employee feels they are being subjected to retaliation for any reason, the employee is expected to bring the matter to the attention of the Sheriff (or County Administrator). Retaliation is a very serious and prohibited offense and the Sheriff's Office will take immediate corrective action to end such retaliatory conduct.

The Campbell County Sheriff's Office has a zero tolerance for discrimination, harassment, inappropriate workplace conduct and retaliation.

PHYSICAL ASSESSMENT STANDARDS

VLEPSC STANDARDS: PER.03.06

I. PURPOSE

The purpose of this General Order is to establish the Campbell County Sheriff's Office guidelines for personnel standards of physical well-being.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to promote and encourage continuing physical conditioning, health, and wellness of all sworn personnel assigned to the department.

III. PROCEDURE

A. General Health and Fitness:

1. All personnel are required to maintain a level of fitness that will permit them to effectively carry out their duties.

2. Personnel are allowed to drive their patrol vehicle to and from fitness centers while off duty. Regulations concerning the use of county owned vehicles, while off duty, as outlined in General Order 206 shall be followed.

3. Supervisors shall monitor their personnel's work and attendance records, and other signs that may indicate certain employees have a health problem. If there appears to be a problem, the respective division commander shall be notified. At the commander's discretion, the Sheriff may be notified and may require the employee to submit to a physical examination.

B. Physical Fitness and Examinations:

1. The role of a law enforcement officer often demands quick response to situations requiring physical exertion after long periods of sedentary activity. The safety of the general public and individual deputies demands that deputies maintain themselves in good physical condition

regardless of assignment. Poor physical condition, such as obesity, is as much a detriment to the Sheriff's Office image as improper demeanor or unkempt uniform appearance. All deputies should keep physically fit and undertake programs of diet and exercise as may be required to maintain an acceptable level of fitness. All Agency sworn personnel will receive a complete medical examination upon initial employment.

2. Additional specific individual fitness criteria can be obtained from the County Health Department physician or the employee's personal physician. All employees are encouraged to consult with their personal physician or the County Health Department physician prior to engaging in an exercise program. Individual fitness criteria and program goals can be obtained from these medical professionals, and will assist greatly in the development of a prudent exercise/diet program to increase general fitness and well-being.

This General Order becomes effective January 2, 2003, and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

R. E. Maxey, Jr.
SHERIFF

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Crime Analysis	**NUMBER: 314**
EFFECTIVE DATE: April 13, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.11.01	

NOTE

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I. POLICY

Crime analysis is a law enforcement function utilized by the Campbell County Sheriff's Office whereby data relating to crimes are collected, analyzed, and disseminated. Data pertaining to criminal activities is primarily generated from records and reports within the agency. The Campbell County Sheriff's Office shall utilize this data to assist in the prevention and suppression of crime and to aid in the apprehension of criminal offenders.

II. PURPOSE

The purpose of this General Order is to set forth the method, by which the crime analyst gathers, stores, retrieves, disseminates and analyzes reliable data, and how crime analysis aids the Divisions in making tactical plans. Staff personnel will be able to use crime analysis data for planning relative to crime trends, agency resource allocation, crime prevention, and associated areas.

III. PROCEDURES

A. General

1. The crime analyst is a part-time function and, as such, will be designated as an additional duty by the Sheriff. The crime analyst

may be a sworn or unsworn member of the agency, who is selected according to his /her ability to analyze offenses, identify similarities, and to reach logical conclusions based on such information. The crime analyst function is currently accomplished by the Records Manager. The crime analyst should receive formal schooling in his/her responsibilities during the first year of their selection.

2. The Administrative Services Division Commander shall have over-all responsibility for the collection of crime data; however, under circumstances designated in paragraph III, B, 3, the data will remain under the control of the affected division commander. The Administrative Services Commander shall ensure that the necessary data is made available to the crime analyst and that all reports required by this order are promptly submitted to appropriate authorities.

B. Collection of Data

1. Primary crime analysis data will be gathered from the incident and supplemental reports and arrest records.

2. Additional data may be obtained from sources such as field interviews/interrogation reports, jail records, daily manpower assignment sheets, CAD Reports, and census information.

3. In circumstances which the Sheriff designates a special report be compiled (i.e. drug dealer or serial rapist profiles, etc.) which involve sensitive handling or confidential investigative information, the Administrative Services Commander shall initiate liaison with the affected division commanders to ensure the crime analyst has access to the appropriate information. The Sheriff or his designee will determine the dissemination of such special reports.

C. Collation of Data

1. Data may be collated (arranged in order according to specific informational requirements) by two methods: hand searching appropriate files or computer printouts of previously stored information. The following data is available:

a. Incident reports;

b. Arrest reports;

c. Stolen/recovered property;

d. Day, date, and time of incident; and

e. Location of incidents.

2. Crime-specific information on time and location of selected crimes can be obtained by computer generated reports.

D. Crime Data Analysis

Crime data shall be analyzed by the crime analyst with reports prepared and submitted to the Sheriff when requested. The requested report shall give the total number of crimes that were reported to the Sheriff's Office during the time frame given including, at a minimum:

1. Type of crime;

2. Day, date, and time of occurrence;

3. Number of crimes by reporting area; (from 911 System); and

4. Any apparent trends (including year-to-date analysis).

The intent of this report is to provide an “early warning system” to the Sheriff so that he can be informed of impending crime trends in time to provide pro-active decisions and appropriate manpower allocations.

E. Identification of Potential or Actual Police / Citizen Concerns

1. The Crime Prevention Deputies are charged with lead responsibility for identifying and transmitting citizen and community comments concerning departmental procedures, practices and programs. Such comments and concerns will normally be addressed in the community groups with which the Crime Prevention Deputies have liaison. He/she should make certain such groups are aware of his/her interest in receiving comments and suggestions. The Crime Prevention Deputies must also assure community groups and individuals that the department is committed to correcting actions, practices, procedures and attitudes that may contribute to community tensions and grievances.

2. The Sheriff has established a Community Advisory Board to meet on a quarterly basis. This Board will bring citizen concerns from their geographic area to the Sheriff in a community meeting format.

3. The Sheriff's Office maintains a web site that citizens can access as well as an e-mail address for the Sheriff's Office. Citizens are encouraged to e-mail their concerns to the Sheriff's Office.

F. Dissemination of Crime Data

All deputies have access to and are given a printed daily patrol sheet with the areas that need particular attention for their shift. Problem areas can be targeted as well as providing directed patrol for areas of the county.

In addition to the analysis described under paragraph III, D, 2 of this General Order, an additional report shall be given to each division commander which shall contain at a minimum, the same information included in the Sheriff's report. Should a division commander desire to have additional data included in his/her report, he/she may request it on a continuous or specific basis from the Commander of Administrative Services.

G. Program Evaluation

The Commander of Administrative Services shall, upon receipt of the annual Incident Based Report (IBR), conduct a crime analysis program review for the Sheriff's Office.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Selection	**NUMBER: 315**
EFFECTIVE DATE: April 09, 2012	
AMENDS/SUPERSEDES: ***Revised Date: 02/24/2003***	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: PER.01.01 – PER.01.05	

NOTE

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I. POLICY

It is the policy of the Campbell County Sheriff's Office to select the best candidates available. Emphasis on the selection of quality applicants, in full compliance with law, will yield benefits with respect to personnel turnover, morale, discipline, community relations, and the more efficient and effective delivery of Sheriff's services to the citizens of Campbell County. A portion of the selection process is contained in this General Order.

II. PROCEDURES

A. Professional and Legal Requirements

1. The authority and responsibility for the Campbell County Sheriff's Office's role in the selection process rests with the Sheriff or his designated representative. The Sheriff retains prerogatives concerned with the selection process that allows the department to obtain qualified applicants for its positions, such as determination of specific needs of the agency, skills and personal attributes required for positions. Positions will be advertised in accordance with law and a deadline announced.

B. Background Investigations

1. Background investigations shall be performed on all applicants prior to appointment.

2. Background investigations shall include, but not be limited to, verification of the applicant's qualifying credentials, review of the applicant's criminal record, if any, verification of at least three (3) personal references supplied by the applicant, and development of three (3) additional references by the applicant investigator not listed by the applicant.

3. Personnel used to conduct background investigations shall be sworn and shall be trained in collecting required information.

4. The records of all applicants appointed to positions within the department shall be maintained on file by the Records Section for as long as the person is employed. When the employee terminates, the applicant record shall be combined with the personnel record, training record, and other appropriate records and be retained for a period of, at least, five years.

C. Oral Interviews

An oral interview shall be conducted on each candidate prior to appointment. This interview shall use valid, useful, and nondiscriminatory procedures.

D. Occupational Qualifications

The following occupational qualifications shall apply:

1. The applicant shall be a citizen of the United States;

2. Have a high school education or have passed the General Educational Development exam;

3. Possess a valid driver’s license;

4. Not have been convicted of or pleaded guilty or no contest to a felony or any offense that would be a felony if committed in Virginia;

5. Not have produced a positive result on a pre-employment drug screening, where the positive result cannot be explained to the law-enforcement agency’s satisfaction;

6. Each applicant (non-certified) will be required to take a law enforcement entrance exam. The results of this test will be used for the selection process. This test is the National Police Officer Selection Test (POST) and is ordered from the Virginia Association of Chiefs of Police. This test is scored by the Administrative Specialist and/or her designee using an answer key provided by the publisher, Stanard & Associates, Inc. The results of these tests are also considered in the selection process.

7. Any and all physical qualifications for entry level sworn positions shall meet the requirements of validity, utility, and minimize adverse impact.

8. Medical examinations and physical fitness examinations shall be conducted on each applicant prior to appointment using valid, useful, and non-discriminatory procedures. Only licensed physicians shall be used to certify the general health of applicants.

9. An emotional stability/psychological examination shall be conducted on each applicant prior to appointment using valid, useful, and non-discriminatory procedures. Only qualified professionals shall be used to assess the emotional stability or psychological fitness of applicants. A record of the results of this examination shall be maintained on file.

10. A check of CCRE/Fingerprints will be accomplished prior to appointment.

E. Sheriff's Office personnel trained and determined to be the most qualified in the Department shall administer, score, evaluate, and interpret all elements of the process. All elements of the selection process shall be conducted in a uniform manner.

F. All materials used in the selection process shall be stored in a secure area when not being used. When selection materials are disposed of, it shall be done in such a manner to prevent disclosure of the information therein.

G. Reapplication: To renew an application, the applicant must contact the Sheriff's Office Records Section.

H. All testing results must be retained for a minimum of three years. When materials are disposed of, it shall be done in such a manner to prevent disclosure of the information therein.

I. All applicants shall receive written notification of the disposition of their application.

RELATIONSHIPS WITH OTHER AGENCIES AND REFERRALS

VLEPSC: ADM.14.01; ADM.14.02; ADM.14.03

I. POLICY

It is the policy of the Campbell County Sheriff's Office to maintain open channels of communication with neighboring law enforcement agencies, other criminal justice agencies, and both public and private social service agencies. Effective liaison and open channels of communication are essential steps toward cooperation, which is the backbone of law enforcement. The Office of the Sheriff is responsible for maintaining this liaison and relationship with other agencies.

II. PROCEDURE

A. Liaison

It shall be the responsibility of all departmental personnel to maintain professional working relations and communications with the following criminal justice agencies including, but not limited to:

1. Judges, clerks, and employees of the Campbell County General District Court.
2. Judges, clerks, and employees of the Campbell County Juvenile and Domestic Relations Court.
3. Judges, clerks, and employees of the Campbell County Circuit Court.
4. Employees of the Commonwealth's Attorney.
5. Employees of the County Attorney's Office.
6. Employees of Probation and Parole agencies.
7. Employees and volunteers of the Victim Witness Program.
8. Employees of adult and juvenile correctional facilities.
9. Employees and volunteers of local fire departments.
10. Employees and volunteers of local rescue squads.

It is of considerable importance to ensure these agencies are provided with meaningful information about our objectives and activities. This, in turn, helps to assure information flow and coordination between law enforcement agencies and other authorities. Members of the Campbell County Sheriff's Office shall provide all possible information, assistance, and support to these agencies allowed by law. Serious policy or procedural problems with personnel of other agencies will be called to the attention of the Sheriff. The Sheriff or his designee shall meet with the appropriate personnel of these agencies in order to resolve the problem. All personnel of the Campbell County Sheriff's Office shall assist and cooperate with all federal, state, and local law enforcement agencies in every way possible allowed by law.

The Campbell County Sheriff's Office provides police support as required at fire scenes and investigates arson and fire related deaths.

B. Interagency Coordination and Planning

Although many programs can be instituted in the short run for immediate improvement in the interface between law enforcement and other agencies, none has the long-range potential of coordinated interagency planning. Criminal justice coordinating councils provide a vehicle for change, and they allow law enforcement officials to eliminate barriers and problems before they become serious. The Campbell County Sheriff's Office currently participates in, and shall continue to participate in the following:

1. Criminal Justice Coordinating Activities

   a. VALID - VA Association of Law Enforcement Intelligence Documentation.

   b. HEAT - Help Eliminate Auto Theft.

   c. Campbell County Sex Abuse Task Force.

   d. Central VA Investigations.

   e. Central Virginia Narcotics Task Force.

   f. Virginia Sheriff's Association.

g. FAPT - Family Assessment & Planning Team.

h. Central Virginia Law Enforcement Association.

I. RASAC - Regional Association of Sheriff's and Chiefs.

j. Central Virginia Crimestoppers.

2. Traffic Safety Liaison

a. Campbell County Highway Safety Commission.

b. Virginia Department of Transportation liaison meetings.

C. Referrals

Employees of the Campbell County Sheriff's Office often encounter citizens, either adult or juvenile, who are in need of specialized forms of help which the Department cannot give, i.e., marriage counseling, mental health counseling, welfare assistance, assistance in handling civil matters, etc. When in the best judgment of the deputy this situation arises, the citizen should be referred to the most qualified agency to deal with the problem. The Sheriff's Office will maintain telephone listings for referral agencies.

This General Order becomes effective February 24, 2003, and rescinds all previous rules and regulations pertaining to the subject.

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ISSUED BY:

R. E. Maxey, Jr.
SHERIFF

SOCIAL DIVERSION AGENCIES

(All area codes are 434 unless otherwise noted)

Abuse/Neglect Protection Services

Child Abuse Hotline	1-800-552-7096
Family Violence Prevention Program	528-1041
Network for Women in Crisis	528-5251
Virginia Missing Children Information	1-800-822-4453
Child Abuse Prevention Center (CAP)	947-7426

Alcoholism/Drug Abuse

Al-Anon/ALA Teen	845-9427
Alcoholics Anonymous	847-4733
Arise Alcohol & Drug Counseling Center	847-8035
Arise Alcohol & Drug Residential Treatment Center	525-5723
Bridges Child & Adolescent Treatment Center	947-5700
Drug Violation Hotline	1-800-553-3673
Mental Health Services 947-4600	
Pathways Adult Treatment Center	947-4455

Crisis Intervention

Crisis Line	947-4357
Emergency Mental Health Consultation	947-3033
Crossroads House	847-1696
Genesis House	384-3244
Opportunity House	847-1665
Presbyterian Home	384-3131
SPARC House	847-1713
National Crisis Center for the Deaf	1-800-552-3723
Salvation Army	845-5939

Youth Services

Big Brothers & Big Sisters	528-0400
Child Development Clinic	947-2030
Job Corps	929-4081
Lynchburg Youth Services	845-8039

REVISED 02/24/2003

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Master Deputy Program	**NUMBER: 318**
EFFECTIVE DATE: November 09, 2012	
AMENDS/SUPERSEDES: **Revised Date: 09/30/2009**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS:	

NOTE

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I. PURPOSE

A. The purpose of this program is to encourage professionalism in the Campbell County Sheriff's Office by improving personal skills, knowledge and abilities of grade eight deputies in order to meet department objectives; and to reduce deputy turnover, preventable vehicle accidents, excessive sick leave usage and disciplinary actions.

B. Plan Purpose: To provide each deputy with the necessary information of the eligibility criteria needed to initiate consideration and participation in the Master Deputy Program (MDP).

C. Scope: The MDP is a recognition and incentive program based upon individual accomplishment and maintenance of specific criteria. Selection in the MDP is not to be considered a promotion in rank. All deputies selected to participate in the MDP shall be subject to current agency policies and procedures and any amendments to established policies. This policy may be amended by the Sheriff at any time. All financial incentives are subject to approved funding.

II. POLICY

The Campbell County Sheriff's Office subscribes to the concept of the Master Deputy, and the minimum criteria as set forth in this plan and as prescribed in Items 624, Paragraph P, Chapter 966, Acts of Assembly and the Compensation Board's Minimum Criteria for Master Deputy Programs, dated October 27, 1994.

III. PROCEDURES

A. The Master Deputy Plan for grade eight deputies incorporates the following minimum criteria:

1. The Sheriff shall appoint a Master Deputy Board (MDB) to receive applications of candidate deputies for the program, review and determine eligible criteria and make recommendations to the Sheriff regarding deputies' acceptance into the program.

2. The minimum composition of the MDB shall be as follows:

   a. Chief Deputy;
   b. Field Captain, Administrative Captain, and Investigations Captain;
   c. 1 Administrative Lieutenant, 1 Field Lieutenant, and 1 Investigator;
   d. Administrative Specialist.

3. The Master Deputy Board shall convene in June and December of each year or times as deemed appropriate by the Sheriff to review applications for the program. At this time, the MDB shall request any personnel file of an applicant or request the applicant to appear in person to answer any questions.

4. Notification of the MDB's Recommendation:

   a. The MDB shall forward all recommendations concerning MDP candidate(s) to the Sheriff within thirty (30) days following adjournment of the MDB.

   b. The Sheriff will make the final decision on a candidate's acceptance into the MDP. The Sheriff shall notify the candidates in writing of his/her acceptance into the MDP.

   c. The Sheriff will notify the deputy's supervisor and all management staff of the candidate's acceptance into the program in order to assist in the ongoing evaluation of the deputy.

5. Appeals:

   a. If a candidate's application is rejected for entrance into the MDP, that deputy may appeal in writing within ten days to the Sheriff to hear the deputy's appeal. The Sheriff's finding after this hearing shall be final.

   b. If a candidate's application is rejected and all appeals have been exhausted, he/she may reapply for entry into the MDP after twelve months provided the deputy has performed at an acceptable level.

B. Initiating Responsibility:

1. It shall be the responsibility of the individual deputy to review the criteria for entrance into the MDP and to initiate application into the program as prescribed below.

2. Application for entrance into the MDP must be submitted in writing to the Sheriff or his designee thirty days prior to the scheduled meeting of the MDB. Request deadline shall be May 1st and November 1st or as otherwise posted by the Sheriff. Requests received after the noted deadline will be forwarded for consideration at the next scheduled MDB meeting.

3. It shall be the responsibility of the deputy candidate to include all material that supports his/her eligibility with the application. Upon request, the deputy will appear before the MDB or the Sheriff to provide additional information and answer any questions that may arise during the selection process.

4. It shall be the responsibility of the Sheriff to notify the Compensation Board, using C.B. Form 10-MD, of selections made to the Master Deputy Program.

IV. ELIGIBILITY CRITERIA

In order to be eligible for the Master Deputy Program, a deputy must demonstrate above average service as defined in the following criteria areas.

A. Length of service and experience shall be considered when determining eligibility for the MDP. When determining length of service, only those years served with the candidate's current agency will be considered. Employment must be continuous without a break in service from the time the deputy fulfills the minimum service requirement and application into the MDP.

1. The minimum length of service necessary to be considered for selection into the program shall be three years served consecutively.

   a. Longevity of service beyond the minimum of three years will not be considered when determining selection into the MDP.

B. Overall job performance shall be used as criteria for the selection process. Candidates for the MDP must personify exemplary commitment and dedication to their job assignment and serve as a model to other agency employees. The following criteria should be considered a minimum requirement for selection.

1. Each deputy candidate must have received above average evaluations on his/her last two performance reviews.

2. The deputy candidate shall not be considered for selection into the MDP if any job performance objective in the two most recent rating periods has been rated below average or below satisfactory performance.

3. The deputy candidate shall have no more serious disciplinary action than one written reprimand within the past two years immediately preceding application for selection.

C. Vehicle Accidents:

A deputy is required to ensure that a safe driving environment is maintained for the protection of life and property, not only for him or herself, but for the general community as well.

1. As a minimum, a deputy shall not have more than one preventable vehicle accident in the past three years.

2. The department's internal investigation of the accident shall be used to determine avoid ability.

D. Firearms Proficiency:

One of the most critical aspects of a deputy's job is that of exercising sound judgment regarding use of force to ensure a safe environment. Deputy candidates for the MDP should show superior leadership in this and all areas of firearms proficiency.

1. A deputy must qualify annually with an agency approved firearm with a score of not less than eighty.

2. Range qualification shall include a review of policy relating to:

   a. Weapons safety,
   b. Nomenclature,
   c. Weapons maintenance,
   d. Use of force.

3. Courses for firearms qualification shall be in compliance with standards established by the Department of Criminal Justice Services for in-service training. Any one or combination of the following courses shall be used to qualify:

   a. Virginia Tactical Qualification Course (Day Qualifications), and

   b. Close Combat Night Course (Night Qualifications).

4. Any deputy who carries or by special duty assignment may have available for immediate use any special weapon(s), shall qualify with that weapon(s) on an agency designed course with a minimum score of eighty.

5. Equal consideration must be given to a deputy's judgment and actions based on the appropriate use of force. The deputy's immediate supervisor will make this determination and forward his/her evaluation to the MDB or Sheriff. If available, judgment simulation courses should be used to test a deputy's reaction to stressful scenarios and his/her understanding of use of force principles.

E. Training/Education:

1. A deputy must complete a minimum of forty hours of job-related specialized training every two years in addition to the mandated in-service training required by DCJS.

2. Training courses must be approved by the Sheriff and designed to enhance the deputy's career beyond minimum training requirements.

3. A deputy may substitute job-related college courses for the specialized training requirement as follows:

   a. A college course of a least three credit hours may be substituted for forty hours specialized training. A minimum grade of C must be obtained in order to receive credit for college course work.

   b. The college, university or community college must be accredited by the State Council of Higher Education of Virginia or a like agency in other states.

   c. The deputy must provide copies of official transcripts for all college credits claimed. Transcripts must be submitted within one year of completion of the course.

4. Upon verification, a deputy may substitute a previously acquired job related associate's degree or higher for the training requirement needed to meet the entrance criteria for the MDP. However, once accepted into the program, a previously achieved degree may not substitute for the ongoing training/education requirement.

5. These requirements will continue to be in force as long as the deputy is participating in the MDP.

F. Attendance:

1. Sick Leave - Each deputy shall subscribe to the Campbell County Sheriff's Office County's Personnel Rules or Policy regarding use of sick leave. A deputy must have a sick leave usage rate the same or less than the average usage in the agency.

   a. Computation of sick leave usage shall be on a calendar year basis commencing on January 1st and concluding on December 31st.

   b. Instances of legitimate hospitalization, injuries or illness shall not be cause for exclusion from the MDP.

   c. Each deputy shall be required to provide justification as to the legitimacy of such when his/her sick leave utilization exceeds the maximum time allowed. Documentation must be included in the deputy's personnel file prior to the meeting of the MDB or Sheriff's review.

   d. Immediate family sick leave and personal sick leave are considered to be one in the same. Each use of such sick leave must be documented in order for it not to be counted against a deputy.

2. Reporting - Each deputy must have a punctual reporting record in accordance with Campbell County Sheriff's Office policy governing reporting. This applies to all scheduled functions where the deputy is serving in an official capacity including, but not limited to duty assignment, court, range, training, meetings, etc.

   a. Evidence of compliance shall be supervisory documentation of on-time reporting; or on such occasion, the deputy contacting his/her immediate supervisor prior to the time tour of duty is to begin and advising his/her supervisor of an impending late arrival or absence from duty.

   b. More than two such transgressions during a twelve month period shall be cause for exclusion from the MDP.

G. Removal:

Appointment into the MDP is not permanent. A deputy, once admitted into the MDP, shall be responsible for maintaining all stated minimum performance criteria in order to retain his/her Master Deputy status. The deputy is encouraged to work with his/her supervisors to ensure minimum requirements are met. However, if necessary, the following procedures shall be followed to initiate removal of a deputy from the MDP.

1. The Sheriff shall make the final determination regarding removal from the MDP. If removal from the MDP is made, the Sheriff shall make the

necessary notification to the deputy, his/her supervisor, the MDB (if appropriate) and to the Compensation Board by submitting C.B. Form 10-MD.

2. If the deputy's immediate supervisor(s) determines that he/she is not maintaining the minimum prescribed criteria, the supervisor will draft a memorandum to the Sheriff which outlines the specific events or deficiencies leading to a recommendation for removal from the MDP. A copy of the memorandum will be provided to the deputy and a copy placed in his/her personnel file.

3. Upon receipt of the memorandum recommending removal from the MDP, the deputy has five working days to appeal in writing to the Sheriff or his/her designee. The Sheriff or designee shall promptly schedule and conduct a hearing with the deputy and his/her supervisor to allow explanation of the pertinent circumstances from both parties.

4. Any deputy removed from the MDP may reapply for selection into the program at the end of a twelve month period subject to master deputy grade availability. The deputy must have performed at an acceptable level during this period and submit his/her request and supporting documentation in writing to the Sheriff through the chain of command. The application shall be accompanied by a recommendation from the deputy's supervisor indicating deficiencies have been corrected and reinstatement is appropriate.

5. Any deputy removed from the MDP for more than eighteen months, must reapply under the original selection criteria as established in this plan.

6. Any deputy selected for the MDP shall not have his/her status revoked solely as a result of a reduction in the total number of eligible Compensation Board reimbursed positions in the agency.

V. ADMINISTRATION

A. Employee Evaluation Plan - The Campbell County Sheriff's Office shall maintain an employee evaluation plan that meets the minimum criteria established by the Compensation Board.

B. Compensation - It is the understanding of the Campbell County Sheriff's Office that twenty percent of grade seven and grade eight deputies may receive additional compensation reimbursed by the Compensation Board as a result of being selected for the MDP. Additional compensation shall not exceed a four step increase in salary (9.31%). Upon removal from the MDP, the deputy's salary shall be adjusted to revert back to the original amount which preceded entry into the MDP.

C. Equal Opportunity Statement - The Campbell County Sheriff's Office certifies that Master Deputy opportunities are available to all grade eight deputies. Selection into the MDP will be made without regard to race, religion, gender, national origin or political affiliation of deputies who choose to apply.

D. Employment Status of Deputies - Notwithstanding anything to the contrary contained in this program, nothing herein is intended nor should be construed to contradict or diminish the power and authority of the Sheriff conferred by Virginia Code § 15.2-1603 with respect to his appointees. All deputy sheriffs' are and shall remain appointees of the Sheriff and shall not be considered or construed as employees of either the Sheriff or Campbell County. Neither the creation nor the operation of this program shall confer on any deputy sheriff any grievance rights, and no deputy sheriff shall have the right to be represented by counsel when appearing before any administrators of this program in connection with the operation of this program.

E. Availability of the Master Deputy Plan - This plan shall be made available to all employees of the Campbell County Sheriff's Office. The plan shall become part of the Campbell County Sheriff's Office Policy Manual and must be maintained by each employee.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Performance Evaluation	**NUMBER: 319**
EFFECTIVE DATE: December 10, 2012	
AMENDS/SUPERSEDES: **Revised Date: 04/07/2008**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: PER.06.01, PER.06.02	

NOTE

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I. PURPOSE

To achieve departmental objectives, the Campbell County Sheriff's Office must be able to depend upon satisfactory work performance from all employees. Performance evaluation is the measurement of the employee's work performance by the employee's immediate supervisor. The objectives of the evaluation system, which serve both management and employee needs, include:

A. Allowing for fair and impartial personnel decisions;

B. Maintaining and improving performance;

C. Providing a mechanism for regular personnel counseling;

D. Facilitating proper decisions regarding probationary employees;

E. Identifying training needs; and,

F. Providing an objective and fair method for evaluating and recognizing an individual's performance.

II. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for conducting performance evaluations of all employees of the Campbell County Sheriff's Office.

III. PROCEDURES

All Probationary members of the Department shall be evaluated at least once prior to the end of their probationary period. Unless otherwise notated, probationary periods are for one year from date of initial appointment. These evaluations shall be forwarded to the affected employee's Division Commander for review and retained in the employee's personnel file. The Division Commander shall be responsible for notifying the Major who shall notify the Sheriff of any identified deficiencies noted on the evaluations.

The following requirements are mandatory:

A. Each employee shall be assessed on an annual cycle, beginning January 1, and concluding December 31.

   1. All supervisors are encouraged to conduct an interim counseling session with employees in an effort to identify any areas of difficulty, and to confirm the accuracy of the assigned job components and related performance expectations.

   2. Supervisors shall review the results of the performance evaluation just completed.

   3. Supervisors shall review the level of performance expected, and the rating criteria or goals for the new reporting period.

   4. All employees retain the right to request a counseling session with their supervisor regarding their evaluation at any time, for any concern the employee may have.

   5. All counseling sessions should be documented by the rater, to ensure an accurate record of the discussion, preventing future misunderstandings and confusion.

B. Employee performance assessments will measure ability to comply with performance requirements of the particular job classification.

C. Performance evaluations are based only on performance occurring during the rating period.

D. The Evaluation shall be signed by the employee, rater (employee's supervisor), and the Department Head (Sheriff), or his designee.

E. All employees shall be rated by their immediate supervisor.

F. The results of performance evaluations are utilized in the following manner:

1. Provides information regarding the suitability for assignment.
2. Training needs.
3. Determination of ability to absorb additional responsibility.
4. Effectiveness in assigned position.
5. Advancement potential.
6. Specialized Training.

G. Contested performance evaluations shall be reviewed by the rater's supervisor. Employees rated by Division Commanders, who contest the results, shall have their evaluations reviewed by the Major.

H. All supervisors are responsible to document performance, and shall be able to articulate specific reasons for ratings assigned.

I. All employees shall be furnished with a copy of the completed evaluation at the conclusion of the assessment session, if requested. The original shall be filed in the employee’s personnel file.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Promotion Process	**NUMBER: 321**
EFFECTIVE DATE: November 29, 2017	
AMENDS/SUPERSEDES: **Revised Date: 05/15/2013**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: PER.07.01, TRN.02.03	

NOTE

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

I. POLICY

It shall be the policy of the Campbell County Sheriff's Office to implement a fair, valid and useful process by which employees may be selected for promotion. The agency is solely responsible for the entire promotion process described herein.

Candidates for promotion (non-civilian positions) must have two years or more of certified law enforcement experience.

Responsibility and authority for the promotional process, including administration, and control, are vested with the Sheriff. After the results of the promotional process have been compiled and reviewed, the Sheriff has the ultimate authority over selection.

II. PROCEDURES

A. This General Order will serve as the agency's manual governing the procedures used for promotion. These procedures include:

1. Evaluating the promotional potential of candidates through:

a. Meeting established criteria for eligibility to take part in the promotional process and/or one or more of the following:

(1) Oral Review Board or interview,

(2) Results of previous two year's evaluations,

(3) Written Examination.

2. Conducting oral interviews prior to appointment to probationary status by the Sheriff and/or Chief Deputy;

3. Defining exceptions to the probationary period.

B. All procedures used in the promotional process shall be job-related and non-discriminatory.

C. The Promotion Board reviews promotion applications for consideration. The Board will consider the following information on each applicant:

1. Performance evaluations for the previous two years:

Two years performance evaluations will be considered for promotion applicants. These evaluations will be scored with points 1 – 3 based on the following scale:

Outstanding	3 points
Very Good	2 points
Satisfactory	1 point

These scores will be weighted x 2.

2. Education and Training:

Numerical ratings of 1 – 5 will be assigned to the applicant's applicable education level.

Masters Degree or Higher	5 points
B.A. or B.S. Degree	4 points
Associate Degree	3 points
Over 40 hours specialized training	2 points
40 hours in-service	1 point

The education/training score will be weighted x 2.

3. Driving Record:

Scores are determined in this area as follows: - 1 for each avoidable accident that the deputy was involved in during the evaluated year. If the deputy had no accidents during the year, the score is + 1.

4. Firearms Score:

Firearms scores (most recent) are given a rating of 1 – 5 based on the following scale:

97 – 100	5 points
93 - 96	4 points
89 - 92	3 points
85 - 88	2 points
80 - 84	1 point

5. Attendance:

Numeric ratings between 1 – 5 will be assigned to the employee's attendance for the past calendar year.

Sick Days Missed	Scale
0 - 2	5
3 - 4	4
5 - 6	3
7 - 9	2
10 - 12 +	1

Qualifying FMLA events will <u>not</u> be calculated in the numeric rating.

6. Seniority:

Numeric ratings between 1 – 10 will be assigned to employees according to the number of years of service with the Campbell County Sheriff's Office. All years of service over 10 will be assigned 10.

Those persons with service from another law enforcement agency will have up to 5 years of service from other agencies recognized regardless of the total number of previous service years. This number will be in addition to any number of years of service with the Campbell County Sheriff's Office, not to exceed 10.

The seniority score will be weighted x 1.

7. Written Test (If applicable):

Written tests will be scored on the scale between 1 – 5 in chronological order with 5 being the highest test score, 4 being the next highest, etc.

8. Oral Interview (If applicable):

Oral Interviews will be scored on the scale between 1 – 5 in chronological order with 5 being the highest interview score, 4 being the next highest, etc.

9. Overall Assessment:

Overall assessment between 1 – 5 will be assigned a numeric rating based on the consensus of the Promotion Board. All fields are pertinent: job performance, attitude, work ethics, etc., are used to determine this field.

The numeric rating for the overall assessment will be reduced to writing and forwarded to the Administrative Specialist for final calculations.

This field is weighted x 3.

At the conclusion of the Promotion Board Meeting, the results of the Promotion work sheet are compiled. The results are recorded and sent to the Sheriff. The Sheriff then makes his selection.

D. The agency shall furnish all employees with a written announcement of the promotional process which shall include at a minimum:

1. A description of the position(s) or job classifications for which vacancies exist;
2. A schedule of dates, times, and locations of all elements of the process;
3. A description of the eligibility requirements; and
4. A description of the process to be used in selecting personnel for vacancies.

E. Eligibility criteria shall be developed utilizing the following:

1. <u>Non-Sworn Employees</u>

a. In most instances promotional selections for non-sworn employees will include a personal interview.

(1) Interview to be conducted by two or more persons.

b. Significant weight will be given to an applicant's education, experience, and job skills as they relate to the particular position being applied for.

2. Sworn Employees:

a. If, due to a large number of eligible applicants, an oral review becomes necessary, the oral review board shall include:

(1) Uniform questions;

(2) Defined set of personal attributes;

(3) Uniform rating scale; and

(4) Results recorded on a standardized form.

b. Included in the examination process may be a supervisor's evaluation and/or a computation of seniority; and

c. The numerical weight of each testing component will be assigned depending on the number of components used in the testing process.

3. Sergeant (Sworn):

All persons with two years or more of certified law enforcement experience in the specific career path being tested for promotion.

4. Investigator (Sworn):

All persons with three years or more of certified law enforcement and/or criminal investigations experience in the specific career path being tested for promotion.

5. Lieutenant (Sworn):

All persons that hold the rank of Sergeant that are law enforcement certified in the specific career path being tested for promotion.

III. ADMINISTRATIVE PRACTICES

A. All persons who are promoted will receive skill development and/or supervisory training within one year of the promotion. All persons who are promoted shall serve, at least, a one year probationary period that shall commence on the effective date of promotion. Probationary status may be extended past one year. Reasons may include:

1. Compliance with physical standards, i.e. weight, vision, and hearing;

2. Counseling to upgrade performance; and

3. Remedial training.

B. The minimum composition of the Promotion Board shall be as follows:

1. Chief Deputy;
2. Field Division Captain;
3. Administrative Division Captain;
4. Investigations Division Captain;
5. One Field Division Lieutenant;
6. One Administrative Division Lieutenant;
7. One Investigator; and
8. Administrative Specialist

WRITTEN DIRECTIVE SYSTEM

VLEPSC STANDARD(S): ADM.09.01; ADM.09.02

I. POLICY

It is the policy of the Campbell County Sheriff's Office to maintain a written directive system. Further, authority to issue, modify, or approve agency written directives is vested in the Sheriff. No person shall draft, authorize, or promulgate any written directive which is in conflict with any General Order of this agency.

II. PURPOSE

The purpose of this General Order is to describe the written directive system, identify persons authorized to issue written directives, and set forth procedures for indexing, purging, updating, and revising directives.

III. DEFINITIONS

Written Directive: Any written document used to guide or affect the performance or conduct of agency employees. The term includes policies, procedures, rules and regulations, General Orders, special orders, and instructional material.

General Order: A term used to describe permanent directives concerned with policy, rules, and procedures affecting more than one organizational component.

Special Order: Directives affecting only a specific segment of the organization, or statements of policy or procedure regarding a specific circumstance or event that is of temporary nature.

Standard Operating Procedure: A written directive which is a detailed guideline for the carrying out of a specific agency activity.

Personnel Order: An announcement of changes in the status of personnel, such as transfer or promotion.

Instructional Material: Training guidelines, bulletins, and checklists.

Policy: A written directive that is a broad statement of agency principles.

Informational Material: A written document that may or may not convey an order; it is generally used to clarify, inform or inquire.

Memoranda: A written document that is a personnel order, instructional/informational material, or special order.

Manual: A collection of policies, procedures, rules and regulations, and/or other written directives.

IV. PROCEDURE

The following procedures shall be used in the formulation of any written directive:

A. Authorization: The following persons/positions are authorized to issue written directives as specified:

1. Sheriff: Any directive to any and all persons.

2. Chief Deputy Sheriff: Any directive to any and all persons.

3. Division Commanders: May promulgate Standard Operating Procedures for the division, or sections, and units under their span of control. In addition, they may formulate any memoranda. Any memorandum that is directed to individuals external to the commander's division must be forwarded to Administration for assignment of a departmental memorandum number. Memoranda internal to the division shall be assigned accounting numbers by that division and maintained on file by that division.

4. Section and Unit Supervisors: May draft Standard Operating Procedures for their sections or units and promulgate them with the concurrence of the division commander. Section and unit supervisors may also promulgate memoranda that are Special Orders, Informational Memos, and Instructional Memos only to persons within their span of control. Accountability and maintenance of files shall be the responsibility of the originating section or unit supervisor.

B. Written Directive System: The written directive system consists of the following:

1. General Orders

General Orders are indexed by functional area. They are dated and, when updating or revising an existing order, identified with the date of the existing order being replaced. A General Order is in effect until replaced or rescinded by the Sheriff. General Orders are formulated under guidelines set forth in General Order 101, "Authority and Organization of the Campbell County Sheriff's Office". New and revised General Orders will be distributed to all personnel. Each person shall sign the accompanying transmittal sheet indicating receipt of the General Order(s). The General Order(s) shall be placed in the General Order Manual for future reference and guidance. Each person is responsible for maintaining his/her General Order Manual in a neat, orderly, numerical and revised condition. General Orders are binding upon all personnel.

The following are the functional areas indexed in General Orders:

100 Series-Organization
200 Series-Regulations
300 Series-Administration
400 Series-Press Relations
500 Series-Patrol Operations
600 Series-Criminal Investigation/Arrest/Search and Seizure
800 Series-Court Security and Civil Process
900 Series-Radio Procedure
1000 Series-Records
1100 Series-Property and Evidence

General Orders are sequentially numbered by functional area, i.e. 300, 301, 302, etc., for Orders falling into the Administration category.

2. Standard Operating Procedures

Standard Operating Procedures are developed by qualified personnel and approved by the same method as General Orders. Standard Operating Procedures (SOP's) detail specific methods to accomplish agency activities, i.e., communications, records functions, evidence collection, etc. SOP's are generally step-by-step, or how-to in nature. They are revised, updated, or purged as required by policy, procedure, or technological change. SOP's are binding upon those persons performing the activity. SOP's are not numbered but may be indexed by task. Generally, an operating procedure will begin with functions required at the start of a task and continue in logical progression until all aspects of the task have been addressed.

3. Memoranda

Memoranda are developed by, or at the direction of persons having the authority to do so as set forth elsewhere in this Order. All memoranda will be forwarded to the administrative staff for number assignment and distribution, with the exceptions specified in paragraph A, "Authorization", above. A distribution sheet will accompany each memorandum that is distributed. The distribution sheet will be initialed by the receiving person and returned to the person indicated. Each memorandum shall have an effective date and a cancellation date. They shall be retained by all personnel in a manual, indexed by the following method:

a. Personnel Order

b. Special Order

c. Informational Memo

d. Instructional Memo

The subject line of the memorandum shall indicate which of the four categories above it has been designated. The reference line shall indicate content. When memoranda have expired, been canceled, or superseded, they may be discarded. However, administrative staff shall maintain a complete file of all memoranda generated within the last five years. Memoranda shall be assigned an individual number. This number shall consist of a year designator (2 digits), followed by a 3-digit sequential number indicating chronologic order. i.e., 98-001, is the first memorandum issued in 1998.

C. Inspection and Review

As needed, all General Orders, Standard Operating Procedures, and Memoranda that are active shall be reviewed by the Division Commanders to determine if they should be canceled, revised, or continued in their present form. The Division Commanders shall forward their recommendations to the Sheriff.

D. Purging

The following guidelines are procedures for the purging of directives:

General Orders: Are in effect until rescinded by the Sheriff. Notification to rescind or cancel a General Order shall be sent to all personnel in the form of a Special Order. When a General Order has been rescinded or canceled, it shall be removed from the manual. The Administrative and Technical Services Division shall hold, on file, all rescinded or canceled General Orders for a period of not less than five years.

Standard Operating Procedures: These directives are purged at the direction of the division commander, usually when the task is no longer performed or has been modified. The appropriate section(s) are replaced by revised sections or are deleted altogether.

Memoranda: Memoranda are purged automatically in most cases by the affixing of an expiration date to the document. When the expiration date has been reached, the document may be removed. On memoranda that state "Expiration-when canceled", a directive will be sent to all affected persons when the document is to be purged.

E. Promulgation

All written directives shall be promulgated in the following manner:

General Orders: To all personnel. (Sworn and civilian).

Standard Operating Procedures: To all personnel within the affected division.

Personnel Order: To all personnel when the order is an announcement of the change in status of personnel. When the order is specific to only a few individuals it may be distributed to "affected personnel".

Special Order: To a specific segment of the organization, when it concerns only those personnel.

Informational Memoranda: To all affected personnel.

Instructional Memoranda: To all personnel, with the exception of directives to attend functions or training addressed to certain individuals. Instructional memoranda to individuals are sent to affected personnel.

F. Receipts for written directives

A receipt shall accompany all written directives distributed by any person. Receipting shall be accomplished by attaching a transmittal sheet to the document. The receiving individual shall sign his/her name and return the sheet to the originating office. For all written directives not sent through the administration office and assigned a departmental document number, the originating office shall maintain a log of all written directives along with the receipts for those documents. Receipts shall be kept on file for a period of not less than two years, or until canceled or revoked, whichever occurs first.

This General Order becomes effective July 8, 2003 and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

R. E. Maxey, Jr.
SHERIFF

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Victim/Witness Assistance	**NUMBER: 324**
EFFECTIVE DATE: December 29, 2008	
AMENDS/SUPERSEDES: **Revised Date: 4/10/2004**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.23.01 – ADM.23.04	

NOTE

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

I. PURPOSE

The purpose of this General Order is to ensure that victims and other witnesses receive professional assistance consistent with their important investigative and prosecutory role. As often the first to arrive on the scene of a crime, the deputy is the initial source of protection for the victim. The manner in which the deputy treats a victim at the time of initial reporting and afterwards affects not only the victim's immediate and long-term ability to cope with the crime, it can determine their willingness to assist in prosecution.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office that victims and witnesses shall be treated with fairness, compassion, and dignity. The request for assistance by a victim/witness shall be the responsibility of every member of this agency, requiring all personnel to maintain an accurate knowledge of available services, support agencies and resources. This agency shall maintain a commitment to the development, implementation, and continuation of appropriate victim/witness assistance programs and activities.

III. GENERAL PROVISIONS

The Sheriff's Office shall maintain a liaison with the Victim/Witness coordinator within the Office of the Commonwealth Attorney through the Division Commanders. Contact shall also be maintained with other criminal justice agencies, governmental

and non-governmental agencies concerned or involved with victim/witness needs and rights. This agency's efforts shall compliment and assist the efforts of any other involved entities in the delivery of appropriate assistance to victims and witnesses.

IV. PROCEDURES

A. Personnel will ensure that victims are provided prompt notification concerning the arrest of the offender, the nature of the charges placed against the offender, and the custody status of the offender. Any future changes to the status of these areas should additionally be provided to the victim in a timely manner.

B. During the preliminary investigation, over and above normal investigative routines, the following assistance services should be rendered to victims/witnesses, to include at a minimum:

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

2. Provide advice to the victim/witness what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him/her;

3. Provide the victim/witness with the case number and information concerning the subsequent steps in the processing of the case; and

4. Provide 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.

C. Investigative personnel shall ensure that follow-up contact is established with the victims/witnesses as soon as is practical, (usually within 48 hours), in accordance with General Order 601. During this contact, personnel should attempt to ensure that any needs of the victims/witnesses are being satisfied. Involved parties should be provided with the assigned case number, a summary of the future anticipated action concerning the investigation and processing of the case, a contact telephone number should future information or questions arise, and the investigating deputy's name.

D. Whenever possible, the scheduling of interviews, line-ups, and other required appearances should be at the convenience of the victim/witness.

E. When feasible, personnel shall attempt the prompt return of victim/witness

property taken as evidence (excluding contraband, disputed property, and weapons) when permitted by law and/or with the concurrence of the Commonwealth Attorney's Office.

F. Should a victim/witness report to any member of this agency, any instance of threats or intimidation concerning their involvement in the investigation of a criminal matter, appropriate action shall be taken without delay. This action may include contacting the victim/witness coordinator to secure safe shelter for the individual, full investigation of the reported incident, and the placing of charges against the offender. In all instances, notification to the investigating deputy of the threats/intimidation shall be made promptly.

V. VICTIM/WITNESS COORDINATOR SERVICES

The following services are provided by the Victim/Witness Coordinator of the Commonwealth Attorney's Office:

A. Protection from harm, and threats from harm arising from their cooperation with prosecution or defense efforts.

B. Crisis intervention and emotional support. It should be noted that on-scene support shall only be afforded in cases concerning rape or murder.

C. Assistance in obtaining compensation for crime-related losses, payment of forensic/medical examinations relating to PERK tests.

D. Intercession services to minimize loss of pay and other problems relating to or resulting from court appearances. This service may include Victim/Witness staff contacts with employers, school officials, bill collectors, and other individuals as required.

E. Information regarding the use of Victim Impact Statements and Parole process information and in completing parole input forms.

F. Criminal Justice Process support, to include escorting the victim/witness to the proper court, providing emotional support during the criminal justice process.

G. Referral to other agencies as required. This includes placement within the Woman's Shelter, referrals to Mental Health, Social Services, Rape Crisis Centers, legal resources, and various counseling facilities.

VI. CONFIDENTIALITY

All personnel shall ensure the complete confidentiality of all victims and witnesses to the extent consistent with Virginia Code.

VII. LINE OF DUTY DEATHS OR SERIOUS INJURY

The Sheriff shall appoint a staff officer to assist in the needs of the family members of any agency personnel who suffers a serious injury or death in the line of duty. The assigned staff officer shall provide assistance with legal and benefit matters, support during any related criminal proceedings, and emotional support during funeral and burial or recovery periods in cases of severe injury. The assigned staff officer shall maintain long-term contact with the family members, and shall keep informed of their needs. This assistance shall only be terminated upon the concurrence of the Sheriff and the family members involved.

The Administrative Specialist keeps a manual on file that lists all the benefits that family members are entitled to in the event of the death of any agency personnel.

The Captain of the Administrative Services Division shall ensure that all officers receive training on line-of-duty benefits in accordance with the Code of Virginia.

VIII. VIRGINIA VICTIM COMPENSATION ACT

The rights of victims/witnesses are set forth in Virginia Code § 19.2-368.1 through 19.2-368.11.1, § 19.2-368.12, § 19.2-368.14 through 19.2-368.18, § 19.2-11.01, and § 19.2-11.2. Among other provisions, it permits the recovery of compensation for the victims/families of victims of crime. All personnel should be aware of these statutes and in situations where conditions would warrant, the victim/victim's family should be advised that they may be entitled to compensation under the law. They should be directed to the Office of the Victim/Witness Coordinator for further information, including information on how to file a claim. Handouts regarding victim rights are available in the Sheriff's Office.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Communicable Diseases	**NUMBER: 325**
EFFECTIVE DATE: December 7, 2017	
AMENDS/SUPERSEDES: **Revised Date: 07/22/2003**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: PER.10.01	

NOTE

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

I. PURPOSE

The purpose of this directive is to establish guidelines and procedures to be followed when a member of the Sheriff's Office is exposed to a communicable disease with a risk of major illness or death and to establish procedures for handling of evidence or property that may be contaminated.

II. POLICY

The Sheriff's Office bears an obligation to the public and to its own personnel to increase awareness about risks, modes of transmission, and procedures for handling communicable diseases such as hepatitis B, tuberculosis, HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immune Deficiency Syndrome), and AIDS-related infections. Although, of the diseases mentioned, AIDS has received the most notoriety, all present hazards to law enforcement officers: hepatitis B and tuberculosis are more infectious than HIV, for example.

All personnel must understand that the focus of the news media on AIDS has dealt with so-called "high risk" groups, i.e., homosexual men, intravenous drug users, and prostitutes. As a matter of practice, the Sheriff’s Office does not recognize that the actual risk of contagion comes from high-risk behavior. Anyone--including members of the Sheriff’s Office--might conceivably behave in a way that promotes risk of infection. Further, the long incubation periods associated with diseases such as HIV (years) render testing difficult. Accordingly, deputies shall act responsibly in minimizing the risk of infection when dealing with any person, male or female, child or adult or with any body fluids. A few simple precautions, however, will avoid the risk of infection almost entirely. The appendix to this general order details common AIDS concerns of personnel plus relevant medical information.

Deputies cannot refuse to work with or handle anyone--victim, complainant, or suspect--because of the deputy's fears of possible infection. Personnel shall not refuse to arrest or otherwise refuse to handle any person in a legitimate law enforcement context, provided that appropriate protective equipment is available. The measures provided herein will assist deputies in carrying out their duties while simultaneously minimizing health risks.

The most likely danger from contact with HIV or other communicable diseases comes from handling blood or other body fluids as evidence or at the scene of injury or death. The Sheriff's Office does expect deputies to exercise caution when handling evidence, to which end the following procedures are set forth. One point bears repeating, however: deputies have no way to determine with certainty if a citizen is infected with a communicable disease.

The Sheriff's Office shall provide employees, continuously, with information and education on prevention of communicable diseases, as well as safety equipment and procedures to minimize their risks of exposure. The Sheriff's Office has instituted post-exposure reporting, evaluation, and treatment for all members exposed to communicable diseases.

Finally, the Sheriff's Office advises all personnel that they shall not receive discriminatory treatment nor bear any stigma if they contract a communicable disease that becomes known to the Sheriff's Office. Legally, a communicable disease is a handicap under Federal Law so discrimination against infected persons is illegal.

III. DEFINITIONS

A. Communicable Disease - an infectious disease capable of being passed to another by contact with an infected person or his/her body fluids.

B. AIDS (Acquired Immune Deficiency Syndrome) - is a blood borne and sexually-transmitted disease that attacks and destroys the body's immune system. It makes people susceptible to infections, malignancies, and diseases not generally life-threatening to persons with normal immune systems. AIDS also causes disorders of the central nervous system. There is no vaccine against the virus. Personnel are advised that AIDS is not transmitted through any of the following (according to the Centers for Disease Control):

1. Sneezing, coughing, spitting;

2. Handshakes, hugging, or other non-sexual physical contact;

3. Toilet seats, bathtubs, or showers;

4. Various utensils, dishes, or linens used by persons with AIDS;

5. Articles worn or handled by persons with AIDS, i.e., doorknobs, pens, or cups;

6. Being near someone with AIDS frequently or over a long period of time;

7. Riding the same transportation;

8. Eating in the same public place with an AIDS infected person; or

9. Working in the same office.

C. ARC (AIDS-Related Complex) - is a condition caused by the AIDS virus (HIV) and has a specific set of symptoms. Such symptoms include persistent fever, weight loss, skin rashes, diarrhea, and swollen lymph nodes. Although these symptoms may be debilitating, they are generally not life-threatening.

D. HIV (Human Immunodeficiency Virus) - is the virus that causes AIDS. HIV infects and destroys certain white blood cells, undermining the body's ability to combat infection. (Also named HTLV-III or LAV). Technically speaking, this general order aims to reduce the chance of HIV transmission, the virus that causes AIDS.

E. Seropositivity - refers to a person having antibodies to HIV, meaning that infection has occurred at some time in the past. A seropositive person can be infected with HIV for years without ever developing symptoms of AIDS. Infected persons can transmit the virus even though they may not have symptoms of AIDS.

F. Hepatitis B (HBV) - is a viral infection that can result in jaundice, cirrhosis, and sometimes, cancer of the liver. The virus is transmitted through exposure to blood, semen, or vaginal secretions. Two vaccines are currently available against hepatitis B [Recombivax (synthetic) or Heptivax (serum derived)].

G. Tuberculosis - is a bacterial disease that can be transmitted through saliva, urine, blood, and other body fluids by persons infected with it. Tuberculosis is spread primarily by inhaling airborne droplets from infected coughing people. It can enter the body through infected mucous on the skin (as from coughing) or from droplets that are inhaled. It is an airborne, opportunistic disease and it primarily causes lung infection. Although no vaccine against tuberculosis exists, medications are available to treat the disease.

H. Exposure Control Program - is a written agency plan, available to all employees, which details the steps taken to eliminate or minimize exposure incidents, and identifies at-risk tasks and assignments.

I. Exposure Prone Incident - means a direct exposure to body fluids of another person in a manner which may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit hepatitis B or C virus or human immunodeficiency virus and which occurred during the commission of a criminal act, during the performance of emergency procedures, care or assistance, or in the course of public safety or law-enforcement duties.

J. Personal Protective Equipment (PPE) - consists of specialized clothing or equipment worn or used by employees for protection against infection. PPE does not include uniforms or work clothes without special protective qualities.

K. Universal Precautions - includes controls or procedures advised by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that blood and body fluids are potentially infectious.

IV. GENERAL RESPONSIBILITIES

A. The Sheriff shall develop a written exposure control plan, which provides the overall strategy for limiting exposure to HIV and HBV viruses, and for handling exposure incidents. The plan is located in the main Sheriff's Office bookcase, is available to all employees, and may be reviewed at any time.

1. The plan adheres to the principles and procedures for the prevention of HIV and HBV exposure as detailed in the universal precautions prescribed by the CDC plus other federal agencies.

2. All employees, and supervisors particularly, are responsible for the maintenance of a clean, sanitary workplace, and shall inspect workplaces daily to ensure that these conditions are met.

B. The Sheriff, through his subordinate supervisors, shall ensure that the department vehicles will each contain the following PPE supplies at all times:

2 pairs of disposable nitrile gloves
2 disposable plastic red bags with contaminated material seals
2 seals labeled "SUSPECTED FENTANYL" (orange or pink in color)
1 pair disposable shoe coverings
2 disposable face masks
1 Adhesive-Sealing Particle Mask with Anti-Fog Eyeshield
1 disposable mouth-to-mouth resuscitation shield
6 individual packets of antimicrobial towelettes
1 highway emergency blanket, disposable
1 disposable protective gown
1 pair safety goggles
1 carrying bag labeled "Deputy" with zipper closure

C. Deputies using supplies in their vehicles shall replace them or arrange to have them replaced as soon as possible. Deputies shall maintain disposable nitrile gloves in their personal possession at all times.

D. The Sheriff or his designee shall cause to be maintained at the Sheriff's Office the following:

Coveralls (different sizes)
Supply of disposable nitrile gloves
Red plastic biohazard bags and tape
Orange biohazard labels
Orange or Pink “SUSPECTED FENTANYL” labels
Liquid household bleach
Antimicrobial towelettes (Individual packets)
buckets, mops

E. Personnel shall use protective equipment under all appropriate circumstances unless the deputy can justify otherwise.

Deputies who, for whatever reason, do not use protective gear when appropriate shall document the incident as soon as practical for Sheriff’s Office review.

F. All personnel whose skin comes into contact with body fluids of another shall begin disinfection procedures immediately: these procedures range from simple soap-and-water washing to the use of alcohol or antiseptic towelettes. All open cuts and abrasions shall be covered with waterproof bandages before personnel report for duty.

V. GENERAL PRECAUTIONS

A. GENERAL:

Whenever possible, deputies shall wear disposable nitrile gloves when doing any of the following:

1. Handling persons or items with any blood or body fluid products (hypodermic needles, syringes, or surfaces soiled with blood or body fluids, gun or knife wounds).

2. Packaging and handling such items as evidence.

3. Cleaning up blood or other secretions which appear on floors, seats, equipment, handcuffs, shoes, clothing, pens, pencils, etc.

B. SPECIALIZED DEVICES:

1. Masks shall be worn whenever splashes, spray, spatter, or droplets of potentially infectious fluids endanger contamination through the eyes, nose, or mouth.

2. Gowns, jackets, coats, aprons shall be worn as determined by the degree of exposure anticipated.

C. HANDLING PEOPLE:

1. Wash hands thoroughly for thirty seconds with warm water and soap after removing gloves (when handling evidence) or after contact with the subject (if bleeding or vomiting). If water is unavailable, use pre-moistened towelettes found in the communicable disease control kit to decontaminate skin.

2. Leather gloves or their equivalent shall be worn when searching persons or dealing in environments, such as accident scenes, where sharp objects and bodily fluids may reasonably be encountered. Search techniques shall be used that require suspects to empty their own pockets or purses and remove sharp objects from their persons.

3. When transporting prisoners:

   a. Do not put fingers in or near any person's mouth.

   b. Transport persons with body fluids on their persons in separate vehicles from other persons. A person who is bleeding or producing a fluid may have to wear a protective covering.

   c. Notify other support personnel or law enforcement officers during a transfer of custody that the suspect has fluids on his or her person, or that the suspect has stated that he or she has a communicable disease.

D. HANDLING OBJECTS:

1. Objects contaminated with body fluids shall be completely dried, double bagged, and marked to identify possible disease contamination.

2. Contaminated items to be disposed of shall be autoclaved.

a. To autoclave, items must be treated in special (biohazard) bags at a high temperature. Local laboratories or hospitals can assist.

b. Before burning, the bags must be closed with autoclave tape, which turns purple when the microbes are dead.

3. Deputies shall use extra care when handling any sharp objects. If deputies find syringes, they shall not bend, recap, or otherwise manipulate the needle in any way, but shall place them in puncture-resistant containers provided by the Sheriff's Office.

E. HANDLING FLUIDS:

1. Clean up blood spills or other body fluids with regular household bleach diluted 1 part bleach to 10 parts water (or use undiluted bleach, if easier). Bleach dilutions should be prepared at least every 24 hours to retain effectiveness.

   a. Wear nitrile gloves during this procedure.

   b. A soiled uniform (by blood or body fluids) should be changed as soon as possible. Garments are placed in Biohazard bags and put into the Biohazard Hamper in the Dispensary of the Jail. They will then be destroyed. All deputies are required to maintain one complete extra uniform in their vehicle at all times.

2. Departmental vehicles within which body fluids are spilled require immediate disinfection procedures. Employees who have the vehicles assigned to them shall notify their supervisor of the spill and arrange for a thorough cleaning as soon as possible. Affected vehicles should bear an "Infectious Disease Contamination" sign upon arrival at a service center and while awaiting disinfection.

F. PRECAUTIONS WHEN BITTEN:

The danger of infection through bites is low. The victim cannot be infected with HIV through the blood of the biting person unless that person has blood in his or her mouth which comes into contact with the victim's blood. HIV cannot be transmitted through saliva. With HBV, however, transmission takes place through infected blood or blood-derived body fluids. Infection takes place by exposure of the eyes, mouth, or mucous membranes to the virus. Precautionary procedures to minimize the risk of infection include:

1. Encouraging the wound to bleed by applying pressure and gently "milking" the wound.

2. Washing the area thoroughly with soap and hot water.

3. Seeking medical attention at the nearest hospital.

4. Advising your supervisor, make a report, or follow any other policy for reporting injuries, including the notification to the Injury/Nurse hotline at 1-888-770-0925.

G. PRECAUTIONS WHEN PUNCTURED BY NEEDLES OR KNIVES:

If a deputy is cut or punctured by a needle or a knife or other instrument while searching a suspect or handling contaminated evidence, follow these general guidelines:

1. Allow the wound to bleed (unless severe bleeding occurs) until all flow ceases. Then cleanse the wound with alcohol-based cleanser (or pre-moistened towelettes) and then with soap and water. Do not rely exclusively on towelettes: wash wounds thoroughly with soap and water.

2. Seek medical attention as soon as possible after the injury. A physician will then decide the proper treatment.

3. Advise your immediate supervisor, make a report, and/or follow any other policy for reporting injuries, including the notification to the Injury/Nurse hotline at 1-888-770-0925.

H. PRECAUTIONS AT MAJOR CRIME SCENES:

At the crime scene, deputies and crime scene technicians confront unusual hazards, especially when the crime scene involves violent behavior such as homicides where large amounts of blood have been shed.

1. No person at any crime scene shall eat, drink, smoke, or apply make-up.

2. The best protection is to wear disposable nitrile gloves. Any person with a cut, abrasion, or any other break in the skin on the hands should never handle blood or other body fluids without protection.

3. Nitrile gloves should be changed when they become torn or heavily soiled or if a deputy leaves the crime scene (even temporarily).

4. If cotton gloves are worn when working with items having potential latent fingerprint value, wear cotton gloves over nitrile gloves.

5. Hands should be washed after gloves are removed, even if the gloves appear to be intact.

6. Always keep a plastic bag in the communicable disease control kit to be used only to collect contaminated items (gloves, masks, etc.) until they can be disposed of properly. Clearly mark the bag "Contaminated Material."

7. Shoes and boots can become contaminated with blood. Wash with soap and water when leaving the crime scene, or use protective disposable shoe coverings.

8. Wrap-around eye safety goggles and face masks should be worn when the possibility exists that dried or liquid particles of body fluids may strike the face. Particles of dried blood, when scraped, fly in many directions, so wear goggles and masks when removing the stain for laboratory analysis.

9. While processing the crime scene, be constantly on the alert for sharp objects, such as hypodermic needles, razors, knives, broken glass, nails, etc. Use of mirrors may be appropriate while looking under car seats, beds, etc.

10. Use tape -- never metal staples -- when packaging evidence.

11. If practicable, use only disposable items at a crime scene where blood or other body fluids are present. Even those items (gloves, masks, shoe coverings, pens, pencils, etc.) must be decontaminated before disposal. If autoclaving is not possible, contaminated items must be covered with a bleach solution (one part bleach to ten parts water, or undiluted bleach).

12. Before releasing the crime scene, advise the owner of the potential infection risk and suggest that the owner contact the local health department for advice.

13. Warning labels must be placed on all plastic evidence bags to go to the crime laboratory.

VI. VACCINATIONS

The department affords all employees who have occupational exposure to hepatitis B the opportunity to take the HBV vaccination series at no cost within 10 working days of assignment to an occupationally exposed duty. The vaccination shall be provided only after the employee has received departmental training in communicable diseases, is medically fit for the vaccinations, and has not previously received them.

VII. OCCUPATIONAL EXPOSURE TO COMMUNICABLE DISEASES

A. NOTIFICATION:

1. All employees shall, as soon as practicable, document possible exposure to infectious fluids or materials. In any case, employees shall immediately notify their supervisor of possible exposure. Virginia Code Section 32.1-45.2 requires public safety employees to immediately notify their agencies "of any possible exposure prone incident."

2. Examples of such exposure are:

   a. Direct contact with body fluids on chapped or open areas (cuts, scratches) on the skin or on mucous membranes (i.e., eyes, mouth).

   b. Direct mouth-to-mouth resuscitation (CPR) without use of a one-way valve.

   c. Receiving a cut or puncture wound as a result of searching or arresting a suspect or handling contaminated evidence.

B. TESTING:

If a member of the Sheriff's Office is exposed to the body fluids of a person who has or is suspected to have a communicable disease, the member must be evaluated for evidence of infection. The Injury/Nurse hotline shall be utilized for further instructions.

1. The person whose body fluids were exposed to a deputy may state that he or she has AIDS. Often, a person may try to prevent police from withdrawing blood for drug screening (as in a DUI arrest), although, in fact, he or she is not infected at all. While the Sheriff's Office cannot coerce a citizen--suspect or otherwise--to take periodic tests for infection, the Sheriff's Office will try to convince the citizen who may have transmitted infection to do so.

   a. Virginia Code 32.1-45.2 states that if any person or employee has been exposed to body fluids, the person or employee whose fluids were involved will be requested by the agency to consent to HBV or HIV testing and disclosure of results.

   b. Virginia Code 18.2-62 provides measures whereby a person charged with any crime involving sexual assault, or particular

offenses against children may be ordered to submit to HIV testing.

2. Personnel should understand the difficulty of transmitting HIV and hepatitis B. If infection control measures have been followed, the risk is very low.

C. Testing for presence of infection shall be done if indicated by a medical assessment (after an incident involving the possible transfer of blood or other body fluids). The following information details testing methods and their reliability.

1. AIDS/ARC/HIV:

a. Blood tests can detect HIV antibodies (produced by the body's immune system).

b The two common tests for HIV antibodies are the ELISA (Enzyme-Linked Immunosorbent Assay) and the Western Blot. Since the ELISA is less expensive and easier to perform, it is usually used as a first screen for HIV. If the ELISA identifies the person as seropositive, a second ELISA is performed. If the second test is also positive, a Western Blot is usually performed to confirm the results.

c. Since HIV antibodies may not develop for some months after a person has been infected, an initial negative result may not mean freedom from infection. High false positive rates also occur with the use of only ELISA test.

d. One must be tested, then, immediately following the incident (for a baseline) and then six and twelve months later.

e. The Sheriff’s Office shall ensure that the employee receives qualified counseling during the testing period.

f. The Virginia State Public Health Department provides free confidential or anonymous testing (both ELISA and Western Blot) in every health district. The results are given only to the person tested or others only as described under Virginia Code 32.1-36.1. State law, under Section 32.1-36.1, provides confidentiality and prescribes a penalty.

2. Hepatitis B - A blood test can confirm the presence of hepatitis B virus six to eight weeks after exposure.

3. Tuberculosis - This disease is detected first by a skin test, then confirmed by an x-ray.

D. CONFIDENTIALITY:

Confidentiality of information concerning test results is paramount. The victim has a right to privacy in employer-maintained information about his/her health. No need exists for a supervisor routinely to know that a person tests positive (for HIV or hepatitis B). The department views a breach of confidentiality as a serious disciplinary problem which may result in suspension or termination of employment.

Under most circumstances, medical authorities will retain confidential records unless the employee tested or state law requires it.

E. POSITIVE TEST RESULTS:

1. Any person who tests positive for HIV or hepatitis B shall not be summarily removed from duty. The Sheriff's Office shall make no restrictions simply because of diagnosis. These diseases are not spread by casual contact (as between co-workers in the Office). The Sheriff's Office shall alter an employee's assignment only when he or she can no longer perform the required duties.

   a. The Sheriff's Office shall ensure continued testing, if necessary, of members for evidence of infection, and shall provide psychological counseling if necessary.

2. Any person who tests positive for tuberculosis may be restricted from working for a period of time. The medical evaluation will determine the stage and type of disease the person has contracted and if he/she is contagious. A tuberculosis-infected person requires medication and shall not return to work until the doctor says he/she is non-communicable.

F. JOB PERFORMANCE:

1. Communicable disease-infected employees shall continue working as long as they maintain acceptable performance and do not pose a safety or health threat to themselves or others in the Sheriff's Office.

   a. Where feasible, an employee who has medical complications from a communicable disease will either be reassigned to another job or have his/her job restructured so that he/she can remain employed. As necessary, medical documentation shall support requests for job restructure or reassignment. All personnel shall treat such employees in the same manner as employees who suffer from other serious

diseases or handicaps: that is, fairly, courteously, and with dignity.

b. The Sheriff's Office may require an employee to be examined by the department physician to determine if he/she is able to perform his/her duties without hazard to him/herself or others.

G. FEDERAL LAW:

Employees infected by communicable diseases are generally protected by the federal Rehabilitation Act of 1973.

H. DISCRIMINATION:

The Sheriff's Office expects all personnel to continue working relationships with any fellow employee recognized as having AIDS/ARC, hepatitis B, or non-communicable tuberculosis. The Sheriff's Office will consider appropriate corrective or disciplinary action against an employee who threatens or refuses to work with an infected employee or who disrupts the Sheriff's Office mission.

I. RECORDS:

The Sheriff's Office maintains a record for each employee detailing incidents of occupational exposure, including information on vaccination status; the results of examinations and tests; health care professionals' written opinion; and any other relevant information. These records are retained by the Sheriff in secure storage for the duration of tenure of employees plus 30 years, and shall not be disclosed or reported without the express written consent of the employee.

VIII. TRAINING

A. Education on communicable diseases shall be continuous in the Sheriff's Office. The training officer shall ensure that all members of the agency with occupational exposure shall receive a course of instruction on blood borne diseases before their initial assignment. Further, each affected employee will receive annual refresher training plus any additional training appropriate to the particular employee assignment.

B. The training officer shall retain complete records on instruction of employees to include dates of training; content of sessions; names and qualifications of trainers; names and job titles of attending employees.

C. The training officer is responsible for dissemination of updated information to all personnel and for appropriate educational programs

about communicable diseases. These programs shall include at a minimum:

1. Written information concerning AIDS/ARC/HIV, hepatitis B, and tuberculosis in the form of brochures, bulletins, memorandums, or fact sheets.

2. Group and/or individual presentations and discussions provided by adequately trained personnel or experts from outside the Sheriff's Office.

3. Local resources for further medical and law enforcement information.

4. For more information, personnel may at any time contact:

    a. National Hotline for AIDS - 1-800-342-AIDS
    b. Virginia AIDS Info Hotline - 1-800-533-4148
    c. AIDS Update (Dept. of Health and Human Services) 1-202-245-6867
    d. AIDS Clearinghouse (America Responds to AIDS) 1-800-342-7514
    e. National Institute of Justice - AIDS Clearinghouse 1-301-251-5500
    f. State and local public health department
    g. Local American Red Cross
    h. Forensic laboratories

AIDS-RELATED CONCERNS OF PERSONNEL

ISSUE	INFORMATION
Human Bites	A person who bites is typically the one who gets the blood, viral transmission through saliva is highly unlikely. If bitten by anyone, gently milk wound to make it bleed, wash the area, and seek medical attention.
Spitting	Viral transmission through saliva is highly unlikely.
Urine/Feces	Virus isolated in only very low concentrations in urine; not at all in feces; no cases of AIDS or HIV infection associated with either urine or feces.
CPR/First Aid	To eliminate the already minimal risk associated with CPR, use masks/airways; avoid blood-to-blood contact by keeping open wounds covered and wearing gloves when in contact with bleeding wounds.
Body Removal	Observe crime scene rule: do not touch anything; those who must come into contact with blood or other body fluids should wear gloves.
Casual Contact	No cases of AIDS or HIV infection attributed to casual contact.
Any contact with blood or body fluids	Wash thoroughly with soap and water; clean up spills with 1:10 solution of household bleach.

*Source: Adapted from: Aids and the Law Enforcement Officer: Concerns and Policy Responses by Theodore M. Hammett, Ph.D., Natl. Institute of Justice, U.S. Dept. of Justice, 06/87.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Benefits Program	**NUMBER: 326**
EFFECTIVE DATE: February 2, 2016	
AMENDS/SUPERSEDES: *REVISED: 07/22/2003*	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: PER.03.03	

NOTE

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

I. POLICY

It is the policy of the Campbell County Sheriff's Office to provide retirement, insurance and additional benefits to eligible employees. Additional information about employee benefits can be obtained from the Human Resources Office, whose staff can also help answer any questions concerning coverage, eligibility requirements, etc.

Social Security and Workers' Compensation are the only benefits available to employees paid on an hourly basis, part-time salaried employees, contracted employees and those who may be termed "temporary employees" by virtue of contract employment for a period of less than one year, unless otherwise specified.

II. RETIREMENT BENEFITS

A. Virginia Retirement System

Full-time regular employees under age 65 are required by Chapter 1, Title 51.1 of the Code of Virginia, 1950, as amended, to participate in the Virginia Retirement System (VRS). Participation is optional for full-time regular employees over age 65. The County will contribute the employer portion of the cost and the employee will contribute their portion of the cost of coverage. These Costs are set annually by the VRS.

If an employee leaves the County Service before retirement, he may elect to continue membership in the VRS or receive a refund of the employee's share of accumulated contributions plus interest.

B. VRS Service Retirement

VRS service retirement benefits are available to qualified employees.

C. Law Enforcement Officer Supplement (LEOS) Benefits

Sworn personnel are eligible for a monthly law enforcement officer supplement benefit commencing at age 50 providing that the officer has 25 years total service with VRS and 20 of those years have been in a LEOS covered position that is comparably hazardous to that of a state police officer. The monthly LEOS benefits will remain in effect until social security benefits start.

D. VRS Disability Retirement

VRS disability retirement benefits (regular non-work related or work related) are available to qualified employees.

III. INSURANCE BENEFITS

A. VRS Life Insurance - Group Insurance

Full time regular employees under 70 years of age when employed are also required by Title 51.1, Chapter 1 of the Code of Virginia, 1950, as amended, to participate in a State Group Life Insurance Plan, which is administered by the VRS. These costs are set bi-annually by the VRS and paid in its entirety by the County. This life insurance provides benefits for accidental dismemberment, natural death and accidental death.

Upon natural death, the employee's designated beneficiary would receive approximately twice the annual salary of the employee rounded off to the next highest $1,000. Upon accidental death the beneficiary would receive double the normal death benefit. Upon loss of one limb or sight in one eye, payment is equal to 1/2 the natural death benefit, while the maximum payment for the loss of two or more limbs or sight of both eyes is equal to the natural death benefit. There are exceptions to these amounts and benefits after retirement.

B. Major Medical Plan – Group Insurance

All Campbell County full-time employees and elected officials, as defined in the classification schedule of the current Health Insurance Contract, are eligible to participate in a County Comprehensive Major Medical Group Plan. Specific coverage information is distributed annually to all employees and to all new employees at the time of employment.

Participation is not mandatory, but for employees who choose to participate the County will pay an amount to be approved in each annual budget towards the costs. The amount of County participation is subject to change.

Eligibility and County Participation

1. Employee shall be eligible for participation on the first of the month following the first pay check.

2. When an employee terminates, unless he requests otherwise in writing, the usual premium will be deducted from the final pay check, providing coverage for the following month.

3. Retired employees eligible for VRS retirement benefits may continue their insurance with the County continuing to pay the same monthly employer portion established by the Board towards premiums being paid for active employees until age 65 or until Medicare eligible whichever is earlier, if they apply at the time of retirement and

   a) Were hired prior to July 1, 2006 and retire with at least ten (10) consecutive years of County service or;

   b) Were hired on or after July 1, 2006 and prior to July 1, 2010 and retire with at least twenty (20) consecutive years of County service.

   Retired employees eligible for VRS retirement benefits with at least 15 years of consecutive County service, or less than 15 years of continuous employment who has retired due to line-of-duty injuries, regardless of when hired may continue their health insurance with the County insurance plan until age 65 if they elect to pay the entire insurance premium established for employees in that classification, if they are qualified subject to § 15.2-1517, Code of Virginia.
   Retired employees, upon reaching age 65, are provided with enrollment information to join a Medicare supplement plan, with the retiree funding the entire premium. Retirees who elect to leave the Plan are strongly encouraged to also apply for Medicare A, B and D upon reaching age 65.

   Employees who retire after July 1, 2006, regardless of age, who are eligible for retiree health insurance coverage and who elect to return to work with another organization where they are eligible for health insurance benefits will forfeit their eligibility to remain on the County's Group Health Insurance Plan.

4. If an employee is disabled, he/she is eligible to remain on the County Group Insurance Plan at any age under the same conditions as a retiree, as stated in section 3, above. The term “disability” shall be determined by using the applicable Social Security criteria.

5. A dependent or spouse must be covered by the plan for at least twelve (12) months, those not already covered by the plan may not be added after the retirement or permanent disability date starts. Regulations regarding status changes such as additions to the family (a new spouse or child) are the same after retirement as before.

6. Spouse and/or dependent coverage may continue in the event of death of the retired employee under the same conditions as outlined in Section C, 3 and until the deceased retiree would have turned 65.

7. An employee who is on properly approved Leave without Pay for an entire month may continue coverage in accordance with the Family Medical Leave Act (FMLA) by payment (on a monthly basis) of the cost of the insurance premium.

8. If husband and wife are employed by the County and/or County School System and either elects family coverage, the County will discount the employees’ portion of the premium, as applicable.

9. Under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) employees, spouses, and dependent children who qualify may elect to continue group health coverage for up to 18 or 36 months upon termination of employment, depending on the reason for eligibility.

C. Dental Insurance

Dental Insurance is available for all full time employees. Participation is not mandatory, but for employees who choose to participate, the County will pay an amount to be approved in each annual budget towards the cost of a single employee membership per month. The employee may choose from two other options: the employee +1 plan, or a family membership plan (a minimum of three individuals). The amount of County participation is subject to change.

IV. ADDITIONAL BENEFITS

A. Workers’ Compensation

For information on this benefit, see General Order 303.

B. Social Security/Unemployment Compensation

The County is required by law to participate in the Federal Government's Social Security and Unemployment programs, which offer numerous benefits to qualified employees.

C. Other Insurance

The County may elect from time-to-time to provide, for payroll deductions, other optional benefits, with the cost of premiums paid entirely by the employee. Consult the Human Resources Representative for any additional insurance benefits available.

D. Deferred Compensation Plan

This optional benefit, provided by the National Association of Counties, is a tax-deferred retirement program (Federal and State taxes, but not Social Security taxes). This plan is funded solely through employee payroll deductions. The County does not contribute to the employee's cost of maintaining the plan unless otherwise specified by the Board of Supervisors.

E. Direct Deposit of Payroll Earnings

Management Services will direct deposit payroll earnings into account(s) at specified bank(s), credit union(s), etc. Employees are encouraged to sign up for this benefit upon hire or in the Human Resources Office.

F. Flexible Benefits Plan

The County has an optional "Cafeteria Plan" which allows employees to pick and choose among three benefit accounts: Health Insurance Premium Expense, Health Savings Contribution and Dependent Care Assistance. Contributions to the plan are tax-deferred (Federal, State and Social Security taxes); however, the County does not contribute to the employee's cost of maintaining the plan.

V. EMPLOYEE EDUCATIONAL REIMBURSEMENT POLICY

Sharing of costs by the County for tuition and/or books for previously approved programs of education may be available to full-time County employees on the following basis:

A. The courses must be related to the work responsibilities of the employee's current position or be a position to which it is anticipated the employee may be promoted.

B. Any employee requesting educational reimbursement should complete a Request for Educational Reimbursement Form with his/her department supervisor. The completed form will be submitted with the department's annual budget request in the spring so the Board may consider the request in the budget year in which the course of study is planned. In this way, budgetary considerations will be a determining factor in the decision concerning such reimbursement. Courses must be completed within the fiscal year that the funds are budgeted.

C. The County will pay 50% of tuition and 50% of books for Non-Professional Development classes. All Professional Development classes are 100% funded by the County. However, there is a cap on the number of credit hours for each level of education as well as a dollar amount per credit hour. This Information can be found on the County's intranet or in the Human Resource office.

D. Satisfactory completion of course work is required for reimbursement. When a grading scale is used, satisfactory is defined as maintaining a "C" average, or 2.0 on a 4.0 scale. Before receiving reimbursement, an employee must submit a copy of his report card to the Sheriff to verify completion of the course or attainment of the "C" average.

E. Any reimbursement paid shall be subject to repayment to the County if the employee voluntarily leaves County employment within a period of two years after the completion of such County-sponsored training (date of final class which must be provided by employee).

VI. LAW ENFORCEMENT LIABILITY PROTECTION PROGRAM

The Commonwealth of Virginia provides all sworn employees with liability protection. This protection is at no cost to sworn employees.

VII. EMPLOYEE ASSISTANCE PROGRAM

The county will provide an employee assistance program (EAP) to all employees. EAP is a service designed to help employees and their families resolve personal concerns which may interfere with work or home life. EAP works with the employee to achieve optimum wellness and best work performance.

The EAP is provided as a service to employees. In itself, use of the EAP, by self-referral or supervisory referral is not an indication of illness, inadequacy, or disability. All people have problems in their lives; thoughtful, intelligent people seek appropriate assistance with their problems. Employees are encouraged to self-refer. Immediate family members of full-time employees are also eligible for employee assistance services. An employee's job security or future career advancement will not be jeopardized as a result of his or her participation in the EAP.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: SALARY PROGRAM	**NUMBER: 327**
EFFECTIVE DATE: April 13, 2004	
AMENDS/SUPERSEDES: ***Revised Date: 07/22/2003; Revised Date: 08/10/2000; Issue Date: 10/01/98***	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: PER.03.01	

NOTE

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I. POLICY

It is the policy of the Campbell County Sheriff's Office to compensate employees as per guidelines and regulations of the Virginia Compensation Board and FLSA for police.

II. SALARY

A. The entry level salary for the Campbell County Sheriff's Office is set by the Virginia Compensation Board at a pay grade of L7. The Compensation Board automatically re-grades the salary to a pay grade of L8 at the end of one year of service.

B. Salary differential within the ranks is determined by several factors: longevity of the employee with the Sheriff's Office, experience level of the employee (as determined by the Virginia Compensation Board), the employee's performance merit raise (if applicable), the Campbell County Supplement Program, and possible re-grades of positions within the Department.

C. Salary differential between ranks is determined by the Virginia Compensation Board pay scale. Other factors that may be considered are: longevity of the employee with the Sheriff's Office, experience level of the employee (as

determined by the Virginia Compensation Board), the employee's performance merit raises, and possible re-grades of positions within the Department.

D. The Campbell County Sheriff's Office Master Deputy Program increases selected deputies salaries from the Compensation Boards pay grade L8 to MDL9. This program is conducted in accordance with the Virginia Master Deputy Program policy. For further information on the Master Deputy Program, refer to GO 318.

III. COMPENSATORY TIME

The Campbell County Sheriff's Office compensatory time policy is conducted in accordance with the regulations governing FLSA for police. The only exempt positions are Captains and above.

IV. OVERTIME

The Campbell County Sheriff's Office overtime policy is conducted in accordance with the regulations governing FLSA for police. The only exempt positions are Captains and above.

PAID LAW ENFORCEMENT SERVICES

VLEPSC STANDARD(S):

I. PURPOSE

The purpose of this policy is to provide procedures for paid law enforcement services in Campbell County.

II. POLICY

The Campbell County Sheriff's Office will contract for paid law enforcement services under limited circumstances. Working security at school functions is the most common paid services that the Sheriff's Office provides. When other events occur that may require security, the Sheriff or his designee, will conduct an assessment of the event. The Sheriff or his designee will then authorize or deny the request for paid law enforcement services. These events may include but not be limited to: ball games, concerts, carnivals, etc.

III. PAY RATE AND PAY RECORDS

A. The Campbell County Sheriff's Office sets the pay rate per hour per deputy, with a minimum of three hours per deputy for any event. This rate will be reviewed by the Sheriff annually.

B. Pay records are maintained by the Sheriff's Administrative Specialist. Deputies working paid law enforcement services will complete their times of services for an event with a time sheet identified for that event. The Administrative Specialist computes the fee and bills the appropriate entity. That entity pays the Sheriff's Office, who in turn submits the deputies pay records to Central Accounting for payment in accordance with FLSA. The deputy receives payment for these services in his/her regular monthly paycheck.

IV. CONTRACTS

A. The Sheriff or his designee reviews contracts for paid law enforcement services annually. If there are concerns that require modification to the contract, he will contact the appropriate entity to discuss such modifications.

B. Termination of contracts for paid law enforcement services can be initiated by either party of the contract with twenty days advance written notice from either party. Short term or special events date of termination will be specified in the contract.

V. LIABILITY ISSUES

Liability issues arising from incidents during paid law enforcement services will be handled in accordance with Sheriff's Office protocol. Liability will be accepted by the Sheriff's Office; however, reports or negligence, abuse, or misuse that may have caused such liability will be investigated by the Internal Affairs function within departmental policy.

VI. SUPERVISION

The Campbell County Sheriff's Office chain of command will retain supervisory responsibility and control of agency personnel while they are working paid law enforcement services.

VII. USE OF AGENCY EQUIPMENT AND FACILITIES

Sworn law enforcement personnel working paid law enforcement services are permitted / required to use their departmental equipment and facilities during such services.

This General Order becomes effective July 22, 2003 and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

R. E. Maxey, Jr.
SHERIFF

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Budget / Assets	**NUMBER: 329**
EFFECTIVE DATE: April 18, 2013	
AMENDS/SUPERSEDES: ***Revised Date: 05/24/2012***	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: ADM. 15.01 – 15.04; ADM.16.01; ADM.16.02; ADM.16.04	

NOTE

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

I. POLICY

The Sheriff of Campbell County prepares annual budgets and manages all assets of the Sheriff's Office. The Sheriff is responsible for preparing and submitting the Campbell County Sheriff's Office Annual Budget requests to the Campbell County Board of Supervisors and Virginia Compensation Board.

II. PURPOSE

The purpose of this General Order is to explain Sheriff's Office procedures and practices concerning fiscal management and assign certain responsibilities for fiscal management within the Campbell County Sheriff's Office.

III. PROCEDURES

A. RESPONSIBILITIES:

The Sheriff has the authority and responsibility for fiscal management and fiscal matters for the Campbell County Sheriff's Office.

1. The Sheriff will be personally involved in departmental financial management.

2. The Administrative Services Division has specified responsibilities in the areas of acquisition, receipt, inspection, storage, and issue of Sheriff's Office property and equipment.

B. ANNUAL BUDGETS:

1. The budgetary process is prescribed by the Sheriff and is an essential planning tool which enables the Sheriff's Office to organize its financial resources in an objective-directed effort to derive the maximum return for the tax dollars expended.

2. Annually, in late December and early January, the Sheriff's Office's budgets for the next fiscal year are prepared. The Sheriff may solicit input from Division Commanders for specific budget developments.

3. Budgeting is a continuous process, which is the responsibility of the Sheriff. It involves the identification of objectives and the determination of organizational needs based upon a reasonable assessment of future requirements.

4. The Sheriff's Office budget represents an evaluation of relative needs based upon quantitative and qualitative data. It involves a decision regarding objective priorities with consideration given to the volume and type of work required and costs involved.

5. Written recommendations and justification for budget lines, particularly those dealing with requests for additional personnel or major new capital item acquisition, will be based on detailed operational and activity analysis which will clearly demonstrate need, operational capability to be enhanced, etc. Those recommendations will become part of the Sheriff's budget back-up information or may be submitted as part of the budget for consideration by the Campbell County Board of Supervisors.

C. ACCOUNTING:

Monthly budget printouts will provide the following:

1. Initial appropriation for each account;

2. Balances at the commencement of the monthly period;

3. Expenditures and encumbrances made during the period; and

4. Unencumbered balances.

D. SHERIFF'S OFFICE FUNDS:

1. All official cash funds in the Sheriff's Office must be properly collected, safeguarded, and disbursed in accordance with acceptable accounting protocol that complies with the Virginia Sheriff's Accounting Manual and the Code of Virginia.

2. **All official cash funds or accounts** where agency personnel are permitted to receive, maintain, or disburse cash include at a minimum:

   a. A balance sheet, ledger, or other system that identifies initial balance, credits (cash income received), debits, (cash disbursed), and the balance on hand;

   b. Receipts or documentation for cash received;

   c. Authorization for cash disbursements, including the Sheriff or his designee's authorization for expenses in excess of $5,000;

   d. Records, documentation, or invoice requirements for cash expenditures;

   e. Persons or positions authorized to disburse or accept cash (determined by the Sheriff or his designee for each individual account);

   f. A minimum of a quarterly accounting of all agency cash activities; and

   g. An independent audit of the Sheriff's Office fiscal activities.

E. CASH AS EVIDENCE OR FOUND PROPERTY:

All cash taken as evidence or turned into the Sheriff's Office will be properly accounted for as in General Orders 1101 and 1102.

F. PROPERTY DISPOSAL

All property acquired by the Sheriff's Office that is to be disposed of shall be disposed of in accordance with VA Code § 8.01-492; §15.2-1719; §15.2-1720; and §15.2-1721.

1. In case of any property sold under court order, the Administrative Specialist is responsible to ensure prompt deposit of revenues with the Clerk of the Court issuing the order.

2. In the case of public sale of items lost or found or unclaimed non-evidentiary items, the Administrative Specialist is responsible to ensure that appropriate deposit is made to the County Treasurer.

3. In the case of sale of property of the Campbell County Sheriff's Office, sale proceeds will be turned over to the Treasurer of Campbell County.

4. In the case of sale of property levied on by the Campbell County Sheriff's Office, the Administrative Specialist will be responsible for making proper payments to the Plaintiff. The Administrative Specialist logs all monies received from levies in the receipt book. A copy of the receipt is given to the defendant. The Administrative Specialist will then deposit the said monies and write a check to the Plaintiff. The Administrative Specialist and/or the Sheriff are the only persons allowed to disburse these monies.

G. INTERNAL MONITORING / INDEPENDENT AUDIT:

1. All Division Commanders will, in the performance of their duties, monitor Sheriff's Office fiscal activities. Such internal monitoring serves to provide pertinent information for determining whether established internal control procedures are being administered effectively and for evaluation of performance of staff responsibilities for fiscal management functions. Any discrepancies or suggestions for improvements should be reported to the Sheriff.

2. An independent audit is conducted annually of the accounts and finances of the Campbell County Sheriff's Office. **All** Sheriff's Office accounts are audited at that time.

H. PURCHASING:

1. All purchasing of Campbell County Sheriff's Office supplies and equipment will be in compliance with the Purchasing Manual of Campbell County. Normally, the Sheriff will cooperate with and assist the Purchasing Agent in the development of specifications for items requiring standardized purchases, bidding procedures, and criteria for selection of vendors and bidders.

2. The County Purchasing Manual provides for small item, or emergency purchases, or rental of equipment during periods of time when normal purchasing procedures cannot be followed. All Division Commanders will use discretion and attempt to hold such purchases to the minimum essential for mission accomplishment. Any questions may be referred directly to the Sheriff or Chief Deputy for resolution.

I. INVENTORY CONTROL OF PROPERTY, EQUIPMENT, AND OTHER ASSETS:

The Commander of the Administrative Services Division, Commander of the Field Operations Division, and the Administrative Specialist are responsible for compliance with inventory control procedures and will ensure:

1. Proper accession of all capital or other major items of equipment of county inventory, assignment of control numbers, and proper markings. Items having an individual value of $25,000 or more will be classified as a capital asset. Any other items may be inventoried at the discretion/direction of the Sheriff.

2. Appropriate deletion of items properly authorized for disposal by the Sheriff and the deletion from inventory.

3. Proper issue of individual clothing and equipment to employees, maintaining an individual inventory/listing, and responsibility therefore.

4. Proper reporting of and disposition of damaged, excess, and surplus property as directed by the Sheriff.

5. Maintenance of complete records for all Sheriff's Office property, equipment, and other assets.

6. Storage and control of all weapons and ammunition retained in the armory.

7. Proper issue of weapons to employees or members, including maintenance and inspection.

J. SUPPLEMENTAL OR EMERGENCY APPROPRIATION AND FUND TRANSFERS:

1. Campbell County Sheriff's Office procedures exist which provide adjustment mechanisms which the Sheriff may use to request approval of the transfer f funds from one account to another as shortages and overages are respectively identified. Such requests are made to the Sheriff depending on the amounts and reasons therefore.

2. When emergency situations arise involving any circumstances that could not have been anticipated by prior fiscal planning, the Sheriff must request additional funding from the Campbell County Board of Supervisors, who may, in turn approve and authorize.

K. CONTRACTS SUCH AS MAINTENANCE AND SERVICE AGREEMENTS

1. The Sheriff's Office will occasionally have need for maintenance and service agreements for items purchased. Quotes should be obtained prior to the start of the budget planning period for each fiscal year in order to request needed funds for the appropriate line items.

2. It is recommended that maintenance/service agreements funds be requested for purchases such as radios, in-car cameras, laptops, software, etc.

PLANNING AND RESEARCH

VLEPSC STANDARDS: ADM.10.01

I. PURPOSE

It is essential that there be planning in the law enforcement field. From the Sheriff, who must devise long-range plans involving all Sheriff's Office resources, to the individual officer who must discuss an operational plan with his associate officers, there exists a necessity for planning. The requirement that employees plan their action is commensurate with the degree of responsibility and accountability for the results of that action.

Officers are confronted with a myriad of circumstances which require action. In an attempt to utilize collective experience and research in assisting officers to deal with such diverse situations, procedures are formulated to direct action in certain generalized situations. It is impossible to provide standing procedures for officers to follow in every situation; therefore, officers must be provided with policy guidelines to assist them in exercise of discretion. The combination of policy and procedures reinforced by training, acts to provide a structurally sound framework within which to function.

In addition to developing standard procedures, the Sheriff's Office must devise single-use plans to accommodate specific needs. These plans may involve an Office-side response to a major occurrence or a tactical answer to an isolated incident. Once executed, such plans should be evaluated for the development of standing procedures or for future reference in analogous situations.

II. PURPOSE

The purpose of this General Order is to explain how Sheriff's Office planning and research functions are performed, responsibilities assigned, and relationships clarified.

III. PROCEDURES

1. General

   a. Planning and research activities are essential to effective management of the Campbell County Sheriff's Office. Complex demands for law enforcement services require that the Sheriff's Office carefully research operational alternatives and plan future programs.

b. Planning and research functions are performed under the direct supervision of the Sheriff and include, but are not limited to, the following types of activities:

1) Multi-year planning is a function of the Sheriff whose duties include long-range (five year) planning of needs for the Sheriff's Office. This includes, but is not limited to, budget, equipment, and manpower needs based on forecast change of population, service area, etc.

2) Operations planning is a function shared by the supervisors. In addition to operational plans for events and activities, they assist the Sheriff in developing and maintaining standard operating procedures, design preventive patrol activities, and publish policies and procedures known as Administrative Orders. These orders are reviewed every year for the purposes of deletion or revision.

3) Budgeting is a responsibility of the Sheriff with input developed by the staff.

4) Development of manpower allocation alternatives is a function of the Sheriff.

5) System analysis is a function shared by the Sheriff and the supervisors of the Technical and Administrative Services Division, Field Operations Division, and the Criminal Investigations Division. They will periodically review the Sheriff's Office's information management systems and attempt to introduce appropriate law enforcement application systems as used in Departments of our size elsewhere in the United States.

6) IBR reporting is a function of the Records Manager.

7) Contingency planning is accomplished by all staff within functional areas.

8) Grant management may be assigned to any appropriate unit by the Sheriff for the purpose of seeking funding for various enforcement/training projects.

9) Forms selection and control is a function of the Sheriff.

c. All supervisors will accomplish planning and research activities on a part-time basis, as part of their normal staff activities. All will report directly to the Sheriff in areas of planning and research.

d. The Sheriff will ensure the goals and operational objectives for the Department are will planned and documented in order to provide for adequate staffing/operational funding for future years. Multi-year considerations will include:

1) Anticipated workload and population trends;

2) Anticipated personnel levels;

3) Anticipated capital improvements and equipment needs.

2. Scope of Planning

While every plan differs according to the need for which it is developed, each should define need, objective, scope and purpose, method for implementation, and a means of evaluating effectiveness.

3. Use of Planning Task Force

When a need develops for a single-use plan affecting more than a single Division, or when it is necessary to develop a major project within a limited time, it may be appropriate to assemble a task force whose staff is provided on loan from various Divisions. When a task force is assembled, it must be structured with clearly defined objectives, organization, responsibility, and authority. It should be placed under the control of an existing organizational unit whose supervisor has responsibility and accountability for its performance.

4. Committees

The Sheriff will represent the Sheriff's Office on the Technology Review Committee for Campbell County. This committee serves the county on issues of planning and research. The committee meets quarterly to insure that goals are established and prioritized to advance the technological capabilities of the County operations.

This General Order becomes effective July 23, 2003 and rescinds all previous rules and regulations pertaining to the subject.

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ISSUED BY:

R. E. Maxey, Jr.
SHERIFF

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Volunteers	**NUMBER: 331**
EFFECTIVE DATE: November 2, 2004	
AMENDS/SUPERSEDES:	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS:	

NOTE

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I. PURPOSE

This policy establishes the Campbell County Sheriff's Office position on the utility and management of its volunteer program and provides guidance on its management and administration.

II. POLICY

Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase law enforcement responsiveness, service delivery, and information input, and they provide new program opportunities.

In addition, volunteers can bring new skills and expertise to the job and prompt new enthusiasm. It is the policy of this Sheriff's Office to use qualified volunteers for specified tasks and duties that can create efficiencies for the department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel.

III. DEFINITIONS

Volunteer: Someone who performs service for the Sheriff's Office without promise, expectation, or receipt of compensation for services rendered. This may include unpaid chaplains, officers, interns, persons providing administrative support, and youth involved in a Law Enforcement Explorer Post, among others.

IV. PROCEDURES

A. Administration

1. The Chief Deputy is designated as the Volunteer Coordinator, who along with the Administrative Specialist shall be responsible for the following:

    a. Recruiting, selecting, and training qualified volunteers for various positions.

    b. Maintaining employment records for each volunteer.

    c. Maintaining a record of volunteer schedules and work hours.

    d. Completion and dissemination as appropriate of all necessary paperwork and information.

    e. Planning periodic recognition events.

    f. Administering discipline when warranted.

2. All requests for volunteers shall be routed through the designated chain of command for review and volunteer selection.

B. Recruitment

Volunteers shall be recruited on a continuous and ongoing basis consistent with the Sheriff's Office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process shall be an interest in and an ability to assist the agency in serving the public.

C. Screening

1. All prospective volunteers shall complete the volunteer application form.

2. The volunteer coordinator, or designee, shall conduct a face-to-face interview with an applicant under consideration.

3. A documented background investigation shall be completed on each volunteer applicant and shall include but not necessarily be limited to the following:

    a. Traffic and criminal record

    b. Employment

c. References

D. Selection and Placement

1. Upon their selection, applicants shall receive a confirmation letter prior to the start of service.

2. All volunteers shall receive a copy of this volunteer policy.

3. All volunteers shall be required to sign a volunteer agreement.

4. Volunteers shall be placed only in job assignments or programs that are consistent with their knowledge, skills, abilities, and the needs of the agency.

E. Position Description

1. Volunteers shall be provided with a comprehensive written position description detailing their duties.

2. Volunteers shall be used only in accordance with this description. Volunteers shall not work without a written job description or outside the limits of job responsibilities specified in the job description.

3. Position descriptions shall be reviewed periodically to ensure that they accurately reflect the volunteer's duties and responsibilities.

F. Training

1. Volunteers shall be provided with an orientation program to acquaint them with the department, personnel, policies, and procedures that have a direct impact on their work assignment.

2. Volunteers shall receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position.

3. Volunteers shall receive periodic ongoing training as deemed appropriate by their supervisor or volunteer coordinator.

4. Training shall reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are, sworn deputies or other full-time members of the Sheriff’s Office. They shall always represent themselves as volunteers.

5. All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Sheriff’s Office.

G. Fitness for Duty

1. No volunteer shall report to work or be on duty when his or her judgment or physical condition has been impaired by alcohol, medication, other substances, illness, or injury.

2. Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

   a. Driver's license

   b. Medical condition

   c. Arrests

   d. Criminal investigations

H. Dress Code

1. Volunteers shall conform to department-approved dress consistent with their duty assignment.

2. Uniforms, if authorized for volunteers, shall be readily distinguishable from those worn by sworn deputies.

3. No volunteer shall wear his or her uniform or identifiable parts of that uniform while off duty.

4. Volunteers shall be required to return any issued uniform or agency clothing at the termination of service.

I. Confidentiality

1. With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all Sheriff's Office information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

2. Each volunteer shall sign a nondisclosure agreement. Subsequent disclosure of any confidential information, verbally, in writing, or by any other means, shall be grounds for immediate dismissal and possible criminal prosecution.

3. Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Sheriff's Office, or maintain that they represent the Sheriff's Office in such matters without permission from the Sheriff.

J. Property and Equipment

1. Volunteers shall be issued an identification card that must be worn at all times while on duty.

2. Any fixed and portable equipment issued by the Sheriff's Office shall be for official and authorized use only.

3. Any property or equipment issued to a volunteer shall remain the property of the Sheriff's Office and shall be returned at the termination of service.

K. Disciplinary Procedures/Termination

1. A volunteer may be removed from the volunteer program at the discretion of the CEO. Termination of volunteers shall not be subject to due process considerations and volunteers shall have no property interests in their continued employment.

L. Evaluation

1. An evaluation of the overall volunteer program shall be conducted on an annual basis.

2. Regular personnel evaluations shall be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Public Information	**NUMBER: 400**
EFFECTIVE DATE: February 17, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.22.01; ADM.22.02	

NOTE

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I. PURPOSE

This General Order is issued for the purpose of establishing the agency's media relation policies and outlining procedures and responsibilities for the release of information to the news media.

II. POLICY

A. Crime prevention and effective agency performance necessitates a cooperative effort by the Sheriff's Office and the citizenry. The Sheriff's Office's goal is to serve and protect the public and be responsible to the public. Therefore, the public has the right to be informed about the Sheriff's Office's activities and operations. The Campbell County Sheriff's Office is committed to informing the community and the news media of events within the public domain that are handled by or involve the agency. The position within the agency that is responsible for the public information function is the Public Information Officer(s).

B. The news media serves as important conduits of information to the public. A relationship of trust, cooperation and mutual respect between the agency and the news media is essential to realizing common objectives, such as serving and informing the public. All members of this department will extend to the media a courteous and cooperative attitude within the guidelines and limitations defined in this Order and with the understanding that successful accomplishment of the agency's mission takes precedence.

C. The provisions of this Order shall be applicable to the release of all official information of the Campbell County Sheriff's Office including, but not limited to, statistical data, records, complaints, cases and statements of departmental position.

III. PUBLIC INFORMATION OFFICER(S) FUNCTIONS

A. The Public Information Officer(s) shall serve as the primary point of contact for news media representatives. The Public Information Officer(s) duties will be accomplished by the Sheriff, Major, Captain(s), Lieutenant(s), or their designee. The Public Information Officer shall include in their duties the following functions:

1. Assist news personnel in covering routine news stories and at the scene of incidents. It is the policy of this agency to make available to the news media information regarding crimes and other incidents unless such information is legally privileged, would violate the Constitutional rights of an accused or is otherwise specifically prohibited in this or any other agency directive. The department will disclose information as promptly as circumstances permit. However, at no time will information be released prematurely or withheld for the exclusive benefit of any individual reporter or segment of the news media. Specific inquiries of an exclusive nature will be respected;

2. Be available for on-call responses to the news media at all times;

3. Prepare and distribute agency news releases. The Public Information Officer shall be responsible for drafting press releases for the Sheriff's Office. He/she shall also distribute the press releases to all interested news agencies;

4. Arrange for and assist at news conferences;

5. Assist in crisis situations within the agency. These situations may include prisoner escapes, a hostage/barricade incident within the court complex or an "officer down" incident. The Public Information Officer shall aid command activities by relaying necessary public information;

6. Coordinate and authorize the release of information concerning confidential agency investigations and operations; and

7. Coordinate and authorize the release of information regarding victims, witnesses and suspects.

IV. PRESS RELEASES

A. Formal, written press releases will be prepared and disseminated to all local and other interested news agencies covering specific major incidents, events or crimes. These incidents may include homicides, rapes, armed robberies, natural disasters, escapes, drug raids, etc. These releases will be provided to the media as situations arise.

B. Routine press releases will be released to all local and other interested news agencies covering the past day's events. The Public Information Officer(s) will handle calls from news agencies by telephone or in person, on a daily basis, with routine reported crimes and events.

V. PROCEDURES AND RESPONSIBILITIES

A. Authority to release official department information of any type shall be limited to the Sheriff, Major, Captains, Lieutenants and the designated Public Information Officer(s) (hereinafter referred to as "information releasing authorities") or individuals specifically designated by them, except as expressly provided elsewhere in this Order. Prior to releasing information concerning active criminal investigations, the information releasing authority shall first confer with the lead criminal investigator/ deputy to ensure that no information which may jeopardize the successful prosecution is disseminated to the public. Except as noted, no employee shall release any official information to a representative of the news media without specific prior authorization from one of the information releasing authorities.

B. The Public Information Officer(s) may, upon request and with his/her concurrence, request deputies or other employees with first-hand knowledge of a particular Sheriff's Office activity, to provide that information to the media. While employees are encouraged to comply with such requests, no employee will be expected to provide information to news media representatives against his/her will unless fulfilling one of the specific information releasing responsibilities defined in this Order.

   In the absence of the Public Information Officer at the scene of a Sheriff's Office activity, the senior department official present should, if possible, provide a brief synopsis of the situation to any news media representatives on the scene.

C. Communication Center personnel shall provide information to the news media in accordance with directives promulgated by information releasing authorities. Dispatchers may release the nature and location of calls for service to the news media. Dispatchers will refer news media to the Supervisor on duty for any additional information.

D. All supervisors are responsible for ensuring that the Public Information Officer(s) is advised of all newsworthy events occurring within their area of knowledge.

E. Members of the department will first notify the next-of-kin and obtain an identification of a deceased victim of a criminal act or accident prior to releasing the name and address to the news media. Notification of next-of-kin of a living and seriously injured victim of a criminal act or accident will be made before releasing the name and address to the news media. However, if the next-of-kin has not been located after a reasonable length of time, as determined by an information releasing authority, this information may be released, with the approval of the Sheriff or his designee.

F. When an incident involves another county, state or federal agency, the Public Information Officer will coordinate the release of any information with that agency. In instances where this department does not have primary jurisdiction and is assisting another agency, responsibility for release of information shall rest with the agency having primary jurisdiction. When this department has primary jurisdiction, it shall retain responsibility for release of all Sheriff's Office related information, except as may be specifically directed by the Sheriff.

G. Any requests for exceptions to releasing information specifically permitted herein will be brought to the immediate attention of an information releasing authority along with all pertinent circumstances. A decision will then be made on whether to grant such exception or "no publicity" request.

VI. NEWS MEDIA ACCESS

A. All members of this agency shall extend every courtesy to accredited news media representatives who are actively covering a crime or incident scene (natural disasters, major fires, or other catastrophic events). These courtesies shall include permission to gain closer access to the scene than that which may be granted to the general public. News media vehicles and equipment may be located at points nearer the scene than permitted by normal traffic control but, such locations shall not be permitted to interfere with Sheriff's Office operations or the general flow of traffic.

B. Members of the agency will take no action either to discourage or encourage the media in photographing or televising within their view at a crime scene or the scene of any Sheriff's Office operation. This shall include, but not be limited to, the photographing or televising of a suspect, with the exception of juveniles, being taken into custody or being transported, of a victim or evidence. However, media camera persons will not be permitted any closer access than any other media representatives. Evidence may be covered or removed, witnesses removed and other

precautions taken to preserve the scene or protect the integrity of the investigation prior to admitting news media to the scene.

C. No deputy shall knowingly and unnecessarily obstruct news media representatives in the performance of their duties. However, media representatives are neither implicitly nor expressly exempt from any state or federal statute or county ordinance.

D. The department is not a public arbiter of good taste. Restrictions on news media representatives should be based only on the responsibilities and principles contained herein and not on any individual member's view of what constitutes an acceptable standard of journalism or news photography.

E. The Sheriff's Office has no standing to invite the media onto private property without the consent of the owner or person in charge of the property.

F. News media representatives shall not be permitted to interview a person in Sheriff's Office custody. Following incarceration, any such arrangements are the responsibility of the Blue Ridge Regional Jail Authority.

G. Duly authorized representatives of any news media may enter any area closed because of a menace to the public health or safety after producing valid media credentials and being advised of the dangers present, provided such entry does not in any way hinder the Sheriff or other public safety operations. The decision to assume the risk of possible danger remains with the individual news person. It is not the responsibility of department members to provide for the safety of those representatives of any news media who voluntarily choose to subject themselves to danger.

H. Responsibility for the conduct of public information activities normally is assumed on the same basis as responsibility for public safety response to the incident. Thus, the Sheriff's Office is responsible for the control of news media access and release of information at incidents which involve crime and criminal investigation. Fire and Rescue Services are generally responsible for control of news media access at fires or incidents in which rescue is the immediate concern. In certain such instances where Fire and Rescue Services may have initial primary responsibility, which responsibility may pass to the Sheriff's Office if it is conducting an investigation following the cessation of fire suppression or rescue efforts. When necessary to preserve evidence, either for investigation of the cause of an accident or when a crime may have been committed, the Sheriff's Office may impose access restrictions more stringent than those normally required by Fire and Rescue Services. Such additional restrictions shall be no more stringent than the need to protect evidence requires.

I. If a deputy at the scene of a Sheriff's Office event has reason to question the status or actions of any person who claims to be a media representative, instructions should be sought from a supervisor or the Public Information Officer, if available, or, if appropriate, the Fire and Rescue Services Officer in charge.

J. Any employee having a complaint regarding the conduct of any news media representative should forward such complaint to the Public Information Officer. He/she will receive and record the complaint and make such investigation as may be deemed appropriate. If the complaint is found to be valid, the Sheriff will forward a letter to the news media representative specifying a complaint was made and substantiated and request that representative to avoid such conduct in future contact with the department. A second substantiated complaint against the same representative will be brought to the attention of appropriate management personnel of the news media organization.

RELEASE OF INFORMATION

I. PURPOSE

This General Order is issued for the purpose of establishing guidelines for the public release of official Sheriff's Office information in accordance with the policies and procedures delineated in General Order 400.

II. RELEASE OF INFORMATION

A. The following information should be made available to news media in criminal matters, subject to restrictions contained elsewhere in this Order or in General Order 400. The media relations officer shall be advised whenever information is released in accordance with this General Order.

l. The arrestee's name, if over 18 years old, age, sex, residence, employment and similar biographical information.

2. The substance or text of the charge or charges.

3. The identities of the investigating and arresting agencies and the length of the investigation.

4. The circumstances immediately surrounding an arrest, including the time and place, resistance, pursuit, use of weapons and nature of any injuries sustained.

5. The general circumstances surrounding a crime.

6. The general type of weapon used and general nature of any injuries sustained.

7. In the case of juvenile offenders, age, sex and general area of residence only.

8. When rape or sex offenses are involved, the age and sex of the victim and general location of the offense only, unless more specific geographic information would not jeopardize the anonymity of the victim.

9. Any Information contained in a public record (e.g., executed search warrants filed with a court.)

10. That an investigation is in progress and the general scope of that investigation.

B. The following information **<u>will not</u>** be released to the news media in criminal matters:

1. Information which may jeopardize the successful conclusion of an investigation.

2. Statements related to the character, reputation or prior criminal record of an arrested person or a prospective witness, or any opinion as to the guilt or innocence of the accused.

3. The existence or contents of any admissions, confessions or statements attributable to an accused person, or failure to make a statement.

4. The performance or the results of any examinations or tests, or the refusal of the accused to take any examinations or tests or participate in a lineup.

5. Statements concerning the identity, credibility or anticipated testimony of prospective witnesses.

6. The possibility of a plea of guilty to the offense charged or to a lesser offense, or any other disposition.

7. Opinions concerning evidence or any argument in the case whether or not it is anticipated that the evidence or argument will be used at trial.

8. Name, address and current location of any victims of sex offenses.

9. Names and addresses of witnesses of crimes.

10. Identity of a person charged with a crime, but not yet arrested, unless public assistance is sought in locating the individual, or to warn the public of any dangers the individual may present.

11. Names, addresses or other information which would lead to the specific identity of juvenile offenders.

12. The existence or contents of any suicide note.

13. The amount of money taken in any robbery (except for general

descriptors, such as "small amount" at the discretion of any information releasing authority as defined in General Order No. 400, Section III, A.

14. Names and precise addresses of residential burglary victims (unless specifically authorized by an information releasing authority).

15. Names or other information which would lead to the identity of persons who have attempted to commit suicide.

C. Non-crime related information in the following categories may be released:

1. With review and approval of the Sheriff or Chief Deputy, organizational or policy changes, or major personnel changes providing that the information has been previously released to members of the Department.

2. Human interest stories concerning the Department or its personnel.

3. Accidents, natural disasters, other calamities, or other incidents of public interest.

D. Home addresses or telephone numbers of Sheriff's Department employees **will not be released**.

E. Subject to legal restrictions and adequate notification, photographs of newsworthy events may be provided to news media by the Media Relations Representative.

This General Order becomes effective October 1, 1998, and rescinds all previous rules and regulations pertaining to the subject.

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

ISSUED BY:

R. E. Maxey, Jr.

SHERIFF

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Virginia Freedom of Information Act (VFOIA)	**NUMBER: 401**
EFFECTIVE DATE: August 23, 2017	
AMENDS/SUPERSEDES: **Revised Date: 02/24/2003**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: ADM.22.01; 22.03	

NOTE

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

I. POLICY

It is the policy of the Campbell County Sheriff's Office to treat every oral and / or written request for records as a request under the VFOIA whether or not that law is explicitly cited in the request. However, a request for public records shall identify the requested records with reasonable specificity.

II. PURPOSE

This General Order is issued for establishing procedures for assisting employees in complying with the Virginia Freedom of Information Act (VFOIA).

The VFOIA creates a general rule of mandatory disclosure. Except as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. The custodian in accordance with the Code of Virginia shall provide access to such records by inspection or by providing copies of the requested records, at the option of the requester. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

Persons incarcerated in a state, local or federal correctional facility, whether or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private Management Act or civilly committed pursuant to the Sexually Violent Predators Act. However, this shall not be construed to prevent such persons from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

III. DEFINITIONS

For purposes of the Virginia Freedom of Information Act, and this General Order, unless the context requires a different meaning, the following terms shall have the meanings indicated:

Criminal Incident Information means a general description of the criminal activity reported, the date and general location the alleged crime was committed, the identity of the investigating officer, and a general description of any injuries suffered or property damaged or stolen.

Law Enforcement Official includes the Attorneys for the Commonwealth.

Public Body includes any authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns, and counties.

Public Records means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

IV. DISCLOSURE OF RECORDS; LIMITATIONS

A. Records Subject to Mandatory Release

The custodian of records, utilizing either the CCSO Criminal Incident Information Form or Insurance Report Form, except where such disclosure is restricted or prohibited by law, shall release the following records, reports and documents:

1. Criminal Incident Information relating to felony offenses, which shall include:

General Description of Criminal Activity: This means the nature of the offense, though the specific criminal charge that may be involved need not be specified. For example, sexual assault may be used rather than the more specific terms of rape, sodomy, sexual battery and similar offenses. Drug law violation could be used without specifying the substance involved or whether the case involved possession or distribution.

Date and general location the alleged crime was committed: A specific date should generally be provided, though in some cases a time frame may be appropriate. While the approximate time an event occurred is not required, it may be provided. Street and hundred blocks is one of the most frequently used methods of identifying location. However, if a street or block contains only several residences or buildings, use of a geographic community or subdivision locator identity may be appropriate if protection of a victim's identity is desired.

Identity of investigating officer or other point of contact: This could include either an officer taking an initial report or an investigator assigned to follow up on a case, either or both.

General description of any injuries suffered, property damaged or stolen: Phrases such as stab wound, life-threatening injuries, or injuries that are not life threatening are appropriate. Property may be described in such terms as construction materials, household goods, or assorted merchandise.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of #1 listed above.

Where the release of criminal incident information, however, is likely to jeopardize an ongoing investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in subdivision "a" of § 2.2-3706 A. 1. shall be construed to authorize the withholding of those portions of such information that are not likely to cause the above-referenced damage.

Restrictions on release of certain information: The following restrictions on release of information outlined above or of other information in the custody of a law-enforcement agency should be carefully observed:

(a) Pursuant to Virginia Code the identity of any victim, witness or undercover officer, or investigative techniques or

procedures need not but may be disclosed unless disclosure is prohibited or restricted under Virginia Code § 19.2-11.2.

(1) Virginia Code §19.2-11.2 provides that upon request of any witness in a criminal prosecution under §18.2-46.2, 18.2-46.3, or 18.2-248 or of any violent felony as defined by subsection C of § 17.1-805, or any crime victim, neither a law-enforcement agency, the attorney for the Commonwealth, the counsel for a defendant, a court nor the Department of Corrections, nor any employee of any of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the witness or victim or a member of the witness' or victim's family, except to the extent that disclosure is (i) of the site of the crime, (ii) required by law or Rules of the Supreme Court, (iii) necessary for law-enforcement purposes or preparation for court proceedings, or (iv) permitted by the court for good cause.

(2) Virginia Code §19.2-11.2 also provides that *except with the written consent of the victim of any crime involving any sexual assault, sexual abuse, or family abuse or the victim's next of kin if the victim is a minor and the victim's death results from any crime,* a law enforcement agency may not disclose to the public, information that directly or indirectly identifies the victim of such crime, except to the extent that disclosure is (i) of the site of the crime, (ii) required by law, (iii) necessary for law-enforcement purposes, or (iv) permitted by the court for good cause.

(b) Pursuant to Virginia Code § 2.2-3706 A.3., the identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

2. Accident Report: This report shall be released upon request, either in person or through the mail, unless otherwise prohibited by law.

3. Traffic Summons and Arrest Reports [*Adults Only*]: Information in the custody of law enforcement officials relative to the identity of any individual, *other than a juvenile,* who is arrested and charged, the status of the charge or arrest shall be released. This applies to felony, misdemeanor and traffic arrests or temporary detentions and shall include the identity of the person arrested or detained, the nature of the arrest or detention, and the charge, if any. Any chronological listing of adult arrests is a public document.

However, the Code of Virginia, reflecting federal mandates, prohibits the dissemination of *criminal history record information* outside the law enforcement community by law enforcement agencies. Thus, the release of arrest information is commonly understood to apply to *reasonably contemporaneous* arrests. Requesters seeking older information may be advised to check court records, which are public.

4. Investigative Reports: Law enforcement officials shall release Criminal incident information as defined above unless such disclosure is prohibited or restricted by law. However, complaints, memoranda, correspondence and evidence relating to a criminal investigation or prosecution, *other than* the basic facts described as criminal incident information, are excluded from the disclosure requirements of the VFOIA. (See discussion of criminal Investigations Information at Section IV. B. 1.)

5. Arrestee Photographs: It is required that photographs of adults who are arrested be released *if doing so will not jeopardize an investigation.* The arrestee photograph may be withheld until the release of the photograph will no longer jeopardize the investigation. For example, a photograph may be withheld if the person is to appear in either a photo or live lineup to avoid possible tainting of the process. However, *once these activities are concluded, the photo must be released.* If several agencies are involved in an investigation, coordination is essential to insure that the release of a photo by one agency does not jeopardize the investigation of another agency. There are no requirements in VFOIA relating to either size or quality of adult arrestee photographs. It is important to note that the requirement to release applies to *all* adult arrestees who are photographed, regardless of whether they are charged with a felony or a misdemeanor.

6. Personnel Records: Records of the *position, job classification, official salary or rate of pay of,* and records of the *allowances or reimbursements for expenses* paid to any employee of the Sheriff's Office shall be released upon request. However, these provisions shall not require public access to records of the official salaries or rates of pay of any such public employees *whose annual rate of pay is $10,000.00 or less.* NOTE: Other than the information outlined above, personnel records containing information concerning identifiable individuals are exempt from disclosure under VFOIA. However, present and past employees, eighteen years of age or older, have an absolute right to see their own personnel records. Present and past employees may waive

in writing the confidentiality of his or her personnel records. If the Sheriff's Office receives a signed waiver from the present or past employee, it must then produce that person's personnel records for other requesters, including the news media.

7. Reportable Incident Reports: A compilation of complaints received by the Sheriff's Office and action taken by the law enforcement agency in response thereto.

B. Records Subject to Discretionary Disclosure or Withholding:

The following records, reports and documents are excluded from disclosure under the provisions of VFOIA, but ***may*** be released by the custodian of records ***at the discretion of the Sheriff***, **except where such disclosure is prohibited by law**:

1. Criminal Investigative Files: defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than criminal incident information subject to release in accordance with subdivision 1a of § 2.2-3706. Similar provisions, both as to exemption and release, apply to the in-car video recordings utilized by officers. For example, a recording of a felony traffic stop and apprehension of a criminal suspect would be exempted as criminal investigative material. Those portions of a recording of a routine traffic stop containing identifying information regarding the occupants of the vehicle could be exempted while other portions would not. On the other hand, if there were a question of officer misconduct in connection with a traffic stop, the exemption pertaining to confidential administrative investigations would apply. The VFOIA Officer should be consulted before refusing to release this information.

   Such information *may* be released at the discretion of the Sheriff, but such a discretionary release shall be made only upon completion of a criminal investigation *unless the Sheriff directs otherwise*.

2. Noncriminal incident or other investigative reports or materials: Exempt from disclosure are those portions of such reports or materials *containing identifying information of a personal, medical or financial nature provided to a law enforcement agency where the release of such information would jeopardize the safety or privacy of person(s)*. Examples of information that can and should be protected under this exemption are: reports of suicide

attempts, medical information obtained during unattended death investigations, credit card numbers, and other identifying information recorded on lost property reports and response to domestic disputes where no violence occurs.

3. Adult arrestee photographs are excluded from disclosure when necessary to avoid jeopardizing an investigation in felony cases; such exclusion continues until release of the photograph will no longer jeopardize the investigation. See Arrestee Photographs at Section IV. A. 5 herein.

4. Reports submitted in confidence to (i) state and local law enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1.

5. Portions of records of local government crime commissions that would identify individuals providing information about crimes or criminal activities under a promise of anonymity will not be released. NOTE: Virginia Code § 2.2-3706 A.3., expressly provides that the identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

6. Records involving Neighborhood Watch Programs. The names, addresses, and operating schedules of individual participants in the program that are provided under a promise of anonymity will **not** be released.
7. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment need not but may be released unless disclosure is prohibited or restricted by law.

8. The identity of victims, witnesses, or undercover officer(s), or investigative techniques or procedures *need not* but may be *disclosed unless disclosure is prohibited or restricted under Virginia Code § 19.2-11.2.* (See discussion of the Restrictions on release of certain information at the end of Section IV. A. 1. herein.)

C. Exempt Non-Criminal Records of Law Enforcement Agencies

The following noncriminal records, reports and documents are, *in general*, excluded from disclosure under the provisions of the VFOIA:

1. *Those portions* of noncriminal incident or other investigative reports or materials containing identifying information of a

personal, medical, or financial nature provided to a law enforcement agency where the release of such information could jeopardize the safety or privacy of any person. Examples of such information that can and should be protected under this exemption are: reports of suicide attempts, medical information obtained during unattended death investigations, credit card numbers, and other identifying information recorded on lost property reports and response to domestic disputes where no violence occurs.

2. Information that reveals investigative techniques or procedures. The Sheriff has the option to disclose these.

3. Those portions of any records containing information related to plans for or resources dedicated to undercover operations. For example, unmarked undercover vehicles could be excluded from the agency's fleet roster, which would otherwise be releasable.

4. Records of background investigations of applicants for law-enforcement agency employment; administrative investigations relating to allegations of wrongdoing by employees of a law-enforcement agency, and other administrative investigations conducted by law-enforcement agencies that are made confidential by law. Examples of this would include internal affairs investigations.

5. Engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure.

6. Records of law enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law enforcement personnel or the general public. Also included in this exemption are records of emergency service agencies to the extent that such records contain specific tactical plans related to anti-terrorist activity.

7. Any information describing the design, function, operation or access control features of any security system used to control access to or use of any automated data processing or telecommunications system.

8. Computer programs used to process data that may be included within official records.

D. Electronic Data:

Non-exempted *public* records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall be required to produce records from an electronic database in a format not regularly used by the public body. When electronic or other databases are combined or contain exempt and nonexempt records, the public body may provide access to the exempt records if not otherwise prohibited by law, but shall provide access to the nonexempt records as provided in the VFOIA. The excision of exempt fields of information from a database or the conversion of data from one available format to another shall not be deemed the creation, preparation or compilation of a new public record. The designated electronic data shall be released or withheld as follows:

1. Master Name Database: (Information may be released at the discretion of the Sheriff).
2. Warrant Files: (Not to be released).
3. Criminal Arrest: (Released as per A.1. and A.3.).
4. Traffic Arrest: (Released as per A.3.).
5. Criminal Histories: (Not to be released).
6. Issued Service Weapons Records: (Not to be released).
7. UCR/IBR: (Released as per A.1. & 2.).
8. Wanted Person Files: (Release at discretion of Sheriff).
9. Photographs/Fingerprint Repository: (Release as per A.5., B.2., and B.3.).
10. Crime Analysis Data: (Release at discretion of Sheriff).
11. Traffic Activities: (Release at discretion of Sheriff).
12. Crime Trends and Rates: (Release at discretion of Sheriff).
13. Policy and Procedure Manual of the Campbell County Sheriff's Office. (Release at discretion of Sheriff).

<u>No public body shall be required to *create* a new record if the record does not already exist</u>. However, a public body may abstract or summarize information under such terms and conditions *as agreed to between the requester and the public body.*

E. All Other Records, Reports and Documents:

No records, reports and documents not mentioned in the above list shall be released except under the direction of the VFOIA Officer and/or the Sheriff, unless prohibited by law.

F. Nonexistent Records

The VFOIA only requires disclosure of existing records. It does not require any public body to create a new record or report that does not already exist. Many reporters and other citizens make the mistake of asking for information about a particular subject, or of submitting a list of questions for the public body to answer. Even if the answers to these questions can be gleaned from existing records, the VFOIA does not require the public body to abstract or summarize information out of its records. However, a public body *may* abstract or summarize information under such terms and conditions as agreed between the requester and the public body.

V. VFOIA OFFICER AND CUSTODIAN OF RECORDS

A. The Administrative Specialist or designee shall serve as the VFOIA Officer. Responsibilities of the VFOIA Officer are:

1. Ensure that this policy is updated as necessary in accordance with changes made by the Virginia General Assembly to the VFOIA or with other changes.

2. Maintain a complete record of the requests for information submitted to the Sheriff's Office under the VFOIA as well as the responses to those requests.

3. Monitor the responses provided by agency custodians to ensure that those responses conform with the VFOIA and to agency policy.

4. Maintain a complete written record of all record custodians and alternate records custodians for VFOIA purposes.

5. Report to the Sheriff instances of non-timely response, unauthorized denial of access, any response by someone other than an authorized custodian, or other violations of law or policy.

B. Custodians of Records

1. The Sheriff is the ex officio custodian of the records of the Campbell County Sheriff's Office.
2. The Records Manager will routinely respond to the VFOIA requests under the auspices of the Administrative Specialist (who serves as the VFOIA Officer) or designee.

C. Employees of the Sheriff's Office are to direct requests for information to the appropriate official.

All employees will direct requests for information to the Records Custodian, VFOIA Officer, or Sheriff. Request forms for Records, Reports and Documents shall be maintained by the Records Manager and provided to the requestors as needed.

D. Violation of Virginia Freedom of Information Act

Employees of the Campbell County Sheriff's Office shall comply with the Virginia Freedom of Information Act and this policy. The following acts shall be considered violations of this policy and may result in disciplinary action and/or civil penalties:

1. Refusal to release information as required by state law and this policy.
2. Release of information to the public by employees other than those employees authorized by the Sheriff to do so.
3. Release of information to the public that is restricted or prohibited by law or by direction of the Sheriff.

Virginia Code § 2.2-3714 sets forth a minimum civil penalty of not less than $500.00 nor more than $2,000.00 for violations of the VFOIA that are found by the court to have been willfully and knowingly made. A second or subsequent violation is punishable by a minimum civil penalty of not less than $2,000.00 nor more than $5,000.00.

VI. RECORDS DISCLOSURE PROCEDURES AND COST

A. Letter of Request

Requestors who wish documents, records and reports may fill out a letter of request form or present a written letter of request, although it is not required that the request be in writing. The letter of request shall identify the requested records with reasonable specificity. No mention of the VFOIA is needed.

1. *The VFOIA Officer may deem that a copy of single reports and other documents routinely distributed by this Office will not require a written letter of request*.
2. The Letter of Request Form includes a listing of fees to be charged by the public body for its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen. In any case where it is deemed in advance that charges for producing the requested records are likely to exceed $200.00, the Sheriff's Office may, before continuing to process the request, require the

requester to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records.

3. Cost of Reproduction of Material. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication.

   a. Documents / Photographs

   - Individual sheets: Cost $1.00 per sheet
   - Individual photographs: Cost $1.00 per photograph
   - Insurance Report: Cost $3.00 per report
   - If over one half (1/2) hour of labor is incurred by the employee fulfilling the request, actual cost per hour of work by employee will be added in addition to the above charges.

     NOTE: VICTIMS OF CRIMES AND/OR COMPLAINANTS (PERSON WHO REPORTED CRIME) WILL *NOT* BE CHARGED A FEE FOR THE VFOIA REPORT OR INSURANCE REPORT. PROPER I.D. *MAY* BE REQUIRED BEFORE REPORT IS RELEASED.

   b. Electronic Data / Storage

   - Digital Media: Cost $5.00 per 8 GB flash drive – ***could be more costly depending on storage size of flash drive required***
   - Digital Media – CD or DVD: Cost $1.00 per disc
   - If over one half (1/2) hour of labor is incurred by the employee fulfilling the request, actual cost per hour of work by employee will be added in addition to the above charges.

B. Responses to Letter of Request

Any public body which is subject to the VFOIA and which is the custodian of the requested records shall promptly, *but in all cases within five (5) working days of receiving a request*, make one of the following responses:

1. The requested records will be provided to the requester.

2. The requested records will be entirely withheld because law prohibits their release or the custodian has exercises his discretion to withhold the records in accordance with the VFOIA.

Such response shall be (i) in writing, (ii) identify with reasonable particularity the volume and subject matter of withheld records, and (iii) cite, as to each category of withheld records, the specific state code section that authorizes the withholding of the records.

3. The requested records will be provided in part and withheld in part because law prohibits the release of part of the records or the custodian has exercised his discretion to withhold a portion of the records in accordance with the VFOIA. Such response shall (i) be in writing, (ii) identify with reasonable particularity the subject matter of withheld portions, and (iii) cite, as to each category of withheld records, the specific state code section that authorizes the withholding of the records. When a portion of a requested record is withheld, the public body may delete or excise *only that portion* of the record to which an exemption applies and shall release the remainder of the record.

4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall be in writing and specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an *additional* seven (7) workdays in which to provide one of the three preceding responses.

C. Extension of Time Period for Response to Letter of Request

1. As noted in paragraph 4 in the preceding section, where it is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period and such response (i) is made in writing, (ii) specifies the conditions which make a response impossible, and (iii) complies with the above two requirements *and* is made within five working days, then the public body shall have an *additional* seven (7) work days in which to provide the requested records, withhold the requested records entirely (and document reason therefore), or provide requested records in part and withhold in part (and document reasons therefore).

2. Any public body may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records and a response by the public body within the time required by the VFOIA will prevent the public body from meeting its operational responsibilities. However, before proceeding with a petition, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

3. When it has been determined in advance that charges for producing the requested records are likely to exceed $200.00 and the Sheriff's Office has elected to require the requester to agree to payment of a deposit (not to exceed the amount of the advance determination) prior to continuing to process the request, then the period of time within which the Sheriff's Office shall respond under the VFOIA shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

D. Effect of Failure to Respond to Letter of Request

Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of the VFOIA.

E. Receipts Log

1. The Custodian of Records or designee will maintain a receipt log for all documents/records that they release. The receipt will include any charge paid, what documents were released, and to whom. The original receipt will be maintained by the Sheriff's Office and a copy given to the Requester.

2. Money received as payments by Records Section personnel shall be kept in a locked box in the Administrative Specialist's office pending deposit in the County Treasurer's Office.

3. The Administrative Specialist is responsible to ensure that payments received are deposited into the Sheriff's Office checking account by the last working day of the month. A check will then be written to the County Treasurer along with a report (payments collected) by the 10th of the following month.

4. The Administrative Services Division Commander shall conduct monthly audits to ensure that total amounts resulting from payments received match deposits made with the County Treasurer.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Constitutional Safeguards	**NUMBER: 500**
EFFECTIVE DATE: March 3, 2004	
AMENDS/SUPERSEDES: **GO 317 (Alternatives to Arrest/Use of Discretion) Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM. 02.01 – 02.03, OPR. 02.03; OPR.04.03; OPR.12.03	

NOTE

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

I. POLICY

Of all the actions a deputy might take during the course of duty, the ones with the most severe consequences concern constitutional rights. The use of deadly force might result not only in injury or death but a review of the constitutionality of the act. Similarly, the arrest of a person for a misdemeanor shoplifting, by contrast, invokes the law of arrest and search and seizure issues that are controlled by the Constitution. The U.S. Constitution and the Bill of Rights guarantee every citizen certain safeguards from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. Consequently, these safeguards have placed limitations on the authority of deputies to enforce the laws of the nation, state, and the county of Campbell. The Sheriff's Office expects deputies to observe constitutional safeguards scrupulously and knowledgeably. The department further expects that deputies understand the limits and prerogatives of their authority to act. Respect for the civil liberties of citizens shall be the paramount concern in all enforcement matters.

II. PURPOSE

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

III. PROBABLE CAUSE AND REASONABLE SUSPICION

A. Probable cause

Searches (with the few important exceptions outlined in this order) and all arrests are based on the deputy's perception of probable cause. According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within their [the arresting deputies'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

1. A deputy must have probable cause to undertake a search or make an arrest.

2. When a deputy has appropriate probable cause, he or she may undertake a complete body search (not including a body-cavity search); record the suspect's fingerprints, take the suspect's photograph, and jail him. The aim of probable cause is **to make a formal charge**.

B. Reasonable suspicion

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

1. A deputy must have reasonable suspicion to temporarily detain a citizen.

2. When a deputy has reasonable suspicion, he or she may undertake a pat-down of a suspect's outer clothing for weapons and record the circumstances of the encounter. The aim of reasonable suspicion is **to resolve an ambiguous situation**.

C. Elements of probable cause

1. Probable cause may be established or through anonymous sources provided that the information is corroborated by investigation.

2. Unnamed informants may be used in an affidavit for a search warrant if the informant has first-hand knowledge of the investigation and information is included about why the informant is credible and reliable. See GO 602 for further information on informants.

IV. PROCEDURES - General

A. Law-enforcement authority

1. *Code of Virginia* § 15.2-1701 authorizes any locality to organize a police force and § 15.2-1704 invests the police force of the locality with authority to prevent and detect crime, apprehend criminals, safeguard life and property, preserve the peace, and enforce state and local laws and ordinances.

2. § 49-1 requires that all officers, before performing their duties, take an oath whereby they swear to support the Constitution of the United States and the Constitution of the Commonwealth of Virginia.

3. § 15.2-1603 explains the appointment of deputies, their powers and how they are removed.

B. Limitations on law enforcement authority

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

1. Statutory limitations

These limitations include, but are not limited to:

a. Offenses committed on boundary of two counties or county and city, etc.; where prosecuted. § 19.2-249 grants authority to enforce state criminal laws three hundred yards beyond the boundaries. The defendant may be prosecuted and punished in either county or the county or city and any deputy sheriff shall have jurisdiction to make arrests and preserve the peace for a like distance on either side of the boundary line between such counties, such cities, or such county and city.

b. § 15.2-1725 grants the city authority to enforce laws and local ordinances on city-owned property located outside of its boundaries. Examples: airports, public hospital, public water supply or watershed, Public Park, public school, sewage treatment.

c. § 15.2-1724 allows deputies to be sent anywhere in Virginia to assist another locality in meeting an emergency involving any immediate threat to life or public safety, as outlined in the statute. Further, § 15.2-1727-8 allows localities to enter into reciprocal agreements with localities outside Virginia to

provide mutual aid. Notwithstanding the provisions of these two statutes, § 15.2-1730 allows the Sheriff, in a declared emergency, to call upon other chief law-enforcement officers of towns, counties or cities to provide law-enforcement assistance without a need to deputize officers from other jurisdictions.

2. Judicial limitations

Courts constantly interpret laws that place limitations on the authority of law-enforcement deputies. The more common limitations address *Miranda* rights/warnings, rulings on search and seizure, eyewitness identification, and lineups. The Sheriff's Office shall provide policy guidance concerning these decisions, as appropriate.

V. INTERVIEWS AND INTERROGATIONS

A. Definitions

1. An **interview**, as opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim, or the citizen.

2. An **interrogation**, to paraphrase the Supreme Court, includes direct questioning (or its functional equivalent) about a crime or suspected crime, as well as any words or conduct on behalf of the police that may elicit an incriminating response from the suspect.

   a. Deputies are reminded that an interrogation does not rely solely or exclusively on words; conduct can be the "functional equivalent" of asking questions.

3. A person is in **custody** when a deputy tells him or her that he or she is under arrest. The functional equivalent of being in custody occurs when a reasonable person in the suspect's place would feel that his or her freedom of action has been restricted to the same degree as a formal arrest.

B. Rights admonition

1. In order to achieve uniformity in administering *Miranda* warnings, deputies have access to waiver of rights forms with *Miranda* warnings and waiver on them. Before custodial interrogation, deputies shall advise suspects of their rights by reading aloud from the form the following:

   a. "You have the right to remain silent."

b. "Anything you say can and will be used against you in a court of law."

c. "You have the right to talk to a lawyer and have him present with you while you are being questioned."

d. "If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish one."

e. "You may stop talking at any time."

2. After the warning, in order to secure a waiver, the deputy shall ask and receive affirmative replies to the following questions:

a. "Do you understand each of these rights I have explained to you?"

b. "Having these rights in mind, do you wish to talk to us now?"

3. After the rights have been read, understood, and the person wishes to waive them, the deputy will have the suspect sign the waiver of rights form. **Deputies shall interrogate suspects only when they have knowingly and intelligently waived their rights.** Deputies **shall cease** questioning whenever the suspect invokes the right to silence or requests the presence of counsel.

a. Deputies shall not try to elicit incriminating evidence unless the suspect waives the right to counsel.

b. If a suspect, once in custody, requests counsel after being advised of *Miranda* rights, he or she **cannot** be interrogated again about the crime for which he or she was charged, other crimes, or by any other deputies unless (l) the counsel is present during the interrogation or (2) the suspect himself initiates the interrogation. Deputies therefore cannot obtain a waiver under these circumstances unless the suspect initiates interrogation. If a suspect refers to counsel but his or her intentions are unclear, deputies may question the suspect further to clarify his or her intentions.

c. If the suspect is deaf or unable to speak English, the interrogating deputy shall notify the shift supervisor and shall immediately arrange to obtain an interpreter. Resources for interpreters are listed and maintained in the Communications Center. ***If the suspect does not speak English, no interrogation should be attempted without a competent translator.***

4. Deputies will take care when advising juveniles of their rights to ensure that the rights are understood before obtaining a waiver. Deputies should honor a child's request to speak to a parent or guardian before waiving his or her rights. Whenever possible, the child's parents should be present while the child's rights are explained and the waiver obtained. Juvenile victims, witnesses, and suspects must be given the same constitutional protection as adults. The following additional safeguards should be followed:

   a. Parents or guardians should be notified whenever a juvenile is interrogated, taken into custody, or charged.

   b. The number of deputies engaged in the interrogation and its duration should be kept to a minimum.

   c. A brief explanation of the juvenile justice system and agency procedures should be provided.

5. If a suspect has invoked his or her right to silence, deputies may interrogate the suspect **if**, after a passage of time, the suspect initiates communication with deputies. Before questioning, however, deputies shall again administer *Miranda* warnings and shall obtain a written waiver.

C. <u>Voluntariness of confessions</u>

The courts have provided deputies with much latitude in interrogating suspects. If a suspect claims that he or she was coerced into confessing, the courts will examine the interrogation according to the **totality of the circumstances**. If interrogation methods appear to overcome the suspect's will, then the courts will find any resulting confession to be involuntary. If deputies use trickery, threats, or offer promises to obtain confessions, they must:

1. Carefully assess the suspect's background, age, education, mental impairment, and physical condition to determine vulnerability to coercion; and

2. Coupled with the background characteristics choose an appropriate mix of interrogation tactics and environmental factors to convince the suspect to confess without overbearing the suspect's will. **Note that *Miranda* warnings would have been given before the interrogation takes place, in most instances.**

D. <u>Exemptions or special cases</u>

1. *Miranda* warnings do not apply to the following situations which are non-custodial. This list is not all-inclusive:

a. Brief on-scene questioning.

b. Identification procedures such as fingerprinting, conducting a lineup, sobriety tests. (Questioning during booking **may** require *Miranda* warnings.)

c. Volunteered, spontaneous statements. (Once the deputy has heard the suspect express spontaneous incriminating statements, the deputy shall then advise the suspect of *Miranda* rights and obtain a waiver before asking additional questions.)

d. Brief investigative detention or stop/frisk.

e. Roadside questioning during routine traffic stops, including DUI stops until custodial interrogation begins.

f. Routine booking questions attendant to arrest.

g. Questioning by private persons.

2. Public-safety exception

When a deputy urgently needs information from a suspect because lives are in imminent danger, deputies may delay giving *Miranda* warnings **until** the deputies have received information sufficient to dispel the emergency. **Deputies are advised that a genuine, life-threatening emergency must exist.**

E. <u>Documentation requirements</u>

1. Deputies shall document the circumstances surrounding the conduct of interrogations and the recording of confessions. Required information includes but is not limited to the following:

a. Location, date, time, duration of the interrogation.

b. Identities of all persons present.

c. *Miranda* warnings given, the suspect's responses, and any waivers provided.

d. The nature and duration of any breaks or lapses during the interrogation and the reasons for them.

2. Video or audio tape recordings shall be treated as evidence and handled accordingly. Before the tapes are stored as evidence, a duplicate shall be made and likewise treated as evidence, the fact of it being a duplicate should be clearly noted on all paperwork.

VI. SEARCH AND SEIZURE - Warrantless Searches

A. Definition

A **search** occurs where (1) there is a "prying into hidden places by the deputy sheriff" and (2) the person whose premises or person is being searched has a reasonable expectation of privacy.

B. The Fourth Amendment guarantees the right for people to be free from unreasonable searches and seizures of their homes, persons and things. The Supreme Court is continuously interpreting the Fourth Amendment as it applies to police conduct. Illegally seized items of evidence will not be admitted in court and may be cause for a lost criminal case. Additionally, an illegally conducted search invites civil suits and criminal prosecution. In order to ensure that Fourth Amendment rights are protected; deputies will obtain search warrants upon probable cause in all appropriate criminal cases except for the following circumstances. **Search warrants are discussed under GO 530.**

1. Consent searches
2. Emergency searches
3. Plain view and "plain feel"
4. Abandoned property and open fields
5. Inventory searches of vehicles
6. When executing arrest warrants
7. Incident to arrest (see GO 521)
8. Pat-downs of suspicious persons (see GO 529)

As a general rule, no arrest warrant or search warrant is required for an arrest in a public place, as long as probable cause exists.

C. Consent

1. A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search. Note that the deputy doesn't have to have reasonable suspicion nor probable cause to make a consent search: he or she may merely ask for permission from someone with control over the premises. If that person grants permission, the search may take place. **The sole justification for a consent search is the existence of knowing, intelligent, and voluntary consent.**

   Consent searches must observe the following rules:

   a. Generally, the person granting consent must use, access, or control the property. A person having exclusive possession of some part of jointly-owned property can **only** give consent for a search of that part.

b. If two people have joint ownership of property, either may give consent. If possible, have the consenting party sign a written permission-to-search form.

c. A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises, **unless** the tenant has been evicted or has abandoned the property.

d. A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use.

e. A parent may consent to a search of premises occupied by a dependent child if the parent also has access to the premises.

f. An employee cannot give valid consent to a search of his employer's premises unless he has been left in custody of the premises.

g. An employer may generally consent to a search of premises used by employees, except premises used solely by an employee (e.g., a locker).

2. Consent must be given voluntarily. If a deputy requests consent from a citizen under circumstances which a reasonable person would consider coercive, then deputies must seek a warrant. The deputy may have the burden of demonstrating voluntariness.

3. A person who initially gives consent may withdraw it at any time. Deputies shall then secure the premises and seek a warrant if probable cause exists.

4. Refusal to give consent, in itself, cannot justify further law-enforcement action.

5. The scope of a consent search is limited to the area for which consent has been given, and within this area deputies may search only into areas where the objects sought could reasonably be hidden.

D. Emergency searches

1. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."

2. Eleven considerations determine whether an emergency exists:

a. The degree of urgency involved and the time required to get a warrant.

b. Deputy's reasonable belief that contraband is about to be removed or destroyed. [Note that not all crimes are serious enough to create exigent circumstances. See "e" below.]

c. The possibility of danger to others including deputies left to guard the site.

d. Information that the possessors of contraband are aware that police are on their trail.

e. Whether the offense is serious, or involves violence.

f. Whether deputies reasonably believe the suspects are armed.

g. Whether the deputies have probable cause at the time of entry.

h. Whether the deputies have strong reason to believe the suspects are present on the premises.

i. The likelihood that the suspects will escape.

j. The suspects' entry onto premises after hot pursuit. To justify warrantless entry following hot pursuit, the arrest process must have begun away from the premises, **and** the offender knows that he or she is under arrest, **and** the offender tries to avoid arrest.

k. A reasonable belief that someone on the premises is in distress and in need of emergency assistance.

3. If deputies enter premises with probable cause to believe that critical evidence may be destroyed or removed unless immediate action is taken, they may enter without a warrant, secure premises, and obtain a search warrant before proceeding further **unless** they have obtained consent to search, or some new circumstances arise necessitating another warrantless search.

E. <u>Plain view</u>

1. A plain-view seizure is, technically, not a search. To make a plain-view seizure of property (contraband, fruits, or instrumentalities of the crime), two requirements must be met:

a. From a lawful vantage point, the deputy must observe contraband left in open view; and

b. It must be immediately apparent to the deputy that the items he or she observes may be evidence of a crime, contraband, or otherwise subject to seizure.

2. During a lawful frisk (stemming from a lawful stop), if a deputy detects an object that is or might reasonably be an item that is contraband or other criminal evidence, then the object may be seized. Threatening items such a weapons may always be removed during frisks. Non-threatening items may be removed **only** if their contraband or evidentiary nature is immediately apparent (the so-called "plain-feel" rule).

F. Abandoned property and open fields

1. A search warrant is not required for property that has been abandoned.

2. To constitute abandoned property, two conditions must apply:

   a. Property was voluntarily abandoned.

   b. Property was discarded outside the area in which someone has a reasonable expectation of privacy.

3. Open fields are not protected by the Fourth Amendment, but deputies must distinguish them from curtilage, searches of which require a warrant. **Curtilage** is the area of a dwelling which is necessary, convenient, and habitually used by the family for domestic purposes. The extent of curtilage of a private residence is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation. Note that under some circumstances surveillance (e.g., aerial surveillance) of activities within curtilage may take place without a warrant.

G. Inventories of vehicles

1. The Sheriff's Office requires deputies to inventory any lawfully impounded vehicle, or a vehicle removed from the street and placed in Sheriff's Office custody. Any evidence or contraband found during the inventory may be used to formulate probable cause for a subsequent search or arrest. Vehicles shall be inventoried per departmental procedure which requires an inventory of the entire contents; including closed containers (provided they can be opened without breakage). The purpose of an inventory is to ensure safekeeping of private property and to protect the Sheriff's Office from liability. **To repeat, in order to justify an inventory of a vehicle, the following conditions must be met**:

   a. Deputies must have lawful custody of it.

   b. The inventory shall be conducted pursuant to departmental policy.

c. The scope of the inventory shall be limited to those parts of a vehicle likely to conceal important, hazardous, or valuable items including, but not limited to, the passenger compartment, the trunk, and glove compartment.

2. Closed containers may be examined if they are likely to contain valuable property. If closed containers are locked or sealed, they shall not be forced open but simply logged on the inventory form.

3. The vehicle and its closed containers shall not be damaged.

H. When executing arrest warrants

I. General guidance

A deputy with an arrest warrant may search for the defendant in his or her own home **provided that** the warrant was valid; the deputy searches the defendant's home (and not someone else's); and probable cause exists that the defendant is home at the time of the search. The search for the defendant must be limited to places where he or she might be found.

2. Protective sweep

Following the execution of an arrest warrant, deputies may undertake a "protective sweep" of the premises where the arrest takes place without a warrant. Certain limitations must be observed, however:

a. The purpose of the protective sweep is to discover persons on the premises who might present a danger to deputies.

b. Incident to arrest, deputies may, without probable cause or reasonable suspicion, look into closets or other spaces immediately adjoining the place of arrest where threatening persons might be located.

c. In order to extend the protective sweep beyond closets and adjoining spaces, deputies must have reasonable suspicion for fearing that persons may be on the premises who pose a threat. In such cases, the sweep is limited to examining places where a person might hide.

(1) Deputies shall carefully document their reasonable suspicion.

d. During a protective sweep, evidence discovered in plain view may be seized.

e. The sweep must cease when deputies have dispelled a reasonable suspicion of danger.

(Note: With a search warrant, a protective sweep is always justified.)

VII. EYEWITNESSES

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

Eyewitness Identification through the use of in-person line-ups, show-ups, and photographic line-ups are discussed thoroughly in GO 500.1. All procedures in GO 500.1 must be followed when dealing with any type of eyewitness identification.

B. Hearsay

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

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

2. Hearsay is generally inadmissible in court.

3. Some hearsay is useful as evidence. Some exceptions to the Hearsay Rule, and therefore admissible include:

   a. A dying declaration or a statement, oral or written, made by a mortally wounded person who knows that he is about to die and has abandoned hope of recovery.

   b. Spontaneous declarations, or exclamations of a participant or bystander concerning an incident, made without time for reflection.

   c. Public records, or reports prepared by public officials under a duty imposed by law or regulation.

VIII. VEHICLES

In recent years, the U.S. Supreme Court has modified and expanded the conditions under which deputies may search vehicles. Preferably, deputies shall search vehicles under the authority of a warrant whenever sufficient time exists to obtain one. Nevertheless, warrantless searches of vehicles may take place under many conditions and circumstances. It is imperative that deputies understand the different types of vehicle searches and their limitations.

A. Definitions

l. For the purposes of this section, a **motor vehicle** is any vehicle operating or capable of being operated on public streets or highways, from trucks to automobiles to mobile homes. A vehicle that has been immobilized in one location for use as a storage facility or home is not a motor vehicle for Fourth Amendment purposes.

2. For the purposes of this section, a **search** is an examination of a motor vehicle with an investigative motive, that is, to discover evidence or to examine the vehicle identification number (VIN) to ascertain ownership.

B. When warrantless vehicle searches may be performed

As noted earlier, warrants shall be obtained to search vehicles, if feasible, unless an emergency exists. Any vehicle that has been disabled with little chance of its being driven away shall be searched with a warrant. In all other cases, vehicles may be searched without a warrant under the following circumstances:

l. When probable cause exists.

2. With the driver's consent.

3. Incident to the arrest of the occupants.

4. To frisk for weapons.

5. When necessary to examine the VIN or to otherwise ascertain ownership.

6. Under emergencies or exigent circumstances.

7. Inventories.

C. Searches may be conducted within the following limitations:

l. **With a warrant**, a search may extend anywhere within the vehicle, unless limited by the warrant itself.

2. **When probable cause exists**, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle.

3. **When consent has been obtained** from the driver, deputies may search the vehicle subject to any limitations specified by the consenting person. Consent shall be obtained in writing, if feasible.

4. **Searches incident to the arrest** of an occupant shall be limited to any area within reach of the arrestee. The area within reach is

deemed to be the passenger compartment. The trunk, engine compartment, and any locked compartments shall not be searched **unless** immediately accessible to the suspect. (See GO 522 for a fuller treatment of searches incident to arrests.)

5. **Frisks for weapons** shall be confined to the passenger area. Any place not immediately accessible to the occupants, such as a locked glove compartment, shall not be frisked. **If** the contents of a container are immediately accessible to the subject, a closed container may be searched for weapons.

    a. Note that a deputy can order the suspect from the vehicle and frisk **both** the suspect and the vehicle.

6. **An entry into the vehicle to examine the VIN** or otherwise determine ownership must be limited to these purposes.

7. **An emergency search** of the vehicle may be conducted but the extent of the search must not exceed whatever is necessary to respond to the emergency.

Note: If the initial search under the above conditions gives rise to probable cause that evidence, contraband, fruits, or instrumentalities of the crime might be found elsewhere in the vehicle, deputies may search those areas that might reasonably contain such items.

D. Containers within the vehicle

As a rule, no container within a vehicle shall be searched unless it might contain the item(s) sought.

l. Procedures for unlocked containers

    a. In a **probable cause search**, containers may be opened wherever found in the vehicle.

    b. When the passenger area is searched **incident to an arrest**, containers within the passenger area may be opened.

    c. During a **consent search**, containers may be opened provided that the terms of the consent either so permit or reasonably imply permission.

    d. Containers found in or discarded from a vehicle under circumstances not amounting to probable cause or in connection with a search incident to an arrest shall not be searched but shall be secured until a warrant is obtained.

2. Procedures for locked containers

Under most conditions, locked containers shall be opened under a warrant unless one of the following circumstances has been met:

a. Consent has been given.

b. Probable cause exists to search the vehicle and the object of the search might be found in the container. (Even in this circumstance, a warrant is preferred.)

c. Inventory.

E. Conduct of the vehicle search

l. When possible, searches of vehicles shall be conducted contemporaneous with the stopping or discovery of the vehicle. As a general rule, vehicle searches shall be conducted as soon as reasonably possible.

2. When possible, deputies shall avoid damaging a vehicle or its contents, and shall minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner.

3. As vehicles may contain sharp or pointed objects, and perhaps even syringes or other materials with body fluids on them, officers shall take precautions to minimize exposure to communicable diseases. See GO 325.

IX. CONSTITUTIONAL REQUIREMENTS: GENERAL

A. Compliance with constitutional requirements during criminal investigations

1. All deputies when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Deputies shall ensure that:

a. All statements or confessions are voluntary and non-coercive.

b. All persons are advised of their rights in accordance with this general order.

c. All arrested persons are taken promptly before a magistrate for formal charging.

d. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney.

e. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial.

B. The use of discretion by officers

1. Deputies, by the nature of their job, are required to exercise discretion in the performance of their duties. The Sheriff's Office provides deputies with written policies, rules, departmental orders, directed patrol assignments, and training in order to aid them in making decisions which govern discretion in performing their duties.

2. With the exception of rules and regulations, general orders give deputies procedures to follow for common or critical enforcement tasks. By definition, general orders afford deputies a window of discretion within which to act. General orders are to be followed unless unusual or extreme circumstances dictate another course of action. In this case, deputies shall make reasoned decisions in their discretion based on good judgment, experience, and training. It is up to the individual deputy to consider the relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

C. Alternatives to arrest/prearraignment confinement

1. Under certain circumstances, deputies are faced with situations where an arrest and prearraignment confinement will not be possible. In such cases, deputies may elect to exercise certain alternatives such as the issuance of summonses, referral to a social service agency, or simply to give a warning. Examples:

a. Mentally or emotionally disturbed persons.

b. Domestic situations where counseling may be appropriate except where probable cause requires an arrest, as detailed in GO 534.

c. Juvenile offenders. See General Order 533, Juvenile Operations.

d. Transient persons who need shelter and food.

e. Certain misdemeanor cases.

2. Authority to issue summonses in lieu of arrest/confinement

   a. § 19.2-74 authorizes deputies to issue a summons in lieu of arrest for persons charged with a misdemeanor criminal offense except D.U.I. and drunk in public.

   b. In determining whether a summons should be used, the deputy shall:

      (1) Decide whether the offense committed is serious.

      (2) Make a judgment as to whether the accused poses a danger to the public or himself.

      (3) Decide, based on circumstances, whether the person may disregard a summons.

3. Informal handling of criminal matters

   Deputies often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the deputy a better solution to the problem will be achieved by use of alternatives to enforcement, he or she should refer the citizen to an appropriate social services agency. The Sheriff's Office maintains a listing of referral agencies.

4. Use of warnings as an alternative to arrest

   The use of warnings may sometimes provide a solution to a problem and may enhance the public perception of the Sheriff's Office. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to minor criminal offenses. In determining if a warning should be issued, the deputy shall consider:

   a. The seriousness of the offense.

   b. The likelihood that the violator will heed the warning.

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

5. Limitations on intelligence activity

   a. Sheriff's Office intelligence gathering activities shall be limited to that information concerning criminal conduct that presents a threat to the community.

b. Sheriff's Office personnel and equipment shall only be used in conjunction with intelligence gathering activities, as defined above, in full compliance with all law, and only with the advance approval of the Sheriff.

c. Intelligence information shall be collected, used, and processed in full compliance with all laws.

d. Informants, see GO 602.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Eyewitness Identification	**NUMBER: 500.1**
EFFECTIVE DATE: April 1, 2014	
AMENDS/SUPERSEDES: **12/30/2013; GO 500 VII ONLY – 03/03/2004**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: OPR. 02.03, OPR.02.07, OPR.02.08	

NOTE

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

INDEX WORDS

Eyewitness Evidence: A Guide for Law Enforcement
Eyewitness identification
Fillers (non-suspects)
Lineup
Lineup identification form
Lineup identification number
Live lineup
Mug shots
Photo Lineup
Right to counsel
Sequential Lineup
Show-up

I. POLICY

Given that the traditional system for conducting eyewitness identification procedures is not infallible and that the procedures did not incorporate the growing body of psychological study of eyewitness memory and behavior, the National Institute of Justice (Department of Justice), the International Association of Chiefs of Police, the Commission on Accreditation of Law Enforcement Agencies, the Police Executive Research Forum, the American Bar Association and others have issued reports and/or directives responding to a need for change in this area of police practice. These reports and recommendations attempt to take the basic elements of police investigations and suggest workable changes in order to achieve more consistent eyewitness results.

The following procedures for use in Virginia incorporate many of the recommendations issued by the United States Department of Justice in its *Eyewitness Evidence: A Guide for Law Enforcement* and also include those practices that have gained the support of social scientists and law enforcement practitioners since its publication. An identification obtained through a lineup composed in this manner should minimize the risk of misidentification and have stronger evidentiary value than one obtained without these procedures. Specifically, use of these procedures should maximize the reliability of identifications, minimize unjust accusations of innocent persons and establish evidence that is reliable and conforms to established legal procedure.

II. PURPOSE

The purpose of this general order is to establish a policy for the preparation and presentation of photographic and in-person lineups.

III. DEFINITIONS

A. Lineup

A lineup is any procedure in which a victim or witness to a crime or other incident is asked to identify a suspect from among a group of persons in order to determine or confirm the identity of the suspect. Such procedures involve either actually viewing of persons (in live lineups or show-ups) or viewing of photographs (in a photo lineup).

B. Photo Lineup

An identification procedure in which an array of photographs, including a photograph of the suspected perpetrator of an offense and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness either in hard copy form or via computer for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

C. Sequential Lineup

A method of administration where photographs are shown to the victim/witness one at a time, with an independent decision on each, before the next photo is shown.

D. Blind Administrator

The person administering the lineup has no knowledge of which person in the photo/live lineup is the suspect.

E. Blinded Administration

This is a lineup procedure in which the administrator may know the identity of the suspect, but by virtue of the use of procedures and/or technology to accomplish this purpose, does not know which lineup member is being viewed by the eyewitness.

F. Confidence Statements

A statement in the victim/witness' own words, articulating their level of confidence in the identification taken at the time the identification is made.

G. Fillers

Non-suspect photographs or lineup members.

H. Folder Shuffle Method

A method requiring the lineup administrator to place a photograph of the suspect and filler photographs into blank folders with one photograph per folder. The folders are then "shuffled" before being presented individually to the witness.

IV. PROCEDURES – General Responsibilities

A. Sheriff's Office personnel shall strictly adhere to established procedures for conducting suspect lineups in order to avoid the possibility of error or of undue suggestiveness to witnesses.

B. Campbell County Sheriff's Office personnel shall receive initial and refresher training in lineup procedures to establish uniformity and consistency of such procedures and to establish a high level of competence in carrying out this important aspect of a criminal investigation. The refresher training shall be completed at a minimum of every other calendar year after initial training.

C. Sheriff's Office personnel shall report any known errors, flaws or non-conformance with established procedures in the conduct of a suspect lineup that they may observe or become aware of to their supervisor in order that corrective actions may be taken and safeguards established to protect the innocent.

D. The Sheriff's Office will confer with the Office of the Commonwealth's Attorney in establishing lineup procedures in order to assure the best use of this type of evidence and to assure that procedures established are compatible with the prosecution of criminal cases. Likewise, instructions given to witnesses during a lineup procedure will be those established and approved in consultation with the Commonwealth's Attorney.

V. PROCEDURES

Prior to a photo or live lineup, the investigating deputy should record as complete a description as possible of the perpetrator provided by the eyewitness and in the eyewitness's own words. This statement should also include information regarding conditions under which the eyewitness observed the perpetrator including location, time, distance, obstructions, lighting, weather conditions and other impairments, including, but not limited to alcohol, drugs, stress, the presence of a weapon and any other relevant conditions. The eyewitness should also be asked if he/she needs glasses or contact lenses and whether he/she was wearing them at the time of the offense.

Show-up Procedure

A. Show-ups should only be performed using a live suspect and only in exigent circumstances that require the immediate display of a suspect to an eyewitness.

B. Deputies should not conduct a show-up with a single photograph; if deputies want to determine if an eyewitness can make an identification using a photo, a photo lineup should be employed.

C. The eyewitness should be transported to a neutral, non-law enforcement location where the suspect is being detained for the purposes of a show-up.

D. The eyewitness should be provided with the following instructions:

1. The perpetrator may or may not be the person that is presented to the eyewitness;

2. The eyewitness should not feel compelled to make an identification;

3. The investigation will continue regardless of whether an identification is made;

4. The procedure requires the deputy to ask the eyewitness to state, in his or her own words, how certain he/she is of the identification he/she has made; and

5. The eyewitness should not discuss the identification procedure with other eyewitnesses involved in the case and should not speak to the media.

E. If there are multiple eyewitnesses, only one eyewitness at a time should participate in the show-up procedure, independent of the others. If a positive identification is made, and an arrest is justified, additional eyewitnesses should be shown live or photo lineups.

F. If identification is made, the deputy should seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified is the perpetrator.

G. Deputies should photograph a suspect at the time and place of the show-up to preserve a record of his or her appearance at the time of the show-up.

Folder Shuffle Method

The "Folder System" was devised to address concerns surrounding limited personnel resources while allowing for blind administration. Should the investigating deputy of a particular case be the only law enforcement personnel available to conduct a photo lineup, the following instructions are recommended:

- Obtain one (1) suspect photograph that resembles the description of the perpetrator provided by the witness.
- Obtain five (5) filler photographs that match the description of the perpetrator, but do not cause the suspect photograph to unduly stand out.
- Obtain six (6) file folders.

1. The individual administering the lineup should:

   a. Affix **one (1) filler photograph** to the inside of the first folder and label it #1.

   b. Affix the **suspect photograph** to the inside of the next folder. ***It is imperative that this folder is not yet numbered.***

   c. Affix **four (4) filler photographs** into the next empty folders. ***It is imperative that these folders are not yet numbered.***

   d. Shuffle the folders (with the exception of folder #1) so that the administrator is unaware of which folder the suspect is in.

   e. Label the shuffled folders #2 through #6.

2. Place all folders in numerical order (#1 through #6) for presentation of the lineup.

3. The administrator should provide instructions to the witness. The witness should be informed that the perpetrator may or may not be contained in the photos he is about to see and that the administrator does not know which folder contains the suspect.

4. Without looking at the photo in the folder, the administrator is to hand each folder to the witness individually. The witness must view the photo in the folder and then return it to the administrator before being presented with the next folder. The order of the photos should be preserved, in a facedown

position, in order to document in Step 6. ***The witness may be permitted to review the folders a second time, but it is imperative that all folders are provided in the same order as the original presentation.***

5. Instruct the witness that the procedure – only if identification is made – requires the deputy to ask the witness to state, in his or her own words, how certain he or she is of any identification at the time that the identification is made.

6. The administrator should then **document and record** the **results of the procedure**. **This should include: the date, time and location of the lineup procedure; the name of the administrator; the names of all of the individuals present during the lineup; the number of photos shown; copies of the photographs themselves; the order in which the folders were presented; the sources of all of the photos that were used; a statement of confidence *in the witness's own words* as to the certainty of his or her identification, taken immediately upon reaction to viewing; and any additional information the administrator deems pertinent to the procedure. It is important for the administrator to not ask the witness for a numerical rating of their confidence level.**

Lineup Procedures (both photo and live) – *****Live lineup procedures will only be conducted under the authority of the Commonwealth Attorney for Campbell County*****

A. The investigator in charge should select an individual to serve as the blind administrator. The blind administrator must not know which member of the lineup is the "true" suspect to conduct any lineups in order to avoid inadvertent signs or body language that may lead or cause a witness to make an incorrect identification. The blind administrator should be thoroughly familiar with this procedure. Alternatively a 'blinded' administrator may be used, namely an individual who knows the suspect's identity but is not in a position to see which members of the line-up are being viewed by the eyewitness. This can be accomplished, for instance, through the use of the folder shuffle method or via laptop technology. **Blind administration is preferable to the folder shuffle method, but is also a perfectly acceptable alternative when blind administration is not feasible, i.e., there was not a deputy available to act as an administrator. It is important to document why blind administration was not feasible.**

B. Assure that law enforcement and/or prosecutorial personnel present and involved in the case are knowledgeable about the procedure so that they will not interfere or influence any witness during the process. Unnecessary personnel should be removed from the location where the process is being conducted.

C. A photo or live lineup should be composed so the fillers generally resemble the eyewitness's description of the perpetrator, while ensuring that the lineup is comprised in such a manner that the suspect does not unduly stand out

from the fillers. However, complete uniformity of features is not required. Avoid reusing filler photos/live lineup members. If the eyewitness has previously viewed a photo or live lineup in connection with the identification of another person suspect of involvement in the offense, the fillers in the lineup should be different from the fillers used in prior lineups.

D. When there are multiple suspects, each identification procedure should include only one suspect.

E. Avoid mixing color and black and white photos. Photos should be either all black and white or all color.

F. Cover any portions of mug shots or other photographs that provide identifying information. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness. If it is necessary to block-out or cover a notation, such as a name on one photo, then similar blocking-out or covering marks should be placed on all photos so that they will appear alike.

G. Use photos of the same size and basic composition, and never mix mug shots with other snapshots or include more than one photo of the same suspect.

H. Select fillers (non-suspects) who generally fit the witnesses' description of the offender. When there is a limited or inadequate description of the offender provided by the witness, or when the description of the offender differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.

I. Select a photo that resembles the suspect's description or appearance at the time of the incident, if multiple photos of the suspect are reasonable available to the investigator.

J. Ensure that the photos are reasonably contemporary.

K. Include a minimum of five fillers (non-suspects) per photo identification and a minimum of four fillers per live lineup.

L. Create a consistent appearance between the suspect and fillers so that the photos depict individuals who are reasonably similar in age, height, weight and general appearance, and are of the same sex and race. However, avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

M. If there are multiple eyewitnesses, each eyewitness should view the lineup independently and separately and the suspect should be placed in a different position in the photo or live lineup for each eyewitness.

N. Review the array, once completed, to ensure that the suspect does not unduly stand out.

O. Assign each photo/person a lineup identification number. Record the identification number on the back of each photo. Refer to that photo/person only by that number. The nature of the identification number should be purposely complex to the witness, so that any inadvertent glance should not significantly hinder the identification process or alert the witness as to the identity of the actual suspect. Lineup identification numbers shall be as follows: case number with a letter in the middle between the year and case number such as 2013-A-028491, 2013-B-028491, 2013-C-028491, etc.

P. After each photo/person has been assigned an identification number, record the number along with all other pertinent information on the Lineup Identification Form.

Q. Record the presentation order of each lineup and ensure that a complete written record of the identification proceeding is made and retained. The record should include: all identification and non-identification results obtained during the procedure and signed by the eyewitness, including the eyewitness's confidence statement; the names of all of the persons present at the identification procedure, the date and time of the identification procedure, and the sources of all photos or persons used in the identification procedure. In addition, the photos themselves should be preserved in their original condition. For live lineups, a group photo should be taken of all persons in the lineup together to illustrate size differences among the lineup participants. This photo must not be shown to the witness, but will be included with the completed case file.

R. There is a right to have counsel present at a live line-up, where the defendant-suspect has been charged.

S. Advise the accused that he may take any position in the live lineup that he prefers and may change positions prior to summoning a new witness.

T. Ensure that the witnesses are not permitted to see nor are they shown any photographs of the accused immediately prior to the live lineup.

U. Ensure that no more than one witness views each lineup at a time and that they are not permitted to speak with one another during live lineup proceedings.

VI. PROCEDURES – Conducting the Identification Procedure

A. The identification procedure should be conducted in a manner that promotes the accuracy, reliability, fairness and objectivity of the witness' identification. These steps are designed to ensure the accuracy of identification or non-identification decisions.

B. Assure that all law enforcement and/or prosecutorial personnel present and involved in the case are knowledgeable about the procedure so that they will not interfere or influence any witness during the process. Unnecessary personnel should be removed from the location where the process is being conducted.

C. When presenting the lineup, the person administering the lineup should use the approved standard instructions for witnesses prior to the lineup that the offender might or might not be among those in the photo array or live lineup, and therefore, the witness should not feel compelled to make identification.

D. Assure the witness prior to the lineup that regardless of whether identification is made, the police will continue to investigate the incident.

E. Instruct the witness that if the offender is seen in the lineup, he or she might not appear exactly the same as on the date of the incident because features such as clothing, head or facial hair can change. Additionally, photos do not always depict the true complexion of a person, which might be lighter or darker than shown in the photo. Be careful not to imply or lead the witness to believe that the suspect's appearance has actually changed in any way. [Note: For example, saying to a witness that "The suspect's appearance could be different, for example if he has since gotten a tattoo", may imply to the witness that the police know the suspect got a tattoo. If uncertain about identity, this could lead the witness to pick out someone in the line-up with a tattoo simply for that reason.]

F. Provide the following additional viewing instructions to the witness:

1. Individual photos/persons will be viewed one at a time.

2. Photos/persons are in random order.

3. Take as much time as needed in making a decision about each photo / person.

4. All photos will be shown, even if identification is made prior to viewing all photos.

5. The administrator does not know who the perpetrator is.

G. Confirm that the witness understands the nature of the sequential procedure.

H. Instruct the witness that the procedure – only if identification is made - requires the investigator to ask the witness to state, in his or her own words, how certain he or she is of any identification at the time that the identification is made.

I. Present each photo to the witness separately, in a previously determined order, as documented on the lineup worksheet, removing those previously shown.

J. Care should be taken to avoid the witness turning over the photo and reading the identification number recorded on the back.

K. Avoid saying anything to the witness that may influence the witness' selection.

L. If identification is made, avoid reporting or confirming to the witness any information regarding the individual he or she has selected, until the entire process (including obtaining a confidence statement and obtaining required signatures and paperwork) has been completed.

M. <u>If the witness requests to view the photo/person sequence again, (or specific photos/persons again), they may be shown a second time, but must be shown again in the same sequence in its entirety even if the witness makes an identification during this second showing</u>.

N. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

VII. PROCEDURES – Recording Identification Results

A. When conducting an identification procedure, the person administering the lineup shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained from the witness. A complete and accurate record of the outcome of the identification procedure is crucial. This record can be a critical document in the investigation and any subsequent court proceedings.

B. When documenting the identification procedure, the person administering the lineup should record both identification and non-identification results, including a statement of confidence, in the eyewitness's own words. ***The results should not be ranked.***

C. If the eyewitness makes an identification, the administrator shall seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified in a given identification procedure. (***It is important for the administrator to not ask the witness for a numerical rating of their confidence level.)***

D. If the eyewitness identifies a person as the perpetrator, the eyewitness shall not be provided any information concerning such person before the administrator obtains the eyewitness's confidence statement about the selection. After the eyewitness' confidence statement is obtained, the administrator shall not tell the eyewitness information about how accurate they were in their identification or provide additional information about the defendant.

E. Document in writing the photo lineup procedures, including identification information and sources of all photos used, names of all persons present at the lineup, and date and time of the identification procedure.

F. Ensure that the results are signed and dated by the witness and the person administering the lineup.

G. Ensure that no materials indicating previous identification results are visible to the witness.

H. Ensure that the witness does not write on or mark any materials that will be used in other identification procedures.

I. Forms are available to assist with the eyewitness process. This is a four-part form that lists each procedure and has places for the witness to sign as well as write their confidence statement. This also provides a venue for the deputy to document that **all** of the steps of this process are followed, in order, according to policy. **The form is to be used when conducting eyewitness identifications.**

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Patrol Operations and Procedures	**NUMBER: 501**
EFFECTIVE DATE: June 27, 2006	
AMENDS/SUPERSEDES: **Revised Date: 02/28/2004**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.01.07	

NOTE

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

I. PURPOSE

The purpose of this General Order is to establish guidelines for the deployment and utilization of Sheriff's Office personnel assigned to the Field Operations Division in order to ensure the most effective and efficient delivery of law enforcement services to the citizens of Campbell County.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to provide twenty-four hour law enforcement and emergency services to the citizens and business establishments within its service area. The primary responsibility for delivery of these vital services rests with the uniform patrol deputy. Therefore, it is of paramount importance that procedures for the establishment of shifts and assignment of personnel be formalized in order to ensure continuous coverage and promote better understanding among affected personnel.

III. PROCEDURES

A. Patrol Operations:

The primary function of the Field Operations Division is to provide twenty-four hour services to the citizens and businesses of Campbell County to ensure security, safety and maintenance of order. Services provided by this

component include, but are not limited to: (1) - preventive patrol oriented toward prevention of crimes and accidents, maintenance of order, and the discovery of hazards and delinquency-causing situations; (2) - crime prevention activities; (3) - response to calls-for-service; (4) - investigations of crimes, offenses, incidents and conditions affecting the welfare of the public, including arresting offenders; (5) - traffic direction and control; (6) - regulation of certain businesses and/or activities as required by law; (7) - maintenance of public order; (8) - provision of emergency services; (9) - development of relationships between citizens and the agency; (10) - reporting of information to appropriate organizational components; and, (11) - service of civil process.

In addition, the Sheriff may, from time to time, issue directives in the form of memorandum detailing specific functions to be performed by the Field Operations Division.

B. Patrol Shifts - The Field Operations Division's function will be met by the utilization of two rotating patrol shifts. The duty requirements for each shift are as follows:

Day: 0700 hrs - 1900 hrs or 0800 – 2000 hrs
Night: 1900 hrs - 0700 hrs or 2000 – 0800 hrs

1. Assigned Hours – Each shift will alternate (within the shift) tour duty hours to allow for continuous coverage during shift changes / roll call meetings.

2. Squads - Yearly squad rotation schedules will be disseminated at the beginning of each calendar year indicating days-on/days-off in order to assist supervisors and deputies in planning both departmental and personal activities. Assignments will be made by the Field Operations Commander based on manpower and department needs.

C. Shift Assignments - Deputies will be assigned to work alternating shifts with shifts rotating monthly.

D. Patrol Areas - In order to best meet the demands for service and provide rapid response to complaints, the county has been divided into two patrol areas. Deputies will be assigned to areas at the beginning of each daily tour of duty and will make that particular area the primary focus of their patrol activity. Area assignments will be made by the shift supervisor on a rotating basis using any formula which they feel best meet individual and departmental needs. The criteria for selecting these areas are based on the number of calls for service, number of incidents or reported offenses, businesses in the area and other specific problems that arise which may require additional or a reduction in manpower.

E. Roll-call - Each patrol shift will begin its daily tour of duty by holding a formal roll call at the Sheriff's Office. The roll-call session will be conducted by the shift supervisor, assistant shift supervisor, or senior deputy-on-duty. Roll-call is considered a vital function which is designed to accomplish, but is not limited to, the following:

1. Brief deputies with up-dated information regarding daily patrol activities;

2. Notify deputies of changes in schedules and assignments;

3. Notify deputies of new directives and/or changes in department policy;

4. Evaluate an individual deputy's readiness to assume duty;

5. Provide deputies with roll-call training on selected topics; and

6. Inform deputies of existing and/or potential hazards in service areas and discuss special precautions to be employed.

Roll-call may be waived by the shift supervisors, if emergency/exigent circumstances exist which indicate immediate deployment of on-coming personnel.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Vehicle Operation	**NUMBER: 502**
EFFECTIVE DATE: July 17, 2006	
AMENDS/SUPERSEDES: **Revised Date: 02/17/04**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.01.01 – 01.04; OPR.01.09; OPR. 07.10	

NOTE

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

I. POLICY

All personnel operating Sheriff's Office vehicles shall exercise due regard for the safety of all persons: protection of life is the paramount goal of the Sheriff's Office. No task, call, or incident justifies disregard of public safety. Further, the public expects its law-enforcement officers to demonstrate exemplary driving skills. All Sheriff's Office personnel who operate Sheriff's Office vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be used consistent with both legal requirements and the safety of the public and Sheriff's Office personnel.

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

II. PURPOSE

To establish procedures governing the operation of Sheriff’s Office vehicles, with special attention to emergencies and pursuits.

III. DEFINITIONS

A. Boxing in

A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction or to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.

B. Caravanning

Direct participation in a pursuit by Sheriff's Office vehicles other than the primary and authorized support vehicles.

C. Crime involving violence

An offense involving violence or the threat of violence to another person, or the use or threat of physical force to another person. Examples:

1. Murder.
2. Robbery.
3. Rape.
4. Felonious assault.
5. Felonious sex offense.
6. Abduction.
7. Arson involving death or serious injury.
8. Any property crime coupled with life-threatening acts.
9. Any crime involving the display or use of a firearm, including misdemeanors involving firearms.

D. Emergency driving

That driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. (*Virginia Code* §§ 46.2-829, -920, and -1022 apply.)

E. Emergency equipment

Flickering, blinking, or alternating emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. (§§ 46.2-920 and -1022 apply.) All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that

is equipped with emergency equipment. (Refer to GO 206 for required emergency equipment.)

F. Normal or routine driving

That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road."

G. Pacing

The act of following a motor vehicle at a coordinated speed to determine the followed vehicle's actual speed in violation of the posted speed limit.

H. Primary pursuit vehicle

This is normally the Sheriff's Office vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.

I. Pursuit driving

An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect, who is fleeing or evading apprehension, provided the officer reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high-speed driving or other evasive maneuvers. Pursuits shall be conducted only with activated emergency equipment as defined in §§ 46.2-920 and -1022 and under circumstances outlined in this order. An attempt to stop a vehicle that is not fleeing, or attempts to stop a vehicle that is refusing to stop while still obeying traffic control devices and not exceeding the speed limit by more than ten miles per hour is not a pursuit.

J. Risk

The degree of danger or hazard to the public or officers.

K. Roadblock

Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.

L. Support vehicles

The second or additional Sheriff's Office vehicles, participating in the pursuit, which follows the primary pursuit vehicle at a safe distance and helps the primary one once the suspect vehicle has stopped, or which can assume the primary role if circumstances dictate.

IV. GENERAL PROCEDURES FOR ALL RESPONSES

A. General

1. Sheriff's Office response action must, of necessity, be governed by the nature of the occurrence reported, the amount of information provided by the caller or complainant, and the accuracy of that information.

2. All Sheriff's Office vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Sheriff's Office vehicles are conspicuous symbols of authority on the streets and many people observe a deputy's actions. Each deputy must set an example of good driving behavior and habits.

3. During normal day-to-day Sheriff's Office operations, many calls are received from citizens which concern mostly matters of routine services and complaints. In the majority of these calls the situation reported is neither urgent nor is it of an emergency nature; hence, a deputy responding to such an assignment would not be justified to operate his Sheriff vehicle in a manner other than that defined as normal driving. In other cases, however, a deputy may or may not be justified to expedite to the location of a call, depending upon (1) the nature of the call, (2) the seriousness of the situation, and (3) the variable conditions of traffic congestion, weather, road surface, etc., present at the time.

4. Since a deputy's judgment and decision to expedite or to not expedite will depend upon what determination the deputy can make from the total information conveyed to him by the Communications Center or other source, it is critically important for such information to be complete and accurate.

5. Under certain emergencies as defined below, the *Code of Virginia (*§ 46.2-920) authorizes officers to disregard traffic regulations. Both the operator and the Sheriff's Office, however, are not released from civil liability for failure to use reasonable care in such operation.

B. Routine operation

1. In addition to the provisions of this Order, the operation of Sheriff's Office vehicles is also governed by the Motor Vehicle Laws of the State of Virginia and the County of Campbell.

2. Vehicles used in routine or general patrol service shall be conspicuously marked and equipped, at a minimum, with a siren and blue emergency lights in operational order. The operator must have the ability to maintain constant radio communication.

3. Unmarked cars used in routine or general patrol service shall be equipped, at a minimum, with blue emergency lights, a siren and have the ability to maintain constant radio communication.

4. Standard lighting equipment on marked vehicles includes spotlights and alley (side) lights on the rooftop light bar. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner which will blind or interfere with the vision of operators of other approaching vehicles (§ 46.2-1029).

5. Seat belts and shoulder straps shall be worn by all drivers and passengers whenever the vehicle is so equipped. This applies to the operation of County-owned vehicles, and commercial or privately owned vehicles if used while on duty. Virginia Code § 46.2-1094 authorizes any law enforcement officer transporting prisoners in custody or traveling in circumstances which render the wearing of such safety belt system impractical to be exempt from this Code. If this exemption is used, the deputy must be able to articulate the reasons for not wearing the belt, if requested to do so. Prisoners shall be strapped in with seat belts whenever possible.

6. Assigned Sheriff's Office vehicles must be kept readily available in order that deputies can respond to emergency situations or assignments as directed by a supervisor.

C. Inspection

1. Circumstances permitting, the operator of a Sheriff vehicle has the responsibility to check the safety features of their vehicle prior to commencing operation. The check should include (but not be limited to) all lights, brakes, siren, horn, and steering.

2. Deputies shall examine their vehicles at the beginning and end of their shifts for damage. Deputies shall report any damage immediately to the on-duty supervisor. Further, all vehicles must be inspected by a supervisor each month with notations made in the Vehicle Inspection Notebook.

3. Deputies shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others. Rear seats shall be thoroughly checked.

4. Deputies who discover a Sheriff's Office vehicle in need of extensive repairs shall immediately inform the on-duty supervisor who shall refer the vehicle to the Department's Fleet Manager. The Fleet Manager shall determine the condition of the vehicle and its suitability for service. The Administrative Services Division Commander (or designee) shall serve as the Fleet Manager.

5. If, in the opinion of the Sheriff, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.

6. No radio, emergency or special equipment of personal ownership may be placed in the Sheriff's Office vehicles without approval of the Sheriff or his designees.

7. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle which affects its operation.

8. During periods of inclement weather when Sheriff's Office vehicles cannot be washed regularly, the driver must ensure that headlight and tail light lenses are kept clean, insofar as circumstances permit.

9. No deputy or employee shall operate any Sheriff's Office vehicle which he or she believes to be unsafe.

D. Driving rules

1. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.

2. A Sheriff's Office vehicle shall not be left unattended with the engine in operation unless idling is necessary to operate the vehicle's emergency equipment, i.e., traffic crashes and such. The vehicle shall be locked. The vehicle shall not be left unlocked when the deputy has left it to handle other business.

3. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of the vehicle accordingly.

4. Deputies responding to certain crimes-in-progress sometimes discontinue the use of the siren upon close approach to the location of the occurrence. Deputies shall understand that to do so means that, per Virginia law, they are no longer operating an emergency vehicle and must therefore observe all posted speeds and traffic control devices. Sheriff vehicle operation under these conditions requires extreme caution.

5. Except for the very limited period of time in which pacing is accomplished, any driving of an emergency or expediting nature, including pursuit driving, shall require the use of emergency equipment. Sheriff vehicle operation under these conditions requires extreme caution.

6. Emergency driving to the scene of a motor vehicle accident is permissible **only** when an emergency exists, when specific

information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.

7. Upon approaching a controlled intersection or other location where there is great possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal or stop sign, however, the deputy shall stop the vehicle and ensure by careful observation that the way is clear before proceeding through the intersection with due regard for public safety.

8. Regardless of the seriousness of the situation to which the deputy is responding, and excepting circumstances that are clearly beyond the deputy's control, he or she **shall** be held accountable for the manner in which he or she operates the vehicle.

9. At the scene of a crime, a motor vehicle crash, or other incident, a Sheriff's Office vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the emergency lights and four-way flashing lights shall be used to warn other drivers approaching the location.

10. Circumstances permitting, during emergency responses or pursuits, the driver may lower one front door window far enough to hear other sirens and traffic warning signals.

11. Operators of Sheriff's Office vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way (§ 46.2-829).

E. Accidents Involving Sheriff's Office Vehicles

Recognizing that motor vehicle crashes will occur despite all preventive efforts, the authority of this Order establishes the following investigative responsibilities and procedures:

1. The operator of a Sheriff vehicle involved in any type of accident shall, unless physically disabled notify the Shift Supervisor and Communications Center without delay.

2. The Communications Center shall notify applicable fire and/or rescue squads as well as the Virginia State Police. The Virginia

State Police shall investigate all reportable crashes involving departmental vehicles.

3. A complete investigation shall be conducted by the operator's Shift Supervisor. In the event the respective Shift Supervisor is not available, the investigation shall be conducted at the direction of the nearest available supervisory deputy.

4. A deputy of equal or superior rank shall investigate any accident involving a Shift Supervisor or staff deputy.

5. All cases where Sheriff's Office vehicles have been involved in crashes, whether reportable or not, or incidents involving property damage (regardless of the amount) shall be notated on a CCSO 80a Form and will contain a brief synopsis of the incident.

6. The investigating deputy shall obtain a copy of the Virginia State Police Accident Report Form FR300, if investigated by the Virginia State Police. This copy, along with a detailed narrative report, shall be directed to the Sheriff. All such reports shall be routed through the investigating deputy's chain of command.

7. In all Sheriff vehicle accidents, the operator, unless physically incapable of doing so, shall submit a memorandum detailing the circumstances of the case.

8. Fatal or serious injury accidents require an oral report to be made to the Sheriff as soon as possible after the occurrence. The ranking supervisory deputy on duty at the time of the accident shall make the oral report. In the event the Sheriff is unavailable, the report shall be made in the following order of succession: Major, Investigations Commander, Administrative Services Division Commander, Field Operations Division Commander, or Shift Supervisor.

9. The investigation of any accident that occurs outside the boundaries of Campbell County or in any incorporated town within the boundaries of Campbell County will be conducted by the Virginia State Police and/or the local jurisdiction where the accident occurred.

F. Accident Review Procedures

The Fleet Manager shall be responsible for reviewing all accidents involving Sheriff's Office vehicles. The Sheriff shall be notified of any departmental infractions.

V. PROCEDURES FOR EMERGENCY DRIVING

A. General

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him/her to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified.

2. § 46.2-920.B states that the exemptions to driving laws granted to emergency vehicle operators "shall not, however, protect the operator of any vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property" and that the law does not "release the operator of any such vehicle for failure to use reasonable care in such operation." Recognizing that protection of human life is paramount; the responding deputy must remember that his or her objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others.

B. Response codes

1. Calls for service are classified as Code 1 or 2 depending on circumstances. Code 1 calls are authorized by a supervisor (Sergeant or above), or the responding deputy, subject to the considerations discussed below. ***The responding deputy must notify the dispatcher when they are responding Code 1***. The codes are defined as follows:

   a. Code 1: **Code 1 responses are authorized for any emergency where the preservation of life is a consideration.**

      (1) Primary and support units responding to Code 1 calls shall proceed rapidly to the location of the emergency by the most direct means (consistent with § 46.2-920), using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers.

   b. Code 2: **Code 2 responses are authorized for any other situation regardless of apparent urgency where the preservation of life is not a consideration.**

      (1) Units responding to Code 2 calls shall respond to the location without delay, complying with all traffic regulations and shall not use emergency warning devices.

2. Shift supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade the deputy's responding code. Shift supervisors shall closely monitor all Code 1 calls and shall respond if necessary.

C. Dispatcher assignments

1. The dispatcher shall advise responding units the nature of the calls which indicate a crime involving violence is in progress or where the suspect is armed, and all other requests alleging an implied or immediate threat to the safety of a person.

   a. A deputy who needs urgent help.

   b. A burglary in progress.

   c. A robbery in progress.

   d. A person with deadly weapon.

   e. A serious-injury or fatal accident or hit/run.

   f. A riot or large disturbance with fighting or injuries or damages occurring.

   g. An apparent homicide.

   h. A fight- or an assault-in-progress.

   i. A sex offense in progress.

   j. An auto theft in progress.

   k. A shoplifting involving a violent suspect.

   l. Domestic dispute with an assault in progress, or just occurred with a suspect still present.

   m. An in-progress suicide attempt.

   n. Other exigent circumstances when directed by a supervisor.

2. Upon receipt of a request for law-enforcement service which necessitates the dispatch of a deputy, the dispatcher receiving the request shall determine sufficient facts and advise the responding deputy accordingly.

   a. The dispatcher shall obtain information about the following:

      (1) Whether the perpetrator is still on the scene, or armed.

(2) Condition of the victim.

(3) A possible hostage situation.

(4) The direction and method of travel of any fleeing suspects.

(5) A description of any fleeing vehicles.

D. Deputy's response to call

1. Upon arrival at the scene of a call, the responding deputy shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 1 can be slowed or cancelled.

2. All units responding to robbery or burglary-in-progress call, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, deputies shall discontinue the use of the emergency warning lights.

   a. Deputies are reminded that upon deactivation of a siren and flashing lights, their response ceases to be an emergency and they must comply with all posted speeds and traffic control devices.

3. In situations requiring a silent response, e.g., alarms and prowler calls, deputies shall respond as rapidly as possible, obeying all traffic laws and signs.

E. Use of emergency warning devices in non-emergencies

1. Deputies shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, deputy, and the public.

2. Deputies may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other deputies, such as using emergency lights to protect disabled motorists or when department vehicles are used as protective barriers.

VI. PROCEDURES FOR PURSUITS

A. Justification for pursuit

Decision-Making Matrix

In determining whether or not to pursue, the deputy must weigh the decision by examining the degree of seriousness of the incident against the risk levels involved. The following matrix represents the choices the deputy might make. Refer to the table and the explanation of the risk levels which follow the matrix. **As required by this order, deputies shall document all pursuits.**

PURSUIT DECISION-MAKING MATRIX			
Degree of Seriousness	***Decision Threshold--Risk Levels***		
	Low	**Moderate**	**High**
Violent Felony--Imminent Threat	May pursue: continue to assess risks	May pursue: continue to assess risks	May pursue: discontinue if risks exceed known threat to public safety if capture is delayed
Felony--Violent	May pursue: continue to assess risks	May pursue: continue to assess risks	May pursue: discontinue if risks exceed known threat to public safety if capture is delayed
Felony--Property	May pursue: continue to assess risks	May pursue: continue to assess risks	DISCONTINUE OR DO NOT PURSUE
Misdemeanors	May pursue: continue to assess risks	DISCONTINUE OR DO NOT PURSUE	DISCONTINUE OR DO NOT PURSUE
Minor Infractions	DO NOT PURSUE	DO NOT PURSUE	DO NOT PURSUE

(The Pursuit Decision-Making Matrix is copyrighted by the Gallagher-Westfall Group, Inc., Indian Valley, Virginia, and is included here with their permission.)

The following objective risk factors define the low, moderate, and high risk categories in the matrix above. During a pursuit, deputies must continuously evaluate the risk to the pursuing officers, the suspect, and the public, and be prepared to end a pursuit when the risk factors so require. **Risk factors may change during the pursuit.**

1. High risk factors

    a. High density of intersecting streets (e.g., business district).

    b. Poor weather, slippery streets, low visibility.

    c. Blind curves, intersections, and narrow roads.

    d. Numerous pedestrians.

    e. Heavy, congested traffic.

    f. Speeds twice the posted limit, or greater than 80 mph.

    g. Unmarked vehicles or non-patrol vehicles involved in the pursuit.

    h. Extremely hazardous maneuvers by the violator (e.g., driving against oncoming traffic, running red lights).

    i. Pursuing deputy is excited and not in full control of emotions.

    j. Numerous pursuit vehicles involved, above authorized number.

    k. No supervisor participating in the pursuit, or ineffective supervisory oversight.

    l. Special circumstances (e.g., a school district).

2. Moderate risk factors

    a. Unmarked vehicles or non-patrol vehicles involved in the pursuit.

    b. Moderate density of intersecting streets (e.g., a residential area).

    c. Light pedestrian traffic.

    d. Moderate traffic, little congestion.

    e. Speeds 20 mph greater than the posted limit.

    f. Pursuing deputy is generally calm with emotions under control.

g. Some hazardous but not extreme maneuvers by the violator (e.g., crossing the center line to pass vehicles, sudden lane changes).

h. Supervisor is involved or provides effective oversight.

i. Authorized number of Sheriff's Office vehicles involved in the pursuit.

3. Low risk factors

a. Only marked patrol vehicles involved.

b. Pursuit takes place on a straight road, good surface, clear visibility.

c. Low density of intersecting streets.

d. Few or no pedestrians.

e. Clear, calm weather.

f. No hazardous maneuvers by the violator.

g. Speeds at less than 20 mph over the speed limit.

h. Supervisor is involved or provides effective oversight.

i. Authorized number of departmental vehicles involved in the pursuit.

j. Deputy calm and in full control.

B. Primary Deputy Responsibilities

1. The deputy's primary responsibility in a pursuit is the safe operation of the vehicle. **Only marked vehicles with emergency equipment shall pursue, *except* unmarked vehicles with blue lights, siren, and the ability to maintain constant radio communication may pursue until relieved by a marked vehicle.**

The deputy shall notify the dispatcher of the following:

a. The location of the deputy and the suspect's vehicle, direction of travel, fact that a pursuit has begun and reason (violation) for pursuit.

b. Description of suspect vehicle (to include tag number and state) being pursued and any change in direction of travel.

c. It is apparent or possible that the pursuit may enter an adjoining jurisdiction, and

d. Immediately notify if the pursuit has been discontinued and location of where the pursuit was halted.

2. Failure of the pursuing deputies to terminate the pursuit after being ordered to do so by a supervisor may subject the deputy to disciplinary action.

3. During any pursuit, a safe distance shall be maintained between vehicles, enabling the pursuing deputy(s) to duplicate any sudden action taken by the pursued vehicle and lessening the possibility of collision.

4. The use of roadblocks shall be prohibited except as delineated in this General Order. The forcing of a vehicle from the roadway by contact with a patrol vehicle shall be considered the application of deadly force. The use of deadly force during a pursuit shall be consistent with the Rules and Regulations in the Departmental Policy Manual and used only under the most extreme circumstances.

5. Special purpose vehicles **shall not** be engaged in high speed pursuits. Refer to GO 502.1 and 502.2 regarding special purpose vehicles.

6. No more than two police vehicles (a primary unit and one backup unit) shall be directly involved in the actual pursuit. The second unit shall be designated by a Supervisor. The responsibility of the second unit shall be to serve as a backup for purposes of effecting an arrest. Also, when practical, the second unit can take over the responsibility of updating the Communication Center of the pursuit location, thereby allowing the primary unit to focus his/her full attention on the suspect vehicle.

7. A Deputy Sheriff in pursuit of a violator, or suspected violator, of the law is exempt from certain traffic regulations provided the deputy's vehicle's emergency lights and siren are in use; the vehicle is operated under emergency conditions; and the vehicle is operated with due regard to the safety of persons and property. Nothing in this paragraph shall be construed to release the operator of the vehicle from civil or criminal liability for failure to use reasonable care in such operation. (§ 46.2-920 and § 46.2-1020)

8. This deputy may also terminate the pursuit at any time and for any reason. The decision to terminate the pursuit may also be made by a Supervisor.

9. The primary deputy involved in a pursuit will write an incident report detailing the events and facts surrounding the case as well as complete a vehicle pursuit report. Both reports will be reviewed by the deputy's supervisor and follow appropriate channels. The Field Operations Commander will conduct an administrative review of the pursuit as soon as possible after the pursuit.

C. Responsibilities of Supervisor:

1. Ascertain exact location of pursuit, reason for pursuit (charges or violation), primary unit involved and additional units, if any. Assign additional units and/or terminate their involvement as necessary. In authorizing additional Sheriff's Office vehicles to pursue, the supervisor shall consider:

   a. The nature of the offense.

   b. The number of suspects.

   c. The number of deputies currently participating as primary or support vehicles.

   d. Any injuries or property damage already sustained as a result of the pursuit.

   e. Any other clear, articulated facts that would justify the assignment of additional Sheriff's Office vehicles.

2. Advise communications to clear a designated frequency for pursuit traffic only.

3. On a continuing basis, monitor the pursuit to determine probability of injury to deputy, suspect or citizens due to speed, population density, weather or other conditions.

4. Assign or restrict additional vehicles as deemed necessary.

5. After evaluating all aspects of the pursuit, make decision to continue or terminate.

6. Should the pursuit enter into an adjoining jurisdiction, the supervisor shall follow into that jurisdiction until the Campbell deputy has relinquished the pursuit to a unit from that jurisdiction or the pursuit has been terminated.

7. After the incident, the supervisor shall critique the pursuit with all of the deputies' involved and direct participants to submit reports.

8. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing deputies of the Sheriff Office for the duration of the pursuit.

9. The supervisor may direct the use of tire-deflation devices, as appropriate. See paragraph D.2 below.

D. Supporting Deputies Responsibilities

1. Normally the first back-up unit to respond shall help the primary deputy in pursuing the suspect and making the arrest. The second pursuing deputy is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. The second deputy must also alert other deputies of the probable route of travel. By handling these communications responsibilities, the primary deputy can focus attention on the pursuit driving.

2. Tire-deflation devices may be deemed appropriate to stop a pursuit and may be set up by supporting officers. These devices shall be used only by officers trained in their use **and** only under the direct authorization of the on-duty supervisor.

E. Dispatcher's responsibilities

1. Record all pertinent information about the pursued vehicle.

2. Notify all appropriate on-duty supervisors when the pursuit has begun.

3. Advise all other deputies of the pursuit and the information given by the pursuing deputy. Assist in directing back-up units to strategic locations.

4. If ordered by a supervisor, clear a designated frequency for pursuit traffic.

5. Alert all other nearby law-enforcement agencies of the pursuit and information given by pursuing deputy when continuing beyond the Campbell County boundaries.

6. Query DMV, VCIN and NCIC for license data and any warrants.

F. Considerations for engaging in pursuit

1. Deputies shall not operate a vehicle at a rate of speed that may cause loss of control. ***"The Sheriff's Office expects the deputy to end the pursuit when the level of risk, measured against the seriousness of the violation, so requires."***

2. The decision to begin, responsibility for continuing, and the choice of method of pursuit rests primarily, if not solely, with the individual deputy(s) involved. Deputies should be aware that the courts may hold them criminally and civilly responsible for a pursuit conducted in a negligent manner. Therefore, deputies must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens.

G. Rules of pursuits

1. Deputies shall not intentionally ram, bump or collide with a fleeing vehicle during a pursuit except when it is determined the fleeing vehicle must be stopped to safeguard life, property and preserve public safety. The decision to permit physical contact between Sheriff's Office vehicles and a vehicle being pursued requires the following conditions be met:

   a. The decision shall be approved by a supervisor.

   b. The use of force must be justified due to existing circumstances.

   c. The decision shall take into account the safety of the public, deputies and occupants of vehicle being pursued.

   d. Other reasonable methods of stopping the fleeing vehicle have been unsuccessful.

2. Caravanning is prohibited.

3. Deputies shall not fire their weapons from a moving Sheriff's Office vehicle. Deputies may only fire weapons at a vehicle under conditions described in GO 506 (Use of Force), V. C.1., 2. and 3.

4. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the deputy shall stop, give his or her location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing deputy should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing deputies.

5. If the on-duty supervisor orders the pursuit to end, then the primary and supporting pursuing deputies shall cease immediately. Also, the pursuing deputy(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.

6. The use of a moving roadblock to slow a fleeing vehicle's rate of speed to the effect a safe forced stop, is permissible under the following conditions:

   a. The decision shall be approved by a supervisor.

   b. The maneuver should be performed by trained deputies at reasonable safe speeds.

7. The use of a stationary roadblock shall be authorized only by the Sheriff or a Senior Staff Officer. The use of a roadblock constitutes the use of deadly force and GO 506 applies. The decision to erect a roadblock must consider:

   a. The safety of deputies.

   b. The risk of physical injury to the occupants of the pursued vehicle.

   c. The protection of citizens and their property.

   d. The nature and severity of the offense(s) involved.

8. A roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The deputy in charge of the roadblock shall notify the dispatcher of its precise location. All participating deputies must be aware of the roadblock and have acknowledged this awareness before it is constructed. Further, no personnel shall remain in blocked vehicles, and an avenue of escape shall be provided.

9. When accompanied by civilian passengers, deputies shall not pursue. If a civilian is in the Sheriff's Office vehicle at the beginning of a pursuit, that officer shall turn the pursuit over to another deputy, *or* deposit the civilian at an appropriate, safe location and notify dispatch to have the observer picked up.

10. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit should use a different siren-sound selection, **if** circumstances and safety permit. The use of different siren-sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.

11. In case of pursuit, should the suspect drive in a direction opposite to the flow of traffic, the pursuing deputy **shall not** follow the suspect in the wrong direction but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and

direction of travel. The pursuing deputy may be able to follow the suspect on a parallel road.

12. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, deputies shall:

    a. Slow to a stop and enter the intersection at a reduced speed and only when safe, when all other vehicles are aware of the deputy's presence.

    b. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the deputy is requesting the right of way and **does not absolutely have** the right to run a red traffic light or stop sign.

H. Out-of-jurisdiction pursuits

1. Pursuits beyond the local jurisdiction require the direct approval of the on-duty supervisor and, if approved, shall be conducted according to this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request assistance.

    a. Deputies shall review § 19.2-76 concerning arrests outside the jurisdiction where the offense is charged and § 19.2-77 concerning pursuits and arrests anywhere within Virginia. Deputies are authorized to pursue a suspect and apprehend him wherever he is found within Virginia.

2. Subject to Virginia State Code, all deputies, upon entering an adjoining jurisdiction in pursuit, shall maintain the pursuit (unless terminated by a supervisor) until a sufficient number of units from the jurisdiction are in place to assist with the apprehension of the suspect(s).

3. When a pursuit originates in another jurisdiction and enters Campbell County, the shift supervisor shall be notified. He/she shall determine whether to continue the pursuit based on all circumstances (See Supervisors Duties). If the supervisor decides to engage in the pursuit, he/she shall assign the unit(s) as necessary and they shall become the primary units. This pursuit shall now follow the guidelines of a pursuit initiated in Campbell County.

4. When the fleeing suspect is apprehended in another jurisdiction, the pursuing deputy shall take the arrested person before a judicial officer of that jurisdiction. The deputies shall then go before our local magistrate to obtain a warrant and ensure that a teletype is sent through VCIN to the apprehending jurisdiction as soon as possible, acting as a detainer.

5. When a fleeing suspect from another jurisdiction is apprehended within the County, the apprehending deputy shall take the arrested person before the magistrate serving Campbell County. The on-duty supervisor shall confer with the other jurisdiction to determine which jurisdiction shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective Magistrate.

VII. TERMINATING PURSUITS

A. This order has noted the necessity for a pursuing deputy to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the deputy can make.

1. Discontinuing a pursuit does not mean that the deputy cannot follow the vehicle at a safe speed, or remain in the area ready to resume the pursuit if the opportunity presents and circumstances warrant. **No deputy shall be disciplined for discontinuing a pursuit.**

B. Deputies **shall discontinue** a pursuit under the following circumstances:

1. The on-duty supervisor orders it.

2. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.

3. The pursued vehicle has outdistanced the pursuing deputy such that its location is not known.

4. A person has been injured during the pursuit and no medical or Sheriff's Office personnel are able to provide help.

5. The pursuing deputy perceives a clear, unreasonable danger to himself or other deputies, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect **at the time**.

VIII. FOLLOW-UP REQUIREMENTS / REPORTING

A. The on-duty supervisor shall ensure that deputies document their involvement in a pursuit by the end of the tour of duty, **whether or not the suspect was stopped**. The supervisor shall insure that the following is completed:

1. Required arrest (if applicable), incident reports, use of force report (if applicable) and pursuit forms have been completed and submitted to the shift supervisor prior to the end of tour of duty.

2. The incident reports shall contain the following narrative information:

   a. A narrative description of where the pursuit began and under what circumstances (including the weather conditions and road description), where it ended and under what circumstances, at what speeds, and the duration of the pursuit.

   b. A description of the tactics used to stop the suspect's vehicle, including the use of tire-deflation devices, if available and an evaluation of their effectiveness.

   c. Any observations on the behavior or actions of the fleeing driver that may support additional criminal charges.

   d A description of how the suspect was apprehended and the force-measures employed.

   e. A description of property damaged or an account of injuries sustained during the pursuit.

   f. The offenses for which the suspect was charged.

3. Deputies shall document **any** pursuit as per the above requirements, except for those pursuits arising in training or departmental demonstrations.

4. If a deputy is involved in a pursuit that originates in another jurisdiction, the lead or primary Campbell County deputy will be responsible for completing and submitting a pursuit report only, by the end of the tour of duty.

B. The shift supervisor shall forward the above referenced reports to the Field Operations Division Commander by the end of the tour of duty. The Field Operations Commander will conduct an administrative review of the pursuit as soon as possible after the pursuit.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Special Purpose Vehicles	**NUMBER: 502.1**
EFFECTIVE DATE: March 15, 2012	
AMENDS/SUPERSEDES: **Revised Date: April 30, 2008**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: OPR.01.08; OPR.01.09	

NOTE

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

I. PURPOSE

The intent of this directive is to establish the criteria for use and operational guidelines for all special purpose vehicles utilized by the Campbell County Sheriff's Office.

II. POLICY

It shall be the policy of the Sheriff's Office to maintain a sufficient number and type of special purpose vehicles to meet the special operational needs of the Agency. In addition, the Agency shall insure that all persons assigned to operate a special purpose vehicle, fully understands its capabilities, limitations, criteria for deployment and operational procedures/techniques. In order to achieve these goals, the Agency shall establish minimum training standards and qualifications for each designated operator for each type of vehicle.

A. Definition:

SPECIAL PURPOSE VEHICLE – A vehicle used because of considerations of weather, terrain, the need for inconspicuous appearance, quietness, storage requirements, special operations needs, etc. Includes SWAT vehicles, mobile command posts, prisoner transport vehicles and crime scene vans.

III. VEHICLE TYPE AND SPECIFICATIONS

A. Prisoner Transport Van

1. Operational Objectives: The Sheriff's Office Prisoner Transport Van shall be used to facilitate the movement of multiple prisoners and/or prisoners with special needs in order to increase safety and/or efficiency.

2. Conditions and Limitations of Use

   a. The Prisoner Transport Van shall be used to facilitate the movement of prisoners to locations both within and outside the County as deemed appropriate.

   b. The Van shall also be used to transport subjects in custody who because of medical condition or violent nature may be at risk in a regular patrol vehicle.

   c. The Van shall also be used to transport Sheriff's Office personnel and equipment in support of official activities as deemed appropriate.

   d. The Van shall be operated in accordance with all Sheriff's Office policy relating to motor vehicle operation and prisoner transportation.

   e. The Prisoner Transport Van shall not be engaged in high speed pursuits.

3. Operation of the Prisoner Transport Van shall be limited to those persons authorized by any supervisor. No specialized training required.

4. The Fleet Manager shall be responsible for ensuring the mechanical and operational readiness of the Van and shall coordinate both routine and emergency mechanical service, as appropriate.

5. The Prisoner Transport Van shall be equipped with, at a minimum, the following equipment:

   a. Mobile radio transceiver/SIRS,

   b. First Aid Kit;

c. Biohazard Bag;

d. Fire Extinguisher;

e. Flares; and,

f. Other equipment as deemed necessary and appropriate by the Commander of the Administrative Services Division. No specialized training required to maintain the equipment.

B. Forensic Crime Scene Investigation Van

1. Operational Objectives: The Sheriff's Office Forensic Crime Scene Investigation Van, because of its' design shall be used to transport to crime scenes investigative/processing equipment, supplies and supply electrical power at crime scenes, as needed.

2. Conditions and Limitations of Use

a. The Van shall be utilized to transport crime scene processing equipment to and from the scene of any critical incident. The Van is equipped with radio (multi-frequency) for continuous communication, crime scene processing/collection equipment and supplies and a generator to supply lighting and electrical power as needed. A specified evidence technician is responsible for responding to the Sheriff's Office, picking up the Van and then responding to the scene when requested. No specialized training required.

b. Under no circumstances are firearms to be stored in the Van. Further, under no circumstances shall any firearm be left unattended in the Van.

c. The Van shall be operated in accordance with all Sheriff's Office policies, procedures and directives relating to the operation of motor vehicles.

d. The Van shall not be engaged in high speed pursuit.

e. The equipment and supplies used from the Van are checked and replenished after each use.

f. The Van is routinely checked for operational readiness on a monthly basis.

g. The assigned Evidence Technician is responsible for maintaining supplies in the Evidence Van. On a semi-annual basis, at a minimum, the Evidence Technician is to inspect stored supplies for operational readiness and report findings on an approved form to the Administrative Captain. No specialized training required for maintaining the equipment.

3. Operation of the Van shall be limited to Investigators and other personnel designated as drivers by any Lieutenant or Captain. No specialized training required.

4. The Fleet Manager, or designated representative, shall be responsible for ensuring the mechanical and operational readiness of the Van and shall coordinate both routine and emergency mechanical service, as appropriate.

C. Special Response Team Vehicle

1. Operational Objectives: The Special Response Team vehicle shall be used to provide a readily moveable and available vehicle in which support equipment can be stored and then transported to the scene of the critical incident. Once on the scene, the SRT vehicle can function as the SRT Teams command post, if necessary.

2. Conditions and Limitations of Use

a. The SRT vehicle shall be utilized as a secure moveable container in which SRT support equipment may be transported to the scene of any critical incident. A specified SRT member is responsible for responding to the Sheriff's Administration Office, picking up the vehicle, and then responding to the scene.

b. Under no circumstances are firearms to be stored in the SRT vehicle. Further, under no circumstances, shall any firearm be left unattended in the SRT vehicle.

c. On the scene of any critical incident, the SRT vehicle may function as the team's command post.

d. The SRT vehicle shall be used to transport team members from staging areas to incidents in situations where advance notice of a SRT team call-out is made available, such as, execution of search warrants and narcotics raids.

e. The SRT vehicle shall be operated in accordance with all Sheriff's Office policies, procedures and directives relating to the operation of motor vehicles.

f. The SRT vehicle shall not be engaged in high speed pursuit.

3. Operation of the SRT vehicle shall be limited to those persons designated as drivers by the Commander of the Special Response Team and/or the Fleet Manager.

4. The Fleet Manager, or designated representative, shall be responsible for ensuring the mechanical and operational readiness of the vehicle and shall coordinate both routine and emergency mechanical service, as appropriate.

5. The SRT vehicle shall be equipped with equipment as deemed necessary and appropriate by the SRT Team Commander.

D. Pick-Up Truck

1. Operational Objectives: The Pick-Up Truck, because of its design, shall be used to pick up items too large in size to be transported by conventional county vehicles, (i.e., 4-wheelers, bicycles, tires, oil, and other bulky items). The pick-up can also be used to tow any trailer – providing the person towing the trailer has received documented training in the towing of trailers.

2. Conditions and Limitations of Use

a. The Pick-Up Truck shall be used to pick up/transport items too large in size to be transported in conventional county vehicles.

b. The Pick-Up Truck shall also be used to tow any trailer, providing the person towing the trailer has received documented training in the towing of trailers.

c. The Pick-Up Truck shall also be used to transport Sheriff's Office personnel and equipment in support of official activities as deemed appropriate.

d. The Pick-Up Truck shall be operated in accordance with all Sheriff's Office policy relating to motor vehicle operation.

e. The Pick-Up Truck **shall not** be engaged in high speed pursuits.

f. Under no circumstances are firearms to be stored in the Pick-Up Truck. Further, under no circumstances, shall any firearm be left unattended in the Pick-Up Truck.

3. Operation of the Pick-Up Truck shall be limited to those persons authorized by any supervisor. No specialized training required for operation of the Pick-Up Truck.

4. The Fleet Manager shall be responsible for ensuring the mechanical and operational readiness of the Pick-Up Truck and shall coordinate both routine and emergency mechanical service, as appropriate.

5. The Pick-Up Truck shall be equipped with, at a minimum, the following equipment:

a. Mobile radio transceiver/SIRS, capable of maintaining constant radio communication;

b. Siren, in operational order;

c. Blue emergency lighting, in operational order;

d. First Aid Kit;

e. Biohazard Bag;

f. Fire Extinguisher;

g. Flares; and,

h. Other equipment as deemed necessary and appropriate by the Commander of the Administrative Services Division. No specialized training required to maintain the equipment.

E. The following are a complete list of all trailers currently in use by the Campbell County Sheriff's Office including a brief description of the operation/usage for each. **Only those persons that have received documented training in the operation of trailers are allowed to transport the trailers from one location to another. No other specialized training is required to operate and maintain these trailers and their equipment.**

Any person, while transporting a trailer, is <u>prohibited</u> from engaging in a high speed pursuit.

1. MOBILE COMMAND POST

The Mobile Command Post may be utilized for special events, safety programs, shelter, and whenever a situation deems the necessity for having a mobile command post on site. The Sheriff, Chief Deputy, or any Division Commander are the only persons having the ability to authorize use of the Mobile Command Post.

Equipment maintained in the Mobile Command Post is ever changing to keep up with the demands of situations and the upgrading of technology. At a minimum, two radios (1 high band – 1 low band), one generator *(spare gas can and drop cord)*, assorted tables and chairs, and a PA system are kept in the mobile command post at all times. Equipment is to be inspected after each use and replenished/serviced as needed. The Administrative Services Division will be responsible for the equipment and maintenance thereof. No other noted specialized training required for maintaining equipment.

2. FIREARMS TRAILER

The Firearms' Trailer is to be utilized to transport targets, tools, armorers' kits, miscellaneous range gear, etc., that will be necessary for firearms training/qualifications. There is also an armorer's table built in for use by Sheriff's Office armorers'. The only persons having the ability to authorize use of the Firearms Trailer are the Sheriff, Chief Deputy, or any Campbell County Sheriff's Office Firearms Instructor.

Equipment maintained in the Firearms' Trailer includes targets, tools, armorers' kits, miscellaneous range gear, etc. Equipment is to be inspected after each use and replenished/serviced as needed. The Field Operations Division will be responsible for the equipment and maintenance thereof. No other noted specialized training required for maintaining equipment.

3. ATV TRAILER

The ATV Trailer is to be utilized to transport the ATV's to locations when requested or needed for Sheriff's Office business/functions. The only persons having the ability to authorize use of the ATV's (and

ATV trailer) are Shift Supervisors and all persons of higher rank than the Shift Supervisor.

Equipment maintained in the ATV trailer includes the ATV and Ranger. Approved helmet and goggles are also maintained in the trailer. No other noted specialized training required for maintaining equipment.

4. MESSAGE BOARD TRAILER

The Message Board Trailer may be used to alert motorists of special traffic hazards or safety related messages. The Message Board also has the ability to monitor the speed of oncoming traffic and may be used as a deterrent for traffic related offenses. The only persons having the ability to authorize the use of the Message Board Trailer are the Sheriff, Chief Deputy, any Division Commander, and the Special Operations Unit Lieutenant.

The Special Operations Unit Lieutenant, or designee, is responsible for the maintenance/upkeep/inspection of the Message Board Trailer and equipment (consisting of batteries and keyboard) installed within the Message Board Trailer. No other noted specialized training required for maintaining equipment.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: ATV Use	**NUMBER: 502.2**
EFFECTIVE DATE: June 21, 2006	
AMENDS/SUPERSEDES:	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.01.08	

NOTE

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

I. PURPOSE

The purpose of this policy is to provide guidelines for the use of Department owned all terrain vehicles (ATV).

II. POLICY

ATV's will be used to patrol remote areas of the county, used in emergencies for isolated areas not accessible by patrol vehicles due to weather or other factors, and for use in parades and special events. ATV's may only be used with the authorization of a division commander, chief deputy, or Sheriff.

III. PROCEDURE

A. General Guidelines

1. All deputies who operate the ATV's must have completed an ATV safety course approved by this department.

2. Deputies must wear approved helmet and goggles when operating the ATV's. The department provides these items. You do not have to wear these items when operating the Ranger.

3. ATV's must be operated in a safe professional manner. Reckless use will not be tolerated. A good example of safe operation should be displayed for the public and any children who may be watching.

4. The ATV's will be kept clean and full of fuel after each use. It is the responsibility of the last person who operated it to see to this.

5. Any damage to the ATV's must be reported in writing to the Division Commander in charge of the vehicle fleet.

6. The ATV's will be stored in the trailer and the keys in the switch. The keys to the trailer will be kept on the bulletin board in the deputies' room.

7. The ATV's may only be operated by Campbell County Sheriff's Office personnel.

8. ATV's will not be operated on public streets except when permitted by § 46.2-915.1.

9. Prior to each use, the deputy will inspect the ATV's tires, wheels, controls, cables, lights, all electrics, oil, fuel, chain and or drive shaft and chassis.

10. Due to the often dusty operating conditions of ATV's, care should be taken to protect other issued equipment such as firearms, radios, cell phones etc.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Traffic Enforcement	**NUMBER: 503**
EFFECTIVE DATE: March 3, 2011	
AMENDS/SUPERSEDES: **(01/07/05); (02/17/04)**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.07.01 – 07.04; OPR.07.09 – 07.11	

NOTE

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

I. POLICY

Traffic law enforcement involves all activities or operations which relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Enforcement not only involves arrests and citations, but includes warnings to drivers and pedestrians to prevent them from committing minor violations. Traffic enforcement may react to observed violations, at accidents, or in response to community concerns, or may be proactive to prevent traffic violations. However, overzealous enforcement without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of a deputy's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic.

II. PURPOSE

The purpose of this order is to prescribe procedures for traffic law enforcement, preventive patrol, proactive enforcement, and relationships with motorists, pedestrians, and the courts.

III. PROCEDURES

A. <u>General</u>

Deputies shall enforce the same laws consistently under similar circumstances. Before taking any enforcement, deputies must consider the circumstances of the law violation and decide on a course of action which relies on experience, training, and judgment. Further, traffic laws shall be enforced without regard to race, sex, nationality, location of the operator's residence, or the nature of the vehicle (type, model, whether commercially or privately operated).

B. Types of enforcement actions

1. Warnings

Deputies may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a violation of which the driver may not be aware. In their discretion, deputies must recognize that a properly administered warning can be more effective than any other type of enforcement.

2. Virginia Uniform Summons (VUS)

A VUS shall be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

3. Physical arrest

In compliance with *Virginia Code* § 46.2-940, deputies shall make a physical arrest and take the violator before a magistrate when the deputy believes that:

a. the violator has committed a felony; or

b. the violator is likely to disregard the summons issued under § 46.2-936 (arrest for misdemeanors); or

c. the violator refuses to give a written promise to appear under §§ 46.2-936 and -945 (issuance of citations).

C. Handling special categories of violators

1. Non-residents

Deputies may consider use of warnings for non-residents who commit minor, non-hazardous violations. If appropriate, deputies may arrest non-residents by issuance of a summons.

If the circumstances of § 46.2-940 apply, deputies shall take non-resident violators directly before a magistrate.

2. Juveniles

Juvenile traffic offenders are prosecuted in Juvenile and Domestic Relations Court and that shall be so noted on the summons. Deputies issuing a traffic summons to juvenile offenders shall advise them of their options regarding prepayment or court appearance and that a parent or guardian must accompany them when they appear before the court.

3. Foreign diplomatic or other consular officials

a. Diplomatic immunity is granted by the United States Government. Generally, immunity may apply to diplomats, members of their families, and employees of diplomatic missions concerning acts performed in the course of their official duties.

b. Different levels of immunity exist. The burden is on the diplomat to claim immunity and show the appropriate U.S. State Department-issued credentials. Refer to GO 514 (Diplomatic Immunity and Rights of Foreign Nationals), for further guidance.

4. The lieutenant governor and members of the General Assembly

During the session of the General Assembly and for five days before and after the session, the lieutenant governor, members of the General Assembly, the clerks, the clerks' full-time assistants, and the sergeants-at-arms of the Senate and House of Delegates shall be privileged from custodial arrest for most traffic offenses. They are not immune from misdemeanor or felony arrests. (§§ 30-6, 30-7, and 18.2-8 apply.)

5. Military personnel

Military personnel who are passing through the town/county may be treated as non-residents or, if from this area, as residents.

6. Members of Congress

a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.

b. If a member of Congress is stopped for a traffic infraction, upon presentation of valid credentials, he or she shall be released immediately. The deputy may then obtain a

summons for the member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress or on official business.

D. Information regarding traffic summons

The VUS shall be completed whenever a motorist is to be charged with a motor vehicle violation. Deputies shall advise drivers of the following:

1. The court appearance schedule.

2. Whether the court appearance by the motorist is mandatory.

3. Whether the motorist may be allowed to pay the fine before court and enter a guilty plea.

4. Answer the motorist's questions about the summons as thoroughly as possible.

IV. UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

A. Speed violations

Deputies shall clearly demonstrate the violator's speed in court by competently explaining the method of measuring the violator's speed and the circumstances. Appropriate speed may depend on the location of violation. For example, speeding may have occurred through a congested area, downtown, or a school zone.

B. Other hazardous violations

Be able to articulate the degree of hazard in a particular location which justified the issuance of a summons. The hazard may be based on the previous accident history of location with a current directed patrol emphasis.

C. Equipment violations

With only annual inspections required of vehicles, summonses may be issued for any essential equipment defects.

D. Public carrier/commercial vehicle violations

In issuing a summons, consider traffic congestion, lack of parking, and carrier needs for delivery access. Repetitive violators shall be cited.

E. Multiple violations

Deputies may issue summonses for all appropriate violations. In the event of multiple violations, deputies may issue a summons for the most serious violation and warn on others. Avoid issuing multiple summonses only because the violator is argumentative.

F. Newly-enacted laws

The Code of Virginia usually does not provide for a grace period when new laws take effect. Deputies, though, may use discretion in observing a reasonable grace period before issuing a summons for the following:

1. A violation of a newly enacted traffic law.

2. Speeding violations in an area which the speed limit has been reduced.

3. Expired state license tags or expired state inspection stickers for approximately one week after their expiration.

G. Inspections

Deputies may stop any motor vehicle or trailer to inspect its equipment, operation, serial or engine numbers, or any property-carrying motor vehicle or trailer to inspect its contents or load (§§ 46.2-103 and -104 apply). These stops shall be used judiciously and reasonably.

V. TRAFFIC LAW ENFORCEMENT PRACTICES - General

A. Normal traffic enforcement involves patrol by deputies who observe and handle traffic violations during the performance of their duties.

1. Area patrol involves traffic enforcement within the deputy's assigned area of responsibility.

2. Line patrol involves traffic enforcement with concentration on a particular section of roadway.

3. Directed patrol instructions can specify enforcement in an area, on a line patrol, or at a specific location, depending on the nature of the hazard/violation.

4. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location.

5. Deputies are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park

their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind other drivers to comply with traffic laws.

B. Objectives of traffic stops

1. The two primary objectives of any traffic stop are:

   a. to take proper and appropriate enforcement action; and

   b. to favorably alter the violator's future driving behavior.

2. Achievement of these objectives requires the deputy to evaluate the violator's mental and physical condition when assessing the facts of the violation itself. In achieving these objectives, deputies must exhibit flexibility to minimize conflict or argument with the violator.

C. Traffic violator/Deputy relations

1. Rules to be followed in all traffic stops:

   a. Be alert at all items for the unexpected.

   b. Be absolutely certain that the observations of the traffic violation were accurate.

   c. Present a professional image in dress, grooming, language, bearing, and emotional stability.

   d. Be prepared for the contact by having the necessary equipment and forms immediately available.

   e. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, decide on the formal enforcement action before contacting the violator. Exceptions include stopping an out-of-state driver who has committed a violation that would not be a violation in his jurisdiction, such as making a right turn on a red light. The officer may then decide to issue a warning rather than a citation.

2. Before making a vehicle stop:

   a. Maintain a reasonable distance between the violator and the patrol vehicle.

   b. Locate a safe spot to stop the vehicle.

   c. Activate the emergency lights and, when necessary, the siren to signal the vehicle to stop.

d. Advise the dispatcher of the intention to stop the particular vehicle, and give the following information:

(1) The location of the stop.

(2) The vehicle's license tag number and a description when necessary.

e. The deputy shall position the patrol vehicle approximately one to two car lengths behind the violator's vehicle. The patrol vehicle shall be positioned so that it will offer the deputy some protection from oncoming traffic. This position shall be angled two feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the deputy, and all other traffic.

3. Additionally, when stopping a vehicle in which the occupant(s) is (are) deemed to present a hazard to the deputy's safety, perform the following actions.

a. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before making the actual stop;

b. Train the unit's auxiliary lights (spotlight) on the occupant(s) of the vehicle when applicable;

c. When necessary use the vehicle's public address system to give instructions to the occupant(s) of the violator's vehicle.

4. Hazards

a. On multi-lane roadways, the deputy shall insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.

b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the deputy shall direct him or her to move to a safer location. Deputies shall use the public address system to instruct violators to move to a safer location. If the deputy's oral directions and gestures are misunderstood, the deputy shall quickly leave the patrol vehicle and instruct the violator.

c. At night, deputies shall exercise caution in selecting an appropriate place for the traffic stop. Once the violator has stopped, to maximize deputy safety, use the spotlight and set the head lights for high-beam, and employ emergency bar lights and emergency flashers.

5. Approaching the violator

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the deputy, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Follow these procedures unless circumstances dictate another reasonable method.

a. The deputy shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.

b. The deputy shall approach from the rear of the violator's car, look into its rear seat, and stop behind the trailing edge of the left front door. *If deputy safety is a concern, the right side of the vehicle may be approached, at deputy discretion.*

   This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the deputy can communicate with the violator, keeping him in a slightly awkward position and at the same time keep all occupants of the vehicle in view.

c. In cases where the violator’s car has occupants in both the front and rear seats, the deputy shall approach to the trailing edge of the left front door, *or right for deputy safety*, 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 deputy. From this position, the deputy can communicate with the violator and keep all occupants in view.

d. In traffic stops made by two-deputy patrol vehicles, the passenger deputy shall handle all radio communications, write all notes, and act as an observer and cover for his or her fellow deputy. At no time shall the two deputies approach the violator together along the same side of the violator’s vehicle.

6. Communicating with the violator

In transacting business with the violator, the deputy shall observe the following rules.

a. Greet the violator courteously with an appropriate title.

b. Inform the violator what traffic law he or she has violated and the intended enforcement action (do not keep the violator in suspense).

c. Ask for and accept only the violator's driver license and vehicle registration. If the driver offers money, the deputy shall refuse it and advise the driver of the illegality of the offer.

d. If the driver has no driver's license, obtain another document of identification.

e. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.

f. Complete the forms required for the enforcement action or administer an oral warning, if appropriate.

g. Explain to the violator exactly what he or she is supposed to do in response to the action taken and how this action will affect him or her.

h. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.

i. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

7. Conducting the transaction

a. Return the violator's driver's license and registration.

b. Release the defendant after he or she:

(1) Signs the summons, and

(2) Receives a copy of the summons.

c. Assist the violator in safely re-entering the traffic flow.

d. Do not purposely follow the violator.

D. <u>Stopping a known or suspected felon</u>

1. Special procedures shall be used in vehicle stops when the occupants are reasonably believed to be armed and dangerous. When a deputy locates a vehicle driven by a known or suspected felon, the deputy shall notify the dispatcher immediately of the suspect's location and give a thorough description of the vehicle and its occupants. The deputy shall keep the suspect vehicle in view and request sufficient assistance in making the stop.

2. The deputy shall keep support units informed of the suspect's location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle shall not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-deputy felony vehicle stop.

3. The following procedures shall be used in effecting the stop:

   a. The deputy shall plan to stop the suspect vehicle in a location which presents minimal danger to other citizens.

   b. When conditions are appropriate and support units available, the deputy shall move into position to the rear of the suspect vehicle.

   c. The deputy shall signal the violator to stop, using all emergency equipment to warn other traffic.

   d. The violator shall be stopped on the extreme right side of the road.

   e. If the violator is known to be armed and dangerous, the deputy shall have his weapon easily accessible and ready for immediate use.

   f. When the suspect vehicle begins to stop, the deputy shall turn off the siren and turn on the public address system.

   g. The deputy shall park the patrol vehicle so that it provides maximum protection and cover.

   h. At night, the deputy shall focus all lights on the interior of the suspect vehicle.

   i. The deputy shall leave the patrol vehicle quickly but remain behind the door and accessible to the public address system microphone.

   j. The deputy making the stop is in command and shall direct each occupant, using the public address system, to get out of the vehicle and into the appropriate search position. First, once suspects are stopped, the deputy shall order the driver to shut off the motor and drop the keys on the ground outside his door. Next, the deputy shall order occupants to place their hands, palms up, on the ceiling of the vehicle. Deputies shall then order occupants to exit the vehicle on the driver's side only, one at a time. Occupants shall then be ordered to lie face down on the ground.

k. If a public address system is not available, the deputy shall give voice commands if they can be heard; if this fails, the deputy should consider that the commands have been heard but ignored. Consistent with training, the deputy shall consider other options before leaving a position of cover.

l. To reduce confusion, the deputy shall instruct support deputies, as appropriate, and shall be the only deputy to direct the suspects.

m. The support deputies shall cover the arresting deputy and remain on the curb side of the vehicle until all occupants are in the search position.

n. Deputies shall exercise extreme caution not to get within each other's line of fire.

o. When all occupants have been removed from the vehicle, the support deputies shall move to cover the arresting deputy while the suspects are searched.

p. Arrestees shall be searched and handcuffed before transportation.

E. Persons charged with revoked/suspended operator's license

The VUS shall be issued when a deputy has stopped a motorist who is driving with a revoked or suspended operator's license (§ 46.2-301). The violator shall not be allowed to continue driving the vehicle. The vehicle may be legally parked or a licensed driver allowed to drive the vehicle. A deputy who sees a person driving who is known to be under suspension or revocation may swear out a warrant if unable to stop the violator.

The deputy shall have the dispatcher run a driver's transcript to determine the type of notification the driver received. If personal service was made (DC-210), then issue a VUS. If the order was mailed (DC-225), issue a DMV Suspension Form notifying the driver that they are in fact revoked or suspended.

F. Speed enforcement

Excessive speed is a major cause of death and injury on the highways. Deputies shall uniformly enforce speed laws within Campbell County. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

1. Pacing

The deputy shall follow the vehicle being paced at a constant interval for a distance adequate, normally two tenths of a mile or more, to

obtain a speedometer reading. Speedometers shall be calibrated at least every six months and calibration maintained on file at the Sheriff's Office. Each deputy is responsible for producing for the respective courts the calibration paperwork for their assigned vehicle. (§ 46.2-920)

2. Radar

Radar shall not be used for "filler" or "slack" deputy time, but shall be applied where vehicle speed is a hazard to other motorists or pedestrians. The following guidelines govern the use of radar, which shall always be operated in compliance with manufacturer's instructions. All departmental radar units meet current NHTSA standards.

a. Supervisors may authorize the use of radar to reduce speeding on roadways identified by citizen complaints.

b. Supervisors shall insure that all deputies who use radar have been properly trained for the operation of radar.

c. Supervisors shall also insure that the use of radar is accomplished without any adverse effect as to available manpower for minimum patrol needs and services rendered to the community.

d. Because conditions vary with each roadway and the major purpose of radar is to cite the more flagrant violator, no motorist shall be cited for violations less than 10 mph beyond the posted speed limit. Tolerance levels, over and under the minimum may only be set by the supervisor based upon circumstances of a specific location.

e. The radar unit must be properly installed in the vehicle and connected to the appropriate power supply.

f. Operators must thoroughly understand the effective range of the radar unit so observations can support the speed meter readings.

g. The operator must choose an appropriate location in accordance with the directions of his supervisor. The location must also be conducive to the effective and safe operation of radar. Working radar at the foot of a grade shall not be a standard practice. If complaints are received from citizens or if accidents have occurred which can be attributed to excessive speed, an on-site inspection shall be conducted by a shift supervisor prior to the use of radar at the foot of a grade.

h. The radar unit shall be calibrated to ensure accuracy in checking speed. The operator must follow the manufacturer's recommended specific methods of checking calibration without exception. Deputies shall report promptly any problems with the operation of radar units.

i. In court, deputies must establish the following elements of radar speed:

(1) The time, place, and location of the vehicle, the identity of the operator, the speed of the vehicle, and the visual and radar speed check;

(2) The deputy's qualifications and training in the use of radar;

(3) Proper operation of the radar unit;

(4) Proof that the unit was tested for accuracy before and after use by an approved method;

(5) Identification of the vehicle;

(6) The speed limit where the deputy was operating and where the signs were posted.

j. The Lieutenant of the Traffic Unit is responsible for the upkeep, maintenance, and calibration of radar units, maintenance of records, and that appropriate certificates are filed with the clerks of district and juvenile courts.

VI. DUI ENFORCEMENT PROCEDURES

A. Laws

It is unlawful for any person to drive or operate any motor vehicle, engine, or train while under the influence of alcohol or while under the influence of any narcotic drug of any nature. The term motor vehicle includes pedal bicycles with helper motors (Mopeds), while operated on the public highways. *(§§ 18.2-266 to -269, as amended*).

B. Responsibilities

Deputies shall be alert for suspected DUI offenders. Deputies shall use and document standardized roadside sobriety tests. In addition, the portable Alco-sensor, if available, shall be offered to each suspected driver. Deputies must carefully document the behavior of the DUI beginning with observations of driving. Once the violator has been stopped, then the deputy shall note the suspect's appearance, responses to stimuli, speech, admissions of drinking, or drug ingestion.

C. EC/IR II

1. The security and care of the EC/IR II and all physical evidence obtained from it are every deputy's responsibility. Maintenance is to be performed only by the Department of Forensic Science (DFS).

2. The regulations of the Department of Criminal Justice Services Division of Forensic Science require that the EC/IR II be stored in a clean, dry location which is only accessible to an authorized licensee (defined in the DUI statutes listed above) for the purpose of administering a breath test or other official uses. The EC/IR II is located adjacent to the Magistrate's Office.

3. In the event the breath test is administered to an arrestee, it shall be administered by one of the agency's state certified operators. If an operator is not on duty, a State Certified Operator from the Virginia State Police or other law enforcement agency shall be requested to perform the test.

D. Sobriety tests

1. Deputies shall administer a minimum of three field sobriety tests from the following list. The list names the most commonly administered tests.

   a. Horizontal Gaze Nystagmus (only if properly certified).
   b. Walk and turn.
   c. One-leg stand.
   d. Reciting of alphabet.
   e. Finger to Nose.
   f. Finger Dexterity.

   Deputies may employ additional tests, but they must be performed in the same order and manner every time.

2. If the operator fails the roadside tests, an Alco-sensor shall be offered if available (§ 18.2-267). The operator may refuse the Alco-sensor test, and shall be advised of his/her right to refuse.

3. At the deputy's discretion or if the operator fails the Alco-sensor test, he/she shall be arrested for DUI and taken before the magistrate.

4. If a deputy suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, he may require the operator to have a blood test performed **in addition to** testing for alcohol. Blood samples shall be analyzed by the Division of Forensic Science for evidence of alcohol and for various illegal, prescription, and over-the-counter drugs. (§ 18.2-268.2)

5. The deputy shall make a full written report of the circumstances of the DUI arrest, formation of probable cause, and witnesses' observations.

E. Arrest

The arresting deputy shall comply with the following:

1. When a person is arrested for a violation of § 18.2-51.4, § 18.2-266, § 18.2-266.1, or subsection B of § 18.2-272 or of a similar ordinance, and such person refuses to permit blood or breath or both blood and breath samples to be taken for testing as required by § 18.2-268.2, the arresting deputy shall advise the person, from a **form** provided by the Office of the Executive Secretary of the Supreme Court, of the following:

   a. A person who operates a motor vehicle upon a highway in the Commonwealth of Virginia is deemed thereby, as a condition of such operation, to have consented to have samples of his blood and breath taken for chemical tests to determine the alcohol or drug content of his blood;

   b. A finding of unreasonable refusal to consent may be admitted as evidence at a criminal trial;

   c. The unreasonable refusal to do so constitutes grounds for the revocation of the privilege of operating a motor vehicle upon the highways of the Commonwealth;

   d. The criminal penalty for unreasonable refusal within 10 years of a prior conviction for driving while intoxicated or unreasonable refusal is a Class 2 misdemeanor; and

   e. The criminal penalty for unreasonable refusal within 10 years of any two prior convictions for driving while intoxicated or unreasonable refusal is a Class 1 misdemeanor. The form from which the arresting deputy shall advise the person arrested shall contain a brief statement of the law requiring the taking of blood or breath samples, a statement that a finding of unreasonable refusal to consent may be admitted as evidence at a criminal trial, and the penalties for refusal.

2. The arresting deputy shall, under oath before the magistrate, execute the form and certify, (i) that the defendant has refused to permit blood or breath or both blood and breath samples to be taken for testing; (ii) that the deputy has read the portion of the form described in subsection B to the arrested person; (iii) that the arrested person, after having had the portion of the form described in subsection B read to him, has refused to permit such sample or samples to be

taken; and (iv) how many, if any, violation of this section, § 18.2-266, or any offense descried in subsection E of § 18.2-270 the arrested person has been convicted of within the last 10 years. Such sworn certification shall constitute probable cause for the magistrate to issue a warrant or summons charging the person with unreasonable refusal. The warrant or summons for a first offense under this section shall be executed in the same manner as a criminal warrant or summons. If the person arrested has been taken to a medical facility for treatment or evaluation of his medical condition, the arrest deputy may read the advisement form to the person at the medical facility, and issue, on the premises of the medical facility, a summons for a violation of this section in lieu of securing a warrant or summons from the magistrate. *(§ 18.2-268.3)*

3. If the arrest occurs as a result of operation of a motor vehicle on private property, the Implied Consent Law (§ 18.2-268.2) does not apply. Although it does not apply, the deputy shall try to obtain consent from the arrested person to submit to a chemical analysis of the suspect's blood or breath. Deputies requesting blood or breath samples under these conditions are conducting a custodial interrogation. Therefore, the arrested subject **shall** be advised of his or her *Miranda* warnings before consent is requested. The deputy shall make all reasonable attempts to obtain a blood or breath sample.

   a. *Miranda* is not required before the driver takes sobriety tests, or otherwise before questioning.

F. <u>Blood test procedure</u>

1. Take the arrested person to a physician, registered nurse, licensed practical nurse, phlebotomist, graduate laboratory technician or a technician or nurse designated by order of the circuit court acting upon recommendation of a licensed physician, who shall withdraw blood for the purpose of determining its alcoholic content and drugs (§ 18.2-268.5 applies). The paid public safety technicians may also be utilized.

2. The arresting deputy shall also witness the doctor or technician taking the blood sample and ensure that an alcohol solvent is not used to cleanse the withdrawal location. (§ 18.2-268.6 applies).

   a. The medical person taking the sample shall place his or her name, the name of the accused, the date and time the blood sample was taken and information identifying the arresting or accompanying deputy on the withdrawal certificate for each vial with the date and time the blood was taken. The vials shall

be placed in a container provided by the Division, and the container shall be sealed to prevent tampering with the vials.

b. The arresting deputy shall take possession of the container as soon as the vials are placed in the container and sealed. The deputy shall, before the end of the tour of duty, place the sealed container in the Evidence Drop Box, after completing and attaching an ERF Form to the container. The Evidence Clerk will mail the container as soon as possible to the Division of Forensic Science.

G. Breath analysis

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Division of Forensic Science. This may include the arresting deputy or anyone participating in the arrest. In the event the EC/IR II is inoperable or a licensed operator is not available, this test is deemed not available. A blood test would then be required.

2. The type of equipment and the methods used to perform breath analysis shall accord with the regulations of the Division of Forensic Science.

3. The testing deputy shall issue a certificate of breath alcohol analysis which indicates that the test was conducted per the manufacturers' specifications, the equipment on which the test was conducted has been tested in the last six months and was found to be accurate, the name of the accused, the date, the time the sample was taken from the accused, the alcohol content of the sample, and by whom the sample was examined.

H. Accident investigation

If the DUI suspect has been involved in a traffic accident, deputies shall also undertake the following:

1. Identify any witnesses who saw the suspect operating a motor vehicle.

2. Question the witness about the suspect's condition, actions, and statements immediately after the accident.

3. Establish a time lapse from the time of the accident to the time of arrest. (No more than 3 hours after the time of accident for Implied Consent to be in effect.)

4. Question the witnesses and the suspect about what, if anything, the suspect ingested between the time of the accident and the officer's arrival.

VII. SPECIAL TRAFFIC PROBLEMS

A. Identification and referral of driver recommended for reexamination to the Department of Motor Vehicles (DMV)

During routine traffic law enforcement activities, deputies frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement he or she may take, the deputy shall notify DMV of these findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description of the disability noted. A driver deficiency report may be used for this purpose.

B. Pedestrian and bicycle safety

1. The Field Operations Division Commander shall review the traffic accident records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program. The Field Operations Division Commander may recommend to deputies enforcement measures including steps to:

   a. Reduce or eliminate human environmental factors leading to accidents.

   b. Reduce or eliminate the behavior, decisions, and events that lead to the accidents.

C. Off-road vehicles (including dirt bikes, snowmobiles, and mopeds)

1. Accidents involving off-road vehicles that do not occur on a public highway do not require a traffic accident report. If the responding deputy finds it convenient, he or she may complete an accident report and attach it to the incident report.

2. Any deputy observing an unlicensed off-road vehicle on the highways that cannot be operated legally on public highways shall order it removed and enforce appropriate laws.

3. Deputies shall enforce compliance with vehicle registration laws as they pertain to off-road vehicles.

4. Deputies shall enforce laws, rules, and regulations concerning the operation of off-road vehicles on public-owned trails, parks, or property.

VIII. ESCORTS

A. General rules

1. Deputies shall not provide emergency or non-emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned.

2. Deputies may provide escorts of vehicles with oversize or hazardous loads. These escort duties shall be conducted under the authorization of the Field Operations Division Commander. The Field Operations Division Commander shall coordinate the escort with the authority having control over the escorted vehicles. Further, the escort shall take place only per a written plan approved by the Field Operations Division Commander.

3. Deputies will normally provide traffic control assistance for funeral processions. Deputies shall position themselves and their patrol vehicles in such a manner to stop on coming traffic until the procession has exited the area. Deputies *may* provide funeral escorts with marked vehicles. The escort **shall** be approved in **advance** by a Division Commander or higher authority. Further, the escort shall take place per an articulated plan approved by the on-duty supervisor.

4. Deputies shall not escort fully operational emergency vehicles. Exception: when an emergency vehicle has inoperable lights and siren, the dispatcher or the escorting deputy shall order the driver of the emergency vehicle to obey all traffic control devices and to travel behind the patrol vehicle. The patrol vehicle, while using lights and siren, shall not exceed 5 mph over the posted limit. Further, the patrol vehicle will not commit traffic violations during the escort. The escorting deputy shall keep the dispatcher informed of the nature of the escort, the location, and destination.

B. Funeral escorts

1. Before conducting a funeral escort, deputies shall confer with the funeral home director to:

   a. Plan the route to be taken to account for the most direct method, expected traffic density and anticipated obstacles.

b. Determine the circumstances of the escort to include which traffic lanes to use, speed of travel to the destination, and how to handle adverse weather.

2. Deputies shall not lead funeral processions into an intersection on a red light. Once the procession has entered an intersection on a green light, the escorting deputy shall take reasonable measures to allow the entire procession to continue even though the light changes.

IX. ROADBLOCKS AND CHECKPOINTS

A. Definitions

1. Checkpoint

A brief stop of all traffic through a designated location for a limited time to inspect drivers' licenses and vehicle registrations, and thereby increase traffic safety by apprehending or citing persons who violate licensing laws, operate unsafe vehicles, or operate a vehicle while under the influence of alcohol or drugs, and any other violations.

2. Roadblock

A method for stopping and apprehending a fleeing suspect involving artificial barriers such as vehicles or walls. A roadblock is considered an application of deadly force. Further, any kind of roadblock which terminates the freedom of movement of a fleeing suspect is a seizure within the Fourth Amendment meaning. See GO 502 and GO 506 for further discussion of roadblocks.

B. General guidelines for checkpoints

1. All checkpoints shall be conducted pursuant to a written plan which accomplishes the following:

a. Describes the objective of the checkpoint.

b. Identifies the personnel involved.

c. Specifies the location of the checkpoint.

d. Provides adequate space for parking police vehicles out of the traffic flow.

e. Provides adequate space for vehicles to be pulled out of the traffic flow without creating a hazard.

f. Specifies the dates, times for beginning and ending the checkpoint.

g. Identifies the traffic control devices or special uniforms or equipment required, and their use at the checkpoint.

h. Requires a minimum of two deputies to direct traffic for the duration of the checkpoint.

2. Each vehicle passing through a checkpoint will be stopped and subjected to the same inquiry or procedure as described in the plan. Vehicle stops shall be as brief as possible.

a. Checkpoints shall last from half an hour to four hours under most circumstances.

b. The approving supervisor may suspend the checking detail based on volume of traffic, weather conditions, or at his discretion.

3. Nothing in this general order prohibits one or more deputies from performing selective enforcement for specific law violations such as speeding or failure to stop at a stop sign.

C. Selection criteria

1. The written checkpoint plan shall specify the site to be monitored. The site shall be chosen from a list approved by the Command Staff.

2. The shift supervisor shall prepare a report following the checkpoint that records its location, date, exact times, the number of vehicles stopped, and the number of violations discovered. DUI checkpoints shall be directly supervised by an on-scene supervisor.

D. Conduct of the checkpoint

1. Deputies assigned to the checkpoint shall park their vehicles so they do not impede traffic flow. The vehicles should be highly visible to approaching drivers and should provide protection to stationary deputies.

2. Traffic control and warning devices shall be placed to provide adequate warning to drivers.

3. Deputies shall create a safe location for vehicles that require further inspection, possibly in a lane that has been temporarily shut down.

4. All deputies assigned to checkpoint duty shall be in uniform and shall wear traffic vests.

5. Upon approaching a vehicle, deputies shall scan the interior for weapons and contraband, advise the driver of the purpose of the stop, request driver's license and registration. The initial contact should be kept to a minimum to reduce unnecessary delay and/or intrusion; however, sufficient time should be taken to check the necessary items.

6. If the deputy observes behavior that furnishes a reasonable suspicion that the driver has been drinking, the deputy may ask if the driver has been drinking, how much, and when. The deputy may then direct the driver to the safe location for further investigation.

E. Roadblocks

1. Given the liability and constitutional considerations, roadblocks must be reasonable. Many roadblocks observe the same procedures as checkpoints. Only the on-duty supervisor can order the formation of a roadblock. The decision to do so shall be guided by reasonableness. Reasonableness in this context involves several characteristics:

   a. The nature and seriousness of the offense.

   b. The probability of the roadblock's success.

   c. Availability of alternatives to the use of a roadblock.

   d. The location of the roadblock and the environmental conditions.

   e. The existence of an adequate warning to the suspect and other drivers.

   f. The danger posed by the suspect to the public.

   g. The opportunity for the suspect to stop before colliding with the roadblock.

2. Refer to GO 506 – Use of Force for further clarification on Roadblocks.

X. SEARCH AND SEIZURE ISSUES

A. Consent

While on a traffic stop, if the deputy decides to ask the driver for consent to search a part of the vehicle, probable cause is not required. Further, the deputy does not need to tell the motorist that he or she is free to leave. Nevertheless, deputies shall be conscious that their actions may communicate to the violator that he or she cannot leave and had no choice but to consent to the search. Avoid actions or words that might lead a reasonable motorist to believe that he or she cannot leave and has no choice but to consent. Refer to GO 500 and 521 for further information on Search and Seizure issues.

1. The mere fact that a citizen refuses a consent search does not give probable cause to search, or a reason to detain the motorist further.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Criminal / Traffic Summons and County Parking Tickets	**NUMBER: 504**
EFFECTIVE DATE: November 9, 2004	
AMENDS/SUPERSEDES: **GO 504 Issue Date: 3/8/04**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.02.02, ADM.02.03, ADM.25.02, OPR.07.01, OPR.07.02, OPR.07.03	

NOTE

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I. PURPOSE

The purpose of this General Order is to identify and unify the use of Virginia Uniform Summons, County Traffic Ordinance Violation Tickets, hereafter referred to as Parking Tickets, and the service of warrants throughout the Campbell County Sheriff's Office.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to serve legal processes of a criminal nature and affect arrests as necessary, both with and without warrants, in accordance with the Code of Virginia. All such arrests and services shall be performed only by sworn deputies of the Sheriff's Office in accordance with law. Arrest Procedures are fully detailed in GO 522.

III. CODE REQUIREMENTS

§ 19.2-74 of the Code of Virginia provides that "whenever any person is detained by or is in the custody of an arresting deputy for any violation committed in such deputy's presence which offense is a violation of any county, city or town ordinance

or of any provision of this Code punishable as a Class 1 or Class 2 misdemeanor or any other misdemeanor for which he may receive a jail sentence, except as otherwise provided in Title 46.2 or § 18.2-266 of the Code of Virginia, or an arrest on a warrant charging an offense for which a summons may be issued, and when specifically authorized by the judicial officer issuing the warrant, the arresting deputy shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the giving by such person of his written promise to appear at such time and place, the deputy shall forthwith release him from custody."

§ 19.2-74 also requires that "whenever any person is detained by or is in the custody of an arresting deputy for a violation of any county, city, or town ordinance or of any provision of this Code, punishable as a Class 3 or Class 4 misdemeanor or any other misdemeanor in which he cannot receive a jail sentence, except as otherwise provided in Title 46.2, or to the offense of public drunkenness as defined in §18.2-388, the arresting deputy shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the giving of such person of his written promise to appear at such time and place, the deputy shall forthwith release him from custody. However, if any such person shall fail or refuse to discontinue the unlawful act, the deputy may proceed according to the provisions of §19.2-82."

§ 19.2-74 further specifies that "any person so summoned shall not be held in custody after the issuance of such summons for the purpose of complying with the requirements of Chapter 23 of this title. Reports to the Central Criminal Records Exchange concerning such persons shall be made after a disposition of guilt is entered as provided for in §19.2-390."

§ 19.2-81 allows deputies to arrest without a warrant (includes issuance of a summons) "for an alleged misdemeanor not committed in their presence involving (i) shoplifting in violation of §18.2-96 or 18.2-103, (ii) carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a firearm in violation of § 18.2-282, or destruction of property in violation of § 18.2-137, when such property is located on premises used for business or commercial purposes, when any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged offense." The arresting deputy may issue a summons to any person arrested under this section for a misdemeanor violation involving shoplifting.

§ 19.2-390 of the Code of Virginia requires that a report be made to the Central Criminal Records Exchange for any offense punishable by confinement in jail for Treason; Any felony; Any offense punishable as a misdemeanor under Title 54.1 or any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, except an arrest for a violation of 18.2-119 (Trespassing after being forbidden).

Reports to CCRE are not required for Class 3 and Class 4 misdemeanor arrests.

§ 19.2-390 further provides that for persons arrested and released on a summons in accordance with Subsection 19.2-74, the CCRE report (required for Class 1 and Class 2 misdemeanors) shall not be required until after a disposition of guilt is entered by a competent judicial authority.

§ 46.2-936 provides that "any person who is detained by or in the custody of an arresting deputy, including an arrest on a warrant, for a violation of any provision of this title punishable as a misdemeanor the arresting deputy shall...take the name and address of such person and the license number of his motor vehicle and issue a summons..." The section further states that if a person fails to give such written promise to appear he shall be taken before a magistrate having jurisdiction. Any deputy who violates this provision shall be guilty of misconduct in office upon complaint filed by any person in a court of jurisdiction.

§ 46.2-940 establishes the criteria when a deputy shall take a person before issuing authority. The section states that if a person (i) is believed to have committed a felony or (ii) is believed likely to disregard the summons issued under Subsection § 46.2-936 or fails to give his written promise to appear, the deputy shall take the person before a magistrate who may issue a summons or a warrant as he shall determine proper.

IV. PROCEDURE

A. Deputy Initiated Offenses

1. <u>Criminal/Non-Traffic Misdemeanor Offenses</u>

A summons should be issued to all persons charged with misdemeanor offenses committed in the presence of the arresting deputy, with the exception of misdemeanor shoplifting offenses, carrying a weapon on school property in violation of § 18.2-308.1, Brandishing a firearm in violation of § 18.2-282 or destruction of property in violation of § 18.2-137, when such property is located on premises used for business or commercial purposes, and assault and battery <u>which allow summons to be issued when such is based on probable cause upon reasonable complaint of the person who observed the alleged offense</u>.

a. Class 1 or 2 Misdemeanors (Those misdemeanors which are punishable by jail terms.)

The arrestee shall be released on a summons with the following exceptions:

(1) If the arrested subject refuses to give a written promise to appear or fails or refuses to discontinue the unlawful act, he/she should be brought before the magistrate.

(2) If the arrested subject is believed likely to disregard a summons, the arresting deputy should not prepare a summons, but should arrest the subject and take him/her before the magistrate for bonding and booking determinations. In that instance there will generally be one of four options:

(a) The magistrate may deny a warrant or summons and order release of the subject.

(b) The magistrate may request that the arresting deputy issue a summons, in which case the deputy should comply, but ask that the magistrate sign the summons to indicate his decision to release.

(c) The magistrate may issue a summons for service by the deputy, in which case the deputy must also complete a Virginia Uniform Summons as per Section II.B. of this procedure.

(d) The magistrate may issue a warrant for execution by the deputy, in which case full booking must follow, including fingerprints and photographs.

No summons should be issued where the deputy reasonably believes that the subject is likely to cause harm to himself or another. This determination should be arrived at by considering the nature of the offense, the conduct of the suspect, whether or not the suspect is under the influence of alcohol or other intoxicants and previous personal knowledge of the suspect.

b. Class 3 or 4 Misdemeanors (Those misdemeanors not punishable by a jail term.)

The arrestee must be released on a summons unless:

(1) The accused refuses to sign the summons, then the arresting deputy must take the individual before a magistrate for the fixing of bail.

(2) The arrestee refuses to identify himself/herself. In this case, the deputy will be unable to issue a summons and may take the arrestee before the magistrate for the setting of bail.

(3) The arrestee is charged with a violation of § 18.2-388 -- Profane swearing or drunkenness in public, or § 18.2-407 -- Remaining at a place of a riot or unlawful assembly. In these cases, the deputy may take the arrestee before the magistrate for the setting of bail.

(4) The arrestee refuses to discontinue the unlawful act.

NOTE: The above procedures do not grant to a deputy the authority to change the terms of a misdemeanor BODY arrest warrant issued by a judge or magistrate for criminal/non-traffic misdemeanors.

2. Traffic Offenses under Title 46.2

Use code 15.1-IAC to charge for county violations. **Only** charge this code when there is **no** possibility of jail time. Refer to Attachment A.

a. The arrestee must be released on a written summons with the following exceptions:

(1) If the accused subject is believed to have committed a felony.

(2) If the accused subject is believed by the arresting deputy to be likely to disregard a summons if issued.

(3) If the accused subject refuses to give a written promise to appear.

b. Any pre-existing process for an alleged violation of Title 46.2, regardless of whether the magistrate issued a warrant or summons, shall be served as a summons unless the deputy

serving the process has personal knowledge of the circumstances which would lead him to believe the person is likely to disregard the process being served, or the individual fails to give such written promise to appear.

3. Distribution of copies of Virginia Uniform Summons

a. Traffic offenses under Title 46.2

Arresting deputy issues summons. The DEFENDANT'S COPY - Page 3 (yellow) is given to the defendant. The COURT COPY - Original - shall be placed in the Paper Return Box in the Squad Room. The OFFICER COPY - Page 6 is to be kept with the arresting deputy. The rest of the copies are to be kept together – do not separate - and placed in the wall tray marked "Parking Tickets" in the Field Command Office. This should be accomplished at the end of each tour of duty.

b. Criminal/Non-traffic Misdemeanor Offenses

Arresting deputy issues summons. The DEFENDANT'S COPY - Page 3 (yellow) is given to the defendant. The OFFICER COPY - Page 6 is for the Deputy's use. The COURT COPY - Original - shall be placed in the Paper Return Box in the Squad Room. The rest of the copies are to be kept together – do not separate - and placed in the wall tray marked "Parking Tickets" in the Field Command Office. This should be accomplished at the end of each tour of duty.

B. Inventory and Control of Virginia Uniform Summons and Parking Tickets

There are twenty-five Virginia Uniform Summons forms and twenty-five Parking Ticket forms in a book. These books will be issued by a Field Supervisor. When a deputy separates from the Department or upon completion and adjudication of all cases in the book, the book(s) will be turned in to the Field Supervisors.

C. Search of the Arrested Person and Vehicle

Refer to GO 500, Constitutional Safeguards; GO 521, Search Incident to Arrest; GO 522, Arrest Procedures; GO 529, Stop and Frisk; and GO 530 Search Warrants.

D. CCRE Compliance

Requirements

As stated above regarding misdemeanors, reports to the Central Criminal Records Exchange are required for any offense punishable as a misdemeanor under Title 54.1, or Class 1 or 2 misdemeanors under Title 18.2.

If a warrant is served as permitted, the serving deputy is responsible for obtaining as much information as possible from the offender and completing the CCRE three part form. The form, in its entirety, is to be placed on the Record Managers Desk.

E. Parking Tickets (Traffic Ordinance Violation)

1. Types of Violations that may be written on parking tickets:

Unlawful Parking on County Property (1st offense within 12 months) – (County Code Section 15-8.3)

Obstruction of Access to a Curb Ramp (County Code Section 15-7.1)

Parking in a No Parking Zone Designated by County or State (County Code Section 15-8.3)

Failure to Display County Vehicle License (Decal) (County Code Section 15-18) **Campbell County Decals Only**

Unlawful Parking on County Property (2nd offense within 12 months) – (County Code Section 15-8.3)

Parking within 15' of Fire Hydrant (County Code Section 15-7)

Parking in Designated Fire Lane (County Code Section 15-7)

Unlawful Parking on County Parking (3rd offense within 12 months) – (County Code Section 15-8.3)

Handicap Parking Zone (County Code Section 15-8.1) **Only** write if the handicap parking space is correctly identified with above grade signage per Virginia Code § 36-99.11.

2. Procedures for Parking Tickets

a. If a vehicle is found to be in violation of any of the above mentioned codes, the deputy may issue a Parking Ticket. The ticket is a four-part form and must be filled in completely. Ensure that the appropriate box for the violation is marked. If there is more than one violation, the same ticket may be used as long as <u>each</u> applicable violation box is marked.

b. The copy marked "subject" is to be placed under the driver's side windshield wiper with the orange side facing in toward the driver.

c. Do **not** leave tickets on vehicles in inclement weather, i.e., heavy rain or snow.

d. The copy marked "Treasurer" and the copy marked "Sheriff's Office" are to be paper clipped together and placed in the tray in the Field Command Office that is marked "Parking Tickets". The deputy issuing the ticket will retain the copy marked "Deputy".

e. The Treasurer's Office will notify the Sheriff's Office if the ticket has not been paid within the prescribed amount of time. It is the responsibility of the deputy that wrote the original ticket to obtain a defendant's summons from the magistrate's office for the violator.

f. The violators have the option of contesting the ticket. They will notify the Treasurer's Office if they choose to contest. The Treasurer will then forward the ticket to the court and the ticket will be set for the deputy's next available court date.

3. Voiding of Parking Tickets

a. If a Ticket is voided, all four parts are to be stapled together, along with some type of explanation for the void, and placed in the tray located in the Field Command Office marked "Parking Tickets".

b. If a ticket is in the process of being written for a violation of handicap zone parking and the violator approaches the deputy producing a bona fide placard, the ticket is to be voided.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Response to Alarms (Other than Banks)	**NUMBER: 505**
EFFECTIVE DATE: February 17, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.24.02; OPR.01.01	

NOTE

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I. POLICY

Alarms are a means of notifying the local law-enforcement agency that a serious crime may be in progress when the use of a telephone is impractical or impossible. Despite the frequency of false alarms, verified alarms represent a threat to citizens and law enforcement officers and therefore require an organized, cautious response. Deputies shall proceed with extreme caution when answering any type of alarm call. Deputies shall be aware that alarms can be activated in a number of ways, the nature of the alarm sometimes determining the response.

II. PURPOSE

The purpose of this General Order is to assure an organized, well considered response to alarms which will provide for the safety of the deputy and employees or residents of a protected premise and offer the greatest possibility for apprehension of offenders.

III. PATROL RESPONSE TO ALARMS

A. Utilization of emergency equipment during response will be in compliance with General Orders.

B. The first unit to arrive at the scene of an alarm will approach the premises carefully, being observant for lookouts, getaway cars, etc., and will take up a position to cover the entrance without being seen from inside, unless it has been determined that the suspects have left. If it has been determined that the suspects have left, the unit will enter and obtain information for radio lookout if the premises are occupied.

C. The first backup unit to arrive at the scene will take up a position to cover the second most likely exit. Unless the suspects are known to have left, the backup unit will attempt to position himself to avoid being seen from within the protected premises. The backup unit will advise the Communication Center as soon as he is in position, and will remain alert for suspects acting as lookouts and for getaway vehicles, etc.

D. In cases of a verified alarm, all other patrol units will proceed as follows until given other assignments or instructed to resume normal patrol activity.

1. Patrol units not dispatched to, but near the scene of the alarm, will begin moving toward positions from which to observe possible escape routes or areas where suspects might switch vehicles.

2. Upon confirmation of an alarm, distant patrol units not otherwise engaged in cases warranting their immediate attention will proceed to the closest point which will afford the opportunity to observe an escape route or effect interception of fleeing suspects.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Response to Bank Alarms	NUMBER: 505.1
EFFECTIVE DATE: February 17, 2004	
AMENDS/SUPERSEDES: Issue Date: 10/1/98	APPROVED: *Terry E. Gaddy* Terry E. Gaddy, Sheriff
VLEPSC STANDARDS: ADM.24.02; OPR.01.01	

NOTE

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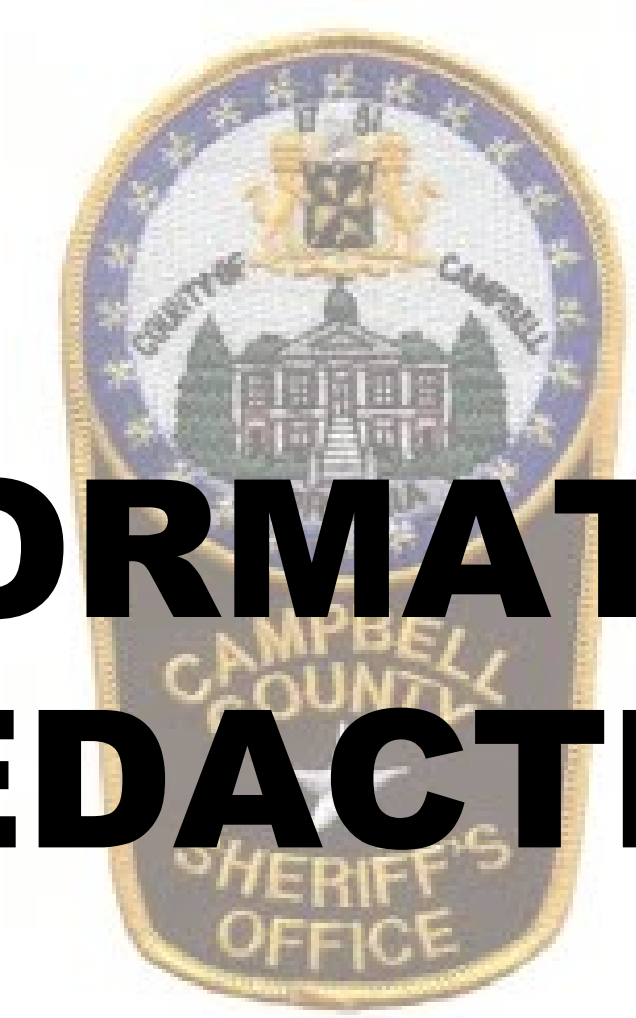

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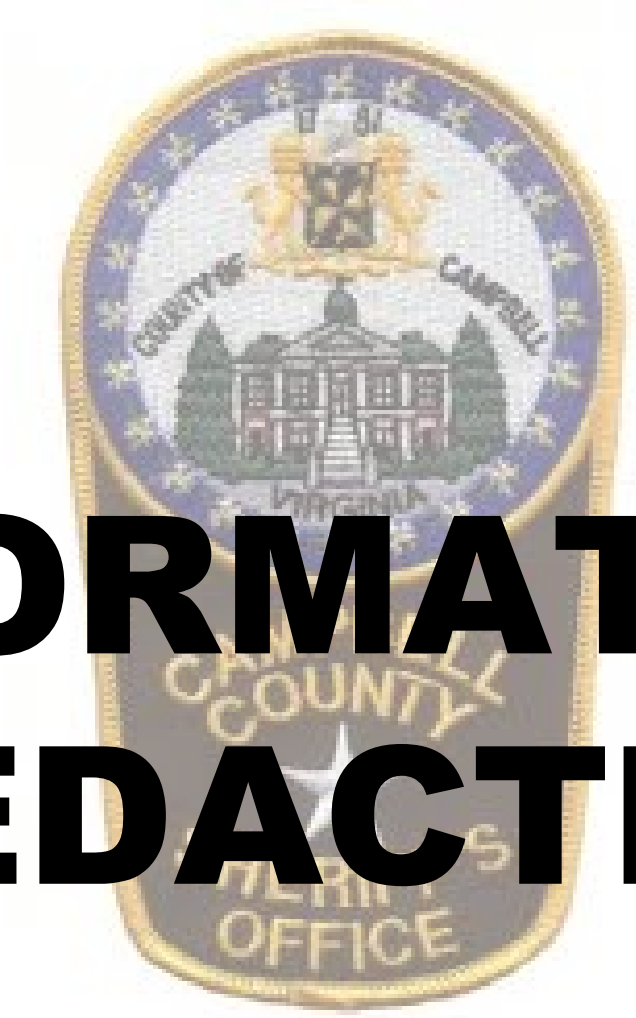

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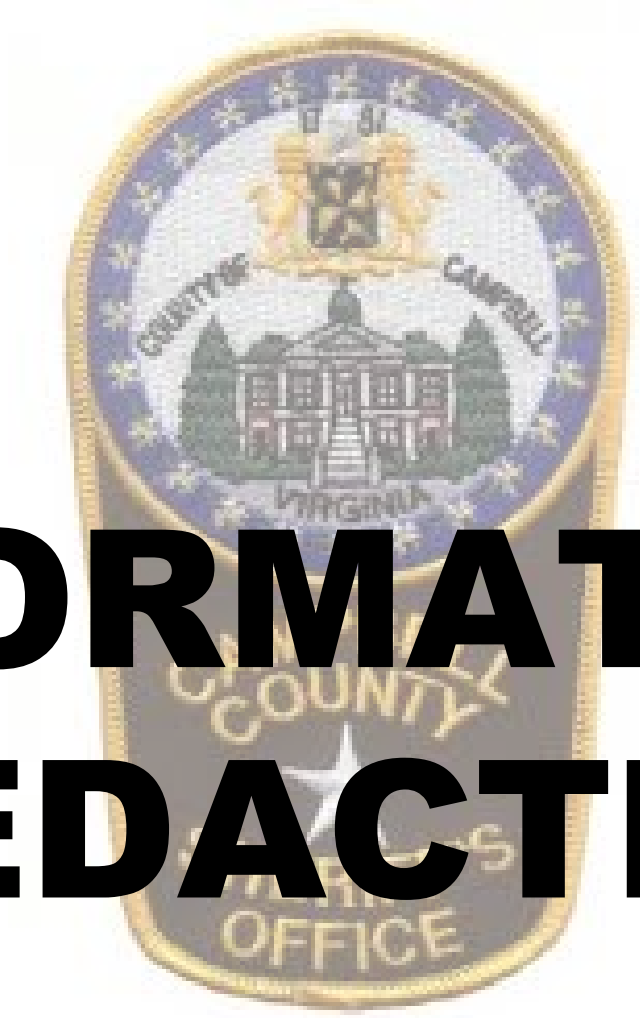

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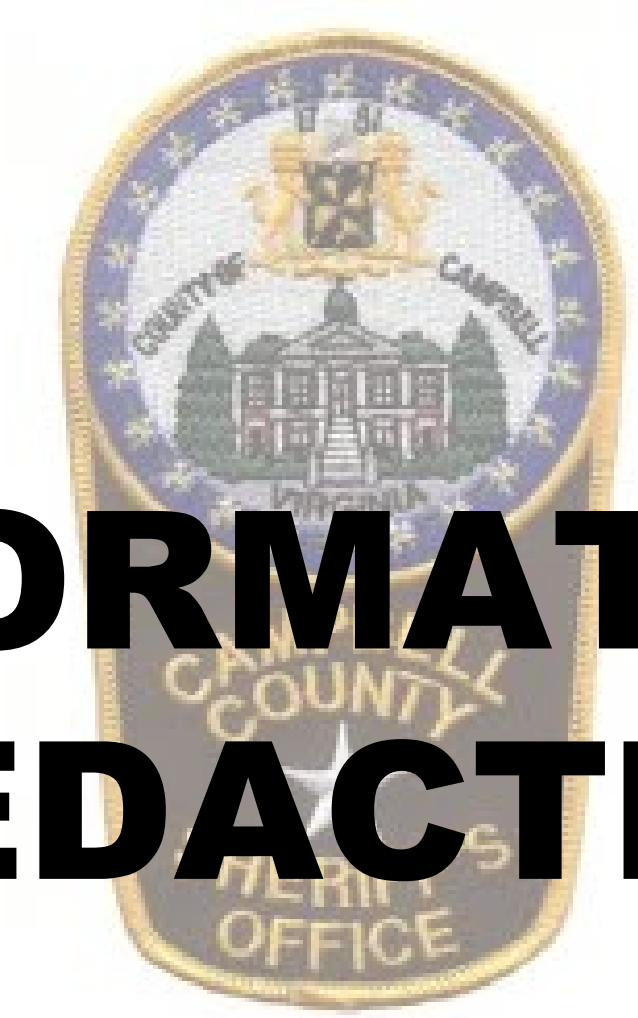

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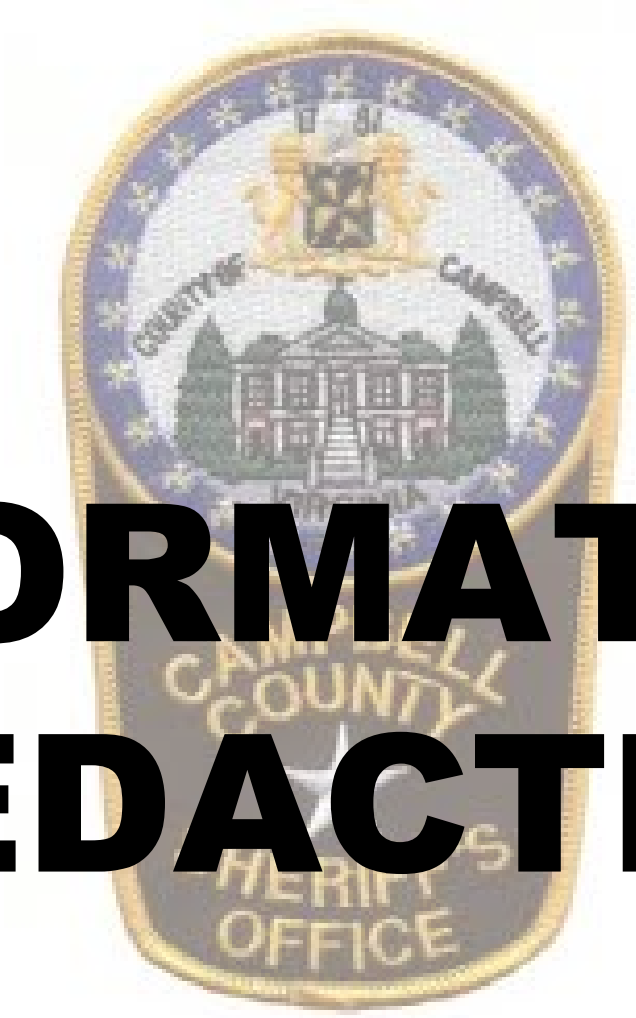

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CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Use of Force and Authorized Weapons	**NUMBER: 506**
EFFECTIVE DATE: March 7, 2016	
AMENDS/SUPERSEDES: **Amends Revised Date: 8/25/2006 - *Replaces* *506.1 dated 5/22/2012*** ***Amends Revised Date: 10/26/2015***	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: ADM. 05.01 – 05.03, ADM. 06.01 – ADM. 06.02, OPR. 09.01	

NOTE

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I. POLICY

Use of Force General Statement:

Deputies are permitted to use force that is necessary and objectively reasonable to protect themselves or others and/or to overcome resistance to lawful commands. In order for the deputies of the Campbell County Sheriff's Office to effectively perform their duties and to protect citizens, offenders and themselves, from certain types of physical force/contact, certain force may be necessary. It is the policy of this Office that deputies use only the force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the deputy and others. It must be stressed that the decision to use force is not a subjective determination and the decision is not left to the unfettered discretion of the involved deputy. A use of force must be objectively reasonable. The deputy must use only that force which a reasonably prudent deputy would use under the same or similar circumstances. Deputies of this Office shall receive training every calendar year in the use of force.

Weapons:

Personnel shall not carry any weapon(s) unless:

A. They have met all minimum state and/or manufacturers training and have demonstrated proficiency in their use.

B. The weapon(s) have been approved by the Sheriff.
C. The weapon(s) have been included in this policy.

No weapons shall be modified without the written authorization from the Sheriff. Parts used in any weapon must be approved by the Sheriff unless the parts are standard factory replacement parts, installed by a qualified armorer or factory technician, that do not change the original performance specifications of the weapon(s). Only ammunition approved by the Sheriff shall be used.

Prior to the issuance of any weapon(s), deputies shall receive training in that particular weapon(s) to include completing a prescribed course of fire at the range, as mandated by state statute. Deputies will be given a copy of all policies and procedures that address the use of force. Deputies will qualify within every calendar year with any firearm they are authorized to use. Deputies will be required to undergo refresher training at least once within every two calendar years for any issued / authorized weapons other than firearms.

II. DEFINITIONS – Use of Force

Deadly Force: Any use of force that creates a substantial risk of causing death or serious bodily harm. *Examples include the use of a firearm, but may also include something as simple as a push if the push results in a person falling off of a four-story building.*

Non-Deadly Force: Any use of force other than that which is considered deadly force. This includes any physical effort used to control, restrain, or overcome the resistance of another. *Examples include use of chemical spray, stunning with a TASER, striking with a fist, firing a drag stabilizer round, and/or striking with a baton.*

Objectively Reasonable: This term means that, in determining the necessity for and appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

Serious Physical Injury: A bodily injury to a person that:

a. creates a substantial risk of death; or,
b. causes serious and permanent disfigurement; or,
c. results in long term loss or impairment of any bodily member or organ.

Excessive Force: Force is excessive when its application is inappropriate to the circumstances, resulting in serious physical injury or death to a suspect. The U.S. Supreme Court, in Graham v. Connor, (1989), set forth guidelines for determining whether force has been excessively applied: the primary concern is **reasonableness** in its application, as judged by the on-scene officer. Based on the reasonableness standard, the following considerations contribute to a determination of excessive force:

a. The severity of the crime;
b. The nature and extent of the threat posed by the suspect;
c. The degree to which the suspect resists arrest or detention; and
d. Any attempts by the suspect to evade arrest by flight.

In evaluating the reasonableness of the application of force, deputies must consider their own age, size, strength, skill level with Department weapons, defensive tactics, state of health and the number of deputies opposing the number of suspects.

The U.S. Supreme Court, in Kingsley v Hendrickson, (2015), while not replacing the Graham standard of severity of the crime, threat to the officer, and active resistance or evading arrest by flight has added factors a court may consider when determining the **objectively reasonableness or unreasonableness** of a use of force:

a. The relationship between the need for the use of force and the amount of force used.
b. The extent of the injury inflicted. (Be mindful that the court has rejected the notion that significant injury is a threshold requirement for stating an excessive force claim.)
c. Efforts made to temper or to limit the amount of force (This factor is just another way of saying the individual was afforded a "chance to comply.")
d. Threat reasonably perceived (threat assessment is derived from the 8th amendment)

Examples include but are not limited to continuing to strike someone after they have been subdued, intentionally tightening the handcuffs too tight so as to cause pain, or spraying someone with pepper spray out of punishment instead of compliance.

Facts or circumstances unknown to the deputy shall not be considered in later determining whether the force was justified. The department expects deputies to observe the following two guidelines in all applications of force:

a. Employ the force necessary to accomplish a legal purpose.

b. Deputies may resort to more severe methods of force to overcome either increasing resistance or an increasingly dangerous threat to public safety.

When applying deadly force, the deputy's objective is to eliminate the threat directed towards the deputy or the public.

Deputy Sheriff's shall not unreasonably or unnecessarily endanger themselves or the public when applying this policy.

NOTES:

a. The goal of the deputy in a confrontational situation is to gain control of the subject using the lowest level of control possible. Each technique employed must be evaluated in terms of its likelihood to control the situation, compared to its likelihood to injure someone or escalate the situation. In evaluating techniques, a final consideration must be made to insure citizen and deputy safety. This includes the deputy's ability to instantly disengage or escalate in response to a confrontation.

b. Deputies again are cautioned that all situations are fluid and may escalate. This means that it is necessary for deputies to be able to adjust to these changes by reducing or elevating his/her responses as needed.

Imminent: About to occur at any moment; no time for organized consideration.

Immediate: Likely to occur within a short time; limited time for consideration.

III. Procedure – Authorized Weapons -- Deputies will undergo refresher training at least once within every two calendar years for any issued weapons other than firearms.

A. Physical force, hand controls, etc.:

Deputies may use physical force that is reasonable and necessary to overcome a resisting subject and in defense of self or others. A reasonable amount of physical force may be used to subdue a person, when necessary, in official performance of duty, regardless of whether or not the deputy is making an arrest. An example would be gaining control of a mentally disturbed person for their safety and/or the safety of others. A reasonable amount of physical force may be used as is necessary to move, remove or arrest individuals who are impeding or obstructing lawful police action.

1. When possible, attempts should be made to verbally overcome an individual's resistance.
2. Choke holds or similar tactics causing the constriction of the carotid artery or airway are generally prohibited. The use of such holds constitutes deadly force and is authorized only when the use of deadly force would be appropriate.
3. All deputies shall receive training in the use of physical force as required by the Commonwealth of Virginia and this Office.

B. Chemical Agents:

The Campbell County Sheriff's Office uses two types of chemical agents. CS and Oleoresin Capsicum may be used to disperse unruly crowds and to induce the surrender of barricaded subjects when negotiations have failed. Oleoresin Capsicum may be used by an officer trained in the use of the agent to affect an arrest of an aggressive, assaultive or actively resistant individual.

1. CS:

   a. Only deputies trained in the proper use of CS will handle or use CS.
   b. Prior to the use of any CS or cartridge, the Fire Department and rescue squad will be notified and will standby at a safe location in case of fire or injury.
   c. Any suspect exposed to CS will receive or be offered medical treatment prior to being incarcerated.
   d. Any deputy transporting an exposed suspect to the hospital or jail shall inform the hospital or jail of the exposure.

2. Oleoresin Capsicum (OC):

   Oleoresin Capsicum (OC) is a food product used as food seasoning and medically as an ointment. Oleoresin is a mixture of resin and an essential oil occurring naturally in various plants. Capsicum is any of several varieties of the red pepper with pungent fleshy pods that are the chili peppers. Frequency of refresher training will be in accordance with any guidelines established by the manufacturer, DCJS, or Virginia Accreditation but will be at a minimum of once within every two calendar years.

   a. Personnel shall be trained by a certified instructor in the use of (OC) prior to being issued, carrying, or using the chemical agent.

b. Trained personnel shall be furnished with and use only those brands and types of containers of (OC) as approved by the Sheriff.

c. (OC) may be used to effect an arrest of an individual actively resisting or who is acting aggressively.

d. (OC) may be used on people who are handcuffed, secured, and properly in custody, when a higher use of force option is justified for the safety of deputy's, persons in custody, or bystanders. Use should be based on the totality of the circumstances involved.

e. Prior to use, when practical, the deputy shall issue a warning advising that unless the individual ceases his actions, a chemical agent will be used on him or her.

f. (OC) shall only be used in the manner as authorized by the manufacturer and prescribed in the Sheriff's Office training.

g. Medical Treatment - Medical attention is generally not needed for those sprayed with (OC), however, some persons may experience cardiac distress as a result of the stress of the incident. Profuse sweating, chest pain, slow shallow breathing and acute hyperventilation are signs of cardiac or respiratory distress and signs that medical assistance may be needed.

i. Recovery time may vary from ten to forty-five minutes.

ii. Running cool water over the exposed areas including face and eyes will give some relief.

iii. Fresh or cool air from a fan may also help provide relief.

iv. For individuals suffering from some respiratory distress, relief can be obtained by encouraging the person to talk.

v. Individuals requesting medical treatment for exposure, who are not exhibiting breathing problems, chest pains or do not have a history of heart or respiratory problems shall be instructed by the deputy that the effects will usually subside within 45 minutes. Persons requesting treatment shall be advised that they will be transported for treatment with the understanding that the treatment will be at their cost and not the county's. In non-emergency situations, personnel will advise the treatment center

that the county is not responsible for the bill. *Emergency medical treatment shall be immediately obtained for persons complaining of chest pains, showing signs of slow, shallow breathing and exhibiting profuse sweating or for persons suffering from respiratory ailments. If there is any question as to the physical condition of any exposed person, personnel of this Sheriff's Office shall immediately see that the person receives medical attention.*

h. If, upon arrival at the jail, the jail's on duty supervisor refuses to accept the prisoner until medical attention is obtained, the deputy shall request for rescue to respond and check the prisoner or immediately transport the prisoner to a medical facility for treatment. Personnel transporting exposed individuals to the jail will notify the jail staff immediately that the person has been sprayed with Oleoresin Capsicum (OC). Any request from the jail for transporting an exposed individual for medical treatment shall be handled by the on duty shift.

i. Personnel shall not place any person exposed to Oleoresin Capsicum (OC) on their backs or face down. If a person, after being sprayed, is handcuffed in a prone position, *once control is obtained, he/she will be rolled over on their side, adjusted to a sitting position and closely monitored for signs of respiratory or cardiac distress*. Do not transport any exposed individual in such a restrictive manner that he/she may have difficulty breathing. Do not transport exposed individuals lying down in the floorboard or seat of a motor vehicle. Sitting is the preferred method of transporting. Attempt to insure that the person has an adequate supply of fresh air available and use the least amount of restraint necessary to insure a safe transport.

j. Personnel transporting exposed individuals to medical facilities will notify the medical staff immediately that the person has been sprayed with (OC).

k. Personnel having used Oleoresin Capsicum indoors shall advise the caretakers that decontamination consists of opening windows and doors for approximately 1/2 hour. Warn that persons with respiratory or cardiac conditions should avoid exposure until the room has cleared.

l. Personnel shall not expose the spray from an (OC) container directly at close range toward a spark or flame.

m. Personnel utilizing (OC) shall, as soon as possible, complete a Use of Force Report form and notify the immediate supervisor on duty. This shall be done even if there is an accidental discharge of the canister.

n. Personnel may use (OC) on animals that are posing a physical threat to the personnel or other individuals.

o. Deputy's shall carry and use only department authorized chemical agents while on duty.

C. Impact Weapons:

1. Baton

The Sheriff's Office issues collapsible batons to all sworn employees once they have received initial training in its use. The baton should be used only to the extent necessary to overcome resistance of the subject, and within the required training standards.

The baton shall be used in a fashion consistent with training with regard to striking or restraining any person. The baton shall not be used to strike handcuffed individuals properly secured and in custody, or as a threatening device to intimidate citizens. Batons shall be used in accordance to the procedures received by the deputies during training. Personnel using batons in any other manner shall be subject to disciplinary actions.

Frequency of refresher training will be in accordance with any guidelines established by the manufacturer, DCJS, or Virginia Accreditation but will be at a minimum of once within every two calendar years.

Personnel utilizing the baton shall, as soon as possible, complete a Use of Force Report form and notify the immediate supervisor on duty.

2. Weapons of Opportunity

If criteria are met for the use of deadly force as outlined in this policy, the deputy is not limited to a firearm. There are no

restrictions on the type of instrument or method used. For example, a deputy may use a vehicle to strike a person who is shooting at him/her, or, during the course of struggling on the ground with a suspect, may use a rock to strike the suspect who is attempting to remove the deputy's firearm.

If criteria are met for non-deadly force as outlined in this policy, the deputy is not limited to issued weapons and may use other instruments as practicable and reasonable. *Examples include but are not limited to: ladder, fire hose, rope, fire extinguisher, ink pen.*

D. Conductive Electrical Weapon (CEW) commonly called "Taser"

1. Authorization

Only deputies who have completed a course(s) of instruction recommended by the manufacturer and approved by the Sheriff on the use of a Conductive Electrical Weapon – CEW - are authorized to carry or utilize it. Frequency of refresher training will be in accordance with recommendations or guidelines established by the manufacturer, or Virginia Accreditation Standards but will be a minimum of once within every two calendar years.

2. Deputies shall carry and use only department-authorized CEW's while on duty.

3. Due to the operational stress encountered in the field, deputies are required to conduct a spark test of the CEW before use by each shift. The following will be adhered to:

a. Ensure that the safety switch is in the down position.
b. Remove the air cartridge.
c. Point the CEW in a safe direction and place the safety switch in the up (fire) position.
d. Check the remaining battery life percentage on the CID (Central Information Display). If the readout is less than 20% contact one of the Sheriff's Office certified trainers to have the unit checked.
e. Pull the trigger and perform a spark test for a full 5 seconds, this prevents poor muscle memory. Visually inspect the CEW then visually and audibly inspect the arc and pulse rate.

f. Once completed, place the safety switch in the down (safe) position.
g. Replace the air cartridge
h. If the test is not satisfactory, contact your immediate supervisor to see that the unit is checked for any malfunctions prior to use.
i. If the supervisor deems that the unit is not working properly, it shall be removed from service and forwarded to one of the Sheriff's Office certified trainers.

4. Usage Criteria:

a. The CEW is considered a serious use of force option.
b. Use when confronting violent resistance that poses an immediate threat to the deputies or others. It does not have to be a threat of great bodily harm or death. The CEW may be used in defense of any person for the same reasons.
c. The CEW, once deployed, will deliver a (5) seconds electrical current per trigger pull. If the trigger is held past the (5) seconds, the CEW will continue to deliver the electrical current until released. **Each subsequent activation constitutes a separate use of force**.
d. The preferred target area when deploying a CEW should be splitting the belt line or center mass. The face, neck and groin areas are to be avoided if at all possible.

5. The device shall **not** be used in any of the following places and situations:

a. When confronting non-violent resistance, that does not represent a threat to deputies or others.
b. Do not resort to CEW without first attempting to use negotiation, commands or physical skills.
c. Avoid using the CEW on an elevated risk population member unless it is necessary and objectively reasonable.
d. Do not use pain compliance or Drive Stun Mode when circumstances dictate that pain is reasonably foreseeable to be ineffective. *(Example: Persons who are under the influence of alcohol or drugs or persons who appear to be or are known to be mentally ill.)*
e. Near flammable gasses or liquids.

f. In drug houses where ether is suspected to be in use.
g. As a defense against a deadly weapon.
h. To threaten a person in an attempt to gain information from the person.
i. Against a subject already in custody unless active physical resistance has to be overcome.
j. To wake up a suspected intoxicated individual.
k. As a form of punishment or retaliation to any person for verbal or physical abuse.

6. No deputy shall playfully, maliciously, or intentionally misuse the unit in an improper display of power except to gain control of a situation.

7. Dealing with Mentally Ill or Emotionally Unstable Individuals:

   a. Deputies should make a greater effort to control the situation through less intrusive means than the CEW.
   b. When a person is neither a threat to himself or anyone else – the government's interest in deploying force to detain him is not as substantial as its interest in deploying force to apprehend a dangerous criminal.

8. Deputy Response:

   a. A suspect shall be handcuffed while being exposed when possible or as soon after being exposed to the CEW. Deputies shall also be prepared to employ other means to control the suspect including, if necessary, other levels of force consistent with Sheriff's Office policy, if the suspect does not respond sufficiently to the CEW and cannot otherwise be subdued.
   b. Immediately after utilizing the CEW on a suspect and placing the suspect in custody, the deputy who deployed the CEW shall immediately examine the suspect for any indication that the individual needs medical care. Upon observing complications or other medical problems, or if the suspect requests medical assistance, the deputy shall immediately summon emergency medical aid.
   c. Suspects on which the CEW has been deployed shall be monitored continuously for indications of medical problems and shall not be left alone while in sheriff's office custody.

d. A deputy that has been trained by a certified Taser instructor can remove a probe if the barb shaft is not imbedded so deep as to prevent the probe from hanging loosely. The deputy shall request EMS personnel to examine the person (or transport the person to the Lynchburg General Hospital Emergency Department) if the probes cannot be removed because of (1) the depth of penetration of the probes, or (2) a hit to the head, neck, groin, or to a woman's breast. Deputies shall wear rubber gloves when removing probes from skin. Deputies shall use the extract method for removing probes.

e. Keep in mind that the buttocks are a sensitive area also. Deputies should make all reasonable attempts to have personnel (either CCSO or EMS) of the same sex available to remove the probes. If this is not possible, then a minimum of two CCSO personnel need to be present for the probe removal.

f. The deputy will photograph the affected area. If the affected area is the groin, buttocks or female breast area, CCSO personnel of the same sex, medical personnel of the same sex, or BRRJA personnel of the same sex as the affected person shall take the photograph.

g. If a person subjected to an electrical shock from a CEW is exhibiting signs of medical distress, the deputy shall immediately summons emergency medical personnel who will decide whether the person needs to be transported by ambulance.

h. Deputies shall obtain medical clearance from the emergency room physician before transporting the subject to a detention facility. This clearance can be obtained from the physician, if the subject has been treated in the emergency room.

i. Deputies must be aware that one easily overlooked aspect of injury in deploying a CEW is that of falling from a standing position. An examination with particular emphasis on secondary injuries should be performed by the EMS personnel, if on-scene.

j. The Air Cartridge probes used and the AFID tag shall be logged into evidence. Since the probes will probably have blood on them (biohazard), deputies shall wear protective latex gloves when handling. The wires shall be wound around the cartridge. The probes shall

be inverted into the portals they originally were deployed from (this will prevent the sharp ends from penetrating the envelope). Tape should then be placed over the portals to secure the probes in the cartridge. Place into an evidence envelope or sharps container and mark or label the envelope/container "BIOHAZARD".

k. The CEW probes will be maintained within the evidence system for a minimum of three years from date of deployment.

l. Personnel utilizing the CEW shall, as soon as possible, complete a Use of Force Report form, a Taser Use of Force form, and notify the immediate supervisor on duty.

E. Specialty Impact Munitions (Bean Bag Rounds for 12 Gauge; 40 mm); Pepper Ball Gun

1. Only deputies who have been trained in the use of Specialty Impact Munitions are authorized to use them. All training and qualifications shall be conducted by specialty impact munitions instructors, who are certified as instructors through a major munitions manufacture.

2. Deployment Areas:

a. Specialty impact munitions will be delivered to suspects target zones based on the circumstances, the established safety priorities and the level of force authorized.

b. Target zones are the recognized CCSO model for determining contact areas for less lethal impact munitions, based on effectiveness and potential for injury.

- Zone One – These areas consists of the buttocks, thigh and calf. These areas have the greatest amount of muscle mass and the least number of vital organs. An impact to this zone should generate enough pain stimuli to gain compliance from the subject when struck, while being least likely to result in serious injury.

- Zone Two- This area consists of the medium muscle groups in and around the abdomen. In most cases this area lacks the muscle density of zone one, increasing the painful stimuli and the potential for injury. An impact in this zone carries the risk of laceration or fracture.
- Zone Three - These areas consist of the chest, spine, head and neck. This zone carries the greatest potential for serious or fatal injury and should only be considered if the use of deadly force is justified, necessary and appropriate.
- Shoulders and arms – because they are primarily skeletal, and due to their mobility, careful consideration should be given before targeting these areas. Although there may be situations where shoulders or arms are the only viable areas presenting themselves, the likelihood of missing the intended target or causing a laceration or fracture is very high with these areas. Shoulders and arms are not considered a target zone.

3. Deployment Techniques:

   a. The approved shotgun for Specialty Impact Munitions will be carried by Lieutenants in their assigned vehicles. All Special Response Team Members have access to an approved shotgun for specialty impact munitions and have been trained in its use.

      ✓ Before transition to Specialty Impact Munitions, the Lieutenant shall consider the level of force being confronted, the proximity/access of the subject to the Lieutenant and others and the department safety priorities. <u>LETHAL COVER SHOULD BE USED WHENEVER SPECIALTY IMPACT MUNITIONS ARE DEPLOYED.</u>

4. Suspect(s) struck by a specialty impact munition shall be transported to a medical facility prior to transporting to the magistrate for medical examination.

5. Personnel utilizing Specialty Impact Munitions shall, as soon as possible, complete a Use of Force Report form and notify their immediate supervisor.

F. Firearms - General

1. Firearms may be used:

   a. In defense of the deputy or others from what is reasonably believed to be an immediate threat of death or serious bodily harm; or,
   b. To apprehend a fleeing felon if all other means of effecting an arrest, including where feasible, some audible warning, have been exhausted and the officer has probable cause to believe and reasonably believes that the escape of the felon will present an immediate and significant threat of death or serious physical injury to the deputy or others. Mere suspicion that the person committed a felony is insufficient to warrant the use of deadly force. The officer must have knowledge that the felony was committed and that the person fleeing arrest committed it. In addition, the felony for which the apprehension is sought must be a felony involving the infliction or threatened infliction of serious physical harm to warrant the use of deadly force.

      i. In evaluating a "significant threat," the deputy must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the officer or others if apprehension is delayed.

2. Deadly force shall not be employed to apprehend a fleeing misdemeanant.

3. To kill seriously injured or dangerous animals when no other disposition is reasonably practical and an animal warden is unavailable. Before resorting to deadly force, the deputy should make a reasonable effort to ascertain ownership if it is a domestic animal. If killing the animal is necessary, the deputy shall advise his supervisor, via radio, of his/her intentions: clear the area of spectators; and, after using the utmost caution, accomplish the task. This use of deadly force and the circumstances surrounding the incident shall be documented by the initiating deputy on an agency offense report.

4. In routine firearm training or practice at an approved range.

5. Deputies shall exercise caution at all times in handling and displaying firearms in any place, whether public or private. Except for official purposes such as training, inspecting, securing, or cleaning, firearms shall not be handled or displayed. Firearms, whether loaded or unloaded, shall not be aimed at any person except as necessary in the line of duty. The use of a firearm shall be totally justified and in strict accord with agency policy.

G. RIFLE AND CARBINE:

1. Due to its longer range and greater degree of accuracy and the fact that in most lethal confrontations a rifle or carbine is a better tool than a handgun, consideration should be given to the use of the rifle or carbine anytime the need for a firearm exists and the distance to the threat is too far or marginal for a handgun and anytime the need for a greater degree of accuracy exists.
2. If it cannot be properly slung, the rifle or carbine should not be utilized if the probability of having to go “Hands On” with a subject exists and there is no one else available to perform the task. Unlike a handgun, which can be holstered and secured, the rifle or carbine, unless equipped with a tactical sling cannot be properly secured enough to go hands on with a suspect.

3. Unless the police vehicle is equipped with a secure locking firearm mounting system in the passenger compartment, the rifle or carbine should be stored in a case secured in the trunk.

4. The rifle or carbine should be stored with an empty chamber but the magazines should be fully loaded with duty ammunition. The safety should be in the safe mode of fire.

5. The only ammunition to be used in the rifles or carbines shall be that issued by the department and shall not be altered in any manner.

6. Deputies issued a rifle or carbine must have successfully completed the Patrol Rifle Course and will be required to qualify annually with it.

7. All firearms will be secured and removed from vehicles prior to leaving the vehicle for any type of maintenance.

IV. LIMITATIONS ON FORCE

The following acts associated with the use of force are **prohibited**:

A. Firing into crowds.

B. Firing a warning shot.

C. Firing at or from a moving vehicle, except where the deputy reasonably believes that:

1. An occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle; or

2. A vehicle is operated in a manner deliberately intended to strike a deputy or a citizen, and all other reasonable means of defense have been exhausted (or are not present), which includes moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the deputy's action.

3. Deputies shall not fire at or in the direction of a vehicle that no longer poses an immediate threat.

D. Firing into a building or through doors when the person fired at is not clearly visible unless deputies are being fired upon from such building or through such doors.

E. Application of choke hold or carotid control holds, except when the deputy believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death.

F. Use of Streamlites or Kel-lites or other flashlights as batons. A deputy may use a flashlight or other object designed for a use other than as a weapon **ONLY** if departmentally sanctioned methods are not available or are impractical. The use of a flashlight under such circumstances shall be deemed an application of deadly force.

G. Carrying or use of a second back-up firearm UNLESS the deputy has requested prior permission from the Sheriff, submitted a CCSO Off-Duty Firearm Authorization Form to the Range Officer, and successfully qualified on an approved range with the requested firearm.

H. Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.

I. Any use of force not necessary in the light of the circumstances confronting the deputy.

J. Any forcible enforcement action when off duty except in circumstances which seriously threaten life, valuable property, or public order.

V. FIREARMS

A. DUTY FIREARM: Wearing of Firearms - Authorized Handguns and Ammunition

1. The issued service firearm shall be standard equipment for all Sheriff's Office employees having the power to arrest, and no other firearm shall be carried on or off duty unless written permission is granted by the Sheriff.

2. A request to carry a firearm in addition to the service firearm on-duty, or in lieu of the service firearm on-duty, shall be submitted through the Range Officer on the CCSO Off-Duty Firearm Authorization Form. The deputy must successfully qualify with the firearm on an approved range and final permission must come from the Sheriff.

3. Sworn personnel in administrative positions may request approval from the Sheriff to carry an approved off-duty firearm while on-duty in lieu of the issued service firearm. Procedures as outlined above must be followed.

4. In completing the CCSO Off-Duty Firearm Authorization Form, the requesting deputy shall indicate whether the request is to carry the firearm only off-duty or on-duty, or whether the request is to carry the firearm both on and off-duty. In either case, no more than three additional approved firearms, will be utilized for off-duty and/or on-duty use.

5. Any firearm to be carried, either off-duty in lieu of, on-duty in lieu of, or on-duty in addition to the service firearm, shall conform to the following specifications:

   a. Caliber must be .38 or larger;

   b. Any firearm carried must meet or exceed technical and safety specifications of agency issued firearms.

c. All personnel are limited to no more than three off-duty firearms. Off-duty firearms must be qualified with at least once a year on an approved range.

d. The holster should be equipped with thumb break restraint and/or a retention device.

6. Ammunition used in duty firearms shall only be that issued by the department and shall not be altered in any manner.

7. Ammunition used in off-duty, non-issued, personal firearms shall only be that as approved by the agency and shall not be altered in any manner.

8. Ammunition used in off-duty, non-issued, personal firearms shall be manufactured by a major U.S. munitions manufacturer, i.e., Remington, Winchester, or Federal. It shall be similar in type to departmental ammunition.

9. Under no circumstance shall any deputy carry an issued or off-duty firearm while or after consuming alcoholic beverages to the extent physical and/or mental abilities have been impaired.

B. OFF-DUTY FIREARMS:

1. The carrying of a firearm while an employee is in an off-duty status is optional.

2. Off-duty deputies, while operating a department vehicle, shall be armed with an approved firearm.

3. Deputies who carry off-duty firearms must understand that in some social situations the carrying of a firearm would be inappropriate.

4. No deputy shall carry a firearm or any weapon into any courtroom if the deputy is a defendant in a criminal or traffic case or a plaintiff or defendant in any civil matter. No deputy shall wear his/her issued uniform or any part thereof while appearing in any of the aforementioned court proceedings.

C. It is not the intention of the Sheriff's Office to prevent anyone from exercising their constitutional right to bear arms. However, the Sheriff's Office reserves the right to control personnel operating under the sheriff's authority vested in them by the County. Off duty deputies shall not carry concealed weapons while consuming or having consumed alcoholic beverages unless:

1. They are carrying such weapons in accordance with valid concealed weapons permit.

2. No action is taken or statement made that would indicate they are operating under the authority vested in them as deputy sheriffs' for Campbell County.

3. The Sheriff has waived the provisions of this section for personnel involved in special investigations.

4. Deputies should be aware that prior to leaving the State of Virginia, they should check with the states they are traveling to or through to ensure Virginia has a reciprocal agreement that would allow law enforcement officers to carry weapons in those particular states. Deputies arrested or charged with firearms offenses in other states shall be subject to disciplinary action and will be financially responsible for the Sheriff's Office firearm if it is confiscated.

5. Deputies shall keep their handguns clean and in proper working order. Supervisors shall inspect their personnel's handguns once a month to insure cleanliness and proper ammunition is being carried. Violations of this section shall be subject to disciplinary actions.

6. Carrying of non-issued personal weapons:

   It is the intent of the Campbell County Sheriff's Office not to interfere with the individual rights of its personnel. When off duty, personnel may carry any weapon deemed legal by the statutes of the Commonwealth of Virginia for any citizen to possess and carry. However, personnel possessing or carrying any weapon with the intent to use it in one's official capacity, acting under the authority given to them by the County of Campbell, may only use those weapons for which they are trained and have been authorized to carry by the Sheriff.

D. The Law Enforcement Safety Act of 2004 (House Bill 218)

1. House Bill 218 was a Federal Act that was signed into law on July 22, 2004 by the President of the United States. It authorized a police officer who is carrying photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer to carry a concealed firearm that has been shipped or transported in interstate or foreign commerce anywhere in the United States with the following <u>exceptions</u>:

   a. To supersede or limit the laws of any State that:

(1) Permits private person(s) or entities to prohibit or restrict the possession of concealed firearms on their property.

(2) Prohibit or restrict the possession on any state or local government property, installation, base, building or park.

b. The officer is undergoing disciplinary action by their agency.

c. The officer has failed to meet any qualification requirements by their agency.

d. The officer is under the influence of alcohol or drugs.

e. The identification required is the agency's official photographic identification.

f. Machine gun, firearm silencer, or any destructive device explosive devices, etc.) shall not be carried.

E. Carrying of Firearms by Retired Law Enforcement Officers (§18.2-308 Code of Va.)

1. Retired Virginia police officers may carry a concealed firearm provided that he/she:

a. Retired with a service-related disability.
b. Retired with at least fifteen (15) years of service.
c. Retired after reaching the age of fifty-five (55).
d. They have written proof from the Chief of Police/Sheriff of the last agency he/she worked for stating that he/she has consulted with the Chief of Police/Sheriff regarding the carrying of a concealed weapon and received a favorable review.

2. Retired police officers may carry concealed firearms anywhere in the United States under the Law Enforcement Safety Act (HB 218) provided they meet the following requirements:

a. They retired in good standing other than for reasons of mental instability.
b. They were authorized to carry a firearm prior to retiring.
c. They have fifteen (15) or more years of service.
d. They are receiving retirement benefits from the agency they retired from.
e. They have qualified, at their own expense, in accordance to their state's qualification requirements within the past twelve (12) months.

f. They are not under the influence of alcohol or drugs.

Provided the state they are in does not:

i. Prohibit private persons or entities from prohibiting or restricting concealed firearms on their property

ii. Prohibiting or restricting the possession of firearms on any state or local property, installation, base or park.

3. They are carrying the following identification:

a. A dated photographic identification issued by the agency from which the individual retired.

b. The identification must be updated yearly and state that the individual has met the qualification requirement for the same type of firearm he/she is carrying. Officers living out of state may receive a certification from the state they are living in certifying they have met the state's firearms qualifications. They still must carry their agency's retirement identification.

4. Machine guns, silencers or destructive devices may not be carried.

5. Campbell County Sheriff's Office will take reasonable action, as determined by the Sheriff or his/her designee, needed for retired officers to comply with the requirements listed above.

6. Each retired officer wishing to maintain his/her firearm qualification shall supply the Campbell County Sheriff's Office with an address and contact telephone number.

7. Each retired officer holding certification under the Law Enforcement Officer Safety Act shall be notified and may participate in the Campbell County Sheriff's Office firearm qualifications.

8. Retired officers must supply their own firearm and ammunition.

9. Upon meeting the requirements, the Sheriff or his designee, will issue the necessary documentation needed for any qualified retired deputy from this Office to carry a concealed weapon.

10. Upon authorization from the Department of Criminal Justice Services, the Campbell County Sheriff's Office will allow out-of-state retired officers to participate in the department's firearm qualification program offered to retired officers from this department. The firearm

qualification scores will be forwarded to the Department of Criminal Justice Services so they can generate the proper documentation for compliance with the Law Enforcement Officer Safety Act.

F. USE OF SPECIAL RESPONSE TEAM WEAPONS:

1. S.R.T. members shall be qualified and certified in the use of their designated weapons.

2. The general rules covering S.R.T. operations are covered in General Order 508 and 508.2.

VI. FIREARMS QUALIFICATIONS

A. Every employee who is issued a service firearm is required to achieve qualification with the firearm on the established firearms training course prior to carrying the firearm either on-duty or off-duty.

B. The Sheriff's Office shall conduct firearms training and/or qualification sessions for sworn personnel on a semiannual basis, in the spring and fall. Persons issued agency firearms shall re-qualify with their service weapon at least once annually. Qualification may be required more often, if so directed by the Sheriff. Qualification with any other authorized firearm carried on-duty or off-duty is required once per calendar year.

C. Permission to carry a firearm off-duty in lieu of the service firearm or on-duty in addition to the service firearm shall not be granted until the Sheriff receives certification from the Range Officer that qualification has been achieved. A copy of the CCSO Off-Duty Firearm Authorization Form containing a complete description of the firearm, date of qualification, and qualifying score, shall be inserted in the affected employee's personnel file.

D. Should a sworn member of this agency be unable to complete firearms retraining/qualification with the requisite passing score he or she shall not be returned to full duty until such time as additional retraining can be accomplished. Personnel who fail to meet qualification requirements shall be placed into an administrative duty position, and his/her supervisor shall immediately make arrangements with the Firearms training staff to reschedule the employee at the earliest possible date. Successful retraining/qualification shall be defined as two consecutive qualification attempts which result in passing scores as defined by the Department of Criminal Justice Services.

E. Deputies who have taken extensive leave or suffered an illness or injury that could affect the use of firearms shall re-qualify before returning to enforcement duties.

VII. REGULATIONS

A. Whenever a deputy discharges a firearm, other than in training or for recreational purposes, a written report of the incident shall be submitted to their supervisor **prior** to going off duty. In addition, any employee discharging a firearm shall immediately notify their supervisor. The report shall contain all circumstances surrounding the incident, i.e., time of day, weather, witnesses, warnings, etc. If the firearm was discharged with the intent to employ deadly force, the supervisor shall immediately notify the Commander of the Field Operations Division. The Chief Deputy and Sheriff shall be notified using the chain of command.

Unintentional discharges of firearms procedure is outlined this General Order. Procedures for killing injured or rabid animals are also outlined in this General Order.

B. In cases in which a deputy sheriff discharges a firearm with the intent to employ deadly force, and the incident is related to or is a result of the commission of a crime, the deputy sheriff shall not be responsible for the investigation and subsequent arrest of the perpetrator. However, if an immediate on-scene arrest is necessary, the deputy is responsible for making such arrest. The Sheriff shall determine which agency entity shall be responsible for investigation of the crime.

VIII. THE UNINTENTIONAL DISCHARGE OF FIREARMS

The unintentional discharge of a firearm not resulting in the death or injury of any person shall be investigated by the officer's supervisor. In such cases the supervisor shall document the findings in a memorandum, to be concluded before the end of the tour of duty in which the investigation occurred and forwarded to the Field Operations Division Commander who shall forward it to the Chief Deputy and/or Sheriff.

IX. TRAINING

In addition to training required for annual firearms qualification, deputies shall receive agency-authorized training designed to simulate actual shooting situations and conditions and, as otherwise necessary, to enhance officers' discretion and judgment in using deadly and non-deadly force in accordance with this policy.

X. REPORTING USE OF FORCE

A. Deputies shall document any application of force, *except for those arising in training or departmental demonstrations*. A written Use of Force Form shall be required in the following situations:

1. Whenever Deadly Force is used
2. Whenever Non-Deadly Force is used
3. Whenever a firearm is pointed at a person
4. Whenever chemical or electrical devices or impact weapons are utilized. Note – if the Taser (CEW) is used, a Taser Use Report shall be completed also.
5. Whenever physical force exceeds the normal pushing, pulling, grabbing, holding, twisting, etc., that occurs during handcuffing and controlling procedures
6. Whenever a person is physically taken off their feet or put to the ground by a deputy
7. Whenever a person is physically struck by any means

B. Whenever a Use of Force Report is required, the on-duty supervisor shall be notified and shall conduct a thorough investigation, if warranted.

1. Deputies using force shall complete the IBR, Use of Force Report and any other applicable documentation, i.e., photographs, etc., and place all of this in a file folder, and deliver it to the reviewing supervisor.
2. All efforts should be made to take photographs of any injuries or in some instances non-injuries to further document what occurred.
3. After review and approval by the deputy's supervisor, the folder shall be sent to the Field Division Commander for his review and investigation.
4. Any deputy present at a use of force incident shall prepare a written supplement to the initial deputy's IBR, completely documenting their involvement and what they observed.

C. Submit a Use of Force Form to the Shift Supervisor for review. The Shift Supervisor shall review and submit the completed Use of Force Form to the Field Operations Division Commander or designee by the end of the shift. If the Shift Supervisor is involved in the Use of Force, the next supervisor in the chain of command shall be notified immediately.

XI. INVESTIGATION OF THE USE OF DEADLY FORCE AND THE DISCHARGE OF FIREARMS

The procedures below shall apply to all situations in which an officer intentionally discharges a firearm for the purpose of employing deadly force against a human being.

A. The Commander of the Field Operations Division or designee shall be promptly notified of the use of deadly force by an on-duty or off-duty deputy. The Chief Deputy and Sheriff shall be notified using the chain of command.

B. The Commander of the Criminal Investigations Division shall designate an Internal Affairs Investigator who shall assume responsibility for conducting a thorough investigation of the shooting. In cases where the shooting is related to the commission of a crime for which the Criminal Investigation Section has investigative responsibility, the investigator is limited to determining the propriety of the use of deadly force. Proper coordination and cooperation are essential to ensure that neither aspect of the total investigation is hampered.

C. Any deputy whose use of deadly force results in the wounding or death of any person shall be relieved from duty and placed on administrative leave by the Sheriff or his designee pending administrative review.

D. The Sheriff may, at his discretion, conduct an internal departmental criminal investigation or may request an outside agency to conduct the investigation.

XII. DEPARTMENTAL RESPONSE

A. Review

1. All reported uses of force will be reviewed by the Sheriff or his designee to determine whether:

   a. Departmental orders were violated;

   b. Relevant departmental policy was clearly understandable and effective to cover the situation; and,

   c. Departmental training is current and fitting. If it is determined that training is not adequate, personnel involved will receive remedial training and/or additional training relevant to use of force.

B. Internal Investigations

Internal investigations of serious applications of force (usually of compliance techniques and more severe methods) shall be of two types conducted simultaneously; first, an administrative investigation to determine whether department standards were followed; second, a criminal one to detect lawbreaking. A criminal investigation shall be discontinued whenever the department is satisfied that no misconduct occurred.

Dual internal investigations shall be conducted on all shootings.

C. Psychological Services

Psychological follow-up of post-shooting trauma will normally be directed by the Sheriff whenever deemed appropriate. During an internal investigation, the department will do all within its power to avoid placement of a stigma on the deputy who shoots in performance of their duty. Following a shooting resulting in a death, the deputy shall not return to duty until a psychological evaluation has been conducted, and the deputy has received counseling.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: R-E-A-C-T Band-It System	**NUMBER: 506.2**
EFFECTIVE DATE: June 5, 2014	
AMENDS/SUPERSEDES: **(Electronic Belt System - 02/06/2009; 07/17/2006)**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: ADM. 05.01 – 05.03, ADM. 06.01; OPR.09.01, OPR.11.05	

NOTE

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

I. POLICY

This General Order establishes the Campbell County Sheriff's Office policy and procedures governing the use of the R-E-A-C-T Band-It System by deputies.

Prior to being issued any weapon, sworn personnel will receive, and will demonstrate understanding of, written instructions detailing the use of force and firearms. These written instructions shall include, at a minimum, General Order 531, "PRISONER TRANSPORTATION, CUSTODY AND CARE"; General Order 506, "USE OF FORCE AND AUTHORIZED WEAPONS"; General Order 506.2, "R-E-A-C-T Band-It System"; General Order 522, "ARREST PROCEDURES", and shall sign a document so stating that they have read, received training in, and understand the contents of these General Orders. This document shall then be placed in the deputy's personnel jacket as a permanent record.

II. PURPOSE

The purpose of this General Order is to set forth a standard of use, procedure and proper operation of the R-E-A-C-T Band-It System (hereinafter referred to as Band-It.) The Band-It has been adopted to provide a safe, effective restraint device for use in court with high-risk defendants or during transportation details. The device can also be used in other custody situations to reduce the physical force needed to

effectively control combative prisoners or prisoners who may attempt escape, while reducing the likelihood of injuries to all involved parties including but not limited to innocent bystanders.

III. PROCEDURE

A. TRAINING

No deputy, full time or part-time, may operate the Band-It, either in the Band-It's daily maintenance or in use with prisoners, unless that deputy has completed a departmentally approved training course on the use of the Band-It as designated by the Division Commander of Administrative Services. NO DEVICE SHALL BE USED WITHOUT APPROVAL.

B. MAINTENANCE

Each deputy responsible for maintaining the Band-It will exercise due care and diligence in making sure the batteries are charged and replaced as necessary.

There shall be no attempt by a deputy to alter, tamper with or repair the unit. If the unit appears to need repair or to dysfunction, immediately inform the Court Security Lieutenant in writing and verbally. If the Band-It appears to require attention, that unit will NOT be carried for that tour of duty or until the Band-It is again rendered operable.

C. USES

1. Before the application of the Band-It on a prisoner, the Product Checklist should be utilized, and the prisoner Notification Form should be completed. If the prisoner refuses to sign the notification form, a second deputy should witness and both deputies will sign the form stating that the prisoner refused to sign, and that the form was read to the prisoner.

2. The Band-It may be placed on a prisoner to provide added security and restraint in dealing with a high risk or problem prisoner only with prior approval of the Court Security Lieutenant.

3. The Band-It will be used during transports at the discretion of the Court Security Lieutenant or his designee.

4. The Band-It may be used as a stand-alone concealed restraint, or in conjunction with other restraints (handcuffs, leg irons, and waist chains).

5. The Band-It can be placed in one of the following places:

   a. Either forearm of the prisoner.
   b. The back of either calf of the prisoner.
   c. The outside or inside of either thigh of the prisoner.

6. The Band-It **may** be activated under the following circumstances:

   a. Any attempt to escape or assault anyone
   b. Any outburst or movement which appears to threaten escape or assault;
   c. Any failure to comply with the lawful direction of the custodial deputies;
   d. Any tampering with the Band-It;
   e. Any time the wearer moves out of sight of the deputy;
   f. Failure to comply with the lawful order of the custodial deputy.

7. Immediately after the Band-It is activated, secure the prisoner with appropriate devices as necessary to fully control the prisoner.

8. Dangerous and Unauthorized Uses

   The Band-It may **NOT** be used in the following circumstances:

   a. With pregnant women;
   b. With persons known to have heart diseases, multiple sclerosis or muscular dystrophy;
   c. To unlawfully threaten, coerce, harass, taunt, belittle or abuse any person;
   d. In any form of horseplay between staff or with persons from outside the department.

   Deputies violating c. or d. above will be subject to departmental discipline and may be subject to criminal charges.

9. In the event the prisoner is able to resist being immobilized after a single activation, a second activation may be initiated.

10. Subsequent activations will be used only if the prisoner is still actively attempting assault or escape. If the prisoner's actions are limited to resistance to being secured, other physical restraint techniques should be attempted.

11. Use of the audible tone as a warning should be used where and when possible. However, acts of aggression or escape will warrant immediate and swift response.

D. POST USES

1. Any activation of the Band-It by an employee will immediately be brought to the attention of the Court Security Lieutenant. Further, the incident is to immediately be reported to the Captain of the Administrative Services Division.

2. Medical Examination: The Band-It is designed for temporary immobilization. It will not normally cause any significant injury. A prisoner may, however, receive secondary injuries as a result of falling when the device is activated.

   a. If the prisoner complains of medical problems after the use of the Band-It, have him/her evaluated by medical staff or taken to the nearest medical facility.

   b. Use caution if the prisoner is moved to a civilian medical facility; this may be part of a planned escape effort.

3. As soon after the incident as possible, photograph signature marks (contact marks) and any secondary injury. Photographs should be taken both with and without a measuring tape or scale being included in the photographs to establish the size and location of the marks.

4. While the Band-It utilizes less-than-lethal pulse technology and causes no known permanent injuries or side effects, the use of this device is a serious matter.

5. On every occasion that the Band-It is activated, a Use of Force Report Form and Incident report will be completed by the activating deputy before he/she goes off duty. That report will comply with departmental report requirements and also include:

a. The observed reaction of the prisoner/subject at the time of activation;
b. Description of any observable marks or injuries to the prisoner;
c. Complaints from the prisoner;
d. The time, location and by whom the photographs were taken.

6. The original incident report and Use of Force Report Form will be forwarded to the Field Operations Division Commander within twenty-four hours of the incident. A copy of the incident report and Use of Force Report Form will be immediately forwarded to the Administrative Services Division Commander.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Court Procedures	**NUMBER: 507**
EFFECTIVE DATE: February 26, 2014	
AMENDS/SUPERSEDES: **Issue Date: 03/18/2004**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS:	

NOTE

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

I. PURPOSE

Since court appearances are an integral part of the deputy function, it is necessary to clarify and standardize departmental procedures in this area. The image presented by a deputy appearing in court not only reflects upon the department and the entire profession, but also affects the image of the court. In order to ensure a professional demeanor and improve efficiency, the purpose of this General Order is to establish the guidelines and procedures to be followed by the deputies for court procedures.

II. GENERAL

A. The Commander of the Field Operations Division will schedule court dates for deputies assigned to the Field Operations Division, taking into consideration shift assignment, days off, and annual leave. The Commonwealth's Attorney and Courts will be notified at least six months in advance of non-available dates for deputies. The Commander of the Criminal Investigations Division will schedule court dates for investigators utilizing the same considerations. The Administrative Lieutenant or Sergeant will schedule court dates for deputies assigned to the Administrative Division utilizing the same considerations.

The Commonwealth's Attorney's Office provides forms for the Sheriff's Office to complete with non-available court dates. These forms should be completed semi-annually.

B. Deputies who routinely wear a uniform in the performance of their duties (i.e. Field and Administrative Divisions) appearing in court shall wear the uniform of the day in accordance with General Order 206. Deputies assigned to the Investigations Division may wear either the appropriate uniform for that court or the appropriate business attire as is spelled out in General Order 206. Long sleeve shirt and tie will be required for Circuit Court **only** if it is a jury trial.

C. Deputies will conduct themselves in such a manner as to create a favorable impression at all times. Proper decorum will be maintained not only in the courtroom, but in all areas of the courthouse.

D. Deputies are reminded that the carrying of cell phones is prohibited in the courthouse. If a deputy has any type of electronic device that emits an audible sound, it is the responsibility of the deputy to silence the device while in the courthouse.

III. COURT WITNESSES

The following is a chart to clarify who is responsible for summonsing witnesses to court. Make a copy of all requests (regardless if it is going to court or Commonwealth's Attorney) and put the copy in the case folder noting the date submitted.

When completing a witness list for the Commonwealth's Attorney's Office, be sure the following information is included:

1. Address (complete with zip code)
2. Mailing address (if different)
3. Unavailable dates - ask witnesses if they have any unavailable dates, vacations, etc.

Juvenile Court

Juvenile Misdemeanor - Deputy completes a "Request for Witness" form and submits to the Intake Officer, along with a copy of the incident report, when the petition is filed. Three copies of the witness list shall be placed in the box marked CA Reports in the Deputies Office, along with a copy of the incident report.

Juvenile Felony - Deputy completes a "Request for Witness" form and submits to the Intake Officer, along with a copy of the incident report, when the petition is filed. Three copies of the witness list shall be placed in the box marked CA Reports in the Deputies Office, along with a copy of the incident report.

Adult Misdemeanor - Deputy completes a "Request for Witness" form. The original and two copies of the witness list shall be placed in the box marked CA Reports in the Deputies Office, along with a copy of the incident report.

Adult Felony - Deputy completes a “Request for Witness” form. The original and two copies of the witness list shall be placed in the box marked CA Reports in the Deputies Office, along with a copy of the incident report.

General District Court

Adult Misdemeanor - Deputy completes a "Request for Witness" form. The original and two copies of the witness list shall be placed in the box marked CA Reports in the Deputies Office, along with a copy of the incident report.

Adult Felony - Deputy completes a “Request for Witness” form. The original and two copies of the witness list shall be placed in the box marked CA Reports in the Deputies Office, along with a copy of the incident report.

Circuit Court

Misdemeanor Appeals – Commonwealth’s Attorney's Office does this by using witness list submitted to lower court.

IV. CONTINUANCES

A. Under no circumstances will Deputy Sheriffs grant continuances under their own authority. Any person requesting a continuance shall be referred to the Clerk of the Court or the Commonwealth’s Attorney's office.

B. If a deputy receives a summons for court and the date to appear has previously been submitted to the Commonwealth’s Attorney’s Office as an unavailable date, the deputy is to make the Division Commander aware of the situation. It is helpful to make a copy of the summons and the unavailable court date form that was submitted and present to the Division Commander. Only a Division Commander (or their designee) is to contact the court or Commonwealth’s Attorney’s Office in reference to the summons.

C. In cases of illness or emergency, deputies may, with the approval of the Chief Deputy, Investigations Division Commander, Administrative Division Commander or Field Operations Division Commander, have their scheduled cases continued. In the event a deputy cannot attend court because of the

above reasons, the deputy shall be responsible for notifying one of the above Commanders or the Chief Deputy. The Commanders or Chief Deputy will notify the Commonwealth's Attorney's Office and the appropriate Clerk of Court.

V. TRAFFIC COURT

A. Deputies will be provided a copy of the court docket listing their cases, indicating prepaid and open cases.

B. Deputies shall be in the General District Court Room prior to their assigned times, prepared to testify, or shall advise the Clerk of the Court if they will be late.

C. The above requirements shall apply to Juvenile traffic cases as well. At least thirty days will be allowed between the date of summons and the trial date except in instances when the juvenile is detained.

VI. CRIMINAL COURT

Deputies shall be in the appropriate criminal court room prepared to testify a minimum of fifteen minutes before the scheduled time. If this is not possible the appropriate clerk's office should be contacted and made aware of the delay and the reason for the delay.

VII. JUVENILE COURT

A. If the juvenile is released to a parent or guardian, a hearing date will be set by the Juvenile Court when a petition is secured. If a juvenile is detained while court is in session, the juvenile will be transported to the court for an immediate hearing. Cases involving juveniles detained when court is not in session will be heard on the next day that court convenes.

B. Deputies shall comply with procedures for traffic offenses involving juveniles, as outlined in Part V, Section C, of this order.

VIII. CASE DISPOSITION

In all criminal cases and traffic cases involving Driving Under the Influence and Reckless Driving, the deputy involved shall report to his immediate supervisor all

incidents where the Commonwealth's Attorney refuses to prosecute and/or the case is dismissed by the court due to alleged mishandling by the deputy and/or the department. The supervisor shall notify the appropriate Division Commander.

A. Upon notification of non-prosecution and/or dismissal, the responsible Division Commander shall review the facts of the case to determine if such disposition was the result of poor preparation or mishandling by the investigating deputy or other department personnel.

B. If the Division Commander determines that the deputy and/or the department acted improperly or otherwise contributed to the ineffective prosecution, appropriate action shall be taken to insure that the situation does not re-occur. This action may involve counseling the deputy or deputies involved, recommending individual and/or departmental training or disciplinary action.

C. If the Division Commander feels that the deputy and the department acted properly, and the Commonwealth's Attorney Office mishandled the case or otherwise contributed to the non-prosecution and/or dismissal, the Chief Deputy shall be informed of the findings in writing. The Chief Deputy shall then review the case and notify the Sheriff of his findings. The Sheriff shall take action as deemed necessary.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Special Operations: Responding to Hostage/Barricaded Persons	**NUMBER: 508**
EFFECTIVE DATE: May 22, 2012	
AMENDS/SUPERSEDES: **Revised: 03/18/2004; Issue Date: 10/1/98**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: OPR.05.01	

NOTE

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

I. PURPOSE

The purpose of this General Order is to set forth operational guidelines for the handling of hostage and barricaded person situations. Unless immediate action is necessary to protect life, it is the policy of the Campbell County Sheriff's Office to utilize the Special Response Team when confronted with hostage or barricaded person situations. The safety of deputies, hostages, and innocent bystanders is of paramount concern. Recovery of any ransom and arrest of the perpetrators are secondary.

II. OPERATIONAL PROCEDURES

A. Barricaded Person

1. First units on the scene:

   a. Unless immediate action is necessary to protect life, the first unit(s) on the scene will confine activities to containment and stabilization of the situation.

   b. At the earliest opportunity, advise communications of the situation, giving as much detail as possible. The supervisor on duty will notify Communications to contact the Commander of

the Field Operations Division who will in turn notify the Chief Deputy, at his discretion. The Chief Deputy will notify the Sheriff.

c. When sufficient manpower is available at the scene, a perimeter should be established to prevent the escape of the suspect and keep unauthorized persons from entering the area.

d. Persons in the immediate vicinity of where the suspect is located should be moved to a safe area, provided such movement can be accomplished without exposing the people to danger. Any movement which exposes people to the suspect's field of fire must be avoided.

2. Notification of Sheriff's Special Response Team

a. At the earliest possible time, the Sheriff, Chief Deputy, Commander of the Field Operations Division, or in his absence, the ranking Shift Supervisor, shall initiate a SRT call-out. The supervisor shall advise the location SRT members are to report.

b. The Sheriff, Chief Deputy, Commander of Field Operations Division or ranking Shift Supervisor, in consultation with the SRT Team Commander shall ensure that all appropriate command personnel, trained Negotiators, the Communications Center, other agencies, and specialized units such as, K-9 Teams, helicopter and fixed wing personnel, fire and rescue units, and any other units deemed necessary, are notified or advised to respond and provide assistance.

3. Establishing Command Post / Command at Scene:

a. As soon as the situation allows, the ranking supervisor on the scene will establish a command post for the purpose of coordinating the activities of all units involved. In addition, the ranking supervisor shall ensure that the communications center has been advised of all necessary information. Normally, the Chief Deputy will establish the command post.

b. Overall command of the scene will rest with the Chief Deputy or Commander of the Field Operations Division. Any commander may be relieved of overall command by the Sheriff.

c. Overall command shall extend to the direction of patrol units and their supervisors on the scene as well as support units which may be called for specific duties.

d. Upon arrival at the scene, the SRT Team Commander shall report to the command post to be briefed by the Scene Commander. The Sheriff, Chief Deputy, or Commander of the Field Operations Division will make the final decision as to whether the SRT Team is committed.

e. Once the SRT Team has been briefed by the scene commander and has been committed to action, the team shall be under the exclusive command and control of the Sheriff, Chief Deputy, Commander of the Field Operations Division, Team Leader, or Assistant Team Leader, in that order of succession.

f. Although the SRT Team chain of command shall have exclusive authority for tactical decisions involving the deployment and movement of the SRT Team, policy decisions concerning the demands of the suspect shall rest with the Sheriff or Chief Deputy. The Team Commander's role in these matters shall be advisory only.

g. The decision to use deadly force (Counter-Sniper), to employ chemical agents, or to assault a barricaded position, shall rest with the Sheriff or Chief Deputy Sheriff exclusively. This does not apply to exigent circumstances arising during the situation requiring immediate action to protect life.

4. Inner and Outer Perimeters

a. The SRT Team will control the inner perimeter and patrol units may be assigned to control the outer perimeter.

b. The SRT Team commander or team leader will coordinate with the Field Operations supervisor to ensure that both the inner and outer perimeters are secured.

c. Those personnel assigned control of the outer perimeter will be responsible for the evacuation of injured victims and bystanders with the assistance of SRT members. Evacuation of the inner perimeter will only be conducted by SRT members unless otherwise directed by the Sheriff or his designee.

5. Fire and Rescue Equipment

It is the policy of the Sheriff's Office to have fire and rescue units on the scene in a barricade or hostage situation. Fire and rescue units should respond to the scene in a non-emergent status unless there are injured persons or fire present. Fire and rescue units should be staged in an area close to the command post, but out of any danger area.

6. News Media

Access to the scene and briefings for the news media will be in accordance with guidelines established in the 400 series General Orders.

7. Communication with Suspects

Communication with suspects shall be conducted by negotiators after their arrival on the scene. Negotiators shall utilize accepted practice and whatever equipment necessary to maintain communications. All communications with suspects shall be recorded, when possible.

8. Interaction between SRT and Negotiators

Negotiators and SRT Team members must interact in their specialized capacities without over-lapping. Each function provides intelligence and assistance to the other.

9. SRT and Negotiator Responsibilities

a. SRT

(1) All tactical operations.

(2) Control of inner perimeter.

b. Negotiators

(1) Communications with suspects.

(2) Intelligence gathering.

(3) Maintain stability of suspect.

(4) Suspect manipulation. (When necessary)

B. Hostage Situations

1. First Units on the Scene:

a. Unless immediate action is necessary to protect life, the first unit(s) on the scene will confine activities to containment and stabilization of the situation.

b. At the earliest opportunity, advise communications of the situation, giving as much detail as possible. The supervisor on duty will notify Communications to contact the Commander of the Field Operations Division who will in turn notify the Chief Deputy, at his discretion. The Chief Deputy will notify the Sheriff.

c. When sufficient manpower is available at the scene, an inner perimeter should be established to prevent the escape of the suspect and keep unauthorized persons from entering the area.

d. Persons in the immediate vicinity of where the suspect is located should be moved to a safe area, provided such movement can be accomplished without exposing the people to danger. Any movement which exposes people to the suspect's field of fire must be avoided.

2. Notification of Special Response Team

a. At the earliest possible time, the Sheriff, Chief Deputy, Commander Field Operations Division, or in his absence, the ranking Field Shift Supervisor, shall initiate a SRT call-out. The supervisor shall advise the location SRT members are to report.

b. In a hostage situation, in addition to the SRT Team being called out, the Sheriff, Chief Deputy, Commander Field Operations Division, or the ranking supervisor, shall direct communications to call-out the Primary Negotiator and other trained negotiators as advised by the Primary Negotiator.

c. The Chief Deputy, Commander Field Operations Division, or ranking supervisor, in consultation with the SRT Team Commander shall ensure that all appropriate command personnel, the Communications Center, other agencies, and specialized units such as, K-9 teams, helicopter and fixed wing

personnel, fire and rescue units, and any other units deemed necessary, are notified or advised to respond and provide assistance.

3. Establishing Command Post / Command at Scene:

a. As soon as the situation allows, the ranking supervisor on the scene shall establish a command post for the purpose of coordinating the activities of all units involved. In addition, the ranking supervisor shall ensure that the communications center has been advised of all necessary information. Normally, the Chief Deputy will establish the command post.

b. Overall command of the scene will rest with the Chief Deputy or Commander Field Operations Division. Any commander may be relieved of overall command by the Sheriff or Chief Deputy.

c. Overall command shall extend to the direction of patrol units and their supervisors on the scene as well as support units which may be called for specific duties.

d. Upon arrival at the scene, the SRT Team Leader shall report to the command post to be briefed by the scene commander. The Sheriff, Chief Deputy, or Commander Field Operations Division will make the final decision as to whether the SRT Team is committed.

e. Once the SRT Team has been briefed by the scene commander and has been committed to action, the team shall be under the exclusive command and control of the Sheriff, Chief Deputy, Commander Field Operations Division, Team Leader, or Assistant Team Leader in that order of succession.

f. Although the SRT Team chain of command shall have exclusive authority for tactical decisions involving the deployment and movement of the SRT Team, policy decisions concerning the demands of the suspect shall rest with the Sheriff or Chief Deputy.

g. The decision to use deadly force (counter-sniper), or to assault a barricaded position, shall rest with the Sheriff or Chief Deputy.

4. Inner and Outer Perimeters

a. SRT Teams will control the inner perimeter and patrol units may be assigned to control the outer perimeter.

b. The SRT Team Leader will coordinate with the operations supervisor to ensure that both the inner and outer perimeters are secured.

c. Those personnel assigned control of the outer perimeter will be responsible for the evacuation of injured victims and bystanders with the assistance of SRT members. Evacuation of the inner perimeter will only be conducted by SRT Members unless otherwise directed by the Sheriff or his designee.

5. Fire and Rescue Equipment

It is the policy of the Sheriff's Office to have fire and rescue units on the call in a barricade or hostage situation. Fire and rescue units should respond to the scene in a non-emergent status unless there are injured persons or fire present. Fire and rescue units should be staged in an area close to the Command Post, but out of any danger areas.

6. News Media

Access to the scene and briefings for the news media will be in accordance with guidelines established in the 400 series General Orders.

7. Use of Negotiators

The Campbell County Sheriff's Office shall utilize trained negotiators to communicate with any hostage-takers. Negotiators are **not** part of the SRT Team. Negotiators shall advise the command post on intelligence gathered, the emotional condition of the hostage-takers and hostages, and other relevant information. Negotiators should have their own support staff that has been trained to function in different assignments.

8. Negotiating Demands

The following items are non-negotiable:

a. Weapons;

b. Illegal or illicit drugs;

c. Alcohol.

Items may be negotiated for using accepted practices. The first general rule of negotiating is to always get something in return for something. All items which are negotiated for shall have the concurrence of the Sheriff or Chief Deputy.

9. Mobile Suspects

Generally, it is the policy of the Sheriff's Office not to let hostage-takers become mobile. In some situations, it may be necessary to permit the suspects mobility. When it becomes apparent that this may occur, the following provisions shall be made:

a. Chase/Surveillance: Vehicles shall be assigned to maintain surveillance on the suspect's vehicle. The surveillance may be direct or discreet, depending on circumstances and requirements. All necessary surveillance equipment shall be at the scene prior to allowing the suspects mobility, if possible. In addition, a secreted electronic transmitter shall be placed on the vehicle to allow the vehicles location to be pin-pointed when the situation demands a discreet surveillance.

b. Control of travel routes: Depending on the situation, it may be necessary to block all exits from a planned travel route. This should be accomplished by blocking side streets with vehicles to prevent the suspect from leaving the route and prevent innocent citizens from wandering into a dangerous situation. If at all possible, a preplanned route should be agreed upon by the Sheriff's Office and the hostage-taker. The decision to utilize escort vehicles to help ensure safety shall be the decision of the Sheriff or the Chief Deputy.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Negotiators	**NUMBER: 508.1**
EFFECTIVE DATE: February 28, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.05.01, OPR.06.01, OPR.06.02, TRN.02.02	

NOTE

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I. PURPOSE

The purpose of this General Order is to delineate the organization, responsibilities and operating procedures for the Negotiation function which is part of the Sheriff's Emergency Response Plan.

II. OPERATIONAL OBJECTIVES

A. To maintain a cadre of selected, trained, and equipped personnel to conduct negotiations with perpetrator(s) of incidents involving hostages, barricaded persons or situations where negotiations could prevent injury or loss of life.

B. In addition to conducting the negotiations, it is the objective of the negotiators to provide certain logistical services at the scene of such incidents.

III. ORGANIZATION AND STAFFING

A. The Negotiation function should be made up of approximately four specialty trained sheriff's office personnel. Each negotiator will perform in a generalist-specialist capacity. This basic staffing pattern may alter depending on manpower.

B. The Primary Negotiator will have a minimum of two years experience as a negotiator. The Primary Negotiator, Chief Deputy, and Field Operations

Division Commander will be responsible for selecting the other members of the Negotiation function. Final decision of selection rests with the Sheriff.

C. Selection of negotiators will be made on the basis of speaking and interviewing abilities and particular individual skills which augment the function's effectiveness. Because tactical team personnel have specific responsibilities in hostage/barricade situations, members of the SRT teams should not be selected as negotiators.

D. The following selection criteria will be used in selecting personnel to the hostage negotiation function:

1. Volunteers with a minimum of two (2) years with this agency, unless waived by the Sheriff or Chief Deputy;

2. Possess the ability to communicate with people at various levels and to be a close and active listener;

3. Possess the ability to respond well under pressure in changing situations;

4. Possess the ability to work with team members and respond to close discipline;

5. Be emotionally mature, with the capacity to absorb verbal abuse without reacting unprofessionally;

6. Be a patient person who possesses the ability to withstand long periods of inactivity; and

7. Possess the ability to exercise extreme levels of good judgment under situations of great stress and remain calm and composed, with the ability to conceal and control emotions.

E. When the Negotiation function is called into service at the scene of a hostage/barricade situation, the negotiators will serve as an independent function and will be under the supervision of the Field Operations Division Commander or Chief Deputy.

IV. TRAINING

A. The Primary Negotiator should keep informed of appropriate training seminars and schools available to negotiators. It will be the Primary Negotiator's responsibility to coordinate and schedule training.

B. The negotiators should conduct simulated negotiation exercises so that all negotiators become proficient at the various tasks to be performed by the negotiator function.

C. The Primary Negotiator should meet periodically with the SRT Team leaders to coordinate the preparedness activities of both functions.

V. EQUIPMENT

The negotiator function will maintain necessary reference material, recording and communications devices, and other equipment needed in emergency situations.

VI. RESPONSE PROCEDURE

A. Primary Negotiator

1. Primary Negotiator determines if other negotiators should be called.

2. Primary Negotiator notifies the Chief Deputy and/or Field Operations Division Commander of situation.

3. Primary Negotiator is designated as supervisor in charge of negotiating function.

B. Logistics

1. The Primary Negotiator designates one negotiator to pick up any hostage negotiator equipment and transport it to the scene.

2. All other negotiators will respond directly to the scene or other designated location.

3. The supervisor in charge will select the negotiation location.

4. The Primary Negotiator will designate negotiators to serve as negotiator, coach, recorder, etc.

VII. OPERATING PROCEDURE AT THE SCENE

A. The Negotiators will operate according to the policy and procedures previously established.

B. Upon arrival at the scene, negotiators will report directly to the Primary Negotiator. The negotiators will remain under the supervision of the Chief Deputy or Field Operations Division Commander for the duration of the incident.

C. The negotiators will work in close cooperation with the SRT Team, which is responsible for containing and stabilizing the situation in order that negotiations can be carried out in safety. However, the duties and responsibilities of these two functions are distinct and should not overlap.

D. It will be the specific responsibility of the negotiators to provide the following logistical services at the scene of hostage and barricaded person situations:

1. Provide operational support to the command post;

2. Obtain and utilize the services of language and technical experts, as needed; and

3. Make recordings, as necessary, of the scene and the negotiations.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Special Response Team	**NUMBER: 508.2**
EFFECTIVE DATE: February 9, 2009	
AMENDS/SUPERSEDES: **Revised Date: 03/03/2004**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.06.01, TRN.02.01	

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I. PURPOSE

The purpose of this General Order is to establish the Campbell County Sheriff's Office Special Response Team (S.R.T.) policies and to describe procedures to be followed by the Team.

II. POLICY

To maintain a unit of selected, trained and equipped personnel to contain, stabilize and/or terminate situations including, but not limited to, armed and barricaded criminal or demented persons, hostage cases, high risk search warrants, sniper incidents, and any known or threatened ambush attacks with the ultimate goal to protect the lives of citizens and resolve the special situation task.

III. PROCEDURES

A. Staffing

1. The S.R.T. Team shall be made up of one team with twelve members not to include the Team Commander and tactical medic personnel.

2. The following selection criteria will be used in selecting personnel to S.R.T. Team positions:

a. Employed by the Campbell County Sheriff's Office as a full-time, sworn officer.

b. A minimum of two years of law enforcement experience with the Campbell County Sheriff's Office starting with the date of graduation from the Law Enforcement Basic School.

c. Be in good physical condition, possess ability to cope with responsibilities and display confidence.

d. Possess the ability to respond well under pressure with flexibility in changing situations.

e. Possess the ability to work with team members and respond to the close discipline of the group.

f. Be emotionally mature, with the capacity to absorb verbal abuse without reacting unprofessionally.

g. Qualify with a minimum score of 90% with all firearms issued.

h. Possess the ability to exercise extreme levels of judgment under situations of great stress and remain calm and composed, with the ability to conceal and control emotions.

B. Selection Process for the Special Response Team

1. Application Phase

a. Open position is posted.

b. Applicants will give a packet containing the following information to the Team Commander:

(1) Date of hire with Campbell County Sheriff's Office;
(2) Date of graduation from Basic Law Enforcement Academy;
(3) Any other information such as schools, specialized training attended, etc.

c. Team Commander determines who meets the minimum standards set forth in this General Order.

d. Qualified applicants proceed to a testing phase. The tests are administered by existing members of the S.R.T.

2. Testing Phase

a. Physical Fitness Qualifier Course tests endurance, upper body strength and lower body strength. Minimum requirements for each test must be met. The Physical Fitness Qualifier Course follows.

(1) PULL UPS / CHIN UPS

Using either grip, start with arms fully extended and pull up until chin touches the bar. Come back down to where arms are fully extended and repeat. Do as many as possible with no time limitations.

S.R.T. Standard: Minimum of five (5) repetitions
Objective: To test upper body strength

(2) PUSH UPS

Start with hands and toes touching the floor. Arms fully extended and back straight. Go down until the chest is no higher than two inches off the floor and push up to the start position. Do as many as possible with no time limitations.

S.R.T. Standard: Minimum of thirty (30) repetitions
Objective: To test endurance of the upper body

(3) DIPS

Using a dip station or any suitable means, start with arms extended, supporting 100% of the applicants body weight. Lower your body until the upper arm between the elbow and the shoulder are parallel to the floor and return to the start position. Repeat as many times as possible or 10 repetition maximum.

S.R.T. Standard: Minimum of ten (10) repetitions
Objective: To test upper body strength

(4) CAR PUSH

Using a standard patrol vehicle on a flat surface, push from the rear of the vehicle. The vehicle must move from the starting point until the front bumper brakes the plane approximately the length of the car plus ten feet.

S.R.T. Standard:	Approximately twenty-seven (27) feet in 15 seconds
Objective:	To test leg strength and endurance

(5) WALL CLIMB

From a running start, scale a six-foot wall without assistance and cross over to the other side.

S.R.T. Standard:	Must complete the task in 15 seconds
Objective:	To test agility

(6) OBSTACLE COURSE

An example may be;
Start
Low crawl under wire; Run 7 yards
Move through a close quarter hallway; Run 10 yards
Scale a fence; Run 10 yards
Balance on a beam to cross the obstacle; Run 10 yards
Move hand over hand across monkey bars; Run 10 yards
Drag life size dummy 10 yards; Sprint to Finish Line

S.R.T. Standard:	Must complete the course in 2 minutes 30 seconds
Objective:	To test stamina, as well as upper and lower body strength

b. Firearms Proficiency

(1) Each applicant must shoot a pistol qualifier course and a rifle qualifier course. Applicants will have to shoot a minimum of 90% with each gun.

c. Oral Review Board

(1) Shall consist of six S.R.T. members
(2) Series of questions will be asked of each applicant
(3) A list of questions used by the Board will be filed with Team Commander prior to Oral Review Board

*****EACH APPLICANT WILL GET ONLY ONE CHANCE AT EACH TEST*****

3. Voting

a. Existing S.R.T. members will vote on applicants
b. Team Leader will submit recommendations to Team Commander
c. Team Commander will submit recommendations to the Sheriff
d. The Sheriff shall appoint members to the S.R.T. Team

C. S.R.T. Rules and Regulations

1. The Team Commander will select the Team Leader. The Team Leader will select an Assistant Team Leader. Final approval, however, must come from the Team Commander.

2. All members will follow orders from the Team Commander, Team Leader, and/or Assistant Team Leader.

3. Members must attend all scheduled training and activations. If a member cannot attend training, a written excuse must be forwarded to the Team Leader prior to the scheduled training time. The Team Leader will decide if the reason for the absence is justified.

4. All S.R.T. members shall show interest in the team.

5. When training is scheduled or the team is activated, members must bring all of their equipment unless directed to do otherwise by the Team Leader.

6. During training and call outs, the S.R.T. will dress uniformly.

7. Members must be accessible by home phone or cell phone when not at work or on vacation. Members may have to provide their own cell phone. Cell phones may or may not be furnished by the Sheriff's Office.

8. Any violations of this General Order may result in suspension, termination, or some other form of disciplinary action.

9. Any member can be suspended by the Team Leader or Team Commander without cause.

10. Any member can be removed by the Sheriff without cause.

D. Responsibilities

1. Special Response Team Leader

In order to distribute the responsibility and ensure the team is adequately trained and equipped, the S.R.T. Team Leader will:

a. Ensure that all weapons, equipment and munitions are in good working order, maintained in adequate supply and inspected once a month.

b. Ensure that a current emergency call list is maintained and distributed to the Communications Center and all members of the S.R.T. Team.

c. Be responsible for coordinating training for the team and its members.

d. Ensure that the team receives that amount of training necessary to accomplish the objectives of the unit.

e. Keep the team informed of any specialized schools available.

f. Maintain records of all instruction received by the unit including the name of the instructor.

E. Training

1. The team leaders should keep informed of appropriate training seminars and schools available to team members. It will be the Team Leader's responsibility to coordinate and schedule training, through the Team Commander, so that the team is continually prepared to accomplish its objectives.

2. The nature of the training will be recorded by the Team Leader and training records will be maintained by the Team Operations Officer.

3. The Team Leader should schedule periodic team meetings to provide informal training and to take care of administrative matters. In addition, the team should conduct simulated tactical exercises so that all team members become proficient at the various tasks to be performed by the team. In training exercises, team members should learn each other's assignments. Training shall be coordinated by the Team Leader of the S.R.T. Team, with approval of the Team Commander, as needed, to ensure optimum performance of the Unit. There shall be regularly scheduled training and readiness exercises.

4. Tactical Team Leaders should meet periodically with the Primary Negotiator of the Sheriff's Office to coordinate preparedness activities.

F. Equipment

The Campbell County Sheriff's Office provides specialized equipment for its operations.

1. It will be the responsibility of the Team Leader to maintain an up-to-date list of all equipment issued to each member of the team. Regular inspection of the equipment will be held by the Team Leader to ensure the proper working order.

2. Only equipment approved by the Sheriff will be used or carried by team members. In certain situations, the Sheriff or the Field Operations Division Commander may authorize the use of additional weapons.

3. The Team Leader will collect any and all equipment issued to a member when the member leaves the Unit. This equipment will then be reissued to any replacement member. No equipment of any kind will be issued to any team member without permission of the Team Leader.

G. Response Procedure

1. Tactical Team Leader

   a. Team Leader determines if other team members should be called out.

   b. Team Leader notifies the Field Operations Division Commander, Chief Deputy and/or the Sheriff of the situation.

c. The Team Leader is advised of further actions to take and coordinates the S.R.T. Team efforts until the arrival of the Sheriff, Chief Deputy, and/or Field Operations Division Commander.

d. The Sheriff, Chief Deputy or Field Operations Division Commander determines the number of S.R.T. Team members to be notified.

e. The Team Leader may advise the Communications Center to implement the notification procedure for all or part of the S.R.T. Team members.

f. Other S.R.T. members will be notified as necessary.

2. Logistics

a. All S.R.T. Team members, who are contacted, will be responsible for such call backs and will be held responsible for any failure to respond once notified.

b. Upon S.R.T. Team activation, the Sheriff, Chief Deputy, Field Operations Division Commander, or designee, should decide on a meeting location.

c. S.R.T. Team leaders and members will report to the location specified in the notification.

d. Members of the S.R.T. Team will be responsible for having all issued equipment available and operational at all times.

e. Members of the S.R.T. Team shall be qualified and certified in the use of their designated weapons.

3. When the S.R.T. Team is called into service at the scene of a hostage/barricade situation, the team will serve as a unit of the Field Operations Division and will be under the supervision of the Field Operations Division Commander.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Response to Bomb Threats and Bomb Incidents	**NUMBER: 509**
EFFECTIVE DATE: March 18, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR. 05.01	

NOTE

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I. PURPOSE

To assure the uniform, safe and expeditious processing of bomb threats and bomb incidents, it is necessary to specify the responsibilities of the deputies and how the deputies shall coordinate their activities with those of other agencies.

II. POLICY

All possible efforts shall be made to prevent the detonation of explosive devices. But the safety of citizens and deputies and the limited availability of equipment to disarm or safely dispose of such devices, require that devices be permitted to explode if, in the opinion of bomb technicians, the time to expected detonation is insufficient to disarm or otherwise safely dispose of such devices. A bomb technician shall be called to the scene as soon as practicable after a device has been found. A bomb technician shall also be notified of incidents where an explosive device has been detonated. The bomb technician will then determine if a response to the scene is necessary.

III. PROCEDURE

A. Receiving the threat.

1. It should be kept in mind that the citizen who received the threat is the key to the Sheriff's Office plan of action. This person should be thoroughly questioned before the procedure is placed in effect.

2. The deputy should be prepared to ask the citizen who has received or relayed the threat, the following questions:

   a. Where did the individual say the bomb device was located?

   b. What time did the individual say the device would explode?

   c. What reason or motive did the individual give for placing the bomb?

   d. What does the device look like?

   e. Did the individual leave a name?

   f. Was there any background noise, or speech impediment, accent or manner of speaking that the recipient could remember?

   g. Was the individual calm or excited?

   h. What were the exact words used by the individual?

B. Deputy's responsibility at the scene.

Upon assignment to a bomb threat or the discovery of a suspected bomb, the assigned deputy should respond to the target location to make an assessment of conditions in the immediate vicinity and to prevent the situation from worsening (such as the movement of spectators into the target building) until the arrival of a shift supervisor.

C. Initial responsibilities of the Shift Supervisor.

1. Upon notification of the bomb threat, the Shift Supervisor should immediately respond to the target location as officer-in-charge. After his/her arrival, he/she should make an assessment of the situation and, if appropriate, should establish a nearby point of contact or field command post to which other deputies can respond for instructions. Announcement to our personnel of the location of the contact point or command post should either be made by land line to the Communications Center or by moving two or more blocks away from the scene before using the police radio. At the discretion of the

officer-in-charge, this post may be inside the threatened building or at a reasonable distance away. All responding personnel must report to this post for assignment. At this time, the officer-in-charge will either notify or have the Communications Center notify the Sheriff, Chief Deputy, and/or Field Operations Division Commander. The Virginia State Police Arson Bureau bomb technicians should be contacted only if a suspected bomb has been located or an explosion has occurred. (The Virginia State Police bomb technician should **not** be summoned to the scene or contacted about a bomb threat unless a bomb has actually been located.) However, the Virginia State Police or Lynchburg Police or Bedford County Sheriff's Office Bomb Dog(s) can be summoned to search, when authorized by a shift supervisor.

2. The officer-in-charge should attempt to establish immediate contact with the person who is responsible for control of the premises (e.g., the proprietor, owner, manager, principal). All activity should be coordinated with this individual.

3. As soon as contact is made with the person responsible for the premises and an assessment of the situation is made, the deputy in charge should request a decision as to evacuation and the commencement of search procedures. Once the decisions have been made, the appropriate procedures as outlined in Section D. and E. will be implemented.

4. All communications activity is to be performed by the Field Command Post. Use of two-way radios within the target area is **not** recommend until such time as any bomb device has been located and it has been determined that the detonator cannot be activated by radio. The target area is defined as the area within a two block radius of the target building.

D. Evacuation Procedure

1. Unless a device has been located, the person who is responsible for the control of the threatened building (as defined above) will be required to make the decision to evacuate or not. If law enforcement advice is sought, it should always be to order evacuation. If a device has been located, the Sheriff's Office personnel **shall** in all cases order immediate evacuation.

2. If the evacuation order is to be given, it should be remembered that activation of any electrical device could set off a bomb. Therefore, any order to evacuate should, preferably, be given verbally or by a

portable public address system and not by a fire alarm system or other internal system.

3. The doors and windows in the area of the device should be opened. A fire drill, in which windows and doors are closed, should not be used as a reason for evacuation. All persons should be evacuated from above, below and on the immediate sides of the device. Elevators should not be used.

4. The Sheriff's Office personnel should be stationed in such a manner that they can prevent anyone from entering the area.

5. When an evacuation order is given, the Sheriff shall be notified.

E. Suggested searching procedure

1. If at all possible, persons who work in the threatened building should participate in the search of the areas with which they are familiar. However, the decision whether these employees should be exposed to any risk rests with the person responsible for the control of those employees. If that person declines the use of his or her personnel, the Sheriff's Office personnel will initiate the search without further discussion.

2. If the Sheriff's Office personnel are to conduct the search, the supervisor in charge should organize search teams and assign specific search areas. The size of the search teams and search areas will vary depending on the manpower available.

3. The search should be conducted in an organized and systematic manner. As each team completes its assignment, they should trade off areas for cross searching. As each area is completed, it should be marked to avoid omission. A paper ribbon or a substitute of this nature can be used.

4. If a Bomb dog is utilized for the search, the Canine Officer will establish boundaries and protocol for the search with the dog.

F. Procedures

When any suspected explosive device is located:

1. Do not touch or go near the object once it has been discovered.

2. Do not turn on or off any lights or allow any flash bulbs or lights to affect the object.

3. Do not use any type of radio communications within the two block target area. Any type of transmission within this area may activate any electrical blasting cap causing the device to explode.

4. Evacuate all persons except for sufficient Sheriff's Office personnel to do the tasks listed immediately below.

5. Complete the following tasks:

   a. Station enough Sheriff's Office personnel to protect the object from disturbance, but as great a distance as possible while making sure the object is secure.

   b. Contact the bomb technicians of the Virginia State Police through Division Headquarters, Appomattox, VA. The bomb technicians are members of the State Police Arson Bureau and are assigned on a full time basis to the Central Virginia Region. If the State Police bomb technicians are not available, contact the E.O.D., 57th Ordinance Detachment, Ft. Belvoir, Virginia. In incidents where hand grenades, artillery shells, or other obvious military items are found, the 57th Ordinance Detachment should be notified for disposition.

   c. Request the Communication Center to contact the fire department and have standby equipment respond, with radio off, within the target area.

   d. Open any doors and windows in the area.

G. Post-explosion notification.

1. On scene procedure

   If an explosion occurs:

   a. Seal off both the internal and external explosion area to avoid possible personal injury and minimize contamination of crime scene evidence.

   b. Allow entry only to emergency equipment and personnel or those authorized by the supervisor in charge.

   c. Assume there may be a secondary device which could be detonated, and if appropriate, follow the basic procedures mentioned above that are applicable in the event of a suspected bomb.

2. Notification procedure

If an explosion occurs:

a. Communications Center personnel should notify the nearest Fire and Rescue Services to the scene.

b. After confirmation, by a deputy on the scene, that an explosion has actually occurred, the supervisor in charge shall have the communications personnel make the following notifications;

(1) Sheriff and/or Chief Deputy

(2) Bureau of Alcohol, Tobacco and Firearms

(3) Virginia State Police Arson Bureau bomb technician

(4) Criminal Investigation Division

H. Investigative responsibility

The Campbell County Sheriff's Office will be responsible for security and protection of the crime scene at an explosion. Crime scene processing and evidence collection will be the responsibility of the Bureau of Alcohol, Tobacco and Firearms, unless otherwise requested, who will be assisted by state and local Fire Marshals.

All evidence collected at the crime scene will be processed and analyzed by the Bureau of Alcohol, Tobacco and Firearms. Copies of the laboratory analysis reports will be provided for the Campbell County Sheriff's Office and State Police Arson Bureau.

The primary responsibility for investigating actual bombing incidents will remain with the Campbell County Sheriff's Office. This investigation will be conducted in conjunction with personnel from ATF and the State Police.

If a Federally owned or leased building (except those owned or leased by the United States Treasury Department) is the target of a bombing, communications personnel must notify the Federal Bureau of Investigation instead of Alcohol, Tobacco and Firearms. If the FBI relinquishes jurisdiction in the incident, communications personnel should then notify the Bureau of Alcohol, Tobacco and Firearms. Upon initial telephone contact, communications personnel must inform ATF of the FBI's decision to relinquish jurisdiction in the incident.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Canine Operations	**NUMBER: 510**
EFFECTIVE DATE: November 9, 2016	
AMENDS/SUPERSEDES: **Issue Date: December 30, 2013**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: OPR. 01.08, OPR.01.09, OPR.01.12	

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I. POLICY

In recognition of the benefits derived from the utilization of K-9 Team(s) in specific Sheriff operations, it is the policy of this Agency that field units should seek the assistance of a K-9 Team whenever time permits to provide an added dimension of detection.

II. PURPOSE

The purpose of this General Order is to establish guidelines and correct procedures for the use and deployment of K-9 Team(s).

III. DUTIES OF CANINE TEAM

A. Searching areas and/or vehicles in connection with narcotic investigations (K-9 Teams may be requested from other agencies, if applicable);

B. In the event of any intentional or accidental bite by a police dog, the Handler shall submit a detailed written report to the Administrative Services Division Captain within twenty-four hours of such dog bite.

1. The on-duty supervisor shall be notified.

2. A copy of these reports will be forwarded to the Chief Deputy who will

maintain the reports on file.

IV. GUIDELINES FOR THE USE OF CANINE TEAMS AND TRAINING NARCOTICS

A. When a K-9 Team responds to any assignment, it shall be the Handler's determination, once on the scene, whether or not the police dog is to be utilized, based on the Handler's assessment of the situation and knowledge of the capabilities of the dog.

B. Narcotic Detector Canines and Training Narcotics:

1. Narcotic detector canines are trained to locate illegal narcotics (marijuana, cocaine, methamphetamine, heroin, and their derivatives such as crack and hash.) They are trained on the odor of drugs and to locate them in a variety of places. They are available to assist any deputy upon his/her request.

2. To help accomplish this goal, K-9 Teams will, when possible, train with actual controlled substances. All controlled substances used by the K-9 Teams will be in compliance with the Code of Virginia, Drug Enforcement Administration, and Board of Pharmacy regulations.

3. Controlled substances are stored in the evidence locker in the secure area of the Sheriff's Office. Inside the locked evidence locker is a bolted, secure safe that is both combination and keyed. Only the Evidence Specialist and the K-9 Handler have a key to the evidence locker and a key and the combination to the secure safe located within.

   When narcotics are needed for training, the Evidence Specialist and K-9 Handler will meet and remove narcotics needed. All narcotics removed are to be inspected for tampering, weighed, and condition of packaging documented. Both the Evidence Specialist and the K-9 Handler will date and initial the K-9 documentation for the issued narcotics on the approved form.

   The K-9 Handler will transfer the narcotics to the truck vault in the K-9 vehicle. Only the K-9 Handler and the Evidence Specialist have the key to the truck vault. Located inside the truck vault are four Pelican boxes that are also locked for extra security. Only the K-9 Handler and the Evidence Specialist will have keys to the Pelican boxes located within the vault.

   Once the training aids are no longer needed for that specific training period, the K-9 Handler will contact the Evidence Specialist and the narcotics will be returned to the evidence locker.

All narcotics returned to the evidence locker/safe will first be weighed, inspected for tampering, and packaging documented. Both the Evidence Specialist and the K-9 Handler will date and initial the K-9 documentation for the return date on the approved form.

a. Any loss, shrinkage or when packaging has been compromised of a controlled substance that is in the custody of the K-9 Handler for the purpose of training will be reported immediately to a member of the Command Staff and in writing to the Administrative Services Division Captain. **This verbal communication and report shall be submitted immediately upon discovering the loss or shrinkage.**

b. All documentation and inventories will be completed on all controlled substances utilized by the K-9 Team on the proper forms provided.

4. Training forms shall be turned in monthly to the Administrative Services Division Captain.

5. The K-9 Handler and/or the Evidence Specialist is responsible for the security, storage, and accountability of the controlled substance(s) at all times.

6. At a minimum of once a calendar year a documented, unannounced annual inventory of narcotics used for canine training is conducted as directed by the Sheriff or his designee. The K-9 Handler will be requested to be present for the unannounced inventory. The Evidence Specialist, in the presence of the K-9 Handler and the Inspector, will weigh and verify that all of the narcotics have not been tampered with. This information will be documented on the proper Sheriff's Office Unannounced Annual Inventory Form and maintained on file by the Administrative Services Division Captain.

7. Training drugs that are no longer of use and/or value will be disposed of in accordance with DEA and the Board of Pharmacy regulations. Proper documentation will be maintained for the disposal.

8. Detector canines will be used in compliance with all search and seizure laws. The Handler will be the determining factor. If no search warrant is present, a positive indication by the canine is considered probable cause for issuance of a search warrant.

9. Any area or vehicle to be searched by the K-9 Team should be undisturbed if at all possible or to the least extent possible due to the methods by which the dog locates scents. Disturbing scent cones and air patterns could make the canine's job much harder. The Handler will advise the best actions to take with the scene or vehicle while en route with the canine. With a vehicle search, if consent has not been given and the deputy is refused access to the interior of the vehicle, the best case scenario is to have the ventilation system in the car on the highest possible setting. This pushes air out of the door and body seams, thus pushing odors out of the car. This is not always possible. Again, the Handler will be the determining factor as to deployment after assessing the scene.

10. Handlers will be familiar with K-9 first aid techniques and be aware of all emergency veterinary facilities.

11. Handlers are required to keep up all training and dog usage paperwork. All handlers will complete a basic detector dog school and pass certifications by the Virginia Police Work Dog Association, North American Police Work Dog Association and/or the Virginia State Police. Recertification by a minimum of one of the above listed Associations is required on an annual basis.

C. Under no circumstances will a narcotics dog be left unattended in a vehicle other than at secure police properties, whenever possible, and not for long periods at a time. Handlers will not be responsible for the confiscation of narcotics or the arrest of an individual, unless circumstances of the search were initiated by the handler.

D. Requests for Off-Duty Canine Teams:

Requests for canine assistance during hours when there is no canine handler on duty will be directed first to the on-duty supervisor who will be responsible for designating response by an off-duty team. In the event the on-duty supervisor is not available, the Field Operations Division Commander, upon determining the necessity of response, should direct Communications personnel to contact an off-duty canine handler.

V. GENERAL GUIDELINES FOR ACTIONS IN THE PRESENCE OF CANINE TEAMS

A. Deputies should remember the following when in the presence of a police dog:

1. A dog shall not be agitated, whether the dog is with the handler or in a vehicle.

2. Deputies should always use caution when approaching a handler with a dog.

3. Physical contact or horseplay between anyone and a canine handler could be perceived by the dog as an attack upon the handler and therefore shall be avoided by deputies and handlers.

4. If a handler has a prisoner in custody, deputies should not attempt to search or grab the prisoner or take any other action until directed to do so by the handler.

5. When arriving on the scene where a dog has been deployed, deputies should take no action until checking with the handler.

6. If requested to assist a dog handler, deputies should do so, but should keep a safe distance BEHIND the dog.

B. Every member of the Sheriff's Office shall be responsible for cooperating with the handlers to insure maximum efficiency of and minimum injury by the dog.

VI. RESPONSIBILITIES

A. The Canine Handler has the following responsibilities:

1. Be responsible for the well-being of the dog and report, in writing, any illness or injury to the dog, to the Administrative Services Division Captain within twenty-four hours of such illness or injury. The handler shall insure that issued equipment is kept in good condition.

2. Exercise extreme caution when deploying their dogs in heavily congested areas.

3. Immediately place their dog in an area away from the public while at the Sheriff's Office for non K-9 assignments or activity.

4. Ensure all canine activity is properly documented in the CAD system by Communications Personnel.

B. Equipment:

Special equipment for the canine team is as follows:

1. Patrol vehicle equipped with canine cage and fan. No specialized training is required.

2. Leashes, leads and harnesses for the canine which are inspected monthly by a supervisor during Vehicle Inspections.

3. Any other equipment assigned to field operations deputies.

C. The Administrative Services Division Commander, or designee, has the following responsibilities:

1. Assign the training activities of the K-9 Team(s) and monitor their progress.

2. Maintain training files on K-9 Teams. The files must be current and must contain copies of all lesson plans (if applicable).

3. Monitor the activity of the K-9 Teams and conduct periodic inspections of the handlers, dogs, and equipment.

4. Schedule any K-9 Team demonstrations.

5. Make recommendations to the Sheriff for the acquisition and disposal of canine dogs and equipment.

6. Ensure that sufficient in-service and canine training time is allotted to the K-9 Team(s).

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Towing, Impoundment and/or Seizure of Motor Vehicles	**NUMBER: 511**
EFFECTIVE DATE: March 18, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.07.12	

NOTE

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

I. PURPOSE

The purpose of this General Order is to define the circumstances under which a motor vehicle may be towed, impounded, and/or seized by members of the Campbell County Sheriff's Office.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to tow any and all vehicles which are abandoned, illegally parked, hazardous to the public, and/or used in the commission of certain acts, in accordance with State Statutes and County Ordinances.

III. PROCEDURE

In the course of patrolling the highways of Campbell County, deputies will on a regular basis encounter situations which require them to remove and/or take possession of motor vehicles. The circumstances under which these vehicles may be towed, with or without the consent and knowledge of the owner/operator are listed below, along with the procedure to be followed and the documentation required in each situation.

A. TOWING, IMPOUNDMENT AND SEIZURE OF MOTOR VEHICLES

1. Deputies may impound and tow vehicles under the following situations:

a. Incident to the arrest of the operator, and:

(1) There is no other person present at the scene of the arrest, associated with the arrestee, who can safely/legally park or take responsibility of the vehicle;

(2) There is someone with the operator of the vehicle, but this person is physically, mentally or legally unable to assume responsibility for the vehicle;

(3) The operator does not delegate the responsibility to a third party to remove or take custody of the vehicle;

(4) In all instances where the operator is not the registered owner, and the owner is not present, the vehicle shall be towed (impounded) by the deputy.

b. Vehicle constitutes evidence of a crime, in and of itself.

c. Vehicle is abandoned or unattended in violation of Section 15-23 and Section 15-33 of the Campbell County Ordinances and/or § 46.2-1200.1 of the Code of Virginia.

d. Vehicle is disabled as a result of accident/ mechanical breakdown, or stopped in the vicinity of a fire, accident or emergency scene and constitutes a hazard or interferes with police and/or fire operations.

e. Vehicle is obstructing or interfering with the free ingress or egress, or the movement on any premises, driveway or parking area without the permission of the owner, in violation of § 46.2-1219.1 of the Code of Virginia.

f. Vehicle is illegally parked in violation of Section 15-8.1 or Section 15-33 of the Campbell County Ordinances.

g. Vehicle is parked without permission on "County-owned" property in violation of Section 15-8.3 of the Campbell County Ordinances.

h. Vehicle is operated by a person without a license because it has been revoked or suspended for DUI related offenses in violation of the Code of Virginia, § 46.2-301.1.

i. Vehicle is operated by a person charged with DUI and their BAC is .08 or higher and they refuse the test. The person's license is immediately suspended for seven days. If caught driving during this period, the vehicle may be impounded pursuant to Code of Virginia, § 46.2-391.2.

2. Deputies may seize for forfeiture and tow vehicles for the following reasons:

a. Vehicle is engaged in racing on the highway, and the owner is the operator, or is present in the vehicle at the time of the offense, in violation of § 46.2-865 of the Code of Virginia. Also refer to § 46.2-867 of the Code of Virginia.

b. Vehicle is engaged in the transportation of alcoholic beverages or illegal alcohol in violation of § 4.1-339 of the Code of Virginia.

c. Vehicle is used to transport stolen goods valued at $200.00 or more, in violation of § 18.2-110 of the Code of Virginia.

d. Vehicle is used in connection with, or derived from, the illegal manufacture, sale and/or distribution of controlled substances, in violation of § 18.2-249 of the Code of Virginia.

3. In addition to situations which provide for the impoundment or seizure of motor vehicles, deputies may also have vehicles towed at the request of the motorist when the vehicle is disabled as a result of mechanical breakdown or accident and presents no hazard to other motorists.

B. <u>ABANDONED VEHICLES: SPECIAL CONSIDERATIONS</u>

1. Definition - As defined in Section 15-23, Campbell County Ordinances:

a. Abandoned motor vehicle - a motor vehicle, trailer or semi trailer or part thereof that:

(1) Is inoperable and is left unattended on public property, other than an interstate highway or primary highway, for more than forty-eight (48) hours; or,

(2) Has remained illegally on public property for a period of more than forty-eight (48) hours; or,

(3) Has remained for more than forty-eight hours on private property without the consent of the property's owner,

regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property; or,

(4) Is inoperable, left unattended, or both, on an interstate highway, or

(5) Is inoperable, left unattended, or both, on the shoulder of a primary highway.

b. "Inoperable abandoned motor vehicle" means an abandoned motor vehicle which is inoperable and whose fair market value, as determined by the County Commissioner of the Revenue is less than the cost of its restoration to an operable condition.

2. Deputies encountering motor vehicles believed to be abandoned as provided above, shall follow the below procedures:

a. Effect a Division of Motor Vehicle (DMV), National Criminal Information Center (NCIC), and Virginia Criminal Information Network (VCIN) check on vehicle to determine if stolen, and obtain information on the registered owner.

b. The deputy shall monitor said vehicle after the time limit (as specified by Section 15-23.1 of the County Ordinances) has expired. The deputy shall cause the vehicle to be impounded, towed and stored as provided in the code.

c. When a vehicle is impounded, towed or stored, a form SP-158 will be completed. A copy of this form shall be forward to the Communications Center to facilitate entry into NCIC/VCIN as a stored vehicle, when necessary.

C. VEHICLE INVENTORY: POLICY AND PROCEDURE

1. All vehicles towed at the direction of a deputy will be carefully inspected for damage and contents. Damage shall be noted and an inventory of all items in the vehicle shall be completed. This procedure shall be strictly adhered to in order to protect the property of persons whose vehicles are towed and to defend the deputy against allegations of theft and/or neglect.

2. Inventory searches will be conducted and a "NOTICE OF VEHICLE IMPOUNDMENT/IMMOBILIZATION" (SP-158) form completed in all cases of impoundment and seizure. Said inventory shall be completed at the scene, prior to removal, unless the vehicle is being towed to a Sheriff's Office facility for storage.

3. The scope of the inventory shall include the interior of the vehicle and areas which can be readily entered without the use of force. The glove compartment, console, and/or trunk are within the scope of the inventory, if unlocked or entry can be made with the keys to the vehicle. The inventory shall also include all containers found inside the vehicle. Examples of items that can be opened for inventory purposes are: suitcases, briefcases, knapsacks, boxes, paper bags, and any container or object that can be inspected without damage.

4. It is the towing company's responsibility for the vehicle and its contents from the time of towing until retrieved by the owner or otherwise disposed of by law. Therefore, items discovered during the course of the inventory will normally remain in the vehicle. However, certain items, because of their value and nature, dictate their removal from the vehicle prior to towing. The following items will be removed by the responsible deputy from the vehicle and submitted to the Property Section for storage and appropriate disposition:

   a. Contraband and evidence of a crime.

   b. Firearms and other dangerous weapons.

   c. Items of obvious value, which may not be properly protected at the towing storage facility. Examples would include: money, jewelry, furs, electronics equipment, and perishable items of extreme value.

D. DOCUMENTATION AND FOLLOW-UP RESPONSIBILITY

1. NOTICE OF VEHICLE IMPOUNDMENT/IMMOBILIZATION (SP-158) form will be completed in all cases of vehicles being towed at the direction of a deputy. The form will be completed thoroughly and accurately, and shall contain all information about the vehicle known to the deputy at the time of the tow. Deputies shall ensure that the proper case number is included on each report prior to submission in order to facilitate proper handling by Records/Communications personnel. In addition, it is imperative that the reason for the impoundment/tow be indicated in the appropriate section. If the action is taken subsequent to an arrest, the reason for the arrest must be indicated next to the block checked.

   a. Notification of owner: Deputies shall indicate on the form whether the owner has been notified and the method of notification. If the owner is not the operator or is not present at the scene, the assigned deputy will make every effort to contact the owner prior to the end of his shift and inform him of

the status of the vehicle. If contact is not made with the owner, the deputy shall contact the Communications Center and have the vehicle entered in NCIC as a stored vehicle. The deputy shall attach the teletype entering the stored vehicle, along with a DMV listing, to the form and submit to records.

b. Disposition of form:

(1) Original - Court Copy - to be put in paper return box.
(2) Dispatcher's Copy - Kept in folder in communications room.
(3) Operator of Vehicle
(4) Deputy Copy - Attached to original incident report.
(5) Copy to Stay with Seized Vehicle - Taped to driver's door glass, information facing out.
(6) A copy shall be made of the original form and placed on the Bulletin Board in the Administrative Captain's Office.

E. REQUEST FOR TOWING SERVICE

1. Vehicles towed at the direction of a deputy shall be towed by a wrecker service within Campbell County. Requests for wrecker service will be made to the Communications Center, which is responsible for ensuring the proper response based on the nearest available wrecker service.

2. Requests from deputies for towing service shall include the following, where applicable:

a. Whether the case is an impoundment or seizure.

b. Make and model of the vehicle and the need for special equipment in order to retrieve and tow.

c. The location the vehicle is to be towed to, if for any reason it is not going to be stored at the wrecker service facility.

d. Whether the vehicle is abandoned and/or unattended and is being towed under authority of the Code of Virginia or Campbell County Ordinances.

3. After requesting towing service through the Communications Center, the deputy may remain on the scene to ensure that the vehicle is removed by that towing service.

4. Deputies receiving requests for towing assistance from citizens, in accordance with Section III.A.3. of this directive, shall route the request through the Communications Center. If the citizen requests a specific wrecker company, the request must include the name and/or telephone number of the service. In the event the citizen does not know the name and/or phone number, or has no preference as to service, the deputy shall request the nearest available wrecker service. No documentation is required in cases involving citizen requests for towing service.

   a. If after requesting wrecker service, the citizen decides to cancel, for whatever reason, it is up to the deputy's discretion to cancel the wrecker. Factors which should be considered are the time of day or night, the time elapsed since the initial request, and the distance the responding service may have already traveled. This pertains only to situations where the wrecker service has not actually arrived on the scene.

   b. If after making a request for wrecker assistance the citizen decides to cancel, and contact has been made between the towing service and the vehicle operator, then it is between the wrecker driver and the citizen to settle payment of any charges which may have been incurred.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Control at Crime/Civil Disaster Scenes	**NUMBER: 512**
EFFECTIVE DATE: February 28, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.02.01, OPR.05.01	

NOTE

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

I. PURPOSE

The purpose of this General Order is to provide specific guidance for the control of scenes, which can only be successful when each member of the Sheriff's Office, from the moment of notification, exercises sound judgment to ensure the preservation of such scenes. The presence of personnel who wish to observe a scene to satisfy their personal curiosity is contrary to the best interest of the Sheriff's Office and cannot be tolerated.

This policy shall apply to all persons, regardless of rank or position in the County of Campbell, any other governmental unit, or the community.

II. POLICY

To assure the preservation of evidence critical to the successful identification, apprehension and prosecution of offenders, it shall be the policy of the Sheriff's Office to limit stringently access to the scenes of crimes or civil disasters. Only those persons immediately and directly connected to the investigation of the event for which the scene was established shall be granted access.

III. TERMINOLOGY/SCOPE OF AUTHORITY

A. Crime/Civil Disaster Scene - The physical area in which a crime or civil disaster occurred or the area in which evidence may be found. The extent of the area will be determined by the course of the investigation in each circumstance. It includes the area immediately surrounding the crime or disaster as well as any secondary perimeter established away from the scene which is needed to control access to the scene itself.

B. Supervisor - The supervisor directly responsible for the security of a crime/disaster scene and the support of investigative personnel assigned to the scene. At scenes which require the presence of only one supervisor for command, the Supervisor shall act as Incident Commander and have sole authority for control of a scene.

C. Investigating Deputy - The deputy, assigned to patrol or investigative duties, who assumes primary responsibility for an investigation at a scene and who directs the progress of the investigation.

D. Scene Commander - Crime/disaster scene, Scene Commander will have overall administrative authority, shall direct activity outside the crime/disaster scene proper and within any perimeter established to control access to the vicinity of the scene, and should be accountable for assuring that all reasonable requests for resources are met.

IV. FIRST DEPUTY'S RESPONSIBILITIES

Regardless of the location, nature and extent of the crime/disaster scene, the first deputy to arrive shall have command and control authority and shall:

A. Determine jurisdiction of the incident and request, if appropriate, an officer from the affected jurisdiction.

B. Render medical assistance to injured persons, as needed.

C. Provide for the security of the scene until the arrival of a first-line supervisor, or until responsibility for security is assigned to other personnel.

1. No persons shall be permitted within the scene.

2. No physical object shall be moved or evidence collected for any reason, other than safety or for the prevention of the destruction of evidence until directed by the investigating deputy.

3. Scenes involving establishments open to the public shall be closed if access to any portion of the establishment interferes with the security of the scene.

4. Assessing the scene to determine if additional units are needed for security and if support from the Criminal Investigations Division is apparently required. If support is necessary, the deputy's first-line supervisor shall be notified and will make the request.

V. OPERATIONS SUPERVISOR

A. The first-line supervisor notified by the first deputy at a crime/disaster scene shall review the information in order to determine the feasibility of the support requested and whether or not the resources directly under his supervision are sufficient, with limited support, to effectively control the scene. In scenes which require only the presence of one first-line supervisor for effective control, he shall be designated the Incident Commander.

B. The responsibilities of the Operations Supervisor shall include:

1. Command of the crime/disaster scene unless specifically relieved by a deputy of superior rank or by relief at the termination of a tour of duty.

2. All measures to prevent any unauthorized access within the perimeter required to assure Sheriff's Office and Fire and Rescue Services personnel operations may proceed effectively.

a. No persons shall be permitted within a crime scene unless their presence will directly further the investigation being conducted, except personnel involved in a lifesaving role. All persons shall report to the Supervisor before entering the scene.

b. All persons permitted within a crime scene shall submit a supplemental report providing details of their activity and function at the scene.

c. Fire and Rescue Services personnel shall be assisted in performing any lifesaving effort if injured persons are found at the scene, and shall not be hampered until their task is concluded. At the time they have completed their duties, the Supervisor shall re-establish restriction of access to the scene, limited only to those actively involved in the investigation.

3. Assure that no physical object is moved or collection of evidence occurs, unless at the direction of the investigating deputy.

4. Request assistance from the Criminal Investigations Division, or any other needed support elements.

5. Assist the investigating deputy and support elements in the conduct of the investigation. Assistance shall include expediting all reasonable requests for additional resources for conduct of the investigation.

6. Establish a command post, as needed.

7. Shall assure that Communications personnel are given adequate information so that they may provide sufficient assistance.

8. Assure that civilians denied passage through the area are, whenever possible, given a reasonable explanation of the reason for the denial, are provided directions on how alternatively they may reach their destination and, in case of residents of the area, provided controlled egress to their homes whenever such egress will not impede or damage conduct of the investigation or disrupt the crime scene.

VI. INVESTIGATING DEPUTY

A. The responsibilities of the investigating deputy, whether uniform or plainclothes shall include:

1. All responsibilities provided in General Order 601, Paragraph II.B., Investigative Responsibilities.

2. Requesting all support necessary for adequate investigation through the Supervisor on duty.

3. Directing all personnel assigned within the scene who are involved in the investigation or processing being conducted.

4. Identifying or causing to be identified and recorded all personnel within the scene together with their assigned function.

B. In all scenes in which the investigating deputy is assigned to the Criminal Investigation Division, appropriate investigative supervisors shall have access to the scene. The supervisor shall determine if additional investigative resources are needed and provide assistance as needed to the investigating deputy.

VII. SCENE COMMANDERS

A. In circumstances in which it becomes apparent to a Field Operations Supervisor that control of a crime/disaster scene will necessitate the use of resources from another shift, the supervisor shall contact the Field Operations Division Commander. The Field Operations Division Commander shall coordinate the assignment of personnel and equipment to the scene. The Field Operations Division Commander shall respond and become the Scene Commander whenever possible. If the Field Operations Division Commander cannot respond, the ranking patrol supervisor shall be Scene Commander until otherwise relieved by higher authority.

B. The Scene Commander's responsibilities shall include:

1. Overall administrative command of all personnel assigned to duties related to activity within and surrounding the scene.

2. Assist the conduct of the investigation through the Field Operations Supervisor and provide all reasonable requests for resources for use within the perimeter of the crime/disaster scene.

3. Brief the Sheriff, Chief Deputy, or the designated Public Information Officer, as necessary.

4. Request the Public Information Officer to respond and assume responsibility for contact with members of the media present at the scene, if required.

5. Establish a command post, as needed.

6. Prepare for mass arrests, if necessary.

7. The Scene Commander, or designee, shall record the presence and assignment of all personnel and equipment at the scene and provide for the relief of personnel and deployment of new personnel assigned to the scene.

VIII. CRIMINAL INVESTIGATION DIVISION

The Criminal Investigation Division Investigator will respond to the scene at the request of the shift supervisor and assume investigative responsibilities and processing as required.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Disaster Response and Unusual Occurrences	**NUMBER: 513**
EFFECTIVE DATE: April 13, 2004	
AMENDS/SUPERSEDES: **GO 323 - Revised Date: 7/9/03**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.15.04, OPR.05.01, OPR.05.02	

NOTE

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I. PURPOSE

This General Order is issued for the purpose of establishing policies and procedures for response to disasters and other unusual occurrences by employees of the Campbell County Sheriff's Office.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to respond to unusual occurrences and disaster situations with a coordinated and measured response with the intent of protecting life, property and the maintenance of order. Since the employment of police resources in such situations may result in limitations being placed on certain civil liberties and free movement of the citizenry, it shall be the Sheriff's Office policy to remove such controls and restraints at the earliest possible moment in accordance with the Campbell County Emergency Operations Plan.

III. DEFINITIONS

A. Unusual Occurrence: Situations, generally of an emergency nature, that result from disasters - both natural and man-made - and civil disturbances. In the category of disasters are floods, hurricanes, earthquakes, explosions, and tornadoes. Civil disturbances include riots, disorders, and violence arising from dissident gatherings and marches, rock concerts, political conventions, and labor disputes.

B. Emergency Mobilization: To marshal resources for action quickly, in response to a disaster or unusual occurrence.

IV. PROCEDURES

A. Response Planning

The position responsible for planning and response to unusual occurrences in the Campbell County Sheriff's Office is the Chief Deputy Sheriff.

B. Incident Command

The senior supervisor at the scene of an incident is the Incident Commander until properly relieved of that status by proper authority. As specified in the Campbell County Emergency Operations Plan, the Incident Commander delegates specific responsibilities to various deputies while retaining overall management responsibility for the incident.

C. Emergency Mobilization

Emergency mobilization is the gathering and putting into motion resources necessary for the management and mitigation of disaster or potential disaster situations. Emergency mobilization consists of the following:

1. Alert Stages: The alert stages are contained in the Campbell County Emergency Operations Plan and consist of:

   a. Normal Readiness
   b. Alert
   c. Warning
   d. Response
   e. Recovery

2. Assembly Areas: Assembly areas will be designated by the Sheriff or his designee prior to the execution of the emergency recall plan. The person executing the emergency recall shall advise recalled personnel of the locations.

3. Equipment Distribution: The distribution of equipment for use in disaster incidents will be accomplished at the direction of command personnel. The locations, types and amounts of equipment available for a multitude of disaster and unusual occurrence situations are contained in the Emergency Operations Plan.

4. Task Force Operations: In certain situations, such as a riot, other civil disorders, martial law, and enemy attack, it may become necessary to begin task force operations. Task force operations are those in which emergency resources are split into working groups that accomplish a multitude of tasks together. An example of task force operations would be if a large civil disturbance existed, a task force might consist of two fire engines, two ambulances, squad truck, five sheriff's units and one command officer. This unit would respond to whatever location designated, be it fire, rescue, or a police emergency and would function as a team. This is primarily done in the interest of safety of the personnel so that once on the scene they are equipped to deal with whatever may occur, without having to call for reinforcements. The decision to begin task force operations shall be made by the Sheriff.

5. Key Personnel Designation: Key personnel for disaster and unusual occurrence situations are specified in the Emergency Operations Plan. In addition, at the initiation of the Alert Phase, depending on the situation, additional agency key personnel may be designated.

6. Transportation Requirements: Transportation requirements above the use of sheriff's vehicles will be determined at the earliest possible time.

7. Management Control Measures: In disaster and unusual occurrence situations, the Sheriff's Office utilizes a specific Chain of Command and management practices that are nationally recognized. The Chain of Command for incidents is specified in the Emergency Operations Plan. The method of incident management is specified in the Plan under Incident Commander, Field Commanders, Command Post, and Initial Evaluation. In the event of a major occurrence affecting the entire county, management will be accomplished utilizing the Integrated Emergency Management System, as directed, by Sheriff's Personnel.

D. Enabling Legislation

Enabling legislation exists that permits responsive and preventative actions by law enforcement authorities during emergency situations. Emergency powers and disaster law are contained in the following State Statutes:

1. Title 15.2-1724; 15.2-1727; 15.2-1726; 15.2-1729; 15.2-1730, and

2. Title 44-146.13 through 44-146.28.

E. Liaison with the Department of Emergency Services

It is the policy of the Campbell County Sheriff's Office to maintain a close liaison and working relationship with the Virginia State Department of Emergency Services. The local Office of Emergency Services is the agency responsible at the county level for the planning and response to disaster situations in accordance with state directives. The Sheriff, or his designee, is the liaison to the local Office of Emergency Services located in the Public Safety Building.

F. Disaster Control Maps

The Campbell County Sheriff's Office maintains disaster control maps, located in the Public Safety Building, that are used in situation control. These maps show the entire county.

G. Reviews and Inspections

1. All unusual occurrence plans and emergency operations plans shall be reviewed and updated as necessary. This review shall be at a time specified by the Chief Deputy Sheriff and performed by him or his designee.

2. Emergency Operations Plans shall be accessible to command personnel so that correct procedures may be initiated by them upon arrival at incident scenes. Senior staff has the EOP stored on their computers and a printed copy is maintained in the Field Command Office. It is the responsibility of all supervisors to be familiar with and have the ability to implement any aspect of the Emergency Operations Plan.

3. Any equipment that is designated for use in unusual occurrence or disaster situations shall be inspected at least semi-annually for operational readiness by the personnel assigned as custodian of the equipment.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Diplomatic Immunity and Rights of Foreign Nationals	**NUMBER: 514**
EFFECTIVE DATE: February 12, 2004	
AMENDS/SUPERSEDES: **Issue Date: 6/30/99**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.02.04	

NOTE

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I. POLICY

The Campbell County Sheriff's Office will comply with all instructions of the U.S. State Department relating to the arrest and detention of foreign nationals, deaths of foreign nationals, the appointment of guardians for minors or incompetent adults who are foreign nationals, and related issues pertaining to the provision of consular services to foreign nationals with whom we come in contact in this county.

II. PURPOSE

The purpose of this directive is to establish guidance for Sheriff's Office employees who come in contact with foreign nationals or subjects claiming to be foreign nationals.

III. PROCEDURES

A. Requirements pertaining to foreign nationals:

1. When foreign nationals are arrested or detained, <u>they must be advised of their right to have their consular officials notified</u>.

2. In some cases, the nearest consular officials must be notified of the arrest or detention of a foreign national, regardless of the national's wishes. The list of countries which require *mandatory* notification of consular officials in the event that one of their citizens has been arrested is extensive. Upon the arrest of a foreign national who *does not wish to have his consulate notified, if, after consulting the manual* (a copy of which is located in the 911 Communications Center and also in the Field Command Office) *you are unsure of mandatory notification status for that country, the State Department* ***shall*** *be contacted for guidance*. During normal office hours, you may call (202) 647-4415, and during nights and weekends, you may call their Operations Center at (202) 647-1512. To determine the foreign national's country, in the absence of other information, you may assume that this is the country on whose passport or other travel document the foreign national travels.

3. Consular officials are entitled to access to their nationals in detention, and, are entitled to provide consular assistance.

4. When a government official becomes aware of the death of a foreign national, consular officials *must be notified*.

5. When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, *consular officials* ***must*** *be notified*.

6. Diplomatic Immunity from Arrest or Detention

7. Upon exhibiting proof of diplomatic immunity, persons shall be released upon being stopped for a misdemeanor traffic violation. If questions arise about this procedure, or if an arrest for a felony is necessary, call and advise the U.S. State Department Office of Security (202) 647-4415, days, or their Operations Center at (202) 647-1512, during nights and weekends.

8. While a person claiming diplomatic immunity may present any number of identification papers, the only one that is indicative of the level of privilege and immunity is a card issued by the U.S. State Department. The holder's level of immunity will be indicated on the card. If a person claiming immunity does not possess this card and the incident involves a criminal offense, officers *may* detain the person either at the scene or at the department long enough to verify official status.

9. When encountering a criminal suspect who claims diplomatic immunity, officers shall first take reasonable measures - including pat-downs or other legal searches - to ensure safety to the public or other officers.

   Verification of the diplomatic claim shall take place *after* a danger has been neutralized. A criminal investigation shall proceed as if no valid diplomatic immunity claim has been made. Interviews, interrogations, seizures of evidence, or issuance of warrants shall proceed per departmental procedure. In a criminal investigation, the Sheriff, or his designee, shall remain in contact with the State Department.

C. Suggested Statements to Arrested or Detained Foreign Nationals

1. When Consular Notification is at the Foreign National's Option:

   "As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you.

   Do you want us to notify your country's consular officials? (Yes or No)"

2. When Consular Notification is Mandatory:

   "Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible."

3. Translations of the above statements are available in the following languages: Arabic; Chinese; Farsi; French; German; Italian; Japanese; Korean; Polish; Portuguese; Russian; Spanish; and, Vietnamese. These translations are available at the 911 Communication Center, the Field Command Office, and in the Forms Cabinet located in the Deputies Room. Fax forms for notifying the Consulate of the foreign national will be available in the same locations.

4. Complete manuals dealing with foreign nationals will be located in the Field Command Office and the 911 Communications Center.

IV. REFERENCES

Vienna Convention on Consular Relations, Articles 5, 36, and 37 21 UST 77; TIAS 6820; 596 UNTS 261.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Civil Disturbances	**NUMBER: 515**
EFFECTIVE DATE: February 12, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR. 05.01 – 05.02	

NOTE

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I. POLICY

Civil disturbances may take various forms and vary in size and amount of danger to the general public. Civil disturbances include riots, disorders, and violence arising from dissident gatherings, rock concerts, political conventions, and labor disputes. Of primary importance in any civil disturbance is the defusing of the situation and a restoring of general public order. The Sheriff's Office must be able to respond to any civil disturbance, isolate it from the remainder of the community, protect life and property, and maintain control.

II. PURPOSE

The purpose of this order is to establish procedures for the Campbell County Sheriff's Office response and handling of civil disturbance situations.

III. PROCEDURE

A. Authority for Plan Implementation

1. Shift supervisors are authorized to implement this plan. The shift supervisor will advise Communications to notify the Field Operations Division Commander who will in turn notify the Chief Deputy and the Sheriff.

The Sheriff will immediately notify the Director of Public Safety of the situation and will keep them advised of any changes so that the Campbell County Emergency Operations Plan may be implemented if necessary without delay.

2. The shift supervisor will be responsible for implementing the plan until relieved by a supervisor of higher rank and/or the Sheriff.

B. Departmental Resources

Shift supervisors implementing this plan shall determine what, if any, additional departmental resources are required in terms of personnel and/or equipment.

1. Additional personnel may be called in for duty in accordance with GO 306 - Emergency Recall and GO 508.2 - Special Response Team (SRT).

C. Duties of First Deputy(s) on the Scene

The duties of the first deputy(s) arriving at the scene of a disturbance include:

1. Observe the situation from a safe distance and determine if the crowd is peaceful or potentially violent.

2. Notify the dispatcher as to the seriousness of the situation and request the shift supervisor and additional back up to respond.

3. Attempt to identify, by observation, the leader of the group.

D. Duties of the Shift Supervisor

Upon arriving at the scene, the shift supervisor will assume command until relieved by higher authority. Shift supervisor duties and responsibilities shall include:

1. Assessing the situation for seriousness and potential danger. If the situation is minor in nature, it may be handled with existing resources.

2. Maintaining communications with the dispatcher, providing such information as:

   a. Estimated size of the crowd and area involved;

   b. Gauging the mood of the crowd;

c. Weapons, if any, involved; and,

d. Any destruction of property.

3. Establish a command post from police vehicle utilizing the car radio for communication.

4. Deciding on number of personnel/equipment needed. If a call back is initiated, the shift supervisor will determine the assembly point and equipment to be worn.

5. Instruct dispatchers to make proper notifications to include:

a. Field Operations Commander, who will notify the Chief Deputy. The Chief Deputy will notify the Sheriff. The Field Operations Commander will also determine if the Administrative Lieutenant and SRT Leader need to be notified at this time.

b. Fire Department – requested to stand by in area

c. Rescue Squad - requested to stand by in area

d. Lynchburg General Hospital Emergency Room

e. Virginia State Police (See Appendix A)

f. Commonwealth Attorney - to provide legal advice on arrest/confinement

g. Juvenile Intake Officers and Magistrates for arrest/confinement

h. Blue Ridge Regional Jail Authority Administrator for possible mass arrest

i. County Attorney

6. Instruct officers as to traffic control in the disturbance area.

E. Duties and Responsibilities of Dispatchers

When a civil disturbance situation arises, dispatchers will:

1. Make appropriate notifications as requested by the supervisor. Officers notified of emergency recall will be told when and where to report and what personal equipment will be needed.

2. Make news media referrals to the Sheriff or designated Public Information Officer.

3. Inquiries concerning any casualties will be referred to the Sheriff or designated Public Information Officer.

F. Operations

Once appropriate and adequate personnel are in place, the Scene Commander or designee will:

1. Approach the crowd and inform the leader or leaders that the assembly is unlawful and they have to disperse. If the crowd is violent, this may be accomplished by using the P.A. System in the patrol car or a bullhorn.

2. A time limit for dispersal should be established and no extensions allowed.

3. If the crowd fails to disperse and continues its activity, the Scene Commander will, after consultation with the Sheriff, authorize the use of force.

G. Transportation

All departmental vehicles will be available for transportation of officer/equipment to the scene, and for prisoner transportation from the scene. If additional transportation is required, the Blue Ridge Regional Jail will be contacted and additional vehicles requested.

H. Public Facility Security

Attempts will be made to provide security to all public facilities threatened by any crowd to include:

1. Fire/Rescue building and access to these

2. County Administrative Building

3. County Courthouse Complex

4. Schools

I. Public Information/Rumor Control

The Sheriff or designated Public Information Officer will respond to appropriate news media request in order to keep the public informed and to dispel rumors. Additionally, the Sheriff or designee will provide liaison with other departments of the criminal justice system.

J. De-escalation Procedures

Once the disturbance has been brought under control and the situation has returned to normal, the Commander of the Field Operations Division will begin de-escalation procedures to include:

1. Disengage officers as appropriate

   a. On duty officers will return to normal patrol operation

   b. Called in officers will be allowed to end duty

2. Assign officers to remain in area of disturbance to prevent any recurrence of trouble.

3. Discontinue the command post.

4. Ensure that departmental equipment is collected.

K. Post-Occurrence Duties/After-Action Reports

The Commander of the Field Operations Division, upon returning to the Sheriff's Office, will perform the following duties:

1. Prepare a detailed report, providing all factual information about the incident to the Sheriff, along with any appropriate recommendations.

2. Provide factual information to the news media based on Sheriff's approval.

3. Arrange for evidence collection at the scene.

L. Mass Arrest Procedures

During the course of a civil disturbance, mass arrests may become a reality and must be handled quickly and efficiently providing for transportation to jail, release on summons, arrestee rights, etc.

Processing/Booking: Arrested persons will be removed from the point of the disturbance by the arresting officer and transported to the Blue Ridge Regional Jail Intake Office where initial booking will take place. The Administrative Lieutenant will establish an arrest team to handle prisoners. Arrest team duties will include:

1. Photographing the arrested person with the arresting officer with a digital camera.

   Arrest/Identification information will be recorded on the bottom of the photo.

2. Prisoners will be taken before the magistrate and formally charged.

3. Once the warrants have been served, the Arrest Team will complete all necessary paperwork (CCRE's, etc.) and fingerprinting.

4. Arrested persons who are injured will be given medical treatment before processing begins.

5. The Blue Ridge Regional Jail will be contacted to have additional staff as necessary for receiving prisoners in their system.

6. The Commonwealth's Attorney or his Assistant will provide legal advice to the officers as appropriate.

7. Juveniles involved in arrests will be treated according to juvenile procedures set forth in GO 618 - Juvenile Operations.

M. Use of Force

The minimum amount of force required to affect an arrest or control the disturbance will be used. Refer to GO 506 and GO 506.2.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: VIP Security	**NUMBER: 516**
EFFECTIVE DATE: February 17, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR. 05.03	

NOTE

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I. POLICY

The mobility of politicians, business executives, celebrities, and foreign dignitaries means that Campbell County could be visited by a person for whom there is a legitimate requirement to provide police protection and security. It is essential that the Campbell County Sheriff's Office be prepared to provide police VIP security services in an efficient, competent, and professional manner.

II. PROCEDURES

A. General

1. All requests for police security services of VIP visitors will be directed to the Field Operations Division Commander, who will determine the level and nature of services to be provided.

2. The Field Operations Division Commander or designee will serve as supervisor and coordinator of the security detail.

3. The Field Operations Division Commander will meet, as required, with the advance party/VIP security representative, and will prepare necessary plans for provision of security services.

4. There are generally three types of VIP visits that affect the level of necessary protection:

a. Quiet, private visit with no or limited public activity. Requires little or no police security.

b. VIP known by name or position, but not by actual physical appearance. May require limited security prior to public appearance, more security after.

c. Readily recognizable VIP making public appearances, police security assistance required.

B. Security Considerations

Advance planning, normally involving a VIP representative and security team coordinator, must consider the following:

1. Itinerary and Schedule

Review for conflicts with other activities scheduled during the same period.

2. Travel Routes

Plan and review quickest and safest routes, as well as alternative routing. Identify possible hazard locations. Verify no planned construction or maintenance.

3. Emergency "Safe House" Locations

Identify public buildings or other places where VIP could be taken in case of emergency.

4. Medical

Identify any medical needs that might necessitate treatment, hospitalization, or special emergency service personnel and equipment.

5. Hotel/Restaurants

Determine plans, needs, and make recommendations based on security considerations.

6. Communications

If VIP has security personnel, communications arrangements may include loan of police radio.

7. Physical inspection of buildings and areas to be visited should be made to ensure familiarity with layouts, exits, stairways, etc.

8. Media Representation

Determine media requirements, needs, and arrangements.

9. Intelligence

Any information concerning possible sources of trouble or problems should be obtained. Information as to threats received or persons who may cause problems should be obtained.

10. VIP Group Composition

Information as to who will be included in the VIP group, vehicles to be used, usual security arrangements, security equipment and identification devices usually available and used must be obtained and/or planned. Names of contact personnel, security personnel, and license numbers are essential.

11. Coordination with outside agencies will be as required.

12. Equipment

Requirement will be determined as to equipment needed such as vehicle, body armor, weapons, etc., for both security personnel and VIP party.

13. Inspection

Advance inspection of sites and facilities to be visited or used.

C. Basic Protection Principles

1. All personnel on duty during a VIP visit should be made aware of the visit, general visit itinerary, and police security plans. Exact timing and precise security details may be restricted on a need-to-know basis.

2. Security will generally be tightest when the VIP is moving either on foot or in a vehicle or when stationary during a public appearance. In general, it may also be necessary to protect the VIP's residence location and any parked vehicles. When traveling by car, there usually should be an advance vehicle, VIP vehicle, and a follow car, and the three vehicles should not usually be separated.

3. Personal security and bodyguard procedures should minimize the impact on the lifestyle of the VIP. Protection may be planned on a double ring concept, with the outer ring of security designed to limit access to the VIP while the inner ring prevents personal contact.

4. In the event of an emergency, the responsibility of personal security is to protect and remove the VIP from the scene, and not to assist other police officers in quelling disturbances or apprehending perpetrators.

5. Police personnel assigned to security duties must be carefully selected for physical fitness, good hearing and vision, and all should have the same type weapon, ammunition, handcuffs, communications equipment, and security identifier. All should be equipped with body armor.

6. Close-in security personnel should remain near the VIP. The VIP should never be actually touched except as an emergency signal of impending danger, and the VIP should not be "crowded". Radio traffic should be limited with no direct references to times or places unless part of essential emergency traffic. During times when the VIP is stationary, security personnel should focus all attention outward to spot potential trouble.

7. Dress of security personnel will be consistent with the event, either appropriate civilian attire or uniform. In civilian attire, all police equipment should be kept out of sight.

8. Officers assigned to stationary posts will not leave those posts; supervisors must plan adequate reliefs. While on a post, unauthorized intrusions and deliveries will not be allowed. Officers should be polite with the public but not allow any distracting conversations or release any confidential information. No special recognition should be given when the VIP passes the post.

9. During any VIP foot movement, the security/ bodyguards form a protective formation around the VIP, the exact shape determined by the number of personnel assigned and the route followed. For tight security, four persons are used: right front and rear, and left front and rear, with the VIP in the middle. In case of emergency, the four will collapse around the VIP, and will bend the VIP over to reduce target size and then immediately remove him from the area. If an assailant is close by, any weapon will be attacked and the suspect smothered to the ground by other security personnel.

D. After-action Report

After the security detail has been terminated, the security team coordinator will submit an After-action Report to the Sheriff describing the activities, resources utilized, problems noted, and suggesting any recommendations for future assignments.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Special Events	**NUMBER: 517**
EFFECTIVE DATE: February 17, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR. 05.03	

NOTE

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I. PURPOSE

This General Order is issued to establish guidelines for the provision of an overall plan of operations for special events occurring within the agency's jurisdictional boundaries.

II. POLICY

It shall be the policy of this agency to provide for the handling of special events with the County in such a manner as to assure the safety and welfare of the general public.

III. DEFINITION

A special event for the purpose of this General Order is defined as an event that the number of persons attending requires the deployment of ten or more deputies at the function to ensure safety, security and/or to maintain traffic flow.

IV. PROCEDURE

A. Planning and coordination

1. All requests for Sheriff's Office services at special events, or notification of such events shall be directed to the Field Operations Division Commander, who will determine the level and nature of services to be provided.

2. The Field Operations Division Commander, or designee, will serve as supervisor and coordinator of the special event detail.

3. The Field Operations Division Commander, or designee, will meet or correspond by phone or letter with representatives of the event and prepare plans and logistic requirements that may be required.

4. The Field Operations Division Commander, or designee, will coordinate needs within the agency and with other agencies, as required to provide the following:

   a. A written estimate of traffic needs, i.e. parking, traffic flow, traffic control points and equipment to include barricades, traffic cones and signs to safely block off streets or to reroute traffic;

   b. A written estimate of expected crowd and potential crowd control problems. An in-depth analysis of the event should be conducted to determine the type of people that will attend the event. This analysis will also assist in determining if undercover investigators or Special Response Team members will be needed for observation or security;

   c. An in-depth analysis of the event and type of crowd will also determine potential crime problems that could be expected. This information will also be considered when selecting the appropriate number or personnel to cover the event; and

   d. The use of any special operations personnel.

5. The Field Operations Division Commander, or designee, shall forward to the Sheriff their written report of estimates and expectations in those operations requiring ten or more deputies.

B. Operation

1. Direct supervision of the operation shall be the responsibility of the Field Operations Division Commander or designee.

2. Deployment of Sheriff's Office personnel to handle the given event shall be coordinated by the Field Operations Division Commander or designee.

3. The Field Operations Division Commander, or designee, shall inform the Communications Center of any anticipated additional manpower or equipment needs during the operation.

C. After-action Report

After the special event detail has been terminated, the Field Operations Division Commander, or designee, will submit an After-action Report to the Sheriff describing the activities, resources utilized, problems noted, and suggestions or recommendations for future assignments. This report shall be filed in a special events manual for future reference.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Crime Prevention/Community Relations	**NUMBER: 518**
EFFECTIVE DATE: February 17, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.20.01-20.02; ADM.21.01	

NOTE

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I. PURPOSE

This General Order is issued for the purpose of establishing policy and guidelines for the development and operation of the agency's community relations and crime prevention plans and programs.

II. POLICY

The Campbell County Sheriff's Office is committed to establishing close ties with and responding to the needs of the citizens of Campbell County. Community relations and crime prevention plans and programs constitute an integral part of the department's activities. All divisions within the agency are charged with supporting and furthering the crime prevention and community relations efforts.

III. PROCEDURES

A. Administration

1. The agency's Crime Prevention Deputies, as designated by the Administrative Lieutenant, are assigned responsibility for planning and coordinating crime prevention activities and for the overall development and coordination of the department's community relations activities.

2. Responsibility for crime prevention and effective community relations is shared by all Sheriff's Office employees. Each organizational component within the department is responsible for ensuring that its employees are informed of, and actively support, the stated crime prevention and community relations objectives. Each organizational component will assist, as requested, the Crime Prevention Deputies in carrying out the programs designed to meet those objectives. The Crime Prevention Deputies will, with the assistance of each organizational component, establish a community relations plan, including the following:

   a. Establishing liaison with formal community organizations and other community groups;

   b. Developing community relations policies for the agency;

   c. Conveying information transmitted from citizens' organizations to the agency;

   d. Improving agency practices relating to law enforcement/community relations;

   e. Identifying training needs through interviews with citizen representatives, consultations with those involved in internal investigations and conferences with supervisors as a means of evaluating the effectiveness of crime prevention programs; and

   f. Establishing community groups where such groups do not exist.

B. Crime Prevention Program Priorities

Departmental crime prevention programs will emphasize the prevention of property crime as the first priority. Four departmental programs will be stressed:

a. Security surveys of businesses and residences will be conducted by the Crime Prevention deputies, as requested;

b. Development of Neighborhood and Business Watch programs will be encouraged and assisted. Those programs which are already in existence will be provided with technical and program assistance;

c. Programs oriented to business concerns will be conducted in cooperation with the local business community. The aim of these programs is the reduction of property crime: i.e. shoplifting, bad checks, inventory control, etc; and

d. A series of public education programs, including talks and appearances by deputies, scheduled visits and tours of agency facilities, media releases and public service announcements will be arranged and coordinated by the Crime Prevention Deputies. These activities will be targeted to the reduction or elimination of specific crimes, as warranted.

The Crime Prevention Deputies will coordinate or conduct these four program activities in sections of the county identified for such treatment. Identification shall be accomplished by targeting programs by crime type and geographic area on the basis of an analysis of local crime data.

C. Community Relations Activities

1. The Crime Prevention Deputies are assigned lead responsibility for liaison with organized, interested groups and individuals, either through representation of such groups or through the on-going Crime Prevention programs. Through these activities, the Crime Prevention Deputies are required to report monthly (or the next business day if concerns present a potential harm) on current concerns voiced by the community and a description of potential problems that have a bearing on law enforcement activities within the community. In addition, the Crime Prevention Deputies should report suggestions or recommendations for addressing these problems. This report shall also include evaluations of the effectiveness of crime prevention programs. The report should be made to the Sheriff, in writing.

2. The Crime Prevention Deputies are also charged with lead responsibility for identifying and transmitting citizen and community comments concerning departmental procedures, practices and programs. Such comments and concerns will normally be addressed in the community groups with which the Crime Prevention Deputies have liaison. The Deputies should make certain such groups are aware of their interest in receiving comments and suggestions. The Crime Prevention Deputies must also assure community groups and individuals that the department is committed to correcting actions, practices, procedures and attitudes that may contribute to community tensions and grievances.

3. The Crime Prevention Deputies are responsible for compiling and maintaining a listing of all current Neighborhood Watch and Business Watch Coordinators. This listing should be maintained in the Field Command Office. The listing will include Watch Areas, and names, addresses, and phone numbers of Watch Coordinators and/or Captains as applicable.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: School Liaison Program	**NUMBER: 518.1**
EFFECTIVE DATE: February 17, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR. 04.01, OPR.04.04	

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I. POLICY

It is the policy of the Campbell County Sheriff's Office to endorse and support through staffing the creation of positive interaction between law enforcement and the school community.

II. PURPOSE

This endeavor is a partnership between education and law enforcement that supports a collaborative, problem-solving approach to the problem of growing violence in schools and substance abuse among our youth.

III. SCHOOL RESOURCE OFFICER

A. Mission

The primary mission of the School Resource Officer is to create a partnership between the Campbell County Sheriff's Office and the Campbell County School System. This program is intended to maintain a safe learning environment for our youth, to identify and prevent through counseling and referral delinquent behavior, and to promote positive relationships between students and law enforcement officers.

B. Objectives

1. Provide assessment of schools and provide early identifications of high risk or criminal activity on the school properties;

2. Provide timely, pertinent crime related information to school personnel;

3. Coordinate student activities that promote a safe school environment;

4. Act as a resource with respect to delinquency prevention;

5. Provide guidance on ethical issues;

6. Provide individual counseling to students;

7. Act as a liaison between school and law enforcement personnel;

8. Be a resource for violence reduction and avoidance for students;

9. Serve as a Juvenile Mediator for law enforcement/school related problems;

10. Attend meetings of parents and faculty groups to solicit their support and understanding of the police/school programs and to promote awareness of law enforcement functions;

11. Be available for conferences with students, parents and faculty members to assist them with problems of a law enforcement or crime prevention nature;

12. Implement Class Action Program which provides students with a working knowledge of the law, the criminal justice system, and the law enforcement role in society; and

13. Be a positive role model for the citizens of Campbell County.

IV. DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) OFFICER

A. Mission

The primary mission of the D.A.R.E. Officer is to create a partnership between the Campbell County Sheriff's Office and the Campbell County School System. This program is intended to maintain a safe learning

environment for our youth, teach the skills and qualities needed to achieve good character and citizenship, teach skills to make choices to enable youth to keep safe and free from drugs and violence, and to promote positive relationships between students and law enforcement officers.

B. Objectives

1. Provide assessment of schools and provide early identifications of high risk or criminal activity on the school properties;

2. Act as a liaison between school and law enforcement personnel;

3. Conduct ten-week 6th grade program to all 6th graders in Campbell County Schools;

4. Plan culmination ceremony to recognize sixth grade students at end of semester;

5. Schedule and implement “visitation lessons” that deal with safety and substance abuse issues to all students in kindergarten through fourth grade in Campbell County Schools;

6. Attend meetings of parents and faculty groups to solicit their support and understanding of the police/school programs and to promote awareness of law enforcement functions;

7. Be available for conferences with students, parents and faculty members to assist them with problems of a law enforcement or crime prevention nature; and,

8. Be a positive role model for the citizens of Campbell County.

VI. CRIME PREVENTION FUNCTION

The School Resource and D.A.R.E. Officers also serve as the Crime Prevention Deputies for Campbell County. Specific duties are outlined in GO 518. The Administrative Sergeant is the direct supervisor of the Crime Prevention Function and accordingly schedules all crime prevention/school related requests.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Handing of Missing and/or Runaway Juveniles	**NUMBER: 519**
EFFECTIVE DATE: February 28, 2004	
AMENDS/SUPERSEDES: **Issue Date: 2/17/99**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.04.02, OPR.04.03, OPR.05.01	

NOTE

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

I. PURPOSE

The purpose of this General Order is to establish basic policy and procedural guidelines regarding the proper handling of runaways and the subsequent follow-up investigation.

II. POLICY

The report of a juvenile as a runaway must always be handled with the child's safety and welfare as the primary concern.

III. PROCEDURES

A. Upon receiving a complaint of a runaway by the Communications Center, the nearest available unit will be dispatched to take the report. In the case of multiple runaways from the same location, each runaway shall be given a separate incident report.

B. The reporting deputy shall complete a Missing Persons Report (See Attachment A). Note that all areas shaded in gray are mandatory for entry into VCIN/NCIC. The name of the local school division the child attends or last school division attended, if in Virginia, shall be included on the form. If the child was born in Virginia, include the county/city code of birth in the appropriate box.

C. The assigned deputy shall obtain a full description of the runaway, as well as all information necessary for entry into NCIC/VCIN and relay this information directly to Communications. The reporting deputy must give the Communications section a copy of the completed incident report and Missing Persons Report before the end of the deputy's tour of duty. The name of the school division attended shall be included in the information. Communications will immediately enter the information into NCIC/VCIN.

D. All runaway reports will be taken with the fact in mind that the juvenile could have been the victim of foul play.

E. The age of the subject, while not affecting any other policy in this order, shall always be taken into consideration by the reporting officer and their supervisor. (The younger the victim, the greater the chance of accidental injury or becoming lost and disoriented.)

F. All possible leads shall be followed through to insure the well-being and safe return of the victim.

1. Friends of the victim shall be interviewed.

2. Any members of the family will be questioned as to their knowledge of the location of the child.

G. On any report of a runaway, the reporting deputy shall make the shift supervisor aware of the details of the incident.

H. The shift supervisor shall notify the oncoming shift supervisor of the child's disappearance. The oncoming shift supervisor shall maintain contact with the reporting party.

I. The following criteria should apply when determining if a search and rescue operation should be implemented:

1. Age of victim;

2. Weather conditions;

3. Mental or medical condition of the victim;

4. Time of day or night; and

5. Any other life threatening or unusual circumstances.

If a supervisor authorizes and/or initiates a search and rescue operation for a missing or runaway juvenile, the Field Operations Division Commander shall be notified.

J. The following resources, if applicable, may be utilized for a search and rescue operation:

1. K-9
2. Helicopter (VSP)
3. Fire/Rescue Personnel
4. Community Emergency Response Team (CERT)

K. The reporting deputy shall pay particular attention to the environment that the child ran from and the concern and condition of the person or persons reporting the incident. (When the child is located, it may not be in the best interest to return him/her to the same location).

L. The past history of the child, as to previous reports of runaway, may be taken into consideration by the reporting deputy, but shall **not** omit the application of any other policy or procedure.

M. All missing juvenile reports will be given to the shift supervisor unless the victim is located prior to the deputy going off duty. The reporting deputy will do a supplemental report closing the case in this event. The Missing Persons Report form shall be forwarded with the incident report regardless of case status.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Field Training Program	**NUMBER: 520**
EFFECTIVE DATE: April 12, 2016	
AMENDS/SUPERSEDES: ***Revised Date: 12/16/2003***	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: TRN.01.01; TRN.01.02	

NOTE

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I. PURPOSE

The purpose of this General Order is to provide guidelines to ensure that the Campbell County Sheriff's Office follows a uniform plan for the training of new deputies assigned to the Field Operations Division and/or Administrative Services Division, by the use of the Field Training Program.

II. GOALS & OBJECTIVES

The goal of the Campbell County Sheriff's Office is to train newly hired deputies at the highest level of achievement. New deputies require personal guidance, instruction, direct supervision and experience in patrol, courtroom security, civil process service, and transportation of prisoners in order to develop sound working habits, judgment, appearance, and efficiency in their duty performance as Campbell County Sheriff’s Deputies.

Field training and evaluation is a process by which an individual deputy receives formal instruction of the job and is evaluated on their progress and knowledge of the job. Although a deputy graduating from the Basic School has received a thorough introduction to basic law enforcement subjects, the deputy cannot be expected to immediately assume the full responsibilities of an experienced Deputy Sheriff. To help in this transition, the Field Training Program provides the trainee with a field training officer (FTO). The trainee’s competency will be rated according to

established and accepted minimum levels in accordance with DCJS standards, at a minimum. The training program for newly sworn deputies shall include, at a minimum, instruction in the subject areas listed in Appendix A of this General Order.

III. OPERATIONAL PROCEDURES

A. Field Training and Evaluation Program for Entry Level Deputy

Phase I consists of attending and successfully completing a DCJS certified Virginia Criminal Justice Academy. The amount and nature of this training is established and administered by the academy based on standards mandated by the Department of Criminal Justice Services. The academy curriculum is diverse and is based on job-task analyses of the most frequent assignments of officers who complete recruit training, along with specific legal issues related to the job performance. Student performance shall be determined by the use of evaluation techniques designed to measure competency in the required skills, knowledge, and abilities. Upon successful completion of Phase I and assignment to the Field Operations Division and/or Administrative Services Division, the trainee will be assigned to the Field Training Program and begin Phase II.

Phase II covers 240 hours of field training after graduation from a Virginia accredited basic law enforcement academy. This Phase is divided into three steps. The trainee puts the skills obtained from the classrooms into use on the street.

Step 1: The trainee is assigned to an FTO for a minimum of 72 hours. This time is utilized for the familiarization of Sheriff's Office rules and regulations as well as the geographic layout of Campbell County and the surrounding area. The FTO can also review any other aspects unique to the Campbell County Sheriff's Office.

Step 2: The trainee will be assigned to an FTO on each of the two patrol shifts (day and night, when feasible) for at least 84 hours each shift. While being cycled through the shifts, the trainee will demonstrate to the FTO that they have mastered basic police skills. In addition, the trainee will be instructed on Campbell County Sheriff's Office policies, procedures, rules, and regulations. The trainee will be rated daily on how well they utilize those skills in their job performance. Upon completion of this step of their training and having reached an acceptable level of competence, the trainee performance evaluations will be reviewed by the Field Operations Division Commander and/or Administrative Services Division Commander, Shift Lieutenant, Field Training Officer Coordinator, and the Field Training

Officers. Upon successful completion of the field training period, the trainee will be placed in Step 3 of the Field Training Program.

Step 3: This is the application phase where the trainee is assigned 84 hours to a patrol shift or other law enforcement related duties under close supervision of the shift supervisors with monitoring by the assigned Field Training Officer. If the trainee does not perform in a satisfactory level, they may be granted an extension period to improve their evaluations. The trainee extension period will be monitored by the trainee's supervisor and assigned Field Training Officer in order for the trainee to improve their performance level and complete unaccomplished sections of the trainee's checklist. Reasons for extensions may include, but are not limited to, illness/injury of the trainee, mandatory training, or special assignment.

Upon completion of the trainee's extension period, if approved, the trainee performance evaluations will be reviewed by the Sheriff, Field Operations Division Commander or Administrative Services Division Commander, Field Training Officer Coordinator, and the Field Training Officer. Failure of a trainee to pass their extended training period **shall** result in a review of the trainee's employment status.

B. Prior Sworn Law Enforcement Experience/VA State DCJS Certified

Field trainees with prior sworn law enforcement experience and who are DCJS and Virginia State certified at the time of employment will undergo a modified field training and evaluation process which will be jointly developed on the basis of trainee needs by the Field Training Officer Coordinator, the Shift Supervisor, the FTO, and the trainee concerned. This modified field training course will consist of three phases and last approximately 120 hours.

Step 1: The trainee will ride with the assigned FTO a minimum of 60 hours. This time is utilized for instruction of Campbell County Sheriff's Office rules and regulations as well as geographic familiarization.

Step 2: The trainee will operate under the direct supervision of the FTO. This phase will last 60 hours or longer depending on the needs of the trainee.

Step 3: The trainee will receive an area of assignment under close supervision of the FTO and the Shift Lieutenant. This step will last as needed depending on the needs of the trainee. If the trainee does not perform at a satisfactory level, they may be granted an extension period to improve their evaluations. The trainee extension period will be monitored by the FTO and the Shift Lieutenant in order for the trainee to improve their performance level and complete unaccomplished sections of the trainee's

checklist. Reasons for extension may include, but are not limited to, illness/injury of the trainee, mandatory training, or special assignment.

Upon completion of the trainee's extension period, if approved, the trainee performance evaluations will be reviewed by the Sheriff, Field Operations Division Commander and/or the Administrative Services Division Commander, Field Training Officer Coordinator, and the Field Training Officer. Failure of a trainee to achieve proficiency by the end of their extended training period **shall** result in a review of the trainee's employment status.

C. FTO Observation and Documentation

In order to create a clear understanding of the Field Training Program and to facilitate efficient and expedient completion of required training, each trainee will be given specific guidance by the FTO.

The Daily Observation Report Notebook (DOR) contains all documents required by this program and will remain in the possession of the FTO. Evaluation reports will be numbered sequentially to ensure completeness and facilitate administrative control. All evaluations and documents pertinent to each trainee will be routed through the Field Training Officer Coordinator, and then filed. All reports on each trainee will be kept in an individual trainee training file. The records will be available to all Field Training Officers, the Field Operations Division Commander, Administrative Services Division Commander, Major, and Sheriff. The files will be maintained by the Field Training Officer Coordinator upon completion of the probationary period.

1. Completion of FTO Reports/Forms

The reports/forms required by the Campbell County Sheriff's Office Field Training Officer Program and contained in the Daily Observation Report Notebook are listed below along with the schedule of submission. Copies of the actual documents to be utilized and instructions for their completion are available on the DCJS website.

Report Form	Completion Schedule	Completed By
Receipt of Issuance	Beginning of Step 2	Recruit
Field Training Deputy Log	Beginning of Step 2	FTO Coordinator
Recruit Deputy Data Sheet	Beginning of Step 2	Recruit
Recruit Deputy Status Form	As Needed	FTO

Daily Observation Report	Daily	FTO
DOR Supplements	As needed	FTO
Weekly Narrative Summary	Weekly	FTO
Patrol Activity Log	Daily	Recruit
Recruit Deputy Checklist	During each FTO shift rotation	FTO
Recruit Deputy Self-Evaluation	End of each FTO shift rotation	Recruit
Recruit Deputy Status	End of each FTO shift rotation	FTO
Report Evaluation Cover Sheet	As needed for all reports submitted	FTO
DCJS Form B-13 (Revised April 2012)	Completion of FTO Training	FTO / FTO Coordinator
Form FTO/OTJ	Completion of FTO Training	FTO Coordinator / Training Coordinator

D. Selection of Field Training Officers (FTO's)

Openings for field training officers (FTO's) will be announced by the FTOC in memo form when such positions become available/vacant. Interested deputies will be requested to notify the Field Operations Division Commander and Field Training Officer Coordinator (FTOC) of their desire to be considered for appointment as a FTO by the due date specified in the memorandum. Notification must be in writing.

E. Qualifications for Field Training Officers

1. The applicant shall have two years of service with the Campbell County Sheriff's Office, of which one year must have been in the Field Operations Division;

2. A recommendation by their first line supervisor, with captain approval; and,

3. Must be able to attend and successfully complete the Field Training Officer's school.

The Sheriff or his designee shall then select persons from the qualified applicants as vacancies / openings occur.

Deputies selected as FTO's shall receive specialized training as directed by the Sheriff, prior to being assigned a trainee. Periodic in-service training will be afforded to FTO's, as available, in an effort to keep them current within their assigned responsibilities.

F. Duties and Responsibilities of the Field Training Officer

The field training officer is the essential means by which the goal of the program is achieved. Specifically, the FTO's function is to produce a deputy able to work independently in a safe, skillful, productive, and professional manner.

The FTO has two primary roles: That of a deputy assuming full patrol responsibility and that of a trainer of trainee personnel.

An FTO's patrol responsibilities are clearly defined in other departmental publications including agency general and special orders, information and procedural orders.

In their role as a trainer, the FTO provides on-going instruction in the traditional sense, utilizing innovative and practical techniques. The FTO must have the requisite skills necessary to become a reliable evaluator of a trainee's performance. They are required to write daily evaluations of this performance and submit additional documentation as required.

During the trainee's first two days of Step 1, they will receive only verbal evaluations and suggestions from the FTO. This "orientation period" is designed to allow the trainee to become familiar with their new surroundings without the stress of daily written critiques. Written evaluations will begin the third day of Step 2.

During the next 84 hours in Step 2, the trainee will operate in a semi-leader capacity. The trainee will operate the police vehicle and carry on all police activities under the direct supervision of an FTO. The FTO shall accompany the trainee during this time, but will be in the car only as an observer - evaluator. The FTO shall avoid interfering with the trainee's performance except in emergencies or in situations which have developed beyond the trainee's ability.

On a weekly basis, the FTO prepares a verbal-written report on the relative progress of the trainee, presenting this report to the Field Training Officer Coordinator.

During the last 84 hours (Step 3), the trainee will operate independent of their FTO. However, an FTO will monitor the trainee during the shift and will evaluate, document and review their performance at the end of each shift.

At the conclusion of Phase II, when an FTO believes that a trainee has gained sufficient skill and knowledge to operate as a competent patrol deputy, they shall make such a recommendation to the Field Training Officer Coordinator, Field Operations Division Commander, Administrative Services Division Commander, and the FTO's lieutenant. The final decision for a trainee's release to patrol status lies with the Field Operations Division Commander and/or Administrative Services Division Commander, and the Field Training Officer Coordinator. Finally, the FTO is charged with the responsibility for recommending further training of a trainee if the need is there.

In that their performance is also subject to evaluation, the FTO's professional and personal conduct should be exemplary. An FTO should possess and recognize the need for possessing a higher sense of idealism than that generally found throughout the Sheriff's Office. The FTO understands that the effectiveness, image, and future of the agency is substantially decided by the quality of its personnel.

G. Field Training Officer Coordinator

The Field Training Program will come under the direct supervision of the Field Training Officer Coordinator. The person selected should possess a strong background in law enforcement training in general.

The Field Training Officer Coordinator has the responsibility of monitoring the progress of all participating in the Field Training Program to ensure that the training being received is of the highest quality possible. To accomplish this function, the Field Training Officer Coordinator reviews and maintains all records relating to the trainee's development and performance during Phase II of the training process.

The Field Training Officer Coordinator shall continually scrutinize the performance of shift FTO’s to ensure that all aspects of the required training is being performed in a timely and efficient manner and that required documentation is submitted according to the schedules established in this General Order. Should deficiencies be noted in either the performance of the

trainee or the shift FTO, it is the responsibility of the FTO Coordinator to take appropriate action to correct the problem. This may be accomplished through constructive counseling sessions with the FTO, or with the FTO and the trainee. Should the problem be of such magnitude that the FTO Coordinator feels the agency's best interests may be jeopardized, they shall immediately notify the Field Operations Division Commander and/or Administrative Services Division Commander. If the problem is one related to the trainee's performance, a request for review must be filled out by the FTO. The Recruit Deputy Status Form shall be completed and forwarded to the Field Training Officer Coordinator who shall forward the same to the Field Operations Division Commander and/or Administrative Services Division Commander.

The Field Training Officer Coordinator shall maintain close liaison with the Central Virginia Criminal Justice Academy staff in order to monitor the progress and knowledge level of recruit deputies while in training. If significant learning problems are being displayed by recruits, the Coordinator shall consult with the academy staff and seek corrective measures.

The Field Training Officer Coordinator shall also stay abreast of the curriculum and different programs being offered at the academy in order to realize a full understanding of the competency level of graduating personnel. Recruit progress and academy curriculum shall be communicated by the FTO Coordinator to field FTO's to ensure understanding and to enhance the overall effectiveness of the training being provided to new deputies.

Upon successful completion of the field training program, the last FTO assigned to the trainee shall review all documentation related to the trainee's training and initial the Recruit Deputy Status Form for review by the Field Training Officer Coordinator and Field Operations Division Commander and/or Administrative Services Division Commander.

The Field Training Officer Coordinator shall recommend to the Field Operations Division Commander or Administrative Services Division Commander, who shall then recommend to the Sheriff that the trainee(s) be placed in active status without the supervision of a FTO.

H. Shift Supervisor Responsibility

In order to provide the maximum amount of guidance and input into the performance of the trainee and shift FTO’s, the shift supervisors shall monitor the Field Training Program. It is the responsibility of each shift supervisor to review and sign off on each Daily Observation Report.

In addition, training dealing with the use of deadly force and pursuits **shall** be reiterated by the Shift Supervisor to ensure complete understanding and compliance with the General Orders dealing with these subjects.

I. Stress Management/Referral

The adjustment from civilian life to that of a sworn law enforcement officer is both exciting and challenging for new employees. However, because of the extensive training and high levels of performance expected of new deputies, it can also be extremely stressful and psychologically demanding. For this reason, each person involved in the orientation, training, observation, and supervision of new (recruit) personnel, at all levels, shall be constantly aware of conversation, mannerisms, and behavior which may indicate that a trainee is having difficulty coping with their new duties and lifestyle. If problems are indicated, FTO's, supervisors and academy personnel should consult with the trainee and attempt to identify problem areas and seek remedies. If the problem cannot be rectified through such informal counseling, the employee may be referred to professional psychological counseling.

APPENDIX A

- Law Enforcement Role, Responsibilities, and Relationships (History of Law Enforcement: Agency Role and Authority: the Criminal Justice System: Mission: Goals and Objectives of the Agency: Agency Organization: Community Relations: Ethics in Law Enforcement).

- Administration (Agency Written Directive System: Agency Record Keeping: Agency Policies: Procedures: Rules and Regulations: Civil and Criminal Liability).

- Operations (Constitutional Law: Criminal Law, Laws of Arrest: Alternatives to Arrest: Probable Cause: Rules of Evidence: Identification of Evidence: Search and Seizure: Laws of Interrogation and Interrogation Techniques: Warrants, Summons, and Subpoenas: Civil Process: Juvenile Law; Court System; Prosecutorial Functions: Moot Court and Courtroom Demeanor: Techniques of Stopping Violators. Arresting Subjects. Handling and Processing Prisoners: Uncooperative Subjects: Patrol Observation: Domestic Disputes: Crisis Intervention and Conflict Management; Searches of Persons, Vehicles, Building, Premises and Property: Crimes in Progress: Crowd Control: Hostage and Barricade Situations: SRT Operations: Hazardous Materials Incidents: Drug and Alcohol Abuse: Crime Prevention: Communications Skills: Victim/Witness Assistance: Juvenile Operations: Preliminary Investigation: Motor Vehicle Code: Traffic Accident Scene Management and Investigation: Traffic Direction and Control: Driving While Intoxicated: Driver Safety Education for Officer: Crime Scene Investigation: Collection and Preservation of Evidence: Interviews and Interrogations: Fingerprint Identification: Crime Laboratory Functions: Surveillance: Narcotics: Special Investigative Matters-Sexual Assault Homicides. Suicides. and Child and Spouse Abuse: Organized and White Collar Crime: Emergency Medical Training, including cardiopulmonary resuscitation: Use of Firearms, including range qualification and policies on when to shoot and not to shoot: Use of Force, including limitations on the use of force in general and the use of deadly force in particular: Physical Training, including fitness conditions: Patrol Vehicle Operation: Defensive Driving: Pursuit Driving: Mechanics of Arrest: Officer Safety: Handling Personal Stress).

- Auxiliary and Technical Services (Report Writing, Field Note-Taking, Detention Facility Procedures: Central Records Procedures: Communications Procedures: and Evidence and Property Management Procedures).

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Search Incident to Arrest	**NUMBER: 521**
EFFECTIVE DATE: March 8, 2004	
AMENDS/SUPERSEDES:	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.02.02, OPR.03.05, OPR.07.01, OPR.08.03	

NOTE

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I. POLICY

Deputies who develop reasonable suspicion that a crime has been committed may make investigative stops of citizens and under probable cause may make arrests or conduct searches. The Sheriff's Office encourages investigations and expects deputies to search competently and knowledgeably whenever the occasion requires. The Virginia General Assembly has declared its preference for search warrants under *Virginia Code* § 19.2-59 and has cautioned officers of the need to adhere to constitutional guidelines. Consistent with the policies of General Orders 500, 522, 529, and 530, deputies shall not conduct general exploratory searches but shall adhere strictly to constitutional law. Deputies are reminded that when a search is made incidental to an arrest, the search must be based on the arrest and not the arrest on the search. The deputy's authority to search without a warrant comes automatically from a lawful arrest.

II. PURPOSE

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

III. DEFINITIONS

A. Strip search

A search of a person requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces and the undergarments. A strip search shall only be conducted at the jail and shall be witnessed only by deputies or jail personnel of the same sex.

B. Body-cavity search

A search involving not only visual inspection of skin surfaces but the internal physical examination of body cavities and, in some instances, organs such as the stomach cavity. A body-cavity search shall only be performed by a medically-qualified member of the same sex under sanitary conditions. A body-cavity search may take place at the jail if these criteria are satisfied. The Sheriff must approve body-cavity searches.

IV. PROCEDURE

A. General

The general rule is that a reasonable search may follow a valid arrest. The deputy has the authority to make a search which may extend to articles carried by the suspect and to the suspect's immediate surroundings. Although an arrestee who is handcuffed at the time of search cannot reasonably reach into the area being searched, the search of the area is still legally justified.

B. Time and place of search incident to an arrest

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

   a. The search must be made as soon as practical after the arrest.

   b. The search must be made at or near the place of the arrest.

C. When a search before an arrest is valid

A search incident to an arrest is mandatory following the arrest. A deputy cannot search a person without probable cause and then arrest the person if something incriminating turns up.

A search before an arrest is valid only if:

1. probable cause for the arrest existed before the search began, and

2. the search and arrest occur almost at the same time.

D. Use of force

A deputy conducting a search incident to an arrest is permitted to use whatever degree of force is reasonable and necessary at the time of the arrest. If the deputy used an unreasonable amount of force under the existing circumstances, the search is unlawful.

1. Deputies are reminded that the use of deadly force merely to prevent the escape of a fleeing felon constitutes an unreasonable seizure under the Fourth Amendment. The same logic applies to any application of excessive force during a search. (See GO 506 for a definition of excessive force.)

E. Scope of search

A deputy making a search incident to an arrest may search only the following permissible places:

1. The entirety of the person being arrested.

2. The area within the immediate control of the person being arrested into which the suspect might reach for a weapon or for evidence. The purpose of this search must be to:

   a. Protect the deputy.

   b. Prevent escape.

   c. Prevent the destruction of evidence.

3. Accessories carried by the suspect may be searched incident to a full custodial arrest for they are within the area in which the arrestee might reach to grab a weapon or an item of evidence. See GO 500 for an additional discussion of searches and seizures.

   a. Pagers seized incident to an arrest may be checked for voice or alphanumeric codes. Activation of the pager's memory shall be contemporaneous with the arrest.

4. Vehicles may be searched contemporaneous with the arrest of the occupant or driver. The search shall be conducted as soon as practicable following the arrest.

a. A contemporaneous search of the entire passenger compartment may be undertaken incident to the arrest of the occupant or driver, even if the driver or occupant is not in the vehicle at the time of the search.

b. A search undertaken pursuant to "a" includes any container found within the passenger compartment. A container is any object capable of holding another object, and includes open or closed glove compartments, luggage, boxes, and bags.

c. The trunk of the vehicle shall not be searched incident to an arrest unless readily accessible to the suspect. The search of the trunk can only be undertaken pursuant to the conditions outlined in GO 500 (including a search by consent).

F. Strip searches

1. Strip and body-cavity searches are governed by § 19.2-59.1. In order to ensure the safety of the arresting deputy and prevent possible harm to the arrestee or other persons, deputies shall search persons in their custody for weapons or other objects which could be used to inflict harm or effect an escape.

Strip searches shall **not** be permitted except in the following situations:

a. A deputy has reasonable cause to believe an arrestee is concealing a weapon.

b. A deputy has reasonable cause to believe an arrestee is concealing contraband.

c. Upon the authority of a valid search warrant.

2. A strip search consists of the removal or re-arrangement of any clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of an arrestee.

3. Strip searches shall not be conducted of persons arrested for traffic violations, Class 3 or 4 misdemeanors, or violations of county ordinances which are punishable by less than 30 days in jail, unless the deputy has an articulable, reasonable suspicion to believe that the person is concealing a weapon. Reasonable suspicion may be based on, but is not limited to, the following criteria.

a. Nature of the offense.

b. Arrestee's demeanor and appearance.

c. Circumstances of the arrest or evidence of a major offense in plain view or during the course of the arrest.

d. Arrestee's criminal record, particularly a history of narcotics offenses or violence.

e. Detection of suspicious objects beneath the arrestee's clothing during a search incident to an arrest.

4. Strip searches shall be performed by persons of the same sex as the person arrested and at the jail where the search cannot be observed by persons not physically conducting the search. In any event, the on-duty supervisor must expressly authorize the strip search.

5. A strip search in the field shall **only** be conducted under exigent circumstances where the life of the deputy or others is at risk and the on-duty supervisor has expressly authorized it. The search **must** be conducted by a deputy of the same sex.

6. When authorized, the strip search shall be performed in a room designed for the purpose, by the least number of same sex personnel present as necessary, in conformance with approved hygienic practices, and under circumstances that provide privacy from all but those authorized to conduct the search.

G. Body-cavity searches

1. Body-cavity searches other than the mouth shall be conducted only when there is probable cause to believe a particular prisoner may be concealing contraband within a body cavity or otherwise on the prisoner's person. Body-cavity searches shall only be conducted under the express direction of the Sheriff.

2. If appropriate, upon authority of the sheriff, the deputy shall seek a search warrant and shall prepare the necessary affidavit. Body cavity searches shall be conducted without a warrant only in extreme emergencies to protect the lives of prisoners or to prevent serious breaches of security.

3. The body-cavity search shall be performed only by a licensed physician or other medically-trained person as directed by the physician.

4. The process of conducting the body-cavity search shall involve the same safeguards for privacy and hygiene as for strip searches.

H. What may be seized

1. During a search incident to an arrest, a deputy may seize any of the following things:

a. Anything in the permissible area that is evidence of the offense for which the deputy has probable cause to make the arrest.

b. Anything in the permissible area that is evidence of any other offense.

c. Anything else which is outside the permissible area that is evidence of the offense for which the deputy makes the arrest or of any other offense if the evidence is in plain view of the spot where that deputy makes the arrest.

I. Searches incident to an arrest are **not** illegal. The attorney general (Virginia) has decided that searches incident to lawful arrests are not prohibited by § 19.2-59 which provides that no law-enforcement officer shall conduct a search unless in possession of a search warrant issued by the proper officer.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Arrest Procedures	**NUMBER: 522**
EFFECTIVE DATE: March 8, 2004	
AMENDS/SUPERSEDES: ***Formerly GO 610 Revised Date: 8/10/00***	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.02.02, ADM.02.04, ADM.25.02, ADM.25.07-25.08, ADM.25.10, OPR.12.01-12.03, OPR.13.01	

NOTE

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

I. PURPOSE

The purpose of this General Order is to identify and unify arrest procedures throughout the Campbell County Sheriff's Office.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to serve legal processes of a criminal nature and affect arrests as necessary, both with and without warrants, in accordance with the Code of Virginia. All such arrests and services shall be performed only by sworn deputies of the Sheriff's Office in accordance with law.

III. TERMINOLOGY

A. Arrest: When a person is taken into custody in order that he may answer for an offense or when there is a deprivation or restraint of another's liberty in any significant way.

B. Probable Cause: Where facts and circumstances are such as to cause a person of reasonable caution to believe that an offense is being or has been committed, and that the person to be arrested has committed the offense.

IV. PROCEDURE

A. CLASSIFICATION OF OFFENSES: Criminal offenses for which an individual can be arrested are divided into felony and misdemeanor categories, as follows:

1. A felony arrest can be effected:

   a) If the offense is observed by the arresting deputy.

   b) If probable cause exists.

   c) With a valid arrest warrant.

   d) Upon knowledge of the existence of a warrant.

2. A misdemeanor arrest may be effected:

   a) If the offense is observed by the arresting deputy.

   b) With a valid arrest warrant.

   c) Under the provisions of § l9.2-81 of the Code of Virginia, Such officers may arrest, without a warrant, persons duly charged with a crime in another jurisdiction upon receipt of a photocopy of a warrant, telegram, computer printout, facsimile printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably accurate description of such person wanted, the crime alleged. Additionally, any such officer may arrest, without a warrant, for an alleged misdemeanor not committed in his presence when the officer receives a radio message from his department or other law-enforcement agency within the Commonwealth that a warrant for such offense is on file. Such officers may also arrest, without a warrant, for an alleged misdemeanor not committed in their presence involving (i) shoplifting in violation of §18.2-96 or §18.2-103 or a similar local ordinance, (ii) carrying a weapon on school property in violation of §18.2-308.1, (iii) assault and battery, (iv) brandishing a firearm in violation of §18.2-282, or (v) destruction of property in violation of §18.2-137, when such property is located on premises used for business or commercial purposes, or a similar local ordinance, when any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged offense.

The arresting officer may issue a summons to any person arrested under this section for a misdemeanor violation involving shoplifting.

§19.2-81.3 allows for the arrest without a warrant in cases of assault and battery against a family or household member and stalking and for violations of protective orders. Refer to GO 534 for further on these violations.

B. WARRANTS

1. Warrant Service

a) Whenever possible, arrests will be made after issuance of a warrant.

b) Sworn personnel executing arrest warrants shall not search a third party residence for a suspect unless there is probable cause to believe the suspect is present on the premises. In addition, one of the following situations must exist:

(i) A deputy is in hot pursuit of a suspect.

(ii) Consent of the owner or person occupying the premises to be searched.

(iii) There exists a justifiable fear of injury to people or property if the arrest is delayed.

(iv) Other exigent circumstances are present; i.e., those circumstances requiring immediate action.

If one of the aforementioned situations does not exist, a search warrant shall be obtained. Refer to GO 521, 529 and 530 for further on searches.

2. Warrant Control Procedures:

a. Records Section Responsibility:

(1) All warrants, summons, capiases, detention orders, etc., of a criminal nature, shall be routed through the Records Section for proper recording and issuance, prior to service. This includes

criminal processes originating in Campbell County and those received from outside jurisdictions. Only under the most urgent of circumstances, and with the consent of the ranking on-duty supervisor, will warrants be served without first being routed through the Records Section.

(2) Upon receipt of a criminal process, the Records Section shall ensure the following steps are taken:

a) Date stamp the warrant when received.

b) Enter the warrant, capias, etc, in the wants/warrants file of the Sheriff's Office Warrant computer system, <u>which automatically assigns a new consecutive warrant control number for each individual warrant</u>, including the following information:

Date/time received

Type of legal process (warrant, capias, etc.)

Charge/nature of document

Name and full information on person named in document

Under "remarks", any pertinent information on subject

Originating/issuing jurisdiction (court)

Warrant number assigned by originating jurisdiction

Deputy assigned for service

Date assigned

Date service due, if applicable

c) Execute a warrant jacket (Attachment A), indicating the Warrant Control Number(s), Name of individual, address, offense, and any other pertinent information,

d) Enter the individual named in the document in the wanted files of NCIC and VCIN, if appropriate. If felony warrant, this must be accomplished within 72 hours.

e) The warrant and warrant jacket are then placed in the Active Warrant Filing Cabinet Drawer in the Records Room for service.

(3) Warrants and other criminal processes originating/issued in Campbell County, which are to be forwarded to a foreign (outside) jurisdiction for service, including police agencies of incorporated towns within the County, will be handled in the same manner as above, with the following exceptions:

a) In addition to executing a warrant jacket, a form letter requesting service (Attachment B) will be executed and attached.

b) A copy of the warrant(s) will be made and placed in the “Mailed/Faxed” Warrant Filing Cabinet Drawer in the Records Room.

c) Said warrant, capias, etc., will be forwarded to the appropriate jurisdiction for service.

d) Entries in the Sheriff’s Office computer wants/warrants file will be the same, except where the disposition is listed, the code “MA” - date mailed - will be inputted.

The Records Manager will mail the warrant and list in the “Remarks” section which agency and the date the warrant(s) is mailed to.

(4) Upon return of the warrant jacket and/or form letter requesting service, indicating service was made; the Records Section will make the following computer entries:

a) Date/time of service

b) Jurisdiction where served

c) Executing Deputy/Officer

d) Method of service (arrest, summons, etc.)

The Records Section shall query the NCIC/VCIN wanted person files to ensure that the subject has been removed after service.

(5) Upon return of a criminal process indicating unable to locate, the Records Section shall file said document, along with the warrant jacket, in the “Active - Unable to Locate” file drawer pending service.

(6) Wants/Warrant inquiries may be made by deputies on a twenty-four hour a day basis. These inquires can be made by contacting the communications center via telephone or radio.

(7) The Records Section shall constantly review the status of on-file warrants, capias, summons, etc. Quarterly status reports shall be prepared and sent to the Sheriff for review and forwarded to the Commonwealth's Attorney for disposition determination in accordance with §19.2-76.1 of the Code of Virginia.

b. Deputy Responsibility:

(1) Immediately upon receipt of a warrant/legal process, the assigned deputy shall review the document for accuracy and completeness. It is the responsibility of the deputy attempting service to ensure that the warrant, capias, etc., is valid and properly executed, in accordance with §19.2-72 of the Code of Virginia. If the deputy receives the warrant, capias, etc., from anyone other than the Records Section of the Sheriff's Office, he must ensure that the warrant is date stamped with the date received. Further, if the warrant is a felony and it is after hours, weekend and/or a holiday, the deputy shall have the warrant entered into NCIC/VCIN through the Communications Center in order to meet the 72 hour time limit as required by the Code of Virginia.

(2) The deputy assigned the warrant, capias, etc., shall proceed as soon as possible to serve the document, as demands for service allow.

(3) If the subject named in the legal process is found, the deputy shall execute the document and either arrest the person, or release on a summons, as appropriate and in accordance with law. The executing deputy shall complete the warrant jacket, indicating the name of serving deputy and badge number, date/time of service, location of service, and method of service (arrest/summons), along with other documentation as required in the remainder of this order. The completed warrant jacket shall be returned to the Records Manager in the records room for processing. The deputy is responsible for documenting the warrant as served in the Sheriff's Office computer system.

(4) In the event that service is attempted and not made, the deputy shall record his name and badge number, the date/time, location and disposition of each such attempt on the warrant jacket. If service cannot be made before the end of the shift, the assigned deputy shall return the document to the Active Warrant File Drawer in the Records Room and note on the records log that he has returned the warrant to the active drawer. **Under no circumstances shall a deputy retain a legal process past his tour of duty**.

c. Shift Supervisor Responsibility:

(1) Shift supervisors shall review all warrants, capias, etc., received from the Records Section for service, and make assignments as appropriate.

(2) Upon receipt of an unserved warrant, capias, etc., the shift supervisor shall review the warrant jacket and determine what action should be taken to ensure service.

a) If the warrant is of an urgent nature, the supervisor may transfer the document to the on-coming shift supervisor for service. If this is done, the action **shall** be noted on the warrant log in the Records Room.

b) If the document is not urgent and it is believed that service can be made on the following day, the shift supervisor may place the document in the Active Warrant File Drawer (noting such on the warrants log) and re-issue the next day.

c) Warrants which cannot be served or which must be forwarded to another jurisdiction shall be returned to the Records Section for appropriate action.

(3) Occasionally warrants will be issued which require immediate service and cannot be processed through the Records Section prior to assignment. Such instances may include cases where it is felt the suspect may flee if not apprehended immediately, the suspect poses an imminent danger to himself or someone else, or as so directed by the court.

Shift supervisors shall monitor the issuance and execution of all warrants and legal processes to ensure that whenever possible all such documents are first routed through the Records Section in accordance with this directive.

C. USE OF FORCE - INJURIES IN ARREST SITUATIONS

Malicious assaults committed by deputies constitute criminal misconduct. Only that amount of force necessary to effect a lawful arrest and/or overcome resistance to such arrest shall be used. The use of force by a deputy with or without a weapon, or any force which causes physical injury to any person, shall be reported as directed in GO 506, 506.1 and/or 506.2.

D. DOMESTIC VIOLENCE

Whenever a deputy is investigating a domestic assault, an arrest shall be made, provided:

1. There are visible signs that an assault has occurred;

2. There is probable cause to believe the suspect has committed the crime.

3. Refer to GO 534 for detailed description of handling domestic violence situations.

In all domestic cases, information shall be given to the victim concerning the services offered through various county liaisons, i.e. Victim/Witness Program, Lynchburg Abused Women's Shelter, Mental Health, or Social Services for counseling or intervention. If information cannot be given to the victim, contact should be made by the deputy to one of these agencies for follow-up.

E. SEARCH OF PERSONS

In order to ensure the safety of the arresting deputy and prevent possible harm to the arrestee or other persons, deputies shall search persons in their custody for weapons or other objects which could be used to inflict harm or effect an escape. Refer to GO 521 for Search Incident to Arrest Procedures.

F. TRANSPORTING PRISONERS

Persons placed under arrest should be taken to the Blue Ridge Regional Jail Authority without undue delay; however, certain precautionary measures must be taken before prisoners are transported.

1. All persons will be searched for weapons, evidence or contraband prior to being transported in any police vehicle. In extenuating circumstances prisoners may be taken from the immediate scene of arrest prior to being searched. Refer to GO 521.

2. If a deputy other than the arresting deputy transports the prisoner, the transporting deputy shall also search the prisoner for weapons.

3. In all situations handcuffs shall be used and they shall be double locked, however, handicapped, sick, or injured prisoners will be restrained and transported in accordance with General Order 531. Prisoners should be transported in vehicles equipped with cages when feasible. Prisoners shall **never** be handcuffed to a vehicle or any other stationary object.

4. Those individuals arrested who have visual, speech, or hearing impairments shall be provided the available equipment necessary for communication. This equipment may be as simple as paper and a pencil for those who have speech or hearing impairments. It is imperative that handicapped individuals receive understandable instructions and guidance regarding arrest procedures, bond hearings, Miranda Warnings, implied consent, etc. Handicapped individuals are guaranteed the same constitutional rights as all other citizens and shall not be abridged.

G. REPORTING PROCEDURES - IDENTIFICATION PROCESSING

1. All adults arrested for the following offenses shall be processed under CCRE reporting procedures:

   a) Treason;

   b) Any felony;

   c) Any Class 1 or 2 misdemeanor under Title §18.2, Code of Virginia and,

   d) Any misdemeanor under Title 54.1, Code of Virginia.

   NOTE: Arrests for traffic violations, Class 3 and 4 misdemeanors under Title §18.2 are not reportable to CCRE.

2. As specified in this General Order, persons arrested for misdemeanors which are reportable to the CCRE and are released on a summons shall not be processed until after a disposition of guilt is entered in court. Make a photo copy for our records, and then place the entire packet (including original of served warrant) in the Records Room for the Records Manager to forward to the appropriate court. The court bailiff shall then complete the required forms and fingerprint cards.

3. Felony arrests and misdemeanor arrests reportable to the CCRE in which the person arrested is not released on a summons:

   a. Arrest bookings will be completed on the Live Scan (automated fingerprinting computer system). Complete instructions are located in the Processing Area of the Blue Ridge Regional Jail. All personnel will be trained in the use of Live Scan. The fingerprints will be transmitted via modem to the Virginia State Police. A manual copy of the fingerprints will come out of the printer. This manual copy should be signed by the arrestee. A yellow CCRE Disposition form will also print out for each charge. These forms must be attached to the warrants and given to the magistrate. Each deputy is also responsible for completing a UCR Information Form on each arrestee. The arresting deputy will leave the printout of the fingerprint card, along with the UCR Information Form, and photo of the arrestee in the Records Office for the Records Manager.

   b. In the event that Live Scan is not operational, deputies will book arrestees by utilizing the three part CCRE Form. Complete the CCRE form and one additional Fingerprint Card. Submit the white copy and the two completed fingerprint cards along with the photo of the arrestee to the Records Office for the Records Manager.

   c. The Yellow part of the CCRE form is given to the Magistrate with the court copy (original) of the arrest warrant.

4. Misdemeanor arrests and traffic offenses in which the person arrested is released on a Virginia Uniform Summons and no warrant is involved shall be completed and processed as follows:

   a. Traffic Offenses

      (1) Court Copy - Original - Complete all applicable sections; do not remove the six part summons (Pack). Place in Paper Return Box located in the Deputies Room.

(2) DMV Copy - Page 2 - Do not remove from the six part summons (Pack). Can be retained by arresting deputy.

(3) Defendant Copy - Page 3 - Shall be given to the violator after written promise to appear has been received.

(4) Request for Driver's Record Transcript - Page 4 - Do not remove from the six part summons (Pack). Transcripts can be obtained via teletype. Can be retained by arresting deputy.

(5) Agency Copy - Page 5 - Do not remove from the six part summons (Pack). Can be retained by arresting deputy.

(6) Officer Copy - Page 6 - Retained by the arresting deputy with the remainder of the original pack.

(7) Make one photo copy of the Court Copy (Page 1). Place this copy in the Field Operations Division Commander's mailbox located in the Deputies Room.

b. Misdemeanor Arrest (Non-Traffic)

(1) Court Copy - Original - Complete all applicable sections. Place in Paper Return Box located in the Deputies Room.

(2) DMV Copy - Page 2 - Do not remove from the six part summons (pack). Can be retained by the arresting deputy.

(3) Defendant Copy - Page 3 - Shall be given to the violator after written promise to appear has been received.

(4) Request for Driver's Record Transcript - Page 4 - Discard.

(5) Agency Copy - Page 5 - Can be retained by the arresting deputy.

(6) Officer Copy - Page 6 - Retained by arresting Deputy.

(7) Make one photo copy of the Court Copy (Page 1). Place this copy in the Field Operations Division Commander's mailbox located in the Deputies Room.

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5. Misdemeanor arrests and traffic offenses in which the person arrested is not released on a summons shall be completed and processed as follows:

a. Traffic Offenses

(1) Court Copy - Original - Complete all applicable sections, attach to arrest warrant.

(2) DMV Copy - Page 2 - Attach to arrest warrant.

(3) Defendant Copy - Page 3 - May be destroyed.

(4) Request for Driver's Record Transcript - Page 4 - Discard or send to DMV to request transcript unless transcript is obtained via teletype.

(5) Agency Copy - Page 5 - Forward to the Records Section.

(6) Officer Copy - Page 6 - Retained by arresting deputy.

(7) Make one photo copy of the Court Copy (Page 1). Place this copy in the Field Operations Division Commander's mailbox located in the Deputies Room.

b. Misdemeanor Arrest (Non-Traffic)

(1) Court Copy – Original – Leave with magistrate or attach to warrant or magistrate summons.

(2) DMV Copy – Page 2 – Attach to warrant.

(3) Defendant Copy - Page 3 - May be destroyed or retained by issuing deputy.

(4) Request for Driver's Record Transcript - Page 4 - Discard.

(5) Agency Copy - Page 5 - Forward to the Records Section.

(6) Officer Copy - Page 6 - Retained by issuing deputy.

(7) Make one photo copy of the Court Copy (Page 1). Place this copy in the Field Operations Division Commander's mailbox located in the Deputies Room.

NOTE: No more than one violation shall be entered on one Virginia Uniform Summons.

6. NCIC Check and Clearance Requirements:

a. In all cases where an arrested person is not released on a summons but is brought before a Magistrate, the arresting deputy **shall** initiate an NCIC wanted check of the arrested individual.

b. If an arrested person is entered as wanted in the NCIC, it shall be the arresting deputy's responsibility to contact the Records Section or Communication Center to arrange for NCIC removal of the arrested person's name or notification of the arrest to the jurisdiction that made the NCIC entry.

V. RELEASE FROM ARREST

A. Legal background

1. Deputies may encounter a circumstance where probable cause develops to arrest a person for an offense, only to find out shortly thereafter that the person under arrest did not commit a crime, or that the event was not a crime. It is imperative, then, that the deputy ends the arrest process immediately to avoid becoming liable for false imprisonment.

2. The attorney general has issued an opinion that, in the event that the circumstances under (1) above occur, deputies shall discharge the person from custody without taking him or her before a magistrate.

B. Procedure

1. If the arresting deputy determines that probable cause no longer exists to arrest a suspect, and the deputy is satisfied that the person under arrest either did not commit the crime or that the crime did not occur, then the deputy **shall** release the suspect.

2. When a deputy releases a subject from arrest, he or she shall return the person to the place of the arrest, if the location is safe. The deputy shall **not** release the person along the roadside. If a vehicle has been towed, the vehicle shall be returned to the operator/registered owner unless it is required as evidence, or some other legal authority assumes custody of the vehicle.

3. Upon releasing a person in this manner, the deputy shall immediately contact the on-duty supervisor and advise him or her of the incident.

4. To protect the arresting deputy and the Sheriff's Office, the deputy **shall** document in an incident report:

   a. The date and time of arrest.

   b. The person arrested (name, address, date of birth, race).

   c. The location of arrest.

   d. Probable cause for the arrest and the specific charge(s).

   e. The location and time of release from arrest and whether the person was transported.

   f. The reasons or discovery of information which led the deputy to release from arrest.

   g. Any witnesses to the alleged crime, or to the fact the person arrested was allegedly involved.

   h. Whether force was used in making the arrest, and if so, the nature of any forced used and the consequences (including medical aid).

5. If the deputy makes an arrest based on probable cause, the arrest is lawful. Probable cause must continue to exist through the appearance of the deputy and arrested person before the magistrate. If not, the deputy must release the person as soon as practicable.

VI. IMMUNITY FROM ARREST

A. <u>Legislative immunity</u>

1. Members of the United States Congress are exempt from arrest when Congress is in session, or when they are en route to or from congressional business, **except** for traffic summonses. (Article I, Section 6, U.S. Constitution)

2. Members of the Virginia General Assembly are exempt from arrest during a legislative session (or for fifteen days before the beginning or after the ending of any session) except in cases of treason, a felony, or a breach of the peace. (Article IV Section 9, Constitution of Virginia)

a. No member or clerk of the General Assembly or the lieutenant governor is exempt from arrest or imprisonment for treason, a felony, or a breach of the peace.

B. Diplomatic Immunity

Refer to GO 514 for information on Diplomatic Immunity and the Rights of Foreign Nationals.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Traffic Accident Investigation	**NUMBER: 523**
EFFECTIVE DATE: February 15, 2012	
AMENDS/SUPERSEDES: **Issue Date: 03/19/2004**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: OPR.07.05, OPR.07.06, OPR.07.07, OPR.07.08	

NOTE

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I. PURPOSE

To provide guidelines for the investigation of traffic accidents.

II. POLICY

Deputies assigned to investigate a minor motor vehicle accident will complete all required departmental and state reports following the guidelines set forth below.

A. It is the policy of the Campbell County Sheriff's Office to notify the Virginia State Police to investigate motor vehicle accidents. The Sheriff's Office will conduct these investigations in the event of non-availability of State Police personnel; however, **all** personal injury accidents and **all** fatalities **shall** be investigated by the Virginia State Police.

B. It is the policy of the Campbell County Sheriff's Office to dispatch deputies, **if requested by the Virginia State Police for assistance**, to scenes of accidents involving any of the following:

1. Death or injury;
2. Property damage;
3. Hit and run;
4. Impairment of an operator due to alcohol or drugs;

5. Hazardous materials;

6. Fire hazards;

7. Occurrences on private property;

8. Damage to public vehicles or property;

9. Disturbances between principals;

10. Damage to vehicles to the extent towing is required; and

11. Major traffic congestion as a result of the accident.

III. PROCEDURE

A. All Accidents

1. On arrival, the deputy must take control of the scene by:

   a. Positioning the Sheriff's unit in a manner that provides the best protection of the scene and providing emergency first aid as needed.

   b. Notifying Communications of the situation and requesting additional traffic support units or medical/fire assistance as needed. Identify if hazardous materials are present and requesting hazmat assistance as necessary.

   c. Ensuring that access is available for other emergency vehicles and positioning flares/cones as needed.

   d. Maintaining a flow of traffic, if possible, and assuring that spectators and their vehicles do not interfere with persons or vehicles properly engaged at the scene.

   e. Taking valuables into custody for safekeeping, following departmental procedures regarding the control and storage of money and valuables recovered at the scene. Refer to GO 1102.

   f. The first arriving deputy shall be in charge of the accident scene throughout the investigation unless otherwise instructed by supervisory personnel and/or relieved by the Virginia State Police.

2. On Scene Investigation

a. Determine the apparent severity of the accident and the proper accident report form to be completed. Accidents resulting in damage in excess of $1500.00 and hit and run shall be completed on the standard Commonwealth of Virginia Police Accident Report form regardless of the location of the accident. Personal Injury and Fatalities **shall** be investigated by the Virginia State Police.

b. Maintain contact with the operators involved and obtain operators' licenses/registrations. Operators should remain at the scene until the conclusion of the on-scene investigation unless they require medical attention. In those instances, the deputy should ascertain where treatment will be administered and have the parties remain there until he is able to have the Virginia State Police respond to their location to complete the investigation.

c. As soon as possible, record the operators' account of what occurred. Make detailed notes securing sufficient information to properly complete state accident report forms.

d. In all accidents requiring a state accident report, hit and run, leaving the scene and incidents involving damage to County property, written statements will be taken from all witnesses. For accidents involving Sheriff's Office vehicles, refer to General Order 502.

e. In all non-reportable accidents, written statements may be taken at the deputy's discretion. Investigating deputy(s) shall obtain sufficient information to be able to effectively testify in any resulting civil litigation. Operators shall be provided necessary information on all parties involved for insurance purposes.

f. Record all facts relating to the conditions and physical evidence found at the scene. These should include measurements of tire marks, positions of vehicles/pedestrians, and a record of photographs taken.

3. Removal of vehicles and debris

a. As soon as practical within the scope of the investigation, the deputy must provide for the resumption of the orderly flow of traffic.

b. Whenever possible, vehicles involved in the accident should be

removed from the scene by the owner or by a wrecker service requested by the owner. If no owner is present or no preference is stated, a wrecker service will be called in conjunction with current departmental policies.

c. The investigating deputy will ensure that debris from the accident is cleared from the roadway by wrecker personnel or an appropriate State or County agency.

d. The fire department will be notified in the event of any hazardous material spills and will be responsible for any necessary clean-up activities.

4. Follow-up Investigations

If necessary, canvass the immediate area of the accident to locate witnesses and conduct a further examination of vehicles involved and the scene noting condition of traffic control devices, roadway defects, etc.

5. Conclusion of Investigation

a. The on-scene investigation should produce the principle cause(s) of the accident, and the investigating deputy should make note of these conclusions.

b. If violations of law are found to be present, the deputy must note the same and may issue the appropriate summonses or arrest, if warranted.

c. In **all** personal injury and/or fatality cases, the Virginia State Police **shall** be notified to conduct the investigation.

6. Reports

The investigating deputy will have 48 hours to complete the Accident Investigation Report for review by the Field Operations Division Traffic Unit Supervisor.

Incident reports, if applicable, and summonses concerning the accidents are to be completed by the end of the shift.

Defects or hazards that present an immediate danger to safety shall be reported immediately to Communications who shall notify the appropriate agency.

B. Accidents Involving Injury or Death

1. The deputy dispatched to the scene will take control of the accident scene (unless removed by a supervisor), pending the arrival of the Virginia State Police.

2. When a victim has been pronounced dead on the scene by the appropriate medical personnel and has not been transported by ambulance personnel, the body shall be covered and the Medical Examiner notified by the Virginia State Police. In all cases where foul play is suspected, the body shall not be covered.

C. Hazardous Material or Chemical Spill Accidents

1. The Virginia State Police **shall** be notified in all situations involving Hazardous Materials and/or Chemical Spill Accidents. The deputy will follow the guidelines below pending the arrival of the Virginia State Police.

2. The deputy shall attempt to identify, by Department of Transportation placard or through the operator, the contents of the vehicle(s) containing the hazardous material.

3. Notify Communications of the situation and request fire department, giving as much information as possible regarding the hazardous material or chemical spill.

4. Isolate the accident area of non-essential personnel.

5. Avoid contact with any unidentified liquids or vapors leaking or escaping from the accident vehicle(s).

D. Accidents Occurring on Private Property

1. Deputies shall respond to accidents occurring on private property, when dispatched, in the same manner as to accidents on public roadways.

2. Upon arrival at the scene, the deputy shall eliminate any existing traffic hazards and, if necessary, request additional traffic units and medical/fire assistance.

3. Accidents on private property shall be deemed to be workable if they involve personal injury and/or fatality. Personal Injury and Fatalities **shall** be investigated by the Virginia State Police.

a. In those accidents deemed by the deputy to meet the criteria

for a workable accident, he shall complete the standard State Accident Report Form **only** if Virginia State Police personnel are unavailable and **only** if the accident does not involve personal injury or fatality.

b. In all other instances, it will not be necessary to complete any accident report forms. The deputy should ensure that the parties involved exchange the proper information for insurance purposes.

E. Report Review

It is the responsibility of the Field Operations Division Traffic Unit Supervisor to review and sign the reports of all accidents that are turned in by the investigating deputy. All accident reports should be placed in the Traffic Unit Supervisor's mailbox no later than 48 hours after the accident.

F. Equipment

Sheriff Office Patrol vehicles shall be equipped with the following equipment:

1. Flares,
2. Fire extinguisher,
3. All appropriate accident forms,
4. Camera,
5. First Aid Kit,
6. Blanket, and
7. Biohazard Bag (Complete).

G. Fire Hazards

The fire department shall be responsible for the handling of any fire hazard that may be present at the scene of an accident. Should a Deputy arrive on the scene of an accident where he notes a fire hazard present and the Fire Department has not been dispatched, the Deputy shall request that they be dispatched immediately. At the time a request for fire service is made, the Deputy should advise the circumstances involved.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Notification of Next of Kin	**NUMBER: 524**
EFFECTIVE DATE: March 18, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS:	

NOTE

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I. PURPOSE

The purpose of this General Order is to establish guidelines for the prompt notification of next-of-kin in situations involving serious injury, illness, or death.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to notify crime and accident victims' next-of-kin in a prompt and compassionate manner. These notifications will be made when a victim has died within Campbell County or when a request has been received from another jurisdiction to notify relatives living within the county. This policy also includes the notification of next-of-kin of persons suffering from serious injury or illness or when such injury or illness becomes a Sheriff's Office concern. Except under unusual circumstances, all notifications will be made in person. Any alternative notification method will have prior approval by the on-duty shift supervisor.

III. PROCEDURE

A. Notification of the nearest relative should occur as soon as the victim's identity has been established.

B. If the notification involves a death and the next-of-kin is alone, a close friend, chaplain, and/or neighbor should be sought to stay with that person.

C. Extreme tact and a direct approach should be exercised by deputies when making notifications. Be reassuring, understanding, and offer any assistance possible.

D. If the next-of-kin resides within Campbell County, notification will be made **in person** by members of this agency.

E. Notification of persons residing outside of Campbell County will be accomplished by contacting the law enforcement agency in that jurisdiction and requesting assistance. When making requests for notification assistance, as much pertinent information as possible will be provided to the agency. If extenuating circumstances exist, the outside agency may be directed to have the next-of-kin contact this department for details after notification is accomplished. This would normally apply in deaths of a suspicious nature.

F. Notification by telephone will be made only when all other methods are not feasible, and only when pre-approved by the on-duty shift supervisor.

G. In situations involving death, cooperation of the press and other news media will be requested with reference to withholding the identity of the subject until next-of-kin notification is accomplished.

H. An incident report will be completed on all notifications, containing the name, address, relationship, date, time, notifying deputy, others present, and any other pertinent information. If the notification involves a case being handled by the Sheriff's Office, a supplemental report may be filed in lieu of an original incident report.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Procedures for Shoplifting Offenses	**NUMBER: 525**
EFFECTIVE DATE: March 4, 2004	
AMENDS/SUPERSEDES: **GO 609 Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.02.02-02.03; OPR.02.01; OPR.04.02-04.03	

NOTE

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I. PURPOSE

This general order is issued for the purpose of establishing procedures for the processing of juvenile and adult shoplifters.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to respond to all calls from merchants for shoplifters in a timely manner and to process the shoplifter within appropriate guidelines, policies, and state law.

III. PROCEDURES

Processing Adult Shoplifters Detained By Store or Security Personnel

A. The assigned deputy should respond to the scene, being constantly aware that a detained shoplifter may be a serious physical threat to all individuals concerned.

B. The deputy should discuss the offense with the merchant, agent, or security guard to determine if an offense has actually occurred and if the merchant

has established probable cause for the apprehension. Prior to these determinations, the deputy does not have the right to conduct a body search for evidence of the offense but he may upon reasonable fear for his safety, conduct a pat-down search of the subject's outer clothing for weapons. Any object thought to be a weapon, and later found to be other evidence, is admissible as to the offense.

C. The knowledge of the merchant, agent, or security guard concerning the offense must be first-hand.

D. Felony

If the offense is a felony:

1. A felony is constituted by merchandise in excess of $200 and/or a third or subsequent petty larceny conviction. These convictions should be verified by obtaining a criminal history check on the individual.

2. The subject should be placed under arrest and transported to the Magistrate's Office where a felony warrant will be obtained.

E. Misdemeanor

If the offense is a misdemeanor:

1. A misdemeanor summons may be issued by the deputy unless the arrestee:

   a. Refuses to give written promise to appear.

   b. Appears likely to disregard the summons.

   c. Is reasonably believed likely to cause harm to himself or another person.

2. If an arrestee does not qualify for a summons as indicated above, the subject should be placed under arrest and transported to the Magistrate's Office where a warrant will be obtained.

Processing Juvenile Shoplifters Detained By The Store or Security Personnel

A. The deputy should verify the age of the offender. If the offender contends that he is a juvenile, and verification cannot immediately be made, he must

be treated as such until a determination to the contrary is made. The ascertainment of an offender's age and identification should be through whatever means available to the deputy at the time, but caution should be taken to assure that a juvenile is not processed as an adult offender.

B. Felony

If the offense is a felony:

1. Obtain all available information on the offender.

2. Transport the offender to the Juvenile Intake Office during normal working hours. After hours, the Shift Supervisor must be contacted to determine and authorize the request for detention of the juvenile. An on-call Intake Officer will then be notified.

3. Release of the juvenile should be to either a parent or juvenile intake officer. If release is to a parent, the parent should be advised that a petition is being sought.

C. Misdemeanor

1. Every effort should be made to contact a parent from the store. A parent, if reached, may be requested to respond to the store for release of the juvenile.

2. If a parent responds, or if the deputy is assured of proper identification, the deputy may release the juvenile at the scene after advising the parent or juvenile that a juvenile petition will be sought. Factors to be considered in this action are the same as those for the release of an adult on a misdemeanor summons.

3. If the juvenile is brought to the Campbell County Sheriff's Office, release should be to either a parent/ guardian, or to a juvenile intake officer.

4. The deputy shall respond to the Juvenile Intake Office during normal working hours to begin application process for a juvenile petition.

IV. REPORTS

In all instances, it shall be the responsibility of the deputy assigned as primary unit to complete an Incident Report.

V. GENERAL CONSIDERATIONS

Although compliance must be made with certain departmental policies, the deputy's personal discretion is an important factor in the handling of shoplifter calls. Possible problem areas are discussed below.

A. The option of issuing a misdemeanor summons offers an efficient, less time-consuming method for handling shoplifting calls. It should be used in all instances, except when circumstances indicate that the suspect may represent a physical harm to himself or others, or when it appears that he would be likely to disregard his written promise to appear in court.

B. When a deputy issues a misdemeanor shoplifting summons, he is acting as a legal vehicle through which a subject is entered into the criminal justice system. He is not considered the arresting deputy in the traditional sense, but he generally will have responsibility to appear in court in subsequent prosecution.

C. § 19.2-270.1 allows for the introduction of a photograph of shoplifted property as competent evidence. The process of authentication of these photographs is rather involved, and the decision to use a photograph should be made only after careful deliberation and not merely at the request of the merchant.

Factors to be considered include:

1. Is the item perishable?
2. Would the impounding of the item represent an <u>undue</u> hardship to the merchant?
3. Does the size or nature of the item make impounding impractical?

If a photograph is taken, by code it must include the following information:

1. Written description of the goods, merchandise, money or securities alleged to have been taken or converted,
2. The name of the owner of such goods, merchandise, etc.,
3. The name of the place where the alleged offense occurred,
4. The name of the accused,
5. The name of the arresting or investigating police officer,
6. The date of the photograph, and,
7. The name of the photographer.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Ancillary Motorist Service	**NUMBER: 526**
EFFECTIVE DATE: February 18, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.07.11; OPR.07.12	

NOTE

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I. PURPOSE

The purpose of this General Order is to provide guidelines for the delivery of the many diverse traffic-related ancillary services provided by the Campbell County Sheriff's Office. These services are basically activities having an indirect effect on traffic flow as well as those that are in response to citizen-generated requests for assistance.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to provide reasonable assistance at all times to motorists who appear to be in need of aid. Deputies shall, while on patrol and not engaged in responding to calls for service or transporting prisoners, stop and offer assistance to disabled and stranded motorists.

III. PROCEDURE

A. In cases that necessitate emergency action, the first deputy on the scene shall:

1. Advise the Communications Center of the exact location of the emergency and vehicle description, including the license number.

2. In cases of personal injury or fire:

   a. Request the Communications Center to dispatch rescue and/or fire services;

   b. Administer life-saving first aid to the injured, if appropriate;

   c. Utilize the department fire extinguisher in cases of fires.

3. Under **no** circumstances will deputies provide escort services for civilian vehicles in medical emergencies.

B. In cases that do not necessitate emergency action, the first deputy on the scene shall:

1. Advise the Communications Center of the exact location of the disabled/stranded vehicle and give its license number.

   a. Upon the owner's/operator's request, the deputy may request the Communications Center to contact and dispatch any of the following, in accordance with department policy:

      (1) Nearest available wrecker service

      (2) Specific wrecker service

      (3) Taxi cab service

      (4) Individual named by the motorist for the purpose of responding to provide transportation and/or mechanical assistance.

   b. In the event that neither a taxi cab or individual named by the motorist can be contacted, or if circumstances dictate for safety reasons, the deputy may, with the permission of a supervisor, transport the motorist to the nearest secure place with access to a telephone.

   c. In the event any female is transported by a male deputy, or male is transported by a female deputy, the deputy shall advise the Communications Center that he/she is transporting a female/male subject, the mileage when beginning and again upon arrival at the destination.

2. Deputies will not attempt to repair citizen's vehicles. This includes jump starting unless approved by the Shift Supervisor. Deputies may change tires, assist in obtaining fuel, and other functions as a supervisor may approve.

3. Deputies may assist motorists in gaining entry to locked vehicles, upon request, under the following circumstances:

   a. Child locked in vehicle,

   b. Vehicle running at a gas pump,

   c. Supervisor approval for other circumstances that are deemed exigent.

   Prior to any attempt to unlock a vehicle at a citizen's request, the deputy will verbally notify the citizen that the deputy and the Sheriff's Office cannot be held liable for any damages resulting to the vehicle as a result of attempts made to enter the vehicle. This procedure shall be adhered to in order to protect the deputy and Sheriff's Office from claims for damage incurred during the attempted entry.

4. Ordinarily disabled vehicles should be removed from the roadway by tow truck operators. However, occasions may arise where the disabled vehicle presents an immediate traffic hazard and by remaining in the roadway it will cause significant traffic back-up. Under such circumstances, the deputy may need to physically push the vehicle off the roadway. Great care should be exercised in these situations to avoid personal injury.

C. In addition to providing on-scene assistance to stranded and disabled motorists, the department will, through various means, attempt to educate citizens on proper action to be taken in the event of highway emergencies. Additionally, the department will periodically present training and lecture programs, as requested by citizen groups regarding highway safety programs, in order to enhance public understanding and support enforcement efforts.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Traffic Direction and Control	**NUMBER: 528**
EFFECTIVE DATE: March 18, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.07.08	

NOTE

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I. POLICY

It is the policy of the Campbell County Sheriff's Office to ensure the safe and expeditious flow of traffic through the county by taking specific actions when indicated. These actions include traffic direction and point control for brief or long periods of time at controlled or uncontrolled intersections, roadways, whether occurring on a one-time basis or on a recurring basis.

II. PROCEDURE

A. Traffic control signals

Traffic direction will be in accordance with § 46.2-834.

1. To stop traffic by hand signals:

   Stand with shoulders parallel to moving traffic. Raise arms forty-five degrees above shoulder with hand extended, palm toward moving traffic to be stopped.

2. To move traffic by hand signals:

   Stand with shoulders parallel to traffic to be moved. Extend right arm and hand full length at height of shoulders towards traffic, fingers

extended and joined, palm down. Bring hand sharply in the direction the traffic is to move. Repeat movement left arm and hand to start traffic from the opposite direction.

3. To stop and start traffic by whistle:

   One whistle blast directs moving traffic to stop; two whistle blasts directs traffic in the opposite direction to move.

4. Emergency stop of traffic by whistle:

   Three or more short whistle blasts directs all traffic to clear the intersection immediately and stop.

B. Clothing

All personnel shall wear uniforms while engaged in traffic control. High visibility vests **shall** be used by all personnel under all circumstances.

III. TRAFFIC CONTROL TRAINING

All deputies receive training in traffic direction and control as a course of instruction while in academy training. All supervisors shall randomly monitor persons under their command for proficiency in traffic control and direction. Deputies found to be deficient shall receive additional training from a supervisor. This training shall be documented in training files.

IV. AUTOMATED TRAFFIC CONTROL SIGNALS

When traffic lights malfunction or are out, deputies should advise communications to notify either the State Highway Department or the power company, whichever is appropriate. In the case of malfunctioning lights, deputies shall request a complaint be made for the appropriate VDOT contact and that VDOT be notified. In the event lights are out, deputies shall manually direct traffic at the intersection when deemed necessary. If it is determined that manual operation of traffic control signals is necessary, the Virginia State Police will be notified as they have access to traffic control signal devices throughout the County.

V. TEMPORARY TRAFFIC CONTROL DEVICES

Temporary traffic control devices may be utilized during special events, when road hazards exist, or in the event of accidents. The following may be used as temporary traffic control devices:

A. Wooden or similar barricades;

B. Detour signs and other descriptive signs, as applicable;

C. Traffic cones or flares; and/or

D. Sheriff's vehicles (in emergency situations).

Supervisors shall be responsible for ensuring proper placement and removal of such temporary traffic control devices should they be utilized.

VI. SPECIAL EVENTS TRAFFIC CONTROL

The Campbell County Sheriff's Office develops plans to contend with high traffic or pedestrian incidents occurring at special events. (See General Order 517, Special Events.) The agency's objective is to eliminate confusion, move traffic in an orderly manner, and reduce decision-making processes for motorists and pedestrians.

The Field Operations Division Commander shall address the following areas and circumstances during special events:

A. Emergency vehicle access;

B. Ingress and egress of pedestrians;

C. Parking;

D. Crowd and spectator control and movement;

E. Relief of deputies assigned to traffic control;

F. Public transportation, if applicable;

G. Alternative routes for through traffic;

H. Temporary traffic controls such as detours, parking restrictions, etc.; and

I. Postal service vehicles.

VII. TRAFFIC CONTROL (FIRES, ACCIDENTS, OR OTHER HAZARDS)

The Sheriff's Office has the authority and the responsibility to regulate traffic at the scenes of fires, accidents, and other hazards. Situations will occur at certain incidents where, due to lack of manpower or other circumstances, members of the Fire/Rescue Service will be asked to assist. This assistance is authorized under § 27-15.1.

The control and route of the traffic flow will be a joint decision by the senior deputy from the Sheriff's Office and the Fire/Rescue Commander on the scene. The main objective of deputies assigned to direct traffic at these scenes is to utilize all means available to protect lives and aid the injured. Other essential duties shall be to provide traffic direction of motorists and pedestrians and to insure proper ingress and egress for emergency vehicles.

All fire and rescue services in Campbell County are made up of volunteers. In the event a volunteer member responds to any situation in his/her private vehicle, they will be directed to park in an area that does not interfere with the effective movement of emergency equipment or operation.

VIII. TRAFFIC CONTROL DURING ADVERSE ROAD AND WEATHER CONDITIONS

The Campbell County Sheriff's Office has the authority and the obligation to regulate traffic for public safety reasons during extreme situations such as snow storms, flooding, severe storms, fog, ice, smoke, downed power lines, damaged bridges, or any other potential hazard. During such situations, the senior supervisor on duty shall declare an emergency and take whatever measures are necessary to close roadways or detour traffic for the general safety of citizens.

IX. NON-SWORN PERSONNEL CONTROLLING TRAFFIC

The Campbell County Sheriff's Office does not employ non-sworn personnel for law enforcement functions. However, on occasion, traffic control may be performed by non-sworn personnel.

Under certain circumstances, members of fire and rescue departments may assist deputies with traffic control when insufficient Sheriff's resources are available.

Members of fire and rescue departments will be requested to wear reflective turn-out gear during these times to promote visibility and safety.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Stop and Frisk; Field Interviews	**NUMBER: 529**
EFFECTIVE DATE: March 4, 2004	
AMENDS/SUPERSEDES: **GO 612 Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.02.02	

NOTE

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I. POLICY

The Campbell County Sheriff's Office expects and encourages deputies to conduct field interviews. Field interviews are important contacts with citizens that aid in preventing and investigating crime. Technically, a field interview is a lawful stop of a citizen for investigative purposes. Deputies shall document stops for the purposes of identifying a suspect, witness, or victim, for crime prevention, intelligence gathering, or community relations. The Sheriff's Office further expects deputies to gather information with proper observance of constitutional safeguards. Strict constitutional guidelines exist that protect both the civil rights of citizens and the rights of deputies to obtain information crucial to the reduction and prevention of crime. Further, field interviews frequently contribute to building a reasonable suspicion or even probable cause to arrest or conduct a search. The only restricted search that sometimes accompanies field interviews, the frisk or pat-down, may be performed when the deputy suspects the presence of a weapon.

II. PURPOSE

To help deputies determine when field interviews and frisks for weapons are necessary and useful, and to establish procedures for conducting both safely.

III. DEFINITIONS

A. Field interview

A brief detention of a person to determine the person's identity and to resolve the deputy's suspicions about possible criminal activity. A field interview resolves an ambiguous situation. A field interview contrasts with a stop which is based on reasonable suspicion of criminal behavior. **Field interviews require voluntary cooperation of citizens.**

B. Frisk

A "pat-down" search of outer garments for weapons.

C. Reasonable suspicion

Articulable facts which lead an experienced deputy to reasonably suspect that a crime has been or is about to be committed. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated.

D. Stop

The detention of a subject for a brief period of time. In order to make the stop, the deputy must have reasonable suspicion to believe that criminal activity is afoot and that the person to be stopped is involved. A stop is **investigative detention**. The following characteristics may, under the circumstances, give rise to reasonable suspicion for a stop.

1. Deputy has knowledge that the person has a criminal record.
2. A person fits the description of a wanted notice.
3. A person has exhibited furtive conduct such as fleeing from the presence of a deputy or attempting to conceal an object from the deputy's view.
4. The appearance, behavior, or actions of the suspect suggest that he is committing a crime.
5. The time of day or night is inappropriate for the suspect's presence in a particular area.
6. The deputy observes a vehicle that is similar to that of a broadcast description for a known offense.
7. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.
8. The suspect is in a place proximate in time and location to an alleged crime.

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

10. The suspect is carrying an unusual object, or his clothing bulges in a manner consistent with concealing a weapon.

IV. PROCEDURES

A. Making the field interview or stop: general

1. A deputy may conduct field interviews or stops when he reasonably believes that some investigative inquiry is warranted. The Supreme Court has ruled that a deputy "may in appropriate circumstances and in an appropriate manner approach a person for the purposes of investigating possible criminal behavior even though there is not probable cause to make an arrest." Stop and Frisk is covered by Case Law – *Terry v Ohio,* 392 U.S. 1 (1968).

2. A field interview, therefore, requires voluntary cooperation from the citizen. In the absence of probable cause to arrest, the citizen may discontinue the interview at any time and leave. The citizen may also refuse to produce identification or otherwise identify himself.

   a. A distinction is drawn herein between a **field interview** (which is made to resolve an ambiguous situation) and a **stop** (or a brief detention of a person because of suspected criminal behavior).

3. A deputy must be able to articulate the circumstances that warranted the interview or stop of the citizen. The circumstances may constitute the deputy's reasonable suspicion. In court--should a field interview result in an arrest--a deputy must justify his intrusion by describing “specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.” Articulable circumstances derive from:

   a. Firsthand observations.

   b. Hearsay, as from informants.

   c. "Collective knowledge" or information shared by several deputies.

   d. The totality of facts and circumstances. The Campbell County Sheriff's Office encourages deputies to question persons whose behavior, conduct, or mere presence at a particular place and time does not match the deputy's notion of what is appropriate for the place and time.

B. Field interviews and field interview notations serve as:

1. A source of information.

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

2. A means of identifying the suspect.

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

3. A means of obtaining suspects or witnesses.

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

C. Place of the interview

1. The difference between a field interview and a lawful detainment is a thin one. As noted earlier, reasonable suspicion provides the key basis for the deputy's actions.

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

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

   b. Areas intended for public use or normally exposed to public view.

   c. Places to which a deputy has been admitted with the consent of the person empowered to give such consent.

   d. Places where circumstances require an immediate law enforcement presence to protect life, well-being or property.

e. Areas where a deputy may be admitted pursuant to a lawful arrest or search warrant.

f. Any other area in which a deputy may effect a warrantless arrest.

3. Field contacts shall not be done to coerce a person to leave an area or place where he or she has a legitimate right to be and where no violation of law has occurred.

D. Conduct of interviews

1. Deputies shall clearly identify themselves and, if not in uniform, display identification.

2. As noted above, a person interviewed by the deputy may discontinue the interview at any time. Further details of frisk requirements are found under section V.B and C of this order. To repeat, during a routine field interview, persons shall not be detained in any manner against their will nor shall they be required to answer questions or respond in any manner if they choose not to do so. The fine line drawn between a field interview and a stop and frisk must be strictly observed. Since the distinction between an interview and a stop depends to a great extent on whether, under the circumstances, the citizen perceives that he is free to leave; deputies shall comply with the following guidelines:

a. All requests during the interview should be phrased with **neutral or optional** words, such as “May,” “Would you mind,” etc.

b. Abrupt, short responses which could be misunderstood and requests which could be misinterpreted as commands must be avoided.

c. The duration of an interview should be as brief as possible.

d. During the interview, deputies should confine their questions to those concerning the suspect's identity, place of residence, and other matters necessary to resolve the deputy's suspicions.

e. Miranda warnings are not required during field interviews. The warnings are not required until custodial questioning takes place.

3. The success or failure in obtaining information beneficial to crime analysis and criminal investigation will depend upon a deputy's ability to put citizens at ease and establish a rapport. However, during a field interview, if the person should ask whether he must respond, or

indicate that he feels compelled to respond, the deputy shall immediately inform him (or her) of the right to refuse, as well as the right to leave.

a. When citizens refuse or cease to cooperate during an interview, the refusal itself cannot be used as the basis for escalating the encounter into a stop and frisk.

b. Suspects cannot be compelled to answer any questions during field interviews.

V. STOP AND FRISK OR INVESTIGATIVE DETENTION

A. The legal authority to conduct an investigative detention (stop and frisk) is based in constitutional and Virginia court decisions. A deputy's temporary detention of a person to investigate suspected criminal activity is controlled by the Fourth Amendment.

B. Investigative detention involves two distinct acts: (1) the stop (a brief detention of a person because of suspected criminal behavior) and (2) the frisk (a limited search). Not every field interview or stop requires a frisk. Reasonable suspicion justifying a frisk may be based on factors including but not limited to:

1. The type of crime suspected, particularly those involving weapons.

2. When the deputy must confront multiple suspects.

3. The time of day and location of the stop.

4. Prior knowledge of the suspect's propensity for violence.

5. Any indication that the suspect is armed.

6. Age and sex of the suspect (deputies shall exercise caution with very young or very old people or persons of the opposite sex).

C. Manner of conducting a frisk

1. Ideally, two or more deputies will conduct the frisk, one to search and the other to provide protective cover.

2. The minimally intrusive nature of a frisk permits the suspect to be searched while standing, or with hands placed against a stationary object, feet spread apart, which is the preferred method.

3. Deputies may handcuff the person while conducting the frisk. The person is to be told that they are not under arrest but are being handcuffed for the safety of the deputy. The handcuffs should be removed once the frisk is complete and there is no obvious danger to the deputy.

4. When frisking, deputies shall search only the external clothing for objects that *reasonably* could be weapons and remove them. Deputies shall not place hands in pockets unless they *reasonably* suspect that weapons are concealed in them.

   a. Retrieval of the weapon may give probable cause to arrest. If so, deputies may conduct a complete custodial search of the suspect incident to arrest (see GO 521 for a discussion of searches incident to arrests).

5. If, during a lawful stop based on reasonable suspicion, the deputy conducts a frisk and feels an object whose contour or mass makes its identity as contraband (or drugs) immediately apparent, it may be withdrawn and examined. (This has been called the "plain feel" or "plain touch" rule.)

6. If the suspect is carrying a bag, purse, suitcase, briefcase, sack, or other container that may conceal a weapon, deputies shall not open it but may place it beyond the subject's reach for the duration of the stop.

7. **Deputies are reminded that a frisk is limited to a search of the external clothing for weapons <u>or</u> possible contraband (if reasonable suspicion exists). Frisks shall be conducted reasonably and in good faith.**

D. <u>Protective search</u>

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

1. A lawful investigative stop as defined herein or a lawful vehicle stop (see GO 522, 530).

2. A reasonable belief that the suspect poses a danger.

3. The search must be limited to those areas in which a weapon may be placed or hidden.

4. The search must be limited to an area which would ensure that there are no weapons within the subject's immediate grasp.

E. Period of detention

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

F. Recording the stop

1. Notes may be made for each person a deputy stops for an interview. These notes can be transferred to the Campbell County Sheriff's Office Records Management System as Police Information Reports or utilizing the Field Interview section of the system.

2. Notes may be made on a subject who is stopped for a traffic violation if the situation warrants, according to the officer's judgment.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Search Warrants	**NUMBER: 530**
EFFECTIVE DATE: March 4, 2004	
AMENDS/SUPERSEDES: **GO 613 Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.02.02, OPR.02.06	

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I. POLICY

The Fourth Amendment to the U.S. Constitution guarantees every citizen the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. Supreme Court decisions regarding search and seizure place the responsibility on the police to ensure that citizens' Fourth Amendment rights are protected. Deputies shall scrupulously observe constitutional guidelines when conducting searches and always remain mindful of their lawful purpose. Search warrants, in particular, are one of the most valuable and powerful tools available to law-enforcement officers. Because of the potential harm to citizens, the risks to deputies' safety, and to the Sheriff's Office image in the community, deputies shall have a thorough knowledge of the legal requirements in obtaining search warrants.

II. PURPOSE

The purpose of this general order is to establish guidelines and procedures which deputy sheriff's must follow when conducting searches and seizures.

III. DEFINITIONS

A. Search warrant

A written order, signed by a judicial authority, directing a deputy sheriff to search for specified personal (or business) property and bring it before the judicial officer.

B. Curtilage

Curtilage usually refers to the yard, garden, or piece of ground which adjoins a private residence. While the term has no absolute definition that applies under all circumstances, the curtilage of a private residence, for instance, is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation. Curtilage can also be described as the regularly mowed area around the private residence.

IV. PROCEDURES - General

A. Legal authorities

1. *Virginia Code* § 19.2-52 states that a judge or magistrate may issue a search warrant if the following circumstances exist:

   a. There is a reasonable and probable cause to do so.

   b. There is a complaint on oath supported by an affidavit.

2. § 19.2-53 states that search warrants may be issued for the search of or for specified places, things or persons, and seizure there from of the following things as specified in the warrant:

   a. Weapons or other objects used in the commission of a crime.

   b. Articles or things the sale or possession of which is unlawful.

   c. Stolen property or the fruits of any crime.

   d. Any object, thing, or person including documents, books, records, paper, or body fluids constituting evidence of a crime.

B. Supreme Court decisions

The Supreme Court of the United States issues decisions which must be used as guidelines in conducting searches. Because the Fourth Amendment to the Constitution prohibits unreasonable searches and seizures, deputies bear the burden of proving that the search was reasonable. The court will examine reasonableness according to the answers to these questions:

1. Was there probable cause to issue the search warrant?

2. Was the scope of the search appropriate?

C. Exceptions to search warrant requirements

See GO 500 for a discussion of exceptions to search warrant requirements.

V. PROCEDURES - Obtaining a search warrant

A. Essential legal requirements

1. To obtain a search warrant, a deputy must show probable cause to believe that specific evidence, contraband, or fruits of a crime may be found at a particular place.

2. The deputy shall carefully document specific facts that constitute probable cause. Two kinds of facts must be considered:

   a. The **facts** from which the deputy concluded that the person or thing is probably located at the place to be searched.

   b. The **facts** which address the reliability of the source of the deputy's information.

3. The court considers only those facts presented in the warrant and affidavit.

4. Conclusions and suspicions are not facts.

5. Facts must be recent.

6. Apart from the deputy's personal knowledge or observations, facts may derive from a reliable informant.

7. Reliability of facts is established by:

   a. Personal observation or knowledge by a deputy.

   b. Eyewitnesses who have first-hand knowledge.

   c. Informants.

B. Where to obtain a search warrant

1. A search warrant may be obtained from any of the following three sources, according to § 19.2-52:

   a. Any judge.

   b. Any magistrate.

c. Any other person having the authority to issue criminal warrants.

C. Affidavits

1. The accuracy of the affidavit is vital to the validity of the search warrant. On the designated form, deputies shall provide the information listed below. § 19.2-54 requires deputies to swear to the facts of the affidavit before a judge or magistrate. Note that the search warrant must be obtained in the jurisdiction where the place or person to be searched is located.

2. The affidavit shall include the following elements:

   a. A detailed description of the place, thing, or person to be searched, including map coordinates or distances from given reference points, if necessary.

   b. A description of the things or persons to be searched for.

   c. A substantial allegation of the offense in relation to which the search is to be made.

   d. An allegation that the object, thing, or person to be searched constitutes evidence of the commission of the offense.

   e. Material facts which would show that there is probable cause for issuing the search warrant.

D. Language of the warrant

Only the things specified in the search warrant can be seized (for a discussion of exceptions to this, such as plain-view seizures and searches incident to arrest, see GO 500 and GO 521). The warrant shall specify the following.

1. The areas to be searched shall be precisely stated. If deputies wish to search a home and its surroundings, the affidavit must specify a "premises" search and its curtilage and must identify outbuildings, garages, as appropriate.

2. If motor vehicles to be searched are on the premises, the warrant shall so specify.

3. If searches of specific persons (other than frisks) are to be included during the search, the warrant shall so specify. If the warrant states that all persons present shall be searched, then probable cause to do so must be justified in the affidavit.

4. The items to be searched for shall be precisely described. If an item to be searched for may be dismantled (e.g., firearms), then the warrant must specify the search for parts, pieces, or components of the item.

5. If deputies anticipate searching for and seizing computers or similar, complex technology, then experts must be consulted to determine the appropriate language to list in the affidavit and for outlining appropriate guidelines in the warrant for seizure of hardware and software.

VI. PROCEDURES - Executing a search warrant

A. When a search warrant must be executed

1. A deputy is required by § 19.2-56 to execute a warrant within 15 days of the date it was issued. When warrant service is delayed, the deputy must be able to articulate to the court why the warrant was not served forthwith. If it has not been executed during that 15 day time period, the deputy shall void the warrant and return it to the magistrate who issued it.

2. A copy of the affidavit must be attached to the warrant and served with it.

3. A deputy may execute a search warrant either during the day or at night.

B. Preparing to execute the warrant

Before executing the warrant, the on-duty supervisor shall review the warrant and the affidavit; brief the search team deputies on the procedures to be followed. The supervisor shall ensure that the entire warrant process is documented. Written reports shall be supplemented with photographs or videotape, if available and appropriate.

C. Gaining entrance to premises

1. The search team shall first deploy around the premises to be searched, ensuring that all exits are covered. Uniformed deputies shall be the most visible members of the search team and shall conduct the entry.

2. In most cases the deputy shall do all of the following before entering the premises to be searched:

   a. He or she must knock and announce his presence as a law-enforcement officer.

   b. The deputy must announce that his purpose is to execute a search warrant.

c. The deputy must wait a reasonable time either to be admitted or refused admission to the premises.

3. When entrance is refused

If the deputy is refused entrance after a reasonable time, he may force his way into the premises using force applicable to the circumstances. "Reasonable time" in this context depends on the circumstances. A refusal may be expressed or implied. A refusal can be implied in two circumstances:

a. No one has admitted the deputy within a time in which it would be reasonable to expect someone to let the deputy in if he or she is going to be admitted at all.

b. The deputy waiting to be admitted sees or hears suspicious circumstances, such as flushing toilets or footsteps running away from the door, which indicate that someone might be concealing or destroying evidence or trying to escape.

4. No-knock or exigent entry

In some circumstances a deputy sheriff may enter the premises to be searched without announcing his or her presence and purpose before entering. The judicial authority issuing the warrant may add a no-knock entry provision to the warrant. If not, the decision to make a no-knock entry shall be made by the on-scene supervisor based on facts that would lead him or her to believe that an announcement would result in:

a. Bodily harm either to the deputy or to someone within the premises to be searched.

b. The escape of the person to be searched or arrested.

c. The destruction of evidence.

5. If circumstances require a no-knock or exigent entry, then the first deputy to cross the threshold into the premises shall announce that law-enforcement officers are executing a warrant. Deputies shall also command the occupants to take the appropriate action to ensure their safety. Sample commands:

a. "Sheriff's Office, search warrant, get down."

b. "Sheriff's Office, search warrant, stay where you are."

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

D. Conduct of the search

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

2. Deputies shall not use a search warrant to conduct a fishing expedition, i.e., if the search warrant is for a television, or large item, small places such as jewelry boxes may not be searched.

3. A deputy may seize **only the property listed in the warrant** with **two exceptions**:

a. The other evidence is reasonably related to the offense for which the search warrant was issued.

b. It is property which the deputy knows or has probable cause to believe is evidence of another crime. (See the discussion of plain-view seizures under GO 500.)

E. Searches of persons found on premises

1. A person's presence on the premises to be searched with a warrant does not, without more, give rise to probable cause to search that person beyond a frisk for deputies' safety.

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

3. A person on the premises may be searched if the deputy has probable cause to believe that items listed in the warrant are concealed on the person. Mere presence on premises does not constitute probable cause.

VII. PROCEDURES - Return of the search warrant

A. Per § 19.2-57, after a deputy has finished a search, he or she shall perform the following:

1. Note the date of execution on the search warrant.

2. Under oath, the deputy must make an inventory of all the property seized.

3. Within three days of the date of the search (excluding Saturdays, Sundays, or legal holidays) file the following in the circuit court clerk's office (of the jurisdiction wherein the search was made):

   a. The search warrant.

   b. Either the inventory of articles seized (which must be notarized) or a notation that nothing was seized during the search.

   c. The affidavit (unless affidavit was made by voice or videotape recording).

B. Responsibility for property seized

1. All property seized must follow a rigorous chain-of-custody procedure. Documentation must appear in all narrative reports pertaining to the chain of custody of any items seized. The department evidence form (ERF) shall be used to mark all seizures.

2. Deputies shall place evidence in the locker reserved for the purpose.

3. Observe the property and evidence procedures as detailed in GO 1101.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Prisoner / Transportation, Custody and Care	**NUMBER: 531**
EFFECTIVE DATE: December 7, 2017	
AMENDS/SUPERSEDES: **Revised Date: 1/30/2006**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: OPR.01.04, OPR.08.01 – OPR.08.04, OPR.09.01	

NOTE

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I. POLICY

It is the policy of the Campbell County Sheriff's Office to outline the general areas of concern, and to provide guidance to employees, with respect to the care, custody, and transportation of prisoners to include authorized restraints.

II. PROCEDURE

A. Prisoner Safety

An arresting deputy is responsible for the safety and protection of his prisoner while that prisoner is in his custody. A deputy is responsible for the custody of his prisoner until other competent authority assumes custody. The responsibility of a deputy with regard to such custody includes:

1. Compliance with all laws and Office directives with regard to prisoner care, custody, and transportation.

2. Prevention of acts by another member of the Office that violate law or Sheriff's Office regulations, and immediate notification to the appropriate superior of any such violation.

3. Immediate notification to the appropriate superiors of any injury, apparent illness, or other condition that may indicate that a prisoner requires emergency or special care.

4. Prisoners shall be kept secure, treated in a humane manner, and shall not be subjected to unnecessary restraint or force. Abusive or profane language to prisoners is prohibited.

B. Transport Operations

Deputies shall adhere to the following procedures when transporting prisoners and shall additionally do so in accordance with other Sheriff's Office policy:

1. Conduct a thorough search of vehicles to be used for prisoner transport **prior to and after each transport** to ensure that no weapons or contraband has been placed in the vehicle. Special attention shall be given to areas accessible to prisoners.

   Transport vehicles will also be examined at the beginning of a shift for damage and to ensure that the vehicle is in proper working order and all equipment is in place. Special attention will be given to prisoner safety barriers to assure they are secure and in proper working order. The prisoner compartment of the vehicle should be examined to ensure that a prisoner may not exit the vehicle without the aid of a deputy. The examination should determine that all windows are intact that interior door handles and window controls have been removed or made inoperative, and all door latches are in proper working order. All damage shall be reported immediately to the deputy's supervisor.

2. **All prisoners shall be searched prior to being placed in the transport vehicle**. All searches shall be conducted following established professional standards with the primary importance being the protection of the deputy.

   Prisoners shall be searched **each time** they come into the custody of the transporting deputy, including transports to and from court appearances.

3. When transporting a prisoner locally, handcuffs will be used and hands placed behind the prisoner's back (except if injury or disability prevents). For long transports, a waist restraint belt or waist detention chain and leg irons will also be utilized. A waist restraint belt or waist detention chain and leg irons will be used for local transports if the prisoner's past history indicates violent behavior, an escape risk, or possibility of causing harm to himself or others.

a. Prisoners shall never be handcuffed to any part of the vehicle or any stationary object.

b. Seat belts will be used on all prisoners being transported in Sheriff's vehicles. Exceptions may be made with the approval of a supervisor in special circumstances.

c. When operating a vehicle without a safety barrier and two transport deputies are available, locate the prisoner on the passenger side of the rear seat. The escort deputy will take the position directly behind the driver keeping the prisoner in clear view at all times.

   Handcuffs placed in back and the seat belt, at a minimum, will be used to restrain the prisoner. A waist restraint belt or waist detention chain and leg irons will be used if available.

d. When operating a vehicle without a safety barrier and only one transport deputy is available, locate the prisoner on the passenger side of the front seat. Prisoners shall be handcuffed to the rear (unless physical impairment or disability prevents such) and seat belts will be used to restrain the prisoner under these circumstances. A waist restraint belt or waist detention chain and leg irons will be used if available.

e. When operating a vehicle with a safety barrier, locate the prisoner on the passenger side of the rear seat. Handcuffs and seat belts will be used to restrain the prisoner. Discretion shall be used to determine if additional restraints are necessary.

f. In transporting more than one prisoner, each prisoner shall be handcuffed in back and shackled with leg irons or handcuffed in front with a waist restraint belt or waist detention chain. A supervisor should delegate a deputy to bring the transport van to the location of the multiple arrests, if practical. The transport van should always be utilized, when possible, when transporting more than one prisoner.

g. When transporting a prisoner from Campbell County to a jurisdiction that is an extended distance away, it is preferable to have two transport deputies with at least one deputy being of the same sex as the prisoner being transported.

h. **Special Circumstances**: **Positional asphyxia**

Deputies **shall not** hog-tie suspects by placing them in a prone position with the hands and ankles bound from behind with handcuffs, belts, or other devices. As soon as any suspect who is lying on his or her stomach has been handcuffed, deputies shall roll the suspect onto his or her side, or place the suspect in a sitting position.

(1) Positional asphyxia occurs when the position of the body interferes with respiration. A prone, hog-tied suspect may suffocate. Intoxication, presence of a head injury, obesity, and physical disability are all circumstances that can increase the possibility of suffocation.

(2) Ascertain if the suspect has used alcohol or drugs recently or suffers from any cardiac or respiratory problem. Monitor the suspect and obtain medical treatment if necessary.

i. **Special Circumstances**: **Transporting Persons *NOT* in Custody**

It is recognized that because of the job function of the Sheriff's Office that on occasion it may become necessary to transport a person (adult and/or juvenile) that is not under arrest or in custody of the deputy, i.e. giving a citizen a ride to get gas for their vehicle, bringing a juvenile to the Sheriff's Office to wait for a parent, etc.

It is the deputy's discretion to allow persons not in custody or being detained to be transported in the county vehicle. Deputies **may** search any person in any situation where **ordinary prudence** would warrant it. **If possible, use same sex deputies to conduct these searches.** Deputies must weigh all mitigating circumstances/factors involved in the reason for the transport and act accordingly. Extreme caution should be used anytime a person is placed in the county vehicle, whether in custody or not. Officer safety **shall not** be compromised.

Any deputy transporting a juvenile because of a special request by school personnel shall search the juvenile prior to transporting. **In these situations, use a same sex deputy and/or school personnel to conduct the search.**

Deputies are reminded that **anytime** a juvenile or member of the opposite sex is transported (whether in custody or not) they **shall** radio their beginning and ending mileages to the dispatcher.

j. Just prior to starting transport, advise communications that you are en route with a prisoner. **Deputies transporting prisoners of the opposite sex by themselves, shall also advise their mileage when en route and again upon arrival at their destination. Deputies transporting juveniles shall advise their mileage when en route and again upon arrival at their destination.**

k. While en route with a prisoner, a deputy should not normally respond to the need for law enforcement services. Exceptions may include:

(1) Response to a deputy-needs-assistance-call in the immediate area and only when the deputy reasonably believes that the prisoner will not be placed in inordinate personal danger.

(2) Upon encountering an accident involving injury or the potential for injury where immediate first aid or assistance is required.

(3) Violent felony in progress calls where the transporting deputy is in the immediate area and needed to prevent serious injury or death, or that the escape of the perpetrator would present a clear danger to the public. In addition, the deputy must reasonably believe that their response will not put the prisoner in inordinate personal danger.

In incidents involving all exceptions, the transporting deputy shall notify communications of the cause and exact location. When possible, an additional unit(s) shall be sent to assist.

l. Upon reaching the destination with a prisoner, the deputy shall secure his weapon in lock-boxes, if provided. If there are no lock-boxes, the deputy will lock his weapon in the vehicle. At no time will a deputy take his weapon into a detention facility unless it can be properly secured. Restraining devices shall not be removed until the prisoner is inside the receiving area or actually enters the courtroom.

m. Conduct a thorough search of the transport vehicle upon completion of a prisoner transport to ensure that no contraband or similar items are present. Any item found shall be turned over as found property or tagged as evidence.

n. Deputies shall be in uniform when transporting prisoners, when appropriate.

o. When transporting a mentally or emotionally disturbed person, proper restraining devices will be used to prevent injury to the individual or the deputy. The decision to use handcuffs will be based on the totality of circumstances and the potential for violence exhibited by the detainee. A waist restraint belt or waist detention chain may be the most comfortable for the person, if needed.

Persons taken into custody shall be transported in a cruiser equipped with a safety shield, as applicable. When possible, two deputies should make the transport. Extremely violent persons may be secured and transported by ambulance. If ambulance transportation is used, at least one deputy may follow the ambulance crew during transport, if requested by them and if possible.

p. When transporting a prisoner from one detention facility to another, deputies shall obtain, prior to departure, from the Court Security Lieutenant, the following information on the prisoner:

(1) Positive identification of the person to be moved;

(2) Confirmation of the facility to be delivered to;

(3) Facility prisoner number or docket number;

(4) Documents regarding sentences imposed;

(5) Documents regarding prisoner’s personal property;

(6) A prisoner's medical records to accompany the prisoner to another facility. The transporting deputy will also be alerted as to possible escape and suicide potential as well as any special needs or illnesses of the prisoner;

(7) In the case of interstate transports, a properly executed governor's warrant or a properly executed waiver; and

(8) Upon delivery of the prisoner at the facility, the deputy shall obtain the signature of the receiving officer.

C. Special Transports / Medical and Hospital Protocols

1. When transporting disabled prisoners, use the proper care and tact when placing the prisoner in the vehicle. The prisoner's wheelchair, crutches, or prosthetic appliances shall be secured by the deputy and transported along with the prisoner. If the nature of the disability(s) would not allow normal restraining devices to be utilized, it will be up to the discretion of the transporting deputy as to the number of restraints to be used or not used.

2. At any time before, during, or after the arrest that the prisoner is injured, becomes sick, or claims sickness or injury, the deputy will seek medical attention immediately. Medical attention will be obtained before transporting the prisoner to the jail if the injury/sickness happens before arrival there.

3. In the event the prisoner is required to be admitted to the hospital, the Sheriff's Office will maintain security at the hospital. This will be coordinated between the Campbell County Sheriff's Office and the Hospital Security and approved by the Shift Supervisor. Twenty-four hour security must be maintained on these prisoners unless a formal agreement is reached to the contrary between the Sheriff and the hospital administration.

   The hospital will be notified prior to the arrival of a prisoner with the following information: Name(s) of the prisoner, any known medication or drugs, charges pending, what level of threat or escape risk the patient is, and if OC or other restraint propellants have contaminated the prisoner.

   Medical personnel (whether volunteer or hospital employee) will be responsible for advanced medical treatment. Campbell County Sheriff's Office personnel will be limited to first responder treatment of the prisoner.

4. If the prisoner being transported is believed to have a communicable disease such as AIDS or hepatitis, the following basic procedures will be followed:

a. Gloves will be worn.

(1) The biohazard kit/supplies will be used in all situations the deputy deems necessary. Refer to GO 325, Communicable Diseases.

b. Contact with bodily fluid will be limited as much as possible and direct unprotected contact will be avoided.

c. After transporting the prisoner, the deputy will use germicidal hand cleaner.

d. The transport vehicle will be cleaned out using germicidal cleaner.

e. If the deputy believes he has been exposed to a communicable disease, the following will be done:

(1) The Shift Supervisor will be contacted and advised of the incident.

(2) The injured deputy or supervisor shall immediately call the injury hotline. 1-888-770-0925.

(3) The deputy will get medical attention and depending on situation, get tested.

(4) As soon as possible, the deputy will write a detailed statement on the incident. A copy of the incident report, if applicable, will be attached.

5. The on-duty supervisor shall be notified immediately of any claims concerning injury or illness, the transportation of an individual suspected of being a carrier of a communicable disease, and/or any other unusual incident of a similar nature. Claims of injury or sickness must be addressed promptly. This can include the offer of EMS services, transportation to a medical facility or notification to the medical staff at the jail, in the appropriate circumstances depending upon severity. Documentation should include a full report of the incident and the circumstances surrounding the incident, copies of the reports from any medical treatment received and statements of anyone involved, i.e., witnesses, victim, etc.

6. The issued prisoner transport hood is a temporary protective hood for use on a combative prisoner who is spitting while in custody. The following precautions will be taken when used:

a. Prisoner is under control and properly restrained.

b. The prisoner is under constant visual supervision and is NEVER left unattended.

c. Eyewear removed prior to application.

d. If the prisoner is vomiting, having difficulty breathing, or is bleeding profusely from the mouth or nose area, the transport hood shall NOT be used.

e. Once the transport hood is used, it shall be considered a biohazard and disposed of properly. In no circumstance will a single transport hood be used more than once.

f. The transport hood will be stored in the patrol vehicle in its original packaging to ensure that it is not confused with any other type of protective equipment, (i.e., gas masks, etc.) that are not designed for this purpose.

D. Escape of Prisoners

1. Should a prisoner escape while being transported outside of Campbell County, the deputy shall immediately notify the police agency having jurisdiction and advise them of the below listed information.

   a. Location;

   b. Direction of travel and means of transportation, if any;

   c. Name and physical description of the escapee;

   d. Crime being held for and whether the prisoner has been convicted or awaiting trial;

   e. Clothing description; and

   f. Any knowledge of possible weapons held by the escapee.

   The transporting deputy shall notify Campbell County Communications of the escape as soon after he or she has notified the jurisdiction where the escape occurred. Communications shall notify the transporting deputy's supervisor, Division Commanders, Chief Deputy, and Sheriff and relay any instructions to the transporting deputy.

2. Should a prisoner escape while being transported within Campbell

County, the deputy will notify Campbell County Communications immediately and advise them of all pertinent information. Communications will notify the transporting deputy's supervisor, Division Commanders, Chief Deputy, and Sheriff. A supervisor will respond to the scene, evaluate the situation and take appropriate action.

3. In all cases, the transporting deputy shall report to his/her supervisor as soon as possible and complete all required reports pertaining to the escape.

E. Communication by prisoner while being transported

1. The prisoners right to communicate with his attorney will not be exercised during the period of transit; and

2. The prisoner will not be allowed to communicate with anyone except the deputy assigned to his transport / extradition.

F. Meals during transportation

1. The selection of a place where meals will be taken will be selected:

a. At random and not a place commonly used by the deputy; and

b. Selected to provide a secure and safe place for the prisoner, transporting deputies, and the patrons of the establishment.

c. The prisoner will be seated in a way that maintains his security;

d. Restraining devices will not be removed because of meals;

e. The prisoner can only use utensils that are safe and that cannot be used as a weapon (Plastic utensils should be used when possible.);

f. All meal expenditures comply with Sheriff's Office and County policy; and,

g. No prisoner will be allowed to consume any alcoholic beverage.

G. Observation of the prisoner during transport

1. The prisoner must be under observation <u>at all</u> <u>times</u>; and

2. The prisoner should be made as comfortable as possible, under

proper restraint, given the length of the trip, and yet secured to a maximum degree.

3. Care must be taken to allow a prisoner reasonable opportunities to use toilet facilities. If possible, the transporting deputy should attempt contact with a nearby law enforcement / jail facility and make use of the secured facility.

   a. This area will be checked first; and

   b. The prisoner will be allowed to use toilet facilities in private, unless the prisoner's behavior, emotional or physical condition, or past record of self-harm is such as to create a reasoned and articulable basis for maintaining visual oversight at all times.

   c. The transporting deputy should be of the same sex as the prisoner being transported, if available. If unavailable, the deputies shall have the Communications Center record their time of departure, time of arrival, and mileage of the vehicle used at both ends of the trip.

H. Interstate Transports

In all interstate transports, a properly executed governor's warrant or a properly executed waiver is required and proper security restraints are utilized.

In interstate vehicle transports, all of the Sheriff's Office issued equipment for transports will be utilized. For interstate air transports on commercial airlines, federal law prohibits handcuffing of prisoners. Therefore, coordination between the airlines and transporting officer(s) must be accomplished. A risk assessment of the prisoner must be accomplished prior to leaving on an extradition transport. Certain criteria must be considered for such transports: the escape history of the prisoner, the charges pending against the prisoner, the size and threat potential of the prisoner, and gang connections of the prisoner.

Requirements of the transporting officer if utilizing airline for transport:

1. Must have completed TSA flying armed training.

2. To carry a firearm on an extradition you must have a signed letter from the Sheriff. However, some airlines do not allow firearms at all.
3. Sheriff's Office I.D. and driver's license or passport (two forms of

identification are required) and badge.

4. Handcuffs for transport to and from the airline facilities.

5. Must arrive at least a minimum of two hours before scheduled take off time of the flight.

6. At least one transport deputy shall be of the same sex as the prisoner.

7. Multiple deputies will be sent on high-risk transports.

   If an overnight stay is anticipated or develops, prior coordination should be made at a secure law enforcement facility.

I. Return to law enforcement activities

All Field Operations personnel assigned to transport prisoners shall, as soon as practicable, return to the performance of patrol functions.

J. Prohibited Activity

Deputies shall adhere to the following directives:

1. Assisting Criminals

   No employee shall intentionally divulge in any manner, either directly or indirectly, any information which might assist persons suspected or guilty of criminal acts in escaping arrest or punishment, or which may enable such persons to dispose of or secrete money, merchandise, or other property unlawfully obtained, or other evidence of illegal activity.

2. Recommending attorneys or bondsmen

   No employee of the Sheriff's Office shall suggest, recommend, advise, or otherwise counsel any person with whom they become acquainted as a result of the business of the Sheriff's Office, with regard to the retention of any attorney or bail bond broker. This directive does not apply to a relative of the employee.

3. Acting as Bailor Prohibited

   No employee of the Sheriff's Office may act as bailor for anyone. This directive does not apply to a relative of the employee.

4. Consumption/Possession of Inmate Items

No employee of the Sheriff's Office may consume food, nor possess or use other supplies or items purchased or produced for inmate use, except as specifically authorized.

K. Responsibility for Prisoner Property

Commencing at the time of arrest, an arresting deputy is responsible for the security of a prisoner's personal property. This responsibility shifts to the Blue Ridge Regional Jail Authority upon acceptance of custody of a prisoner. However, an arresting deputy shall not be responsible for the security of a prisoner's vehicle.

L. Documentation

The transporting deputy calling in to the 911 Center records all transports. The name of the prisoner, the start time, end time, beginning and ending mileage (when transporting prisoners of the opposite sex or juveniles) is documented by the Dispatcher in the CAD system. Any unusual incidents concerning the transport are recorded on the Shield/CAD Report by the deputy and followed up with an incident report.

M. Authorized Restraints

1. Sworn employees shall only utilize Sheriff's Office authorized restraining devices to restrain detainees.

2. This Office utilizes handcuffs, leg irons, hobbles, waist restraint belts, and waist detention chains.

3. These devices shall be utilized in accordance with Sheriff's Office policy and training.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Mental Illness Response	**NUMBER: 532**
EFFECTIVE DATE: March 08, 2016	
AMENDS/SUPERSEDES: ***Amends Revised Date: 12/29/04 titled Temporary Detention and Emergency Custody Orders***	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: OPR.09.01	

NOTE

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

I. PURPOSE

Interacting with the mentally ill can pose a significant challenge to law enforcement. Persons suffering from these conditions may behave in erratic and unpredictable manners and can pose a serious safety hazard to the public and responding deputies.

The Campbell County Sheriff's Office will make every effort to deal with mentally ill persons in a compassionate and safe manner in order to protect the individual, the public, family members and emergency service providers.

This policy provides guidance for recognizing some of the symptoms associated with mental issues as well as addressing some of the more common interactions agency personnel might encounter with such individuals.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to recognize and provide equal treatment to individuals that are mentally ill and make reasonable adjustments to our tactics on a case-by-case basis, such as by using more time, sensitivity and patience to a person displaying symptoms of mental illness.

III. DEFINITIONS

Mental Illness- the term mentally ill means having a disorder of thought, mood, emotion, perception, or orientation that significantly impairs judgment, behavior, capacity to recognize reality, or ability to address basic life necessities and requires care and treatment for the health, safety, or recovery of the individual or for the safety of others.

Taken from Virginia Code section § 37.2-100.

NOTE: This policy covers other mental issues, for example memory impairment such as Alzheimer's and intellectual or developmental disablement such as Downs Syndrome or Autism.

Emergency Custody Order (ECO) (Civil) - A document issued by a magistrate or other authorized person under § 37.2-808 Code of Virginia, under certain circumstances for a person thought to be mentally ill for the purpose of a face to face evaluation by a health care professional. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

Civil Mental Temporary Detention Order (TDO) (Civil) - A document issued by a magistrate or other authorized person under § 37.2-809 Code of Virginia allowing detention of a person for a specified time period in an institution for further evaluation in preparation for a formal commitment hearing by a judge.

Substance Abuse - as defined in § 37.2-100 Code of Virginia means the use of drugs, enumerated in the Virginia Drug Control Act (§ 54.1-3400 et seq.), without a compelling medical reason or alcohol that (i) results in psychological or physiological dependence or danger to self or others as a function of continued and compulsive use or (ii) results in mental, emotional, or physical impairment that causes socially dysfunctional or socially disordering behavior and (iii), because of such substance abuse, requires care and treatment for the health of the individual. This care and treatment may include counseling, rehabilitation, or medical or psychiatric care.

Community Service Board (CSB) - means the public body established pursuant to § 37.2-501 Code of Virginia that provides mental health, developmental, and substance abuse services within each city and county that established it; the term "community services board" shall include administrative policy community services boards, operating community services boards, and local government departments with policy-advisory community services boards.

Intellectual Disability - A mental limitation, originating before the age of 18 years, characterized concurrently by (i) significantly sub-average intellectual functioning as demonstrated by performance on a standardized measure of intellectual functioning, administered in conformity with accepted professional practice, that is at least two standard deviations below the mean and (ii) significant limitations in adaptive behavior as expressed in conceptual, social, and practical adaptive skills.

Voluntary Evaluation - When a person volunteers to seek a mental health evaluation without the officer initiating an ECO or magistrate issuing an ECO.

Deputy Initiated ECO - When a deputy observes a person in need of services as a result of a mental health crisis as outlined in § 37.2-808 Code of Virginia. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section, may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization.

A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately.

The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

IV. PROCEDURES

A. Recognizing Abnormal Behavior

1. Mental illness and impairment is often difficult for even the trained professional to properly classify. Deputies are trained with the ability to recognize behavior that is potentially destructive and/or dangerous to the individual and the public.

2. While assessing these situations deputies will not rule out other potential causes of questionable behavior related to reactions to narcotics, alcohol, or other drugs or medications, other various medical conditions, illnesses or disease, or other temporary emotional disturbances based on situations.

3. All deputies will evaluate the following behaviors within the context of the situation while making judgments regarding an individual's mental state. Any one of these items may not be enough to base a judgment; the totality of the circumstance is to be considered.
   a) Fearfulness, often unrelenting or overwhelming of people, places, or things
   b) Inappropriate Behavior, such as exposing oneself or placing foil on head, etc.
   c) Extreme Rigidity or Inflexibility of portions or entire body
   d) Abnormal memory loss of common facts such as: name, address, date, etc.
      (1) Forgetfulness or loss of valuable possessions
      (2) Inability to find way in familiar settings.
   e) Delusions thoughts, such as ideas that are clearly false, and paranoid feelings.
   f) Hallucinations, hearing voices, feeling the skin crawl, smelling odors, etc.
   g) Social withdrawal, sitting and doing nothing and showing no reactions
      (1) Withdrawal from family, friends; abnormal self-centeredness
      (2) Dropping out of activities such as occupations and hobbies
      (3) Decline in academic or athletic performance
      (4) Loss of interest in once pleasurable activities
   h) Thinking, talking or attempting suicide
   i) Nonsensical speech, word repetition, extremely slow speech
   j) Deterioration in personal hygiene and appearance
   k) Inability to concentrate or cope with minor problems
   l) Difficulty in communicating or expressing thoughts
      (1) Pointing or gesturing rather than speaking
   m) Repetitive or harmful movements such as spinning, snapping, slapping, etc.
   n) Showing distress, laughter, crying for no apparent reason
   o) Avoids or fearful of touching, loud noise, bright lights, etc.
   p) Inappropriate facial expressions

B. Common Encounters

Deputies should be prepared to encounter a person with mental illness or other mental issues at any time. Some common calls for service where deputies may come into contact with these citizens are:

a) Calls from shopkeepers or citizens reporting bizarre behavior, shoplifting, repetitive, nonsensical motions and action in public, or inappropriate laughing, crying or endangering themselves;

b) Calls where offensive or annoying behavior such as invading the personal space of others, becoming annoyed at others for no reason, inappropriate self-touching because the person is not aware of acceptable social behavior.

c) Any crisis situation;

d) Persons become separated from parents, caregivers or institutions and begin wandering aimlessly or engage in repeated or bizarre behavior in public places or retail businesses;

e) Medical emergency calls involving seizures;

f) Disturbance calls where a caregiver is unable to control the person who is having a tantrum or is trying to do harm to themselves;

g) Disorderly Conduct calls for service.

C. Determining Danger

Not all mentally ill persons are dangerous to themselves or the public. Some may only pose a danger under certain circumstances or conditions. The following indicators may identify an immediate or potential danger to a mentally ill person or the public.

a) Availability of weapons to the subject

b) Statements made by the individual that suggests a willingness to commit a violent or dangerous act. Such comments can range from subtle hints to direct threats that, when taken in conjunction with other available information, indicate a clear potential for violence

c) A personal history of prior violence under similar and/or related circumstances.

d) Apparent lack of control over emotions including: rage, anger, fright, or agitation.

e) Extreme agitation-

(1) Wide eyes and rambling thoughts/speech;

(2) Clutching one's self or other objects in order to maintain control;

(3) Begging to be left alone;

(4) Offering frantic assurances that the individual will be all right.

f) The volatility of the environment is especially important when evaluating a situation with a potentially mentally ill person. For example, agitators that can affect the person or could escalate the situation will be taken into account.

D. Responding to Mental Issue Calls for Service

1. When a deputy has determined that an individual is likely mentally ill and a potential threat exists for him/herself, or may require law enforcement intervention for other purposes, the following steps will be taken:

a) The deputy will request and utilize a backup deputy and have them assist on the initial call for service;

b) Take appropriate action to deescalate and calm the situation.

(1) Avoid loud sounds, bright lights and over-stimulation. If possible, discontinue use of lights and sirens, disperse crowds and animals, and try to move the person to a more placid surrounding.

(2) Assume a non-threatening manner when approaching and conversing with the individual, talk in calm tones with clear, simple instruction.

(3) Move slowly; do not recklessly excite the individual. Provide reassurance that law enforcement is there to provide assistance and appropriate care.

2. Early on during the encounter the deputy should attempt to categorize whether the person may be experiencing a memory or developmental impairment. Such situations will likely not involve an ECO or TDO but other intervention.

3. Maintain a safe, tactical distance; do not get too close as to endanger yourself. There is a recognized difficulty in balancing between not seeming callous or uncaring and building the trust that helps to rectify the situation.

4. Communicate with the individual to determine the problem. Relate concern for their feelings and allow them to vent. When possible, gather information relating to family members and/or acquaintances;

5. Request professional assistance from a supervisor or from a deputy that has received CIT training if the situation seems beyond your training or experience to handle;

6. Do not threaten the individual with arrest. This can lead to additional fright, stress, and aggression causing an escalation in the situation;

7. Avoid topics that could agitate the individual. Guide conversations toward subjects that will assist in bringing the individual back to reality;

8. Always attempt to be truthful. If the individual perceives deception they may withdraw from contact and become overly sensitive or retaliate in anger;

9. Take care when interviewing and conducting in-custody interviews with mentally ill individuals. Never leave them alone. If there are any indications of unpredictable or violent behavior, two deputies should remain with the person at all times. The individual will be restrained as necessary and thoroughly searched for weapons.

10. Be looking for personal identification and medic alert tags on wrist, necklace, shoes, belt or other apparel.

    a) If a contact number for a caregiver is located have them notified to respond.

11. Be considering reasons to articulate if an ECO might be an appropriate response.

12. Be prepared for a possible long encounter.

E. Involuntary Emergency Custody Orders (ECO)

1. § 37.2-808 Code of Virginia describes the issuance of an ECO in cases where a person, due to mental illness, in incapable of volunteering or is unwilling to volunteer for treatment:

    a) A magistrate shall issue, upon the sworn petition of any responsible person, treating physician or his/her own motion, an emergency custody order when he has probable cause to believe that any person:

(1) Has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future:

(a) Cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or

(b) Suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs.

(2) Is in need of hospitalization or treatment, and
(3) Is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

b) Any person for whom an emergency custody order is issued shall:

(1) Be taken into custody;
(2) Transported to the facility designated on the order;
(3) Be evaluated by a person designated by the community services board that is skilled in the diagnosis and treatment of mental illness and can assess the need for hospitalization.

2. Deputy Responsibilities

a) Take person into custody.

b) Once taken into custody the deputy will transport to the facility designated on the order, if it is a Magistrate issued ECO

c) Have dispatch notify the Community Services Board that a person under an ECO is currently being transported. Request designated location where the person in custody is to be taken for evaluation.

d) Maintain a presence with the person throughout the evaluation process or until relieved at the hospital by the CIT officer or hospital security or other sworn law enforcement personnel.

e) If the deputy is not relieved by one of the above listed personnel, then after evaluation:

(1) **<u>If the person is released</u>**, transport the person back to location of custody or other suitable location if appropriate;

(2) If a Temporary Detention Order (TDO) is issued:

(a) Notify the on-duty supervisor of the issuance of the TDO;

(b) If staffing allows, the officer shall provide transportation to the appropriate facility named in the TDO;

(c) If staffing does not allow for transport, the deputy shall be relieved by either CIT Personnel or hospital security to return to duty.

(3) If a Temporary Detention Order (TDO) will be issued but at the time of the expiration of the ECO it has not been issued, the Deputy shall notify their supervisor as well as notify hospital personnel that they cannot legally remain with the person and then return to Duty <u>at the expiration of the ECO</u>.

f) Return the executed ECO to the Civil Process Box for forwarding to the Clerk of the issuing Court.

g) If an ECO is not executed within eight (8) hours of its issuance, the order shall be void and shall be returned, unexecuted, to the Civil Process Box for forwarding to the Clerk of the issuing Court.

h) If the ECO is executed, it shall be valid for a period not to exceed eight (8) hours from the time of execution.

i) If the deputy serves a magistrate issued ECO or takes custody of a person on a deputy initiated ECO, an IBR will be completed prior to ending tour of duty.

j) Provide the person a copy of the ECO as provided by the magistrate or issuing court (§ 37.2-808 or § 37.2-817.2 Codes of Virginia) at time of execution of the ECO and, if applicable, provide a copy of the TDO to the respondent at time of execution of the Temporary Detention Order (§ 37.2-817.2 Code of Virginia)

F. Temporary Detention Orders (TDO)

1. Issuance: The magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 Code of

Virginia by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that the person:

a) Has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future,

   (1) Cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or
   (2) Suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs,

b) Is in need of hospitalization or treatment.
c) Is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.
d) The magistrate shall also consider the recommendations of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision.

2. The TDO may include transportation of the person to such other medical facility as may be necessary to obtain emergency medical evaluation or treatment prior to placement.

3. Deputy Responsibilities

   a) If the TDO is issued, the deputy shall:

      (1) Respond to location where TDO is located, i.e., Lynchburg Magistrate's Office, etc., and retrieve the TDO paperwork
      (2) Execute the TDO on the person and provide them a copy at the time of execution of the Temporary Detention Order (§ 37.2-817.2 Code of Virginia)

   b) Return the executed TDO to the Civil Process Box for forwarding to the Clerk of the issuing Court

   c) If a TDO is not executed within a (24) hour period of its issuance, or within such shorter time as is specified in that order, the order shall be void and returned unexecuted, to the Civil Process Box for forwarding to the Clerk of the issuing Court.

4. Limitations and Authority

   a) A law enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any order of temporary detention (§ 37.2-810 Code of Virginia).

   b) The magistrate issuing the temporary detention order shall specify the law-enforcement agency of the jurisdiction in which the person resides to execute the order and provide transportation.

      (1) However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

G. Transport of Individuals

1. Refer to GO 531, Prisoner / Transportation, Custody and Care, for additional information. In part it states:

   a) Deputy safety and escape prevention dictate that appropriate restraint measures be employed prior to the transport of mentally disturbed persons.

   b) Deputies may use their discretion in the use of restraints on mentally ill patients when transporting for evaluation; however, patients will be handcuffed prior to transport when the deputy has reason to believe the use of restraints are necessary for the safety of the deputy, mental patient or others.

   c) Special care should be taken when transporting mental patients who are aggressive, threatening or have threatened suicide; these patients should be handcuffed, using a belt restraint if available, and searched for any objects that might be used to harm themselves or others. Extremely violent persons may require special restraints and transportation by ambulance. If ambulance transportation is used, one deputy will accompany the ambulance crew during transport. A supervisor **shall** be notified in this situation to arrange for removal/relocation of the sheriff's office vehicle.

   d) A marked patrol vehicle with a rear seat cage should be used for the transport of mentally ill patients, and if unavailable or the subject is

combative, a transport van would be appropriate. A patrol car with an in-car camera system should be used if visible monitoring is deemed desirable by the transporting deputy.

H. Transportation of Admitted Persons

1. When a person has volunteered for admission pursuant to § 37.2-814 or has been ordered to be admitted to a facility under §§ 37.2-815 through 37.2-821, Code of Virginia, the judge or special justice shall determine after consideration of information provided, whether transportation shall be provided by the Sheriff or may be provided by an alternative transportation provider.

2. In most cases the Judge or Special Justice shall order transportation by the Sheriff of the jurisdiction where the person is a resident, unless;

   a) the Sheriff's Office of that jurisdiction is more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place.

      (1) In cases where the Sheriff of the jurisdiction of which the person is a resident is more than 100 road miles from the nearest boundary of the jurisdiction in which the proceedings took place, it shall be the responsibility of the sheriff of the latter jurisdiction to transport the person.

3. In no event shall transport commence later than six hours after notification to the Sheriff to transport.

I. Interview and Interrogation

1. Deputies interviewing a person with mental illness or issues should consult the Commonwealth's Attorney's Office to determine if the person understands the Miranda Rights and how the situation will impact the case.

2. If the individual is a witness, deputies will consider the following:

   a) Do not interpret lack of eye contact or strange actions as indicative of deceit
   b) Use simple and straightforward language; do not use compound questions.
   c) Do NOT employ common interrogation techniques, suggest answers, attempt to complete thoughts of the person who is slow to respond, give excuses, etc.

d) Recognize that the individual might be easily manipulated and highly suggestible and may give the answer they think you want.

J. Reporting Procedures

1. An Incident Report (IBR) will be submitted on all incidents dealing with a suspected mentally disturbed person.

2. A supervisor must be notified of any unusual or problematic situations involving the person under the ECO/TDO, the transport and/or medical personnel. A supervisor **shall** be notified if a deputy must leave their patrol vehicle to ride in the ambulance with the patient.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Juvenile Procedures	**NUMBER: 533**
EFFECTIVE DATE: March 25, 2004	
AMENDS/SUPERSEDES: **GO 618 Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.25.03, OPR.04.01 – OPR.04.04, OPR.08.03	

NOTE

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I. POLICY

The Campbell County Sheriff's Office interests concerning juvenile offenders reflect those of the community: to prevent and control juvenile delinquency. This Sheriff's Office is firmly committed to the development and support of programs designed at preventing juvenile delinquency. The Sheriff's Office expects deputies to handle juveniles consistent with common sense and the dictates of state law. The Sheriff's Office policy includes the identification, apprehension, and conviction of juveniles charged with crimes. The best interests of juveniles and the community, however, dictate a limited application of our arrest powers against juveniles who are charged with status offenses. Accordingly, deputies may handle errant juveniles informally, particularly status offenders, those in need of protection, and those suspected of committing minor criminal offenses. The authority to carry out the provisions of this order derive from *Virginia Code* §§ 16.1-246, 16.1-247, and 16.1-299. In case of minor or status offenses, deputies should divert juveniles from the formal criminal justice process, and instead choose community referral.

II. PURPOSE

To establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses and those charged with criminal offenses.

III. DEFINITIONS

A. Child, juvenile, minor

A person who is less than eighteen years of age. Physical appearance, maturity, marriage, or the seriousness of an offense does not affect a juvenile's legal status. (Confer with the Commonwealth's Attorney on the handling of emancipated juveniles.)

B. Delinquent acts

Acts designated as a violation of a law of the Commonwealth of Virginia or an ordinance of any city, county, town, or federal law, but not to include status offenses. Refer to § 16.1-228.2 for a legal definition of the term.

C. Delinquent child

A child who has committed a delinquent act or an adult who had committed a delinquent act prior to his or her 18th birthday.

D. Intake officer

A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the criminal process, or petition the court. An intake officer is normally a juvenile probation officer, per § 16.1-228.2.

E. Juvenile court

The name by which the Juvenile and Domestic Relations District Court is often called. This court is responsible for the judicial processing of juvenile offenders, and the determination of abuse and neglect cases. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.

F. Person acting for a parent

A teacher, relative over the age of eighteen, or any adult willing to accept the responsibility for the juvenile.

G. Status offender

1. A juvenile who commits an act (status offense) which is unlawful only if committed by a juvenile. Examples of status offenses:

   a. A juvenile who is subject to compulsory school attendance but is habitually absent without justification (truant).

   b. A juvenile who is habitually disobedient to the lawful commands of parents or other responsible persons (incorrigible).

   c. A juvenile who remains away from or who habitually deserts or abandons the family (runaway). § 16.1-228 pertains.

2. Note that some federal offenses are status offenses as well. For example, 18 *United States Code* § 922(x) makes it a federal crime for a juvenile to possess a handgun.

IV. PROCEDURES - General

A. Overview

1. All members of the Sheriff's Office shall cooperate with juvenile justice and support activities.

2. All Sheriff's Office personnel have responsibilities for participating in and supporting juvenile operations.

B. Handling of juvenile offenders - general

1. A juvenile offender shall be handled with firmness and respect: this sets the tone for the entire processing of the juvenile's case. The contact a juvenile has with law enforcement is his or her first impression of society's enforcement system. The deputy's proper handling may prevent the recurrence of anti-social behavior. A deputy's warning is often all that is required to keep the juvenile from having to appear in juvenile court. Improper handling often creates the mistaken but lasting impression that all deputies and other government officials are unfair, untrustworthy, and inflexible, and may result in the juvenile's complete rejection of lawful authority. See § 16.1-227 for a discussion of the purposes and objectives of juvenile justice in Virginia.

2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record. The juvenile justice system emphasizes confidentiality of records and the privacy of an adjudicatory hearing. Terms such as "take into custody" and "not innocent" substitute for "arrest" and "guilty" to avoid giving the juvenile's behavior a criminal label. Where appropriate, deputies shall reasonably try to keep juveniles out of the criminal justice system.

3. The deputy may handle a juvenile either informally or formally. The options under informal handling are detailed under D below. Formal handling occurs when the juvenile is brought before the juvenile court or an intake officer for further processing. The options under formal handling are detailed under E below.

   a. Deputies shall complete all required paperwork with comprehensive information on the child, parents, complainant, and witnesses.

4. In making the decision to handle the juvenile either informally or formally, the deputy shall consider the following:

   a. Seriousness of offenses.

   b. Prior record of child.

   c. Child's age.

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

   e. Degree of wrongful intent, violence, premeditation, knowledge of violation.

   f. Likelihood that the child or parent can be successfully referred to a helping agency.

C. Informal handling

1. Informal handling includes the deputy's use of the following measures:

   a. Warning and release, no further action required.

   b. Warning and releasing to a parent or guardian, no further action required.

   c. Requiring the parents to pick up the juvenile, no further action required.

   d. Referring the family to a community social service agency, no further action required.

2. Guidelines for informal handling

   a. Respect a juvenile's right of privacy. Information gained should be provided to others only on a "need to know" basis.

   b. When the deputy encounters a victim/complainant who demands to bring a child before the juvenile court, and the deputy wishes the matter handled informally, the deputy shall contact the intake office to arrange an appointment time that the victim/complainant and deputy can meet at the Intake Office. The Intake Officer will determine if formal charges will be placed.

   c. Even when he or she is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation. Deputies shall decide without delay whether formal or informal handling is in order, then apply the appropriate guidelines of this order.

d. Even if deputies handle a case informally, they may still follow-up the case at a later time or, at any time, refer the juvenile and his or her parents to an appropriate social service agency.

D. Formal handling

1. Formal handling occurs when the juvenile is taken before the juvenile court or intake officer for their decision on the proper disposition.

2. Generally, the following situations require formal handling of the juvenile:

   a. Delinquent acts that if committed by an adult would be felonies.

   b. Delinquent acts involving weapons.

   c. Delinquent acts involving aggravated assaults and batteries.

   d. Delinquent acts committed by a juvenile under probation or parole, or with a case pending.

   e. Delinquent acts which are repeated; or

   f. When deputies arrive at the scene of domestic violence and discover a child at risk.

E. Taking juveniles into custody

In accordance with § 16.1-246, no juvenile may be taken into immediate custody except under the following circumstances:

1. With a legal detention order.

2. When the child is alleged to be in need of services, and two conditions exist:

   a. There is clear and substantial danger to child's life or health.

   b. Custody is necessary to insure child's appearance before court.

3. When, in the arresting deputy's presence, a child commits a crime and the deputy believes custody is necessary for protection of the public interest.

4. The deputy has probable cause to believe a child has committed an offense which if done by an adult would be a felony.

5. The deputy has probable cause to believe a child has committed a misdemeanor offense involving shoplifting (§ 18.2-103), assault/battery, or carrying a weapon on school property (§ 18.2-308.1).

6. The deputy has probable cause to believe that a child has either run away from home or is without adult supervision at such hours of the night and under such circumstances where the deputy reasonably concludes that there is a clear and substantial danger to the child's welfare.

7. The deputy has probable cause to believe that a person committed to the Department of Juvenile Justice as a child has run away or has escaped from a jail or detention home.

8. The deputy has probable cause to believe that a child has run away from a residential facility or home where he or she had been placed by the court or an appropriate social services agency.

9. The child is believed to be in need of inpatient treatment for mental illness (§ 16.1-340).

F. General guidelines for taking juvenile into custody

1. Do not take custody of a juvenile or assume an overly authoritative position when the purpose can be accomplished by asking appropriate, permissible questions at the location of contact.

2. When stopping them on the street, detain juveniles for the briefest time that will permit the purpose of the stop to be accomplished. The decision of either formal or informal handling shall be made in a reasonable time.

3. If it is necessary to take the juvenile into custody, do so with the least possible embarrassment to the juvenile and his or her family. Unless there is special justification for doing otherwise, don't remove the juvenile from his or her home.

4. When the Juvenile Court offices are open, a juvenile taken into custody shall be transported to the Juvenile Intake Office without delay.

5. When the Juvenile Court is closed, depending upon the circumstances, the deputy may release the juvenile to a parent or guardian, with approval of the Shift Supervisor. The deputy should contact the Juvenile Intake Officer on call for assistance in the disposition of the juvenile. Refer to § 16.1-247 for a specific outline of duties of the arresting deputy when the juvenile court offices are open or closed.

6. Regardless of the disposition of the juvenile in custody, deputies shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances.

G. Transportation of juveniles

1. No juvenile under 18 years of age shall be transported in the same vehicle with adults suspected of or charged with criminal acts (§ 16.1-254 applies).

2. Deputies transporting juveniles shall advise their mileage to Communications when en route and again upon arrival at their destination.

3. See GO 531 for a discussion of handcuffing procedures and policy regarding transportation of prisoners.

H. Legal aspects of confinement of juveniles

1. Virginia law requires juveniles who are taken into custody to be released to a suitable parent or guardian or otherwise suitable person, after the facts have been ascertained and under certain conditions. Detention of the juvenile is permissible under the following circumstances (per § 16.1-248.1):

   a. The juvenile has committed an act which would be a Class 1 misdemeanor or a felony if committed by an adult.

   b. The seriousness of the present or past offenses, other pending charges, the legal status of the juvenile, and other aggravating or mitigating circumstances all pose an unreasonable danger to public safety.

   c. The release of the juvenile would pose a clear and substantial threat of harm to the juvenile's health or life.

2. § 16.1-249 puts certain restrictions on the place of confinement. No person known or alleged to be under the age of 18 shall be confined in any jail or other facility with adults except under certain circumstances as detailed in the statute.

3. § 16.1-249.G states that if a juvenile 14 years of age or older is charged with an offense which, if committed by an adult, would be a felony or Class 1 misdemeanor, and the judge or juvenile intake officer determines that secure detention is required, the child may be detained not longer than six hours in a temporary lock-up or juvenile ward pending transfer to a juvenile facility. This room or ward may be located in a building with a jail but the room or ward must be separate and removed from adults, must be under constant supervision, and must be approved by the State Board of Corrections for the detention of juveniles.

I. Questioning juveniles

1. Normally, deputies 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 the questioning. If this is not feasible, the deputy may go ahead and question anyway, but must very carefully ensure that all rights of the juvenile are protected.

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

   a. While the deputy may be conducting a non-custodial interview, the juvenile may construe it to be a custodial interrogation. When conducting an interview or an interrogation with a juvenile, the deputy shall consider the duration of the questioning, and the juvenile's age, mental capacity, education, and experience.

3. No juvenile can be compelled to answer any questions which may tend to incriminate him or her. Juveniles are entitled to the full *Miranda* warnings and these rights must be explained in the presence of parents, guardian, or counsel, circumstances permitting.

4. When questioning a juvenile, deputies shall not prolong the interview beyond what is needed in order to complete their investigation. Also, the interrogation shall be handled by one deputy if at all possible in order to lessen the chance of the juvenile feeling intimidated or pressured. If a deputy interrogates a juvenile of the opposite sex, the deputy should request the presence of another deputy if one is available.

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

6. Deputies are reminded that the rules governing searches, frisks or pat-downs, reasonable suspicion, and probable cause all apply to juveniles.

J. Written citations/summonses

An officer may use the Virginia Uniform Summons form, just as for an adult, in the following situations, (§ 16.1-260):

1. Violation of the traffic laws, including offenses involving bicycles or hitchhiking.

2. Violation of County ordinances establishing curfew violations or animal control violations.

3. Violation of game and fish laws.

K. Fingerprints and photographs of children

§ 16.1-299 provides that fingerprints and photographs may be taken and filed under the following circumstances. Refer to the statute for guidance on submitting records to the Central Criminal Records Exchange (CCRE) and concerning filing and destruction of these records.

1. May be taken of **any** child who is charged with a delinquent act which, if committed by an adult, is required to be reported to CCRE (pursuant to § 19.2-390).

2. Shall be taken of any child fourteen years of age or older charged with a "violent juvenile felony" (per § 16.1-228).

L. Dissemination/retention of Juvenile records, fingerprints and photographs

1. The Juvenile and Domestic Relations Court Clerk is responsible for the compliance with *Virginia Code* requirements on dissemination and retention of juvenile records including fingerprints and photographs. § 16.1-301 provides that law-enforcement agencies must take precautions to avoid the disclosure of juvenile criminal records to unauthorized persons. Juvenile criminal records are not available for public dissemination unless a juvenile 14 years old or older has been charged with a violent felony, per § 16.1-269.1.

2. Juvenile fingerprint cards and photographs, authorized for retention, shall be separately and securely maintained from adult records in the Juvenile and Domestic Relations Court Clerks Office. Access to these records shall be restricted to official use, and may be viewed by the public only on the authorization of a court order. Destruction of fingerprint cards and photographs shall occur upon notification by the court, per § 16.1-306.

M. Confidentiality of records/release of information

1. § 16.1-301 requires that all law-enforcement agencies take special precautions to ensure that law-enforcement records concerning a child are protected against disclosure to any unauthorized person. Juvenile records are to be destroyed only upon notification by the court per § 16.1-306.

2. Deputies may release, upon request to one another and to other local state or federal law-enforcement officers, current information on juvenile arrests limited to name, address, physical description, date of arrest, and charge. This information may only be used for current investigations.

3. For release of juvenile information to the media, see GO 402, Release of Information.

V. PROCEDURES - Child protection

A. When probable cause exists that a juvenile is without adult supervision at such hours of the night and under circumstances that the deputy concludes that a clear and substantial danger to the juvenile's welfare exists, the deputy shall:

1. Take the child into immediate custody.
2. In a case where a juvenile is taken into custody for his protection Social Services and Juvenile Intake shall be notified.
3. The deputy shall complete an incident report on the matter.

VI. STATUS OFFENSES

A. Investigations of runaways

Refer to General Order 519, Handling of Missing and/or Runaway Juveniles.

B. Truant

When custody occurs because a juvenile is a reported truant by school officials, or an officer reasonably determines because of the child's age and circumstances that a juvenile is a suspected truant, the juvenile shall be taken into custody and delivered to the appropriate school personnel and released.

VII. DETENTION ORDERS AND WARRANTS

A. Release or detention of juveniles charged with delinquent acts

1. Whenever possible, deputies shall release a juvenile to a parent or person acting for a parent, who, (1) is available and willing to provide supervision and care; and (2) promises to bring the juvenile before the court when requested. However, the arresting deputy shall seek a detention order or warrant from the judge, intake officer, or magistrate to detain a juvenile whenever there is probable cause to believe that the juvenile committed a felony.

2. The deputy shall inform the intake officer of arrests in cases of all felonies and Class 1 misdemeanors and whether a parent or custodian of the juvenile has been notified of the arrest.

B. Handling of escapees

1. Immediate custody of escapees:

a. Juveniles who are escapees from jail, a detention home, or other institution in which they were placed by order of juvenile court, Child Protection Services, or other licensed child welfare agency may be taken into immediate custody when:

(1) A detention order or warrant is known to be on file in this or another jurisdiction.

(2) A deputy has probable cause to believe that a juvenile has escaped or run away from jail, detention home, residential child care facility, or home in which they were placed by the court, the Department of Social Services, or a licensed child welfare agency.

2. Return or placement of escapees

a. Whether juvenile court is open or closed, the juvenile may be returned and released to the facility from which the juvenile escaped or fled.

b. When court is open or closed and the juvenile is not released to the facility from which the juvenile escaped or fled, the deputy shall contact the intake officer of the court who will determine where the juvenile will be placed.

3. Reporting requirements

a. The deputy shall complete an incident report with applicable supplements.

b. When a locally-placed juvenile runs away from an unsecured group home, no matter where that home is located, the deputy shall:

(1) Take an incident report for a missing juvenile (runaway).

(2) Complete a Virginia Missing Children Information Clearinghouse Report. The adult reporting the juvenile missing will sign the report.

c. When an out-of-town-placed juvenile has either escaped from the detention home or run away from a local group home, the deputy shall:

(1) Notify the administrator reporting the missing juvenile to contact the jurisdiction which placed the juvenile in the facility to make the original report.

(2) Complete an incident report including a suspect description.

d. When an escaped juvenile or one that has run away from a group home is apprehended, the deputy shall:

(1) Complete a supplement to the original report, if a locally-placed juvenile. (In most cases the juvenile court will have filed already a detention order on the juvenile.)

(2) Complete an original incident report including a suspect description, if an out-of-town juvenile from an out-of-town facility.

(3) Supplement the incident report and notify the jurisdiction that placed the juvenile of the apprehension, if an out-of-town-placed juvenile escaped or ran away from a local facility.

(Deputies shall initiate a search and broadcast a lookout for any juvenile reported missing or escaped from a local facility.)

C. Interviewing of detained juveniles

Deputies wishing to interview or question juveniles held **in detention** shall perform the following:

1. Inform the juvenile's parent or guardian and the attorney, if any, that an interview will be requested.

2. Request permission of the Juvenile and Domestic Relations Court to conduct the interview.

3. Arrange the interview, if approved, consistent with detention home rules and regulations.

4. Provide a copy of the court's approval to the detention home.

5. Before the interview, inform the juvenile of his or her legal rights.

VIII. JUVENILE CRIME PREVENTION

A. School Liaison

1. The Campbell County Sheriff's Office, through the School Resource, DARE Program will actively encourage and participate in crime prevention and awareness programs in the school system.

2. All deputies are encouraged to interact with and develop a cooperative relationship with students and to make suggestions as to how the Sheriff's Office and we, as individuals, can maintain and control criminal behavior in youth.

3. Contacts necessary with juveniles while they are in school or at school activities will be initiated by contacting school administrative personnel and the assigned School Resource Officer, **prior** to contacting the juvenile.

B. Recreational Youth Programs

1. The Sheriff's Office strongly supports and encourages participation in the youth activities programs of the Campbell County Recreation Department and all other community groups sponsoring such programs.

2. Deputies should encourage our youth to participate in the various youth programs offered in order to develop an attitude of cooperation and to occupy the youths' idle time with constructive activities.

3. Deputies are encouraged to become involved with organized youth activities being implemented in the County and to individually organize recreation programs which may benefit our youth.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Domestic Violence	**NUMBER: 534**
EFFECTIVE DATE: March 31, 2016	
AMENDS/SUPERSEDES: **Revised Date: February 9, 2005**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: ADM. 02.02, ADM.23.01-ADM.23.03, OPR. 13.01	

NOTE

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

I. POLICY

The department assigns domestic or family violence (domestic disturbance) calls a high priority. The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. Therefore, law enforcement must exercise leadership in the community in responding to domestic violence. An immediate criminal justice response can make a major difference in the disputants' lives. With all due consideration for their own safety, department personnel responding to domestic disturbance calls shall: (1) end the conflict; (2) arrest persons when probable cause exists and a predominant aggressor can be determined; (3) provide safety and security for the crime victim(s); and, (4) refer participants to appropriate agencies to help prevent future occurrences.

II. PROCEDURES

A. Definitions:

1. "Domestic violence" - A pattern of physically, sexually, and/or emotionally abusive behaviors used by one individual to assert power or maintain control over another in the context of an intimate partner or family relationship.

2. "Intimidation" - to compel or deter another person or to make fearful through the use of threats, force, and/or menacing annoyances (harassment).

3. "Assault and Battery" - See *Code of Virginia* § 18.2-57. See also § 18.2-57.2, Assault and Battery Against a Family or Household Member; penalty. Note that whenever a warrant for a violation of § 18.2-57.2 is issued, the magistrate shall issue an emergency protective order as authorized by § 16.1-253.4, except if the defendant is a minor, an emergency protective order shall not be required.

4. "Family abuse" - any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

5. "Family or Household Member" - See Code of Virginia § 16.1-228. Family or household members include:

   a. Spouses, whether or not residing together,
   b. Former spouses, whether or not residing together,
   c. Persons who have a child in common, whether or not residing together,
   d. Parents, whether or not residing together,
   e. Children, whether or not residing together,
   f. Stepparents/stepchildren, whether or not residing together,
   g. Siblings/half-siblings, whether or not residing together,
   h. Grandparents/grandchildren, whether or not residing together,
   i. Parents-in-law/children-in-law/siblings-in-law, who <u>do reside</u> together,
   j. Persons who cohabit or who cohabited within the previous 12 months, and any children of either person who reside/resided in the same home.

   See also Code of Virginia § 19.2-81.3 (Arrest without a warrant authorized in cases of assault and battery against a family or household member and stalking and for violations of protective orders; procedure, etc.) and § 18.2-57.2 (Assault and battery against a family or household member; penalty.).

6. "Predominant Physical Aggressor" - See Code of Virginia § 19.2-81.3. Deputies having probable cause to believe that a violation of § 18.2-57.2 or § 16.1-253.2 has occurred shall arrest and take into custody the person he/she has probable cause to believe, based on the totality of the circumstances, was the Predominant Physical Aggressor, unless there are special circumstances which would dictate a course of action other than arrest. The standards for determining the predominant physical aggressor shall be based on the following considerations:

   a. Who was the first aggressor;
   b. The protection of the health and safety of family and household members;
   c. Prior complaints of family abuse by the allegedly abusing person involving the family or household members;
   d. The relative severity of the injuries inflicted on persons involved in the incident;
   e. Whether any injuries were inflicted in self-defense;
   f. Witness statements, and
   g. Other observations (see also page 12, number 12).

   Note: When determining the predominant physical aggressor, gather all relevant information. Do not assume guilt based only on visual evidence or physical injuries. Deputies must make their determination based on the totality of the circumstances. The predominant physical aggressor is the person that poses the most serious threat. The predominant physical aggressor is not necessarily the first disputant to engage in assaultive behavior, but the one with the most ability and inclination to inflict physical injury.

7. "Stalking" – Any person who on more than one occasion engages in conduct directed at another person with the intent to place, or when he/she knows or reasonably should know that the conduct places, that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member (See Code of Virginia § 18.2-60.3).
   a. Stalking behaviors may include: following a person to home, work, and other places; parking outside a person's home or office; writing threatening notes or making threatening telephone calls; other threats, including computer-based or 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)

c. A second conviction which occurs within five years of a prior conviction and the person was also convicted within the five-year period of assault and battery, bodily injury, malicious wounding, or strangulation shall be a Class 6 felony.

d. A third or subsequent conviction occurring within five years of a conviction for an offense under this section or for a similar offense under the law of any other jurisdiction shall be a Class 6 felony. Note those penalties apply regardless of jurisdiction where the previous offenses occur. Further, upon conviction, the court shall impose an order prohibiting contact between the offender and the victim or the victim's family or household members.

8. "Strangulation" - Any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully applying pressure to the neck of such person resulting in the wounding or bodily injury of such person is guilty of strangulation, a Class 6 felony. (See Code of Virginia § 18.2-51.6).

9. "Act of violence, force, or threat" - any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

10. "Domestic violence shelters/programs" - services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation. There are two shelters in this immediate area: Frannie's House and the YWCA.

B. General Responsibilities:

1. Deputies shall refer victims of domestic violence to appropriate community resources, such as domestic violence shelters/programs, sexual assault crisis centers, victim/witness assistance programs, mental health agencies, medical services, and legal assistance agencies. Deputies are to maintain copies of the Campbell County Resource Information Sheet in their patrol vehicles in order to give a copy to victims of domestic violence.

2. Deputies will likely encounter victims of domestic violence who may be incapacitated or elderly, who have mental health conditions, who have disabilities, or who have other unique needs. Deputies are encouraged to consult with Campbell County Social Services who work with people with unique needs to learn more about appropriately assisting these individuals. It is the policy of this Office to contact Social Services Adult Protective Services Unit when handling cases involving adult victims who are incapacitated or elderly, persons with mental illness, and persons with disabilities.

3. Following a crime, deputies **shall** provide the victim with a standardized form listing the specific rights afforded to crime victims. The form shall include a telephone number by which the victim can receive further information and assistance in securing the rights afforded crime victims. It shall also include the name, address and telephone number of the office of the attorney for the Commonwealth, the name, address and telephone number of our Sheriff's Office, and a summary of the victim's rights under § 40.1-28.7:2 (See Code of Virginia § 19.2-11.01 for this requirement and for the definition of "victim"). The deputy **shall** notate in the IBR narrative and the Domestic Violence Checklist that these rights were given to the victim.

4. Deputies shall be trained about domestic violence and its impact. Domestic disturbance calls can be dangerous to responding deputies, as they may encounter unexpected additional violence. Deputies are encouraged to consult with the VSTOP Investigator, staff from local domestic violence programs and/or victim/witness assistance programs to learn more about the dynamics of domestic violence.

C. Communications Officer (Communication Center) Responsibilities:

1. Because the communications officer is likely to be the first person to receive a domestic disturbance call, he or she is instrumental in determining the type of response.

2. The communications officer shall dispatch a deputy (though two deputies are preferable) to the scene in any situation where it is believed that domestic violence is occurring. The communications officer shall send a deputy to the scene, even if the victim advises that everything is now fine at the scene.

3. The communications officer shall determine the following, if possible:

   a. Name of the caller,
   b. Location of the incident,
   c. Who is making the complaint?
   d. Is the crime (incident) currently in progress?
   e. Is there a weapon involved?
   f. Have people at the scene been injured and is an ambulance needed?

4. The communications officer should attempt to maintain telephone contact until the deputies arrive in order to monitor the incident and provide support to the victim. Advise the victim of the intended department response. Use crisis intervention skills, if needed, to assist the victim in remaining calm until deputies arrive on scene.

5. The communications officer shall provide the responding deputy with as much information as possible to identify potential risks at the scene. It is especially important to inform the deputy if there have been previous domestic disturbance calls involving the same people.

6. The communications officer shall enter all information into the Computer-Aided Dispatch (CAD) system, including the reason for the call, weapons at the scene, mental health concerns, violent/noncompliant individuals, and any other important information. This information shall be disseminated to the patrol unit en route to the scene.

D. <u>Deputy Responsibilities:</u>

1. Obtain all available information from the communications officer while en route to the scene.

2. When approaching the scene:

   a. When possible, it is recommended that deputies arrive in pairs.

b. Avoid the use of sirens and other alarms in the vicinity of the scene. The alleged assailant may be dangerous and could become violent with arriving deputies.

c. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance way.

e. When approaching a building, listen and look in nearby windows to obtain additional information about the situation (e.g., layout of the space, number of people, weapons).

f. Deputies must be concerned for their own safety as well as that of the disputants. To minimize the possibilities of injury, stand to the side of the door when knocking. Be prepared for any response when the door opens.

3. Initial contact with disputants:

a. Deputies should identify themselves by name, provide an explanation for their presence, and request entry into the location (when conditions permit). Ascertain identity of complainant and ask to see him or her. Even when the disputants claim that law enforcement assistance is no longer needed, deputies should not leave without attempting to interview the complainant.

b. If entry is refused:

(1) Deputies should explain that they must make sure there are no injured persons inside.

(2) A forced entry may be necessitated only if deputies have a reasonable belief that the safety of people inside may be in jeopardy.

(3) If the situation permits, deputies shall call the on-call supervisor to determine whether or not to make a forced entry. In the event of an emergency, or inability to contact the supervisor, the deputy shall make the determination based on the following:

- The degree of urgency involved;
- The possibility of danger to others, including other deputies;

- Whether or not the reported incident involved violence; and
- Whether deputies reasonably believe that persons may have weapons.

4. Searching the premises:

   a. Deputies 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 consent; however, if either party having joint ownership or possession of a place or thing refuses to give consent, a warrant must be obtained unless there are exigent circumstances.

   b. A spouse can consent to the search of premises used jointly by both spouses. This also applies if two people are unmarried cohabitants; however, if one of the parties exercises sole control over part of the premises, the other cannot give valid consent to search that part.

   c. The deputy may need to inform the parties that the rights to any disputed property can only be determined by the courts.

   d. Deputies may also make a warrantless entry to conduct a search if an emergency exists. If no one responds to knocking, deputies shall try to establish voice contact by shouting for an answer. If there is still no response, deputies must have a reasonable belief that such emergency does exist. See number three (3) above for the elements to consider when making a warrantless entry.

5. Once entry is gained:

   a. Inquire about the nature of the dispute;

   b. Identify the disputants;

   c. Be aware of potential weapons (e.g., firearms, knives, or other objects that could be used as weapons) in surroundings. If weapons are present, secure them away from the disputants if practicable. If appropriate, seize weapons for evidence.

d. Determine who else is present, such as children or other adults. Determine if any are injured. Separate these persons from the parties involved and keep out of hearing range, as they are potential witnesses.

6. Injuries:

   a. If any of the disputants or others present are injured, arrange for medical assistance.

   b. If the victim appears injured, yet refuses medical assistance, carefully document any observed injuries. Also document the refusal of medical treatment.

7. Ascertain whether a protective order has been violated. **It is important to note that only the respondent listed on a protective order can be charged with a violation of that order.** A protective order respondent is also prohibited from purchasing or transporting any firearm (See Code of Virginia § 18.2-308.1:4).

8. In order to complete a thorough investigation, a deputy must rely on observation, interviewing, victim statements, physical evidence, and independent witness statements.

9. Interviewing the parties:

   a. The parties may make excited utterances when the deputies arrive on scene, and these statements may have evidentiary value. Record these utterances when practicable and note them in the report.

   b. The deputy's manner is critical to the success of the interview. Deputies must listen, show interest in the disputants and their problem, and remain aware of nonverbal communication signals.

   c. If possible, separate the parties so that they can individually describe the incident without interruption. This may help relieve tension and allow the parties to speak more openly. Note that statements made after parties are separated are generally not viewed as excited utterances.

d. After the parties have given their statements, the deputies should ask about details for clarification, and summarize the stated accounts (which allows the parties to point out anything that might be misrepresented).

10. Interviewing the victim:

a. When interviewing the victim, deputies should maintain good eye contact through natural, spontaneous glances. A prepared stance, along with appropriate facial and head movements, demonstrates interest and encourages the person to continue speaking openly.

b. Ascertain the following information from the victim:

(1) Details of the incident

(2) Any injuries, who caused them, and what weapons or objects were used

(3) Relationship to the suspect

(4) Any threats made against the victim, children, or others

(5) Forced sexual contact against the victim's will

(6) Any court cases pending against suspect, or current probation or parole of suspect

(7) Any current protective orders

(8) Any damage to property or injury to pets

c. Be aware of indicators of strangulation and inquire if the victim was choked or strangled. Some indicators are:

(1) difficulty breathing, speaking, or swallowing;
(2) light-headedness and/or headache;
(3) involuntary urination and/or defecation;
(4) nausea and/or vomiting;
(5) defensive injuries to neck and/or face;
(6) bruising behind ears;
(7) petechiae (pink/red/purple pinpoint round spots in eyes or under skin);
(8) redness or bruising to neck

d. Be aware of indicators of human trafficking, which include:

(1) being disconnected from family and friends, or having no support system;
(2) appearing fearful, timid, or submissive;
(3) showing signs of having been denied food, water, sleep, or medical care;
(4) being with someone who is controlling or to whom she or he defers;
(5) living in unsuitable conditions;
(6) lacking personal possessions and/or identification documents;
(7) appearing to be coached on what to say

e. Encourage the victim to write his or her statement utilizing the victim statement form.

11. Interviewing witnesses:

a. Interview all witnesses to the incident, including children, other family members, neighbors, and others, as soon as possible.

b. Remember that witnesses may be experiencing significant emotional crises that may influence the accuracy of their accounts.

c. If witnesses provide information about prior incidents, document them to help establish a pattern.

d. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be documented.

e. Encourage adult witnesses to write and sign their statements.

12. Determining predominant physical aggressor (see also page 3, number 6):

a. **Making a dual arrest is strongly discouraged.** The deputy should attempt to determine the predominant physical aggressor in the incident. A dual arrest should **only** occur if there are two separate determinations of predominant physical aggressor.

b. A deputy shall arrest the person that he or she has probable cause to believe was the *predominant physical aggressor*, based on the **totality of the circumstances**. An arrest shall be made unless there are special circumstances which would dictate a course of action other than arrest.

c. Elements to consider when determining predominant physical aggressor include:

(1) Statements from those involved and other witnesses,

(2) The likelihood of future injury to each person, and the health and safety of family and household members,

(3) Whether one of the persons acted in self-defense or tried to escape,

(4) Who was the first aggressor and/or the relative severity of the injuries inflicted,

(5) Previous injury or damage,

(6) Prior complaints of abuse against one party (offender),

(7) Previous attempt(s) by one party (victim) to sever the relationship,

(8) Second call for deputies,

(9) Valid warrants on file for other crimes,

(10) Other observations at the scene.

d. Other risk factors relevant to the predominant physical aggressor may include:

(1) stalking conduct;
(2) gun possession;
(3) job problems/unemployment;
(4) relationship ending or recently ended;
(5) disputed child custody/visitation;
(6) pending civil or criminal legal matters;
(7) And/or excessive jealousy or controlling behaviors.

13. Decision to arrest:

a. Deputies shall make an arrest without a warrant **if there is probable cause to believe that any act involving violence, force, *OR* threat that results in bodily injury has occurred, and a predominant physical aggressor can be determined**. Such an act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

In determining probable cause, the deputy <u>should not</u> consider:

(1) Whether the parties are married or living together,

(2) Whether or not the complainant has sought or obtained a protective order,

(3) The deputy's own preference to reconcile the parties,

(4) That the complainant has called for deputy protection previously and has not pursued, or has withdrawn, the criminal complaint against the other party.

(5) Whether or not the complainant has started divorce proceedings.

b. Deputies shall make an arrest without a warrant when provisions of a protective order have been violated. It is important to note that only the respondent listed on a protective order can be charged with a violation of that order.

In cases where the trespassing conditions of a protective order have been violated, deputies shall review the petitioner's copy of the order, checking it for validity and ensuring that the order grants the complainant sole access to the property. If a copy of the protective order is not available, deputies may still enforce the order and its conditions, upon a credible statement that an order has been granted and served. When relying on such a statement, it is recommended that the deputy have the complainant victim write and sign the statement.

14. Emergency protective orders (EPO):

a. Regardless of whether an arrest is made, if the deputy has probable cause to believe that a danger of **acts of family abuse** exists, the deputy shall seek an EPO on behalf of the victim. Family abuse includes any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

b. If an arrest for **assault and battery against a family or household member** is made, the deputy shall seek an EPO on behalf of the victim, when the person arrested and taken into custody is brought before the magistrate. If a magistrate ever refuses to issue an EPO, this must be notated in the incident report.

c. In cases of abuse committed against an intimate partner who does not meet the definition of family or household member, deputies are strongly encouraged to seek an EPO on behalf of the victim.

15. If no arrest is made at the time of the incident, the deputy **shall**:

a. Complete an incident report.

b. Advise the complainant of the importance of preserving evidence.

c. Explain to the complainant about protective orders and how to obtain and/or extend one. A family abuse protective order is obtained or extended at the juvenile and domestic relations district court, and a non-family abuse protective order is obtained or extended at general district court.

d. If the complainant wants to leave the premises for safety, remain at the scene while the person packs essential items

(e.g., change of clothing, toiletries, medications, important documents) for immediate personal (or children's) use. The deputy should explain that their function is to maintain order and that any dispute over property is a matter for the courts to decide.

e. Provide the complainant with telephone numbers of the law enforcement agency and the local domestic violence program: *YWCA offers Emergency Shelter and other programs for victims of domestic abuse as well as a Family Violence Prevention Program. They accept women and children – no age limit – 434-528-1041. Give the complainant a copy of the Campbell County Resource Information Sheet.*

f. Assure the complainant that the Campbell County Sheriff's Office will assist in the future if needed, but encourage him/her to develop a safety plan. Advise the complainant that the local domestic violence program can assist with developing a safety plan.

16. Whether or not an arrest was made, deputies shall provide the following:

a. Upon request, transport or arrange transportation of the complainant to a hospital, safe shelter, or magistrate (§ 19.2-81.3). Deputies must notify the Supervisor on Duty that they will be making the transport for the victim.

b. Provide information to the complainant of local legal and community resources available. Campbell County Social Services publishes a Campbell County Social Services Community Resource Directory that has the following resource information:

Emergency Assistance & General Resource Section; Employment/Education Resources; Food Resources; Temporary Housing/Low Income Apartments; Medical Resources and Prescription Assistance; Dental Resources; Counseling/Substance Abuse Treatment Resources; Campbell County General Resources List; Resources for Elderly and Disabled; Discount Phone Service; and Medicaid Transportation

This publication can be found on the Campbell County Social Services web site and is downloaded on flash drives issued to deputies. Deputies are also encouraged to keep at least one paper copy in their vehicle at all times. Deputies are to maintain copies of the Campbell County Resource Information Sheet in their patrol vehicles in order to give a copy to victims of domestic violence.

17. Gathering evidence:

a. In domestic violence cases, physical evidence takes the following three forms:

(1) Injuries to the victim,

(2) Evidentiary articles that substantiate an attack, and

(3) The crime scene itself.

b. Documenting the incident:

(1) The victim's account of injuries sustained should be corroborated by medical personnel. When feasible, take photographs of visible injuries.

(2) Photograph the crime scene, or write a detailed description of the scene if photography is not possible.

(3) Collect evidence according to the same principles as applied to any crime scene.

(4) All incident reports on domestic violence shall follow general reporting procedures, and shall include the following:

- Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominant physical aggressor;

- Victim's statements as to the frequency and severity of prior incidents of abuse by the same person,

- Victim's statements as to the number of prior calls for law enforcement assistance,

- Whether or not a protective order was obtained,

- Legal and community resources provided to the victim, both orally and in writing,

- Name of victim advocate contacted, if any,

- Whether or not transportation was provided to the victim to hospital, safe shelter, or magistrate,

- That victim's rights information and referral information was given to the victim. The victim shall receive the standardized form listing the specific rights afforded to crime victims as well as be informed of the provisions of law that allow their name and address to be confidential. **It must be notated in the deputy's narrative that this information was given to the victim.**

(5) The deputy **shall** complete the Domestic Assault Incident Report Form and attach to the incident report. A copy of these reports will be sent to the Commonwealth's Attorney and to the VSTOP Investigator.

(6) **If an arrest is not made, the incident must still be documented in an incident report where either no probable cause existed, or special circumstances dictated another course of action**. In addition to the above required elements of an incident report, deputies shall also note:

- Special circumstances dictating another course of action other than arrest,

- Reasons why no arrest was made and/or why a warrant was not issued.

(7) deputies shall provide a copy of the incident report to the victim, upon request.

(8) If children were present, make a report of abuse or neglect, **if appropriate**, and forward (fax) to Child

Protective Services. Notate in the narrative of the incident report that the report was faxed to Social Services with the date and time faxed.

III. PROTECTIVE ORDERS

A. Three Categories of Protective Orders:

1. Child Protective Orders
2. Family Abuse Protective Orders
3. General or Non-Family/Household Member Protective Orders

As this policy is specific to domestic violence, guidance is provided regarding two of these categories: family abuse and non-family/household member protective orders.

B. Family Abuse Protective Orders (Juvenile and Domestic Relations District Court):

1. Definitions:

a. Family abuse means "any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury." (Code of Virginia § 16.1-228)

b. Family or household member means "(i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether

or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person." (Code of Virginia § 16.1-228)

2. Emergency Protective Order (§ 16.1-253.4)

a. An emergency protective order (EPO) is issued by a judge or magistrate, upon request of a law enforcement officer or an alleged victim of family abuse. Law enforcement may request an EPO either by telephone or in person. An alleged victim must appear in person before a judge or magistrate to request an EPO.

b. An EPO can:

(1) Prohibit acts of family abuse or criminal offenses that result in injury to person or property,

(2) Prohibit contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person,

(3) Grant the family or household member possession of the premises occupied by the parties to the exclusion of the respondent (this does not affect the title to any real or personal property), and

(4) Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

c. If an **arrest for assault and battery against a family or household member is made**, the deputy shall seek an EPO on behalf of the victim.

d. Regardless of whether an arrest is made, if the deputy **has probable cause to believe that a danger of acts of family abuse exists** (as defined above), the deputy shall seek an EPO on behalf of the victim.

e. An EPO expires at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the EPO shall be extended until 11:59 p.m. on the next day that the juvenile and domestic relations district court is in session.

f. Deputies should advise the victim that he/she may request a preliminary protective order, within a reasonable period of time following the incident, through the juvenile and domestic relations district court (§ 16.1-253.1).

g. Deputies/Investigators may petition for an extension of an EPO on behalf of the victim, if the person protected by the order is mentally or physically incapacitated (not to exceed three days after expiration of the original order).

3. Preliminary Protective Order (§ 16.1-253.1)

a. A preliminary protective order (PPO) is issued by a judge, upon request of an alleged victim of family abuse. An alleged victim must appear before a judge in person to request a PPO.

b. A PPO can:

(1) Prohibit acts of family abuse or criminal offenses that result in injury to person or property,
(2) Prohibit contacts by the respondent with the petitioner or family or household members of the petitioner,
(3) Grant the petitioner possession of the premises occupied by the parties to the exclusion of the respondent (this does not affect the title to any real or personal property),
(4) Prevent the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of, or order the respondent to restore utility services to the premises,
(5) Grant the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone, or jointly owned by the parties, to the exclusion of the respondent (this does not affect the title to the vehicle),
(6) Require that the respondent provide suitable alternative housing for the petitioner and any other family or household member,
(7) Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500, and
(8) Provide any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

c. A PPO is valid for 15 days, or until the date of the next hearing scheduled at the time of issuance of the preliminary protective order.

4. Protective Order (§ 16.1-279.1)

a. A protective order (PO) is issued by a judge, following a hearing at which both the petitioner and respondent are present.

b. A PO can:

(1) Prohibit acts of family abuse or criminal offenses that result in injury to person or property,
(2) Prohibit contacts by the respondent with the petitioner or family or household members of the petitioner,
(3) Grant the petitioner possession of the premises occupied by the parties to the exclusion of the respondent (this does not affect the title to any real or personal property),
(4) Prevent the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of, or order the respondent to restore utility services to the premises,
(5) Grant the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties, to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate (this does not affect the title to the vehicle),
(6) Require that the respondent provide suitable alternative housing for the petitioner and any other family or household member,
(7) Order the respondent to participate in treatment, counseling, or other programs the court deems appropriate,
(8) Include provisions for temporary custody and visitation of a minor child and for temporary child support,
(9) Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500, and

(10) Provide any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

c. A PO is valid for any period of time up to a maximum of two years.

3. Violations of Family Abuse Protective Orders (§ 16.1-253.2)

a. Only the respondent listed on a protective order can be charged with a violation of that order.

b. Deputies cannot arrest for a violation of a protective order if the respondent has not been served with the order. In this case, the deputy shall serve the order immediately.

c. If a copy of the protective order is not available, deputies may still enforce the order and its conditions, upon a credible statement that an order has been granted and served. When relying on such a statement, it is recommended that the deputy have the complainant victim write and sign the statement.

d. Any person who violates any provision of a protective order, when such violation involves a provision of the protective order that prohibits such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) committing a criminal offense, or which prohibits contacts by the respondent with the petitioner or family or household members of the petitioner, is guilty of a Class 1 misdemeanor.

e. The punishments for certain violations and for second and third convictions increase to include mandatory minimum terms of confinement and more severe penalties.

f. Upon conviction for any protective order violation, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.

C. General or Non-Family/Household Member Protective Orders (General District Court):

1. When two parties do not meet the definition of family or household member, protective order relief may still available to alleged victims through Code of Virginia §19.2-152.8, § 19.2-152.9, and § 19.2-152.10.

2. Emergency Protective Order (§19.2-152.8)

a. An emergency protective order (EPO) is issued by a judge or magistrate, upon request of a law enforcement officer or an alleged victim. To obtain this EPO, the alleged victim must have been subjected to an act of violence, force, or threat, and the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for a criminal offense resulting from the commission of an act of violence, force, or threat. Law enforcement may request an EPO either by telephone or in person. An alleged victim must appear in person before a judge or magistrate to request an EPO.

b. An EPO can:

(1) Prohibit acts of violence, force, or threat or criminal offenses resulting in injury to person or property,

(2) Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members,

(3) Grant the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500, and

(4) Grant other conditions that the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

c. An EPO expires at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that court is not in session, the EPO shall be extended until 11:59 p.m. on the next day that the court that issued the order is in session.

d. Deputies should advise the victim that he/she may request a preliminary protective order, within a reasonable period of time following the incident, through the general district court (§ 19.2-152.9).

e. Deputies may petition for an extension of an EPO on behalf of the victim, if the person protected by the order is mentally or physically incapacitated (not to exceed three days after expiration of the original order).

3. Preliminary Protective Order (§19.2-152.9)

a. A preliminary protective order (PPO) is issued by a judge, upon request of an alleged victim. To obtain a PPO, the alleged victim must have been subjected to an act of violence, force, or threat, or a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat. An alleged victim must appear before a judge in person to request a PPO.

b. A PPO can:

(1) Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property,

(2) Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members,

(3) Grant the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500, and

(4) Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

c. A PPO is valid for 15 days, or until the date of the next hearing scheduled at the time of issuance of the preliminary protective order.

4. Protective Order (§ 19.2-152.10)

   a. A protective order (PO) is issued by a judge, following a hearing at which both the petitioner and respondent are present.

   b. A PO can:

      (1) Prohibit acts of violence, force, or threat or criminal offenses that may result in injury to person or property,

      (2) Prohibit contacts by the respondent with the petitioner or the petitioner's family or household members,

      (3) Grant the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500, and

      (4) Grant other conditions that the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent.

   c. A PO is valid for any period of time up to a maximum of two years.

5. Violations of Non-Family/Household Member Protective Orders (§ 18.2-60.4)

   a. Only the respondent listed on a protective order can be charged with a violation of that order.

   b. Deputies cannot arrest for a violation of a protective order if the respondent has not been served with the order. In this case, the deputy shall serve the order immediately.

   c. If a copy of the protective order is not available, deputies may still enforce the order and its conditions, upon a credible statement that an order has been granted and served. When relying on such a statement, it is recommended that the deputy have the victim write and sign the statement.

d. Any person who violates any provision of a protective order issued pursuant to § 19.2-152.8, 19.2-152.9 or 19.2-152.10 is guilty of a Class 1 misdemeanor.

e. The punishments for certain violations and for second and third convictions increase to include mandatory minimum terms of confinement and more severe penalties.

f. Upon conviction for any protective order violation, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

D. Full Faith and Credit for Protective Orders:

1. Deputies shall enforce protective orders from other states or possessions of the United States as if they were issued in the Commonwealth of Virginia. Deputies shall enforce these orders, even if they are unable to verify them.

E. Firearms and Protective Orders (§ 18.2-308.1:4):

1. Purchasing and/or transporting a firearm is prohibited by any person who is the respondent of a protective order, while the order is in effect.

2. A protective order respondent with a concealed handgun permit is prohibited from carrying any concealed firearms. The respondent must also surrender the concealed handgun permit to the court for the duration of the protective order.

V. DOMESTIC VIOLENCE INCIDENTS INVOLVING LAW ENFORCEMENT OFFICERS

A. Arrest of Law Enforcement Personnel:

1. When the predominant physical aggressor or alleged perpetrator in an incident of domestic violence is an **employee of another law enforcement agency**:

a. The responding deputy shall notify the supervisor on duty.

b. The supervisor shall notify the alleged perpetrator's law enforcement agency of any domestic violence, stalking, serious bodily injury, or sexual assault offenses, and/or the issuance of any protective orders. The supervisor should request to speak with the on-duty supervisor of that agency and relay all pertinent information.

c. The alleged perpetrator shall be disarmed and/or removed from access to weapons. It is possible that the person's agency-issued weapon may be evidence in the offense.

2. When the predominant physical aggressor or alleged perpetrator in an incident of domestic violence is an **employee of this agency**:

a. The responding deputy shall contact his/her supervisor on duty. The supervisor shall then notify his or her chain of command.

b. The employee shall be disarmed and/or removed from access to weapons. It is possible that the employee's agency-issued weapon may be evidence in the offense.

c. If probable cause to arrest the employee exists, the Sheriff or designee (per the chain of command) shall arrest.

d. The Sheriff or designee shall complete all reports, gather all evidence, and take all photographs, consistent with this policy.

3. The scene shall be secured and medical attention summoned, if needed.

B. Assisting the Victim:

1. Ensure that the victim receives medical attention, if needed.

2. Upon request, transport or arrange transportation of the victim to a hospital, safe shelter, or magistrate.

3. Provide information to the victim of local legal and community resources available: ***Refer to the Campbell County Social Services Resource Directory.***

4. Obtain an emergency protective order on behalf of the victim.

C. Subsequent Actions (when an employee of this agency):

1. The Sheriff or designee shall speedily present the case to the commonwealth's attorney.

2. Upon termination of the criminal investigation, the Sheriff or designee may complete an internal administrative investigation of the incident. The Sheriff may suspend the employee pending the outcome of the investigation. Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and other items to the Sheriff or designee.

3. If the internal administrative investigation supports a violation of agency policy, the Sheriff shall take appropriate action consistent with personnel policies. If the investigation confirms that domestic violence occurred, the Sheriff may require counseling, psychological evaluation, demotion, or termination of employment.

4. Federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use of (or 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. As a result, law enforcement officers convicted of these offenses may be unable to maintain their certification.

5. Deputies who are respondents of a protective order shall not purchase and/or transport firearms. Deputies who are respondents of a protective order shall turn in all agency-issued weapons.

6. Deputies are reminded that they are required to notify the Sheriff of any pending civil or criminal action against them.

VI. TRACKING DOMESTIC VIOLENCE: HANDLING REPEAT OFFENDERS

A. Historical Information/Previous Convictions:

1. All information about calls for family abuse, domestic violence, and/or stalking shall be entered into the CAD system to track the number of calls for service for these crimes. Historical information is vital to the deputy responding to a domestic violence call for service.

2. If the dispatcher does not give historical information for the address and/or names of people involved, the deputy should inquire prior to arrival.

3. Deputies are reminded that a third or subsequent charge of Domestic Assault and Battery shall be considered a Class 6 Felony. It is the deputy's responsibility to obtain a criminal history to verify any previous domestic assault and battery convictions and to present the criminal history to the magistrate while requesting a felony warrant. Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding or unlawful wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, (v) strangulation in violation of § 18.2-51.6, or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Active Shooter Situations	**NUMBER: 535**
EFFECTIVE DATE: April 12, 2016	
AMENDS/SUPERSEDES: *Revised: April 1, 2004*	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: OPR.05.01	

NOTE

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

I. POLICY

It is not unusual for a tactical team to arrive at the scene of a barricaded incident and find that patrol personnel have contained the suspect within a secure perimeter. There is generally time for the tactical team to deploy their personnel without serious concern of suspect escape. Once the incident has been isolated, time enables patrol and/or tactical personnel to formulate a structured and deliberate plan.

But there are incidents that require immediate deployment and rapid intervention of deputies prior to the arrival of the tactical team. In these cases delayed deployment could have catastrophic consequences. These incidents often involve an ongoing “shots-fired” or “downed deputy / citizen rescue.” It may also necessitate the immediate and rapid deployment of law enforcement deputies to contain and prevent the escape of an armed and dangerous person.

II. PURPOSE

The purpose of this policy is to establish policy and procedures for response to and handling of an “Active Shooter” incident within a school or any public place.

III. DEFINITIONS

A. “Immediate Deployment/Rapid Intervention” – The swift and immediate deployment of law enforcement resources to an on-going, life threatening situation where delayed deployment could otherwise result in death or serious bodily injury to innocent persons. Immediate deployment / rapid

intervention tactics are not a substitute for conventional response to a barricaded gunman / hostage situation.

B. "Active Shooter" – One or more subjects who participate in a random or systematic shooting spree, demonstrating their intent to continuously harm others. The overriding objective of an active shooter appears to be that of mass murder, rather than other criminal conduct, such as robbery, hostage taking, etc. For the purpose of this policy, the term "active shooter" will also include anyone who uses any other deadly weapon to systematically or randomly inflict death or serious bodily injury on others over a continuous or extended period of time.

IV. PROCEDURES

A. To confront and neutralize aggressive deadly behavior:

1. This event is ongoing and the suspect(s) is actively engaged in causing death or serious bodily injury. This may be the result of:

    a. an "active shooter"
    b. an attack with edged weapons
    c. placing and/or detonating explosive devices.

2. The incident location, by its very nature, is believed to contain multiple victims:

    a. Schools (including day care facilities)
    b. Crowded parks and open areas
    c. Playgrounds
    d. Sporting events
    e. High rise structures, etc.

B. To effect a citizen / deputy rescue:

1. A citizen or law enforcement deputy is gravely wounded and delayed recovery could result in their demise.

2. The suspect may or may not be actively involved in an assault, however, an assault is imminent and immediate recovery of a wounded citizen/deputy is crucial.

3. Although possibly uninjured, due to the location of the victim(s), citizen(s), or deputy(s), an immediate recovery may be necessary to prevent death or serious bodily injury.

V. INITIAL RESPONDERS

A. The actions of the initial responders are critical and certain guidelines should be followed, if practical:

1. Assess the situation:

   a. The swift and immediate deployment of law enforcement resources to on-going, life threatening situations where delayed deployment could otherwise result in death or great bodily injury to innocent persons. (e.g., First responding deputies may need to enter immediately; locate, isolate, contain, and/or eliminate the threat(s).

   b. Gather information as rapidly as possible. This can be achieved through various means, including, but not limited to:

      (1) dispatcher obtained information
      (2) reports of fleeing citizens
      (3) sounds of gunfire/explosions
      (4) deputy's own observations.

2. Broadcast situation to responding units:

   a. Location and number of suspects (if known)
   b. Type of weapons involved
   c. Determine if immediate deployment/rapid intervention tactics are appropriate and necessary.
   d. Safe approach route to staging area for arriving deputies.

3. Deputies shall:

   a. Stop deadly behavior
   b. Limit suspect(s) movement
   c. **Continue past** victims to confront any active suspects
   d. **Continue past** unexploded devices
   e. Communicate progress to responders (location of victims / explosives, etc.)
   f. Confront any suspect(s) through control and arrest, containment, or deadly force.

B. Subsequently arriving deputies and/or supervisory personnel will establish an incident command:

1. Assemble contact teams and/or rescue teams with the following goals:

   a. Assemble additional contact teams and/or rescue teams with the following goals:

(1) Enter and/or approach the location to locate victims
(2) Extract victims to a safe area
(3) Notify medical personnel
(4) If encountered, act as a contact team and engage any suspect(s) through control and arrest, containment, or deadly force.

C. If areas within the affected location are deemed to be relatively safe for responders, subsequent rescue teams may provide tactical cover for rescue personnel to enter the scene for rapid access to critically injured victims.

VI. WHAT TO EXPECT UPON ENTRY

A. The dynamic environment of an active shooter incident will bring with it a host of problems. These problems may include, but are not limited to, the following:

1. Noise from alarms, people screaming, etc. (affecting communications)
2. Confusion. Victims hiding and frightened-not responding to law enforcement directions.
3. Carnage and multiple traumatic injuries.
4. Fire suppression systems and sprinkler systems.
5. Explosive devices, if encountered:

   a. Visually inspect device for potential detonation (timing device, trip wire, lit fuse, etc).
   b. Identify and, if possible, verbally report location(s) of device(s).
   c. DO NOT move or touch them.
   d. **Move past** device when part of a contact/rescue team.

VII. MUTUAL AID SUPPORT

A. Immediately following the initial notification of an active shooter at any location within Campbell County, resources from surrounding jurisdictions will undoubtedly begin to arrive to offer assistance. The resources may include:

1. Lynchburg City Police or Virginia State Police units;
2. Off-duty deputies residing within the area or in the area on unrelated matters;
3. Altavista and or Brookneal Town Police personnel;
4. Other law enforcement / medical personnel.

B. If a responding deputy, as listed above, arrives to provide assistance and is able to do so, on-scene deputies will decide the best manner in which assistance can be rendered. These deputies may also be required to act as

members in a contact team. Additional Mutual Aid support will be handled in accordance with established mutual aid agreements and through the Incident Command Center.

VIII. USE OF FORCE

When the suspect(s) actions present an immediate threat of death or serious bodily injury, it may become necessary to use deadly force to stop that behavior. All applicable guidelines concerning the use of force as outlined in GO 506 will apply.

IX. WHEN THE SPECIAL RESPONSE TEAM (SRT) ARRIVES

A. When tactical teams arrive, they are generally better equipped and trained to resolve crisis incidents. However, due to the possible size and scopes of an active shooter incident, continued assistance by first responders is critical. As soon as practical, the Incident Commander will:

1. Coordinate and relinquish contact team responsibility, unless continued operations by deputies on scene are deemed necessary by the S.R.T. personnel.
2. Assist with containment responsibilities.
3. Assist with rescue teams if necessary.
4. Act as a “pathfinder” for S.R.T. personnel:

    a. Direct S.R.T. personnel to last known suspect(s) location.
    b. Report location(s) of explosives.
    c. Provide any pertinent information such as known suspect description, weapons, etc.

X. USE OF CAMPBELL COUNTY SCHOOLS EMERGENCY PROCEDURES INFORMATION

All sworn personnel are issued a Campbell County Schools Emergency Procedure Booklet and/or a flash drive with these emergency procedures listed. These are for major incidents at schools such as active shooters, natural disasters, man-made disasters, major civil disturbances, and hostage/barricaded persons. The information is **not** for Bomb Threats unless a device has actually been located on the premises. Refer to GO 509 for Response to Bomb Threats. The Booklet/Flash Drive has diagrams of all schools in Campbell County as well as aerial photos of each school. The following information is <u>pre-planned</u> for each school and listed in the booklet/flash drive with the diagram of that particular school:

A. Roads and/or Streets that need to be closed and traffic diverted away from the areas.

B. Other agencies that might assist with this particular school. Each of these agencies has been issued copies of the booklet.

C. EMS and Fire Departments that need to be contacted for that particular school and areas to stage. Each of these agencies has been issued copies of the booklet.

D. Command Post Location and Instructions for Command Post Personnel.

E. Command Post Personnel that need to man the Command Post.

F. Staging Area and Media Staging Areas are documented.

G. Parent Staging Areas are documented.

Communications personnel also have copies of the Booklet as well as the Virginia State Police Aviation Unit. Each school maintains a copy of the booklet with their Crisis Kit.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Patrol Video System	**NUMBER: 536**
EFFECTIVE DATE: May 22, 2016	
AMENDS/SUPERSEDES: ***Issue Date: January 24, 2011***	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: OPR.01.11	

NOTE

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

I. POLICY

It is the policy of the Campbell County Sheriff's Office where practical and fiscally appropriate, that its deputies be provided such equipment and materials necessary to successfully fulfill the mission of the Sheriff's Office. Therefore, in furtherance of this policy, a patrol video system hereinafter referred to as PVS shall be installed in departmental patrol vehicles as funds and equipment are available. The PVS shall act as an independent observer, accurately recording events as they occur. However, the primary purpose of the PVS is to increase deputy safety and produce effective unrehearsed material for the training of deputy sheriffs. Secondly, it can also be used to provide an additional method of collecting evidence to prosecute violators of the traffic and criminal laws of the Commonwealth and the County.

II. PURPOSE

The purpose of this policy is to establish procedures for governing the use of the PVS. When used properly, the PVS can assist a deputy in the performance of his duties by providing an accurate and unbiased account of the incident being recorded. The recordings may also be an ideal source of training.

III. GENERAL PROCEDURE

A. The PVS will be assigned to patrol vehicles by the Administrative Services Captain who serves as the Fleet Manager for the Sheriff's Office.

B. All deputies must familiarize themselves with the operation of the PVS. Training and operations manuals are available if personnel need additional assistance.

C. The PVS will be used as specified in accordance with the manufacturer's guidelines, instructions, and Sheriff's Office policies.

D. The PVS will be used to document enforcement related activities, providing a pictorial and audio depiction of enforcement related events. During traffic stops, deputies have the option of whether or not to tell the driver and occupants that the traffic stop is being recorded.

E. When using the PVS, deputies shall make every effort to provide a brief narration of the events the camera is recording to supplement the film. Deputies should insure the remote microphone is on.

F. Deputies shall be mindful of the view of the camera when filming traffic stops. When recording sobriety tests, deputies should position the PVS to the side of the vehicle away from traffic and have the suspect perform all tests at that location, safely out of danger from traffic. Deputies should conduct sobriety tests in a location that provides a measure of safety to themselves as well as the suspect. The location should also be suitable for any sobriety test (i.e., smooth, flat surface, etc.). The PVS should be placed so that all the sobriety tests can be clearly viewed and recorded. Deputies are further reminded that the audio function of the PVS should also be activated.

G. Deputies should be aware of the additional applications of the PVS, including the use of the audio recording capability when incidents occur outside the view of the camera, i.e., interviews inside a residence.

H. The PVS will automatically start whenever the blue lights are activated. Deputies shall record all traffic stops, pursuits, confrontations and other significant incidents of value to law enforcement for evidence and/or training. Deputies shall record at the direction of the shift supervisor or when the deputy feels it necessary to record an incident with audio, visual, or both.

IV. PROCEDURES AND RESPONSIBILITIES – PVS / DVD

A. A deputy assigned to a patrol vehicle equipped with a PVS utilizing DVD technology is responsible for the integrity of the DVD. DVDs utilized will have the capacity to record four hours. The majority of the PVS's are wireless and upload wirelessly at the Sheriff's Office parking lot to a server located in the Public Safety Building.

B. Deputies assigned to use equipment utilizing DVD's as the recording medium are responsible for having fully loaded DVDs replaced with DVDs. The equipment will generally indicate when it is time to replace.

C. All Shift Supervisors, the Administrative Services Division Captain and the Evidence Specialist shall be issued keys to the PVS units and are authorized to replace DVD's when necessary. No other personnel will have access to the locked DVD drive compartment of the PVS.

D. Fresh DVDs are obtained from the Administrative Services Division Captain's Office. When a DVD is replaced by a shift supervisor, the used DVD will be marked with a permanent marker with the following information:

1. Deputy Name;
2. Date of Removal; and
3. Name of Supervisor or Evidence Specialist removing DVD

E. DVDs that are **not** submitted as evidence will be handled in accordance with the Records Retention Schedule. If the DVD contains footage of an accident involving a sheriff's office vehicle, a pursuit, or a possible situation where a complaint may be lodged against a member of the Sheriff's Office, the DVD will be retained for a period of time to be determined by the Sheriff, which under no circumstances will ever be less than thirty days.

V. EQUIPMENT

A. PVS equipment installed in vehicles is the responsibility of the deputy assigned to that vehicle and will be maintained according to manufacturer's recommendations.

B. Deputies shall inspect equipment for damage and function prior to each tour of duty.

1. Any deficiencies should immediately be reported to a supervisor so that necessary repairs may be made. *If the malfunction is with a WatchGuard PVS, the toll-free help line number can be called and the problem troubleshot.*

2. Supervisors shall inspect deputies PVS systems monthly and document the results. This should be accomplished during the monthly vehicle inspection.

3. Care of Patrol Video System Equipment: Deputies will exercise reasonable care of PVS equipment.

a. Cameras should be periodically checked to be sure they are securely mounted, properly adjusted and all wires are properly connected.

b. To prevent scratching when cleaning of the lens becomes necessary, only an approved lens cleaning tissue and cleaning fluid will be used.

c. No operational adjustments or modifications to the camera will be made except by technicians or other authorized personnel.

d. Transmitters should be worn as designed by the manufacturer and placed in a comfortable and convenient location, and protected as much as possible. Transmitter frequencies are matched to those of their receivers, and the units are not interchangeable with other units.

VI. OPERATING PROCEDURES

A. Recorder:

1. The recorder may be activated in any one of three ways:

(a) Manually, by pressing the "Record" button
(b) Automatically, by turning on the emergency lights
(c) Remotely, by turning on the wireless microphone.

B. Once the recording of an incident has begun, the recording of both audio and video should be continued until its completion. If for any reason the recording is discontinued, the reason should be properly documented in the incident report.

C. Deputies will inform any person who asks that video-recording equipment is in use.

D. Deputies may inform subjects of the video-recording equipment are in use, if they feel it will be beneficial to do so.

E. Deputies are not required to discontinue video-recording at the request of anyone other than a superior officer.

F. Deputies will indicate in their arrest and related reports when video-recordings are made.

G. The digital camera is equipped with a pre and post record feature and is wired to turn on with the ignition. Therefore, deputies need only use one of the activation methods to start recording. **<u>The following events shall be recorded</u>**:

1. Emergency responses.
2. Traffic stops, beginning to end.
3. Pursuits.
4. Observation of DUI suspect prior to stop, during performance of field sobriety tests, and during transport, if arrested.
5. Transporting prisoners.
6. Vehicle searches and/or inventories.
7. Acts of hostility or physical violence, when possible.
8. Any confrontational contact with a citizen/violator; and
9. Any other incident, which the deputy feels, may become an issue of some importance at a later date.

If In Doubt, Record It!

H. The body mic and in-car mic are both set to activate whenever the system goes into record mode, the deputy has to ensure they are turned on. The deputy should be sure to narrate those things that are detected that the camera may not be able to record (sights, smells, probable cause, etc.).

I. The deputy may also use the recorder for note taking by recording thoughts and observations for later use.

J. The microphone may be muted while a deputy is speaking with another deputy outside the presence of the citizen.

K. All events shall be recorded to include audio.

L. PVS equipment should not be used for non-official business.

M. At the conclusion of a recorded event, the deputy will press the stop button. The deputy will then categorize the event, which is a searchable field and determines how long the video will be maintained on the server.

N. Recordings will be automatically and wirelessly downloaded when the deputy parks in the designated area.

O. Recordings may be viewed by authorized employees on any networked computer.

P. Recordings may be saved to flash drives or burned to DVD's for the following purposes:

1. Court,
2. Training, and
3. Investigation

Q. Recordings remain the property of the Campbell County Sheriff's Office. Video-recordings shall not be given or posted to unauthorized persons or websites.

VII. MALFUNCTIONS

A. Anyone experiencing any problems shall inform their supervisor and then inform the designee assigned to install/maintain the PVS.

B. All attempts should be made to correct the problems, especially if it's software or server related with WatchGuard. Deputies should attempt to call the help desk number while in the vehicle and in the parking lot to assess where the problem is, e.g., software, server, or internal camera problems. (Toll-free: 1-866-384-8567)

VIII. OWNERSHIP, CUSTODY, AND CONTROL OF AUDIO/VIDEO RECORDINGS

A. It is the policy of this office that the recordings generated on Sheriff's Office equipment are the property of the Campbell County Sheriff's Office and are maintained and controlled by the Administrative Services Division Captain, (Primary), and the Field Operations Division Lieutenants (Secondary).

B. PVS digital files containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence. As such, these digital files will:

1. Be subject to the same security restrictions and chain of evidence safeguards as detailed in this agency's evidence control policy.

2. Not be released to another criminal justice agency for trial or other reasons without having a duplicate copy made and returned to safe storage.

3. Will not be released to other than bona fide criminal justice agencies without prior approval of the Sheriff or his designee.

4. The Evidence Specialist shall retain analog recordings, while digital files are stored on a server. Display of any of a recording's content during this time shall be limited by the prosecutor or appropriate departmental member.

5. All recorded digital files will be held for a minimum of ninety, (90) days before being erased and recycled video-recordings that containing evidence of a crime or civil litigation will be held until the case is disposed of and all appeals are exhausted, or until released by the courts and/or the prosecutor.

IX. USE OF RECORDINGS FOR TRAINING PURPOSES

A. Periodically, video cameras mounted in departmental vehicles record events, which may prove useful as training aids. Therefore, when these cameras record unusual, exceptional, or felony incidents and the incidents recorded are perceived to be of value as a training aid, the following procedure shall apply:

1. Deputies are encouraged to bring to the attention of their supervisors any recording(s) they feel may be useful as a training aid.

2. If the Supervisor determines that it is of value as a training aid, the supervisor(s) will request the Administrative Services Division Captain to duplicate the segment.

3. Duplication of any tape, tape segment or digital file generated by department-owned equipment, in-vehicle video cameras for other than legitimate law enforcement purpose is prohibited.

X. VIEWING OF RECORDED DIGITAL

A. Deputies may view video-recordings for the purpose of critiquing their own performance, as well as preparing themselves to testify in cases where such recordings may be used as evidence. Deputies will only be able to view their own digital file recordings. If a recording needs to be shared with another deputy/investigator for investigative purposes, contact the Administrative Services Division Captain to have the recording shared.

B. Supervisors may (and should) periodically view video-recordings to:

1. Determine if departmental rules, regulations and procedures are being followed.

2. Ensure deputy safety is not being compromised.

3. Evaluate the department's operational methods, and recommend changes when necessary.

4. Investigate allegations of misconduct filed by citizens or supervisors.

5. Evaluate subordinates for the purpose of correcting improper or inefficient actions.

C. The Command Staff may view video-recordings at their discretion.

D. Investigators and prosecutors may view recorded video-recordings as necessary to complete their investigations and/or prosecutions. If a recording is required, contact the Administrative Services Division Captain to have the file shared.

E. Records relevant to a pending or completed criminal action may not be viewed by others, including defendants and defense attorneys, without the permission of the arresting deputy and/or prosecutor. Dissemination of video-recorded information is subject to the same laws and policy as other records material

F. Members of the press may view recordings only as specifically authorized by the Sheriff or Major.

XI. DISTRIBUTION TO LAW ENFORCEMENT AGENCIES / VFOIA REQUESTS

A. Duplication of Recorded Digital files:

1. The Administrative Services Division Captain or Field Operations Division Lieutenants shall make copies of video-recordings as requested in accordance with this policy or as specifically approved by the Sheriff.

2. Requests from other law enforcement agencies shall be made on official departmental letterhead and signed by the department head

3. A reasonable fee, according to General Order 401, may be charged for reproduction of the video. Requests from the media or other non-law enforcement agencies must be in writing and from persons entitled to view such tapes in accordance with this Policy and the Law. Records will be kept of all requests and all duplicates made and the distribution of such duplicates. A reasonable fee, according to General Order 401, may be charged for reproduction of the video. The requesting party must provide the DVD or flash drive.

XII. ARBITRARY AND CAPRICIOUS UTILIZATION

To reduce the potential for complaints or allegations of arbitrary and capricious utilization of the PVS, the following guidelines shall be adhered to:

A. Every vehicle stop must be recorded from beginning to end.

B. Once the system is activated and the camera recording, it must continue to operate until completion of the incident.

XIII. DISCIPLINARY REVIEW

PVS DVDs and/or digital videos shall not be reviewed for the purpose of disciplinary action unless the following criteria are met:

A. A citizen's complaint has been lodged against a deputy and the incident has been recorded on DVD or wireless.

B. The sheriff's office is conducting an internal affairs investigation as the result of a legitimate complaint lodged against the deputy.

C. In either case scenario above, any review of a PVS DVD and/or digital video must be approved by the Sheriff.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Criminal Investigation: Organization & Administration	**NUMBER: 600**
EFFECTIVE DATE: February 29, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS:	

NOTE

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

I. PURPOSE

The purpose of this General Order is to set forth the authority, organization and administrative procedures to be employed in the investigation of criminal offenses by the Campbell County Sheriff's Office.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to vigorously respond to and investigate all reported violations of criminal law. The thorough investigation and prosecution of criminal offenses is a vital function of the Sheriff's Office and one which requires cooperation and coordination of the Field Operations Division, the Criminal Investigation Division and the Administrative Division. In order to effectively and efficiently investigate criminal violations, the Sheriff's Office shall maintain a Criminal Investigation Division, staffed with experienced and highly trained deputies.

III. ORGANIZATION AND ADMINISTRATION

A. Organization

1. Investigative Responsibility: The investigation of most criminal offenses begins with the first deputy on-the-scene. This will normally be a uniformed member of the Field Operations Division. The majority of such offenses will be investigated from start to finish by the deputy who initially responds to the complaint. However, the investigative responsibility for cases of a serious and/or complicated nature rests with the Criminal Investigation Division. The guidelines for assignment and investigation of criminal cases are set forth in the Campbell County Sheriff's Office General Orders 601 ("Criminal Investigation: Major Case Management") and 602 ("Criminal Investigation: Operational Procedures").

2. Criminal Investigation Division: The Criminal Investigation Division is responsible for the investigation of all felony cases, serious misdemeanors which show a pattern of occurrence and cases which involve organized criminal activity, narcotics, vice crimes and/or corruption. The Criminal Investigation Division shall be divided into specialized investigative functions as follows:

   a. Major Crimes, to include

      (1) Crimes Against Persons

      (2) Crimes Against Property

      (3) White Collar Crime

   b. Vice and Narcotics Section

      (1) Narcotics Unit

      (2) Special Investigations Unit

         (a) Vice

         (b) Intelligence

         (c) Organized Crime

B. ADMINISTRATION

1. Personnel: Deputies shall be assigned to the Criminal Investigation Division based on knowledge, skill, and ability. The assignment of personnel within the CID shall also be based on knowledge, skill, ability, and experience in a specific area. This policy shall be adhered

to at all times in order to ensure that cases are investigated in the most professional, effective, and efficient manner possible.

a. CID Commander: The responsibility for the overall operation and administration of the Criminal Investigation Division rests with the Division Commander. The CID Commander shall refer cases to the appropriate investigator based on the nature of the offense, in accordance with existing departmental directives. The daily operation and administration of the CID is the responsibility of the CID Commander.

b. CID Investigators: Deputies shall be assigned to the Criminal Investigation Division by the Sheriff, based on experience, training and/or the possession of specific skill or ability. The Sheriff shall establish minimum requirements which must be met in order to be considered for assignment to CID. In addition, the Sheriff may direct that written and/or oral testing be conducted. Deputies shall be assigned within CID by the Division Commander, based on need and ability.

c. Detailed Deputies: In order to enhance career development for individual deputies and to improve the overall investigative capabilities of the department, the Sheriff may assign deputies from any division to CID. These personnel shall be considered Detailed Deputies and shall not be designated Investigators for administrative purposes. Assignment within CID shall be made by the Division Commander based on specific need. Upon completion of the temporary assignment, the deputy shall be returned to his original duties, unless otherwise directed by the Sheriff.

d. Rank/Title/Salary: In order to provide flexibility and the potential for lateral movement of personnel, deputies assigned to CID shall hold the same rank title as their counter-parts in other divisions. The pay schedule for deputies assigned to CID shall also be consistent with persons holding the same pay grade in other assignments.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Criminal Investigation: Case Management	**NUMBER: 601**
EFFECTIVE DATE: February 29, 2004	
AMENDS/SUPERSEDES: **Issue Date: 1/26/99**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.02.02, OPR.02.04	

NOTE

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

I. PURPOSE

The purpose of this General Order is to establish the procedures to be followed in the receipt, recording, reviewing, classification, assignment and maintenance of cases forwarded to and/or initiated by the Criminal Investigation Division.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to work cases of a serious, complicated and/or confidential nature. In order to ensure the effective and efficient investigation of all cases, members of the Sheriff's Office shall strictly adhere to the procedures outlined in this order for the supervision, maintenance and control of criminal investigative activities.

III. PROCEDURE

A. Case Status Control System

1. Cases forwarded to CID:

a. Upon receipt of an incident report from the Field Operations Division, the CID Commander, or his designee, shall review the report and forward to the appropriate Investigator (i.e. Major Crimes or Vice and Narcotics) for further action or send

back to the Field Operations Division for follow-up investigation. The CID Commander may direct specific action and/or recommend a particular investigative procedure. The CID Commander may change the case status designation from "PENDING" to "INACTIVE" and take the appropriate action.

b. If the report is deemed to be cleared by arrest, cleared by exceptional means, or unfounded, the CID copy of the Incident Report shall be maintained on file in the Records Management System Computers in accordance with the remainder of this order.

2. If after review, it is determined that the case warrants follow-up investigation, the CID Commander shall take the following action:

a. Select the Investigator or deputy to whom the case is to be assigned for investigation.

b. It will be understood that supplemental reports will be forwarded to/through channels to the Records Section as they are developed and written. Supplemental reports will be referenced to the original case by the original case number.

c. Indicate in the "Comments" section of the Incident Report, any specific action to be taken and/or any particular investigative technique to be employed.

d. Transmit the Incident Report to the assigned Investigator or deputy. If the case is deemed to be a "Major Case", a "Case File Review" (Attachment "A") shall be affixed.

e. Ensure that cases investigated by this Department will have a case coordinator. For single agent investigations, the investigator or deputy working the case will be the case coordinator. For multi-agent investigations, the first line supervisor of the lead deputy will be the case coordinator. Example: (1) Two investigators are working on the same or similar case together, the CID Commander or designee will be the case coordinator. (2) Two deputies are working on the same or similar case; the shift supervisor/Lieutenant will be the case coordinator. (3) Task Force or multi-agency investigations, the CID Commander or designee will be the case coordinator.

f. Update the case status providing the information required. This will provide the Records Section immediate information as to how the case is proceeding and to whom it has been assigned.

g. Carefully monitor investigative progress and continue to apply solvability factors. The CID Commander may suspend the investigation and/or change the offense classification at any time it is deemed proper and in accordance with existing agency directives.

3. Investigator or Deputy receipt of assigned case: Upon receipt of an Incident Report from the CID Commander, the Investigator or Deputy assigned to investigate the case shall:

a. Open and initiate a case file after carefully reviewing the report and any related documentation.

b. Proceed with the investigation in accordance with agency directives and procedures and any specific instructions indicated by the CID Commander or Case Coordinator.

c. Establish contact with the victim and/or reporting person as soon as possible. In addition, it is suggested that second-contact be made with all principals in the particular case as soon as possible (within 48 hours if practical).

(1) This practice is especially useful in that it may result in the receipt of new and/or additional information necessary to resolve the case.

(2) Adherence to this practice also builds public confidence in the Sheriff's Office and indicates concern for the victim's welfare, others associated with the case and the desire to bring the investigation to a successful conclusion.

4. File a supplemental report within the prescribed time frame indicating investigative action taken and the development of leads, evidence and/or suspects. This procedure shall continue until the investigation is brought to a close, or until the investigation is suspended by the CID Commander.

a. The assigned Investigator or Deputy may request to suspend investigation of the case at any time during the investigation that it appears all investigative alternatives have been exhausted and/or further action would be ineffective.

5. Cases initiated by CID:

a. In certain situations, cases may come to the attention of CID personnel which have not been pre-reported to the Field Operations Division. In such instances, the CID Investigator receiving the information shall initiate a CCSO Incident Report, detailing as much information as appropriate and forward to the CID Commander. The first supplemental report is due automatically the day the information is received. Only with prior approval is a report or supplemental delayed from turn in at the end of a shift.

(1) The above procedure applies to cases which would normally require CID follow-up action and not to minor offenses which inadvertently come to the attention of Investigators in CID. Routine cases and/or minor offenses shall be referred to the Patrol Section, via the Communications Section or On-duty Patrol Supervisor, as appropriate.

b. Cases involving vice, narcotics and/or organized criminal activity do not fall under the scope of this section, and shall be recorded and investigated in accordance with existing General Orders governing such activities.

(1) Incident reports and supplements shall be submitted to the Records Section when the case is "CLOSED" and/or when deemed appropriate by the CID Commander.

6. Case Status Designation - Terminology:

a. PENDING: The case is assigned to an Investigator or Deputy and investigative efforts are active.

b. INACTIVE: All available leads have been exhausted, but the case has not been brought to a satisfactory conclusion and investigative efforts may be resumed, with the development of new leads or other information.

c. CLOSED: The case has been satisfactorily concluded, by any of a number of means and further action is not anticipated. Below are some of the circumstances under which a case may be closed. It is emphasized that these are not the only situations under which a case may be closed and supervisors should be cognizant to the fact that a variety of situations may arise which would warrant closing a case which is not listed in this directive.

(1) CLOSED: The case has been successfully resolved and further investigative and/or agency action is not necessary or possible. Example: A runaway who returns home or is located unharmed or lost property is located and no foul play is suspected.

(2) CLOSED BY ARREST (Adult/Juvenile): A suspect has been identified and arrested for the reported offense.

(3) CLOSED EXCEPTIONAL: The case has not been brought to an acceptable close, however, extenuating circumstances exist which prohibit further action. Example: A suspect has been identified and the victim and/or the Commonwealth's Attorney declines to prosecute; a suspect is identified and either the suspect dies or, in limited situations, a victim or key witness dies prohibiting prosecution.

(4) UNFOUNDED: The investigating deputy will review the case with an immediate supervisor if before, during, or after investigation the case has no substantiated facts to support the case report. The supervisor will determine and deem the case unfounded.

d. The terms listed above are the most commonly used and present the most simplified definitions for agencies. However, this agency and others have in the past and to some extent in the present, used other terminology to designate case status. In order to provide the clearest understanding of terms, the below words shall be considered synonymous with each other and may be used informally to describe case status:

(1) PENDING – ACTIVE

(2) CLOSED – INACTIVE

B. Case Screening System

1. In order to more efficiently utilize available manpower, The CID Commander shall thoroughly screen all Incident Reports written by the Field Operations Division. Particular attention shall be given to the extent and results of the preliminary investigation conducted by the reporting deputy. As outlined in a preceding section of this directive, the initial case screening begins in CID with the review by the Division Commander.

2. Case screening by the CID Commander shall be based on factors affecting solvability (listed below) and will result in a determination of whether or not the case will be assigned for follow-up investigation by investigative or field personnel.

   a. Solvability factors to be considered in assigning a case for follow-up and/or changing the case status:

      (1) Seriousness of the offense,

      (2) Time elapsed between occurrence and reporting,

      (3) Suspect identification,

      (4) Vehicle identification,

      (5) Witness availability/reliability,

      (6) Identification/traceability of property,

      (7) Presence or lack of physical evidence,

      (8) Pattern/similarity of modus operandi,

      (9) Physical/mental condition of victim/reporting person,

      (10) Other recognizable/articulable factors which would affect successful investigation of the case.

   b. In addition to the solvability factors above, there are certain other criteria which should be considered in assigning cases to investigative personnel for follow-up. Some of these factors are as follows:

(1) Documented experiences of the agency in dealing with certain types of crimes/ incidents.

(2) Documented experiences of other law enforcement agencies in dealing with similar cases.

(3) Research conducted by the Sheriff's Office dealing with particular types of crimes/incidents.

(4) Research conducted in other law enforcement agencies pertaining to investigating and closing similar types of offenses.

(5) Investigative workload and/or availability of resources necessary to successfully deal with a particular type of crime/incident.

c. After careful application of solvability and other pertinent factors, the responsible supervisor(s) will either direct follow-up investigation or suspend the investigative effort. The decision to suspend the investigative effort and change the case status must be based on sound screening methods and involve one of the following criteria:

(1) Absence of further leads and/or solvability factors.

(2) Unavailability of investigative resources.

(3) Degree of seriousness of crime/incident.

d. It is important to remember that case screening is a continuous process, which begins with the initial reporting of the offense and continues until the case is brought to a conclusion. By the continuous screening and application of solvability factors, supervisors can better control the investigative efforts, workload and potential for success of their personnel and section.

e. As an additional tool to measure investigative workload and progress, Investigators and Deputies will complete a Monthly Activity Sheet for each month worked. The Monthly Activity Sheets (Attachment B) shall be inspected monthly by the appropriate Commander. Further, for each “PENDING” case, the Investigators and Deputies will complete a Case File Review Form (Attachment A) and place in the case file for review by the appropriate Division supervisor.

C. Case File Maintenance

1. Pending Cases: The maintenance and care of case files for crimes/incidents under active investigation shall be the responsibility of the assigned Investigator or Deputy. The assigned Investigator or Deputy shall maintain the case file in a neat and orderly manner and shall take necessary precautions to ensure the security of the information contained therein. Each individual assigned to investigate cases shall have a file drawer in his/her office marked "PENDING CASES", in which investigative case files shall be kept, except when follow-up work is being done on that particular case. In order to ensure continuity and assist personnel who may later be assigned to work on the same case, case files shall be established on each case and maintained in the following manner:

   a. Right side: All official reports, supplements, laboratory submission and result sheets, copies of warrants, subpoenas, official correspondence, taped statements, etc. These elements of the case file will be deemed the required minimum for recordkeeping and will be maintained in the case management file system permanently.

   b. Left side: Investigative field notes, unofficial correspondence, sketches, vehicle listings, driver's license checks, wanted checks, photographs, tapes, etc.

2. Suspended Investigation: When a case is assigned to an Investigator or Deputy, he shall maintain that case file for a period of six months. If during that time, he has not cleared the case and has exhausted all means of investigation, he will suspend the investigation until further information is developed. He will initiate a case file card on this case. He will maintain the card in the card file on their desk and turn the case file over to the Records Section to be kept in the Master File pending new information.

3. Closed Cases: When a case under investigation is closed, the case file shall be placed in the Master Records File.

4. Access to Case Files: All personnel shall exercise extreme care in controlling the access to case file folders under their control. Access to information in case files shall be limited to sworn personnel of the Campbell County Sheriff's Office and sworn personnel from other law enforcement agencies. Exposure to any and all information shall be granted on a "need to know" basis and must be in connection with a

legitimate, on-going investigative function. Mere curiosity will not suffice. Requests for information contained in case files by persons other than sworn law enforcement officers, shall be referred to the Administrative Division Commander and shall be dealt with in accordance with existing Sheriff's Office policy and laws governing release of such information. Refer to GO 401 – VA Freedom of Information Act.

a. Information contained in investigative case files shall be available to prosecutors from the Campbell County Commonwealth Attorney's Office upon request during all court proceedings.

5. Purging: Case files and records of the Campbell County Sheriff's Office shall **not** be purged. The Records Retention Schedule as outlined by the Library of Virginia shall be followed for all case files and records.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Criminal Investigation: Operational Procedures	**NUMBER: 602**
EFFECTIVE DATE: March 2, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM. 02.02, OPR.02.01, OPR.02.03, OPR.02.05, OPR.02.06	

NOTE

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

I. PURPOSE

The purpose of this General Order is to establish operational procedures and guidelines to be used by Deputies when conducting criminal investigations.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to ensure that reports of criminal violations and activity are investigated promptly and thoroughly. Such investigations shall begin with the initial reporting of the offense and continue until the perpetrator is arrested and prosecuted and/or the case is resolved satisfactorily.

III. PROCEDURE

A. Investigative Responsibility:

1. Preliminary Investigations: The investigation of most criminal offenses begins with the first Deputy on the scene. This will normally be a uniformed member of the Field Operations Division. While the majority of criminal offenses and activity will be investigated from start to finish by the Deputy who initially responds to the complaint, the investigative responsibility for cases of a serious and/or complicated nature rests with the Criminal Investigations Division. The responsibility for conducting a thorough and professional preliminary investigation shall remain with the first Deputy on the scene until the case is resolved or investigative responsibility is transferred by competent authority.

a. Deputies assigned to investigate reports of criminal offenses shall, at a minimum, take the following action in the preliminary phase of the case:

(1) Provide aid to the injured and summons emergency services as appropriate,

(2) Maintain and protect the crime scene to ensure that evidence is not lost or contaminated,

(3) Observe and record all conditions, events and remarks,

(4) Determine if an offense has actually been committed and, if so, the exact nature of the offense,

(5) Determine the identity and location of the suspect(s) and effect an arrest if it can be accomplished either at the scene or through immediate pursuit,

(6) Notify the Communications Center of descriptions of suspect persons and/or vehicles, direction of travel and other relevant information pertaining to the incident for dissemination to other patrol units and agencies as appropriate,

(7) Locate and obtain complete identification of all victims and witnesses,

(8) Interview the victim(s) and witnesses to obtain as much information as possible about the event and potential suspects,

(9) Arrange for the collection of evidence and crime scene processing,

(10) Interview and obtain statements from the suspect(s) if such statements can be obtained legally,

(11) Accurately and completely record all pertinent information on appropriate report forms in accordance with CCSO General Order 1002,

(12) Make appropriate NCIC/VCIN entries and clearances if applicable, and,

(13) Brief investigators (within 48 hours after complaint is reassigned) who may assume the follow-up investigation responsibility as to pertinent information concerning the incident if appropriate.

2. Follow-up Investigations:

The follow-up investigation should be an extension of the activities of the preliminary investigation and not a repetition of it. The purpose of the follow-up investigation in a non-criminal case is to gather additional information or to carry out actions which will lead to closure of the case. In a criminal case, the purpose of the follow-up investigation is to gather additional evidence and information to prove the elements of a particular crime in order to effect an arrest and support prosecution of the perpetrator and/or to recover stolen property. The responsibility to conduct a thorough and professional follow-up investigation rests with the first Deputy on the scene in cases falling into the category of Field Operations Division Follow-up, as listed below, unless investigative responsibility is transferred by competent authority. Investigative responsibility for cases listed below as Criminal Investigation Follow-up, shall rest with "principal investigator" assigned in accordance with CCSO General Order 601 "Criminal Investigation: Case Management". Supplemental reporting on all cases designated for follow-up, regardless of who is assigned to investigate, shall be submitted in accordance with General Orders 601 and 1002.

a. The divisional responsibility to conduct follow-up investigations will normally be determined by the class/nature of the offense as follows:

(1) Field Operations Division Follow-up

(a) Deputies will be responsible for follow-up investigation of the following categories of incidents:

(i) Traffic accident investigations,

(ii) All misdemeanor arrests he/she makes, and

(iii) Select felony arrests he/she makes.

(2) Criminal Investigation Division Follow-up

(a) Criminal Investigation Division personnel will be responsible for follow-up investigation of the below listed categories of offenses, including attempts except as indicated in section 2. a (1) (a) above.

(1) Abduction,

(2) Abortion,

(3) Arson,

(4) Bigamy and Polygamy,

(5) Blackmail and Extortion,

(6) Bomb Violations,

(7) Bribery,

(8) Burglary,

(9) Burglary Tools (Possession),

(10) Credit Card Offenses,

(11) Embezzlement,

(12) Forgery and Counterfeiting,

(13) Fraud,

(14) Grand Larceny,

(15) Homicide,

(16) Kidnapping,

(17) Malicious Wounding (unsolved and/or where death is possible),

(18) Medical Examiner Cases (excluding traffic-related deaths),

(19) Rape,

(20) Robbery,

(21) Runaway,

(22) Sex Offenses,

(23) Stolen Property (Buying/ Receiving),

(24) CPS Complaints,

(25) Violence Against Women complaints will be reviewed by the Violence Against Women Investigator for possible follow-up, if necessary,

(26) Cases assigned by the Commonwealth Attorney, and

(27) The following non-criminal cases:

(a) Suicides and attempts where there is a likelihood of death.

(b) Sudden death.

b. In extenuating circumstances at the discretion of the Sheriff, Chief Deputy or Criminal Investigation Division Commander, the following offenses could be assigned for follow-up by CID.

(1) Fugitives,

(2) Motor vehicle thefts and/or recovery,

(3) Perjury and contempt of court,

(4) Phone calls (obscene and threatening),

(5) Weapons offenses (carrying/ possession),

(6) Suicide attempts,

(7) Accidental overdose and injuries,

(8) Missing persons (including juveniles), and

(9) Suspicious circumstances, persons, and vehicles.

c. Deputies assigned the responsibility of investigative follow-up in criminal cases shall, at a minimum, take the following action:

(1) Review and analyze reports of preliminary investigations,

(2) Record information obtained during follow-up investigation,

(3) Review departmental records for investigative leads,

(4) Seek additional information (from uniform deputies, informants, contacts in community, other investigators/ agencies, etc.),

(5) Interview victims and witnesses,

(6) Interrogate suspects,

(7) Arrange for the dissemination of information as appropriate. (Teletypes, roll call, look-outs etc.),

(8) Plan, organize and conduct searches,

(9) Collect and preserve physical evidence,

(10) Recover stolen property,

(11) Arrange for the analysis and evaluation of evidence,

(12) Review results from laboratory examinations,

(13) Identify and apprehend the perpetrator(s),

(14) Check for suspect(s) criminal history,

(15) Determine if other crimes may have been committed by the suspect,

(16) Consult with the Commonwealth Attorney's Office in preparing cases for court presentation and assisting in the prosecution thereof, and,

(17) Attendance to testify in court,

d. Follow-up investigations in non-criminal cases shall include, at a minimum:

(1) Interviewing complainants and witnesses,

(2) Locating missing persons,

(3) Determining if information or suspicious activity may/does relate to criminal activity,

(4) Distributing information to the proper persons or agencies,

(5) Locating lost property and returning same to the owner,

(6) Investigating deaths, overdoses, suicides and injuries to determine if a crime was committed,

(7) Making necessary notifications, conducting necessary inspections, etc. and

(8) Recording information obtained.

B. Investigative Techniques and Resources:

The successful investigation of criminal and non-criminal cases involves the application of a variety of techniques and the utilization of many sources of information. The following is a list of several of the areas of utmost importance to Deputies conducting investigations. The list is by no means all-inclusive and Deputies are encouraged to be innovative and persistent in their investigative duties.

1. Information Development

The development of pertinent case information begins when the call for the Sheriff's assistance is received and continues until the case is cleared or suspended. Obtaining and recording even apparently minor information is often crucial to the successful conclusion of a case.

(a) Sources of agency information that are valuable and should be utilized as needed include:

(1) Agency master file,

(2) Arrest records,

(3) Traffic and accident reports,

(4) Field observation reports,

(5) Photo and fingerprint records,

(6) Juvenile records,

(7) Licensing Office records, and

(8) Informant files.

(b) Outside agency information that can be valuable in an investigation and should be utilized when appropriate. Such information includes:

(1) VCIN/NCIC Criminal History Records Information (CHRI),

(2) DMV records,

(3) Probation and parole records,

(4) Local and federal agencies records,

(5) Court records,

(6) Tax records,

(7) Licensing Unit's records,

(8) Welfare and social service agency records,

(9) Board of Education records,

(10) Real Estate records, and

(11) Post Office records.

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

(1) Utility companies,

(2) Telephone companies,

(3) Banks and credit agencies,

(4) Unions and professional agencies,

(5) Insurance companies, and

(6) Neighbors, social contacts, and business associates.

(d) Use of informants

All deputies are responsible for developing sources of information that will assist them in their follow-up investigations. Information that is obtained that relates to specific crimes being investigated by other deputies or investigators should be brought to the attention of those persons.

Information is available from many sources, e.g. concerned citizens who wish to remain anonymous, criminals who have first hand knowledge of illegal activity, and relatives or friends of those involved in criminal enterprises. These sources should be kept in mind when conducting investigations and related interviews.

Deputies are cautioned to determine the motivation of individuals who provide information in order to help evaluate that information.

When informants are used to contribute to the solution of a case and their identity is to be protected, the Deputy involved shall notify the Criminal Investigations Division Commander in order that the proper documentation and precautions may be taken. Informant processing and handling shall be in accordance with CCSO General Orders 617 and 619.

Confidentiality must be maintained and deputies will refrain from discussing informants, information provided, or cases they are involved in when inappropriate.

2. Interviews and Interrogations

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

Interviews and Interrogations are covered in detail in GO 500 – Constitutional Safeguards.

C. Collection, Preservation, and Use of Physical Evidence.

Deputies must realize that physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.

1. All Deputies are responsible for the preservation of evidence and for maintaining and documenting the chain of custody of all evidence that is in their custody.

2. Most evidence collection will be handled by the Agency evidence technicians who are trained in evidence processing.

D. Surveillance

Stakeout and surveillance operations are valuable investigative tools available to Deputies. Such methods are very often the only ones available to identify suspects, vehicles, and locations of criminal activity. Since surveillance and stakeout operations generally involve the commitment of significant manpower and other resources, all such operations shall be coordinated through the Criminal Investigations Division Commander in accordance with CCSO General Order 619.

E. Investigative Task Forces

1. The use of investigative task forces has proven to be a valuable weapon available to law enforcement in combating crime in recent years. Task forces involve a great deal of coordination, planning and commitment of manpower and resources, usually by several jurisdictions. For these reasons, the use of task forces should be restricted to situations involving the following crime problems:

(a) Extensive criminal activity exhibiting similar modus operandi over a short period of time,

(b) Serious violent crime which has resulted in public out-cry and requires immediate investigative response,

(c) Organized criminal activity operating in several jurisdictions, and

(d) Investigations of a complicated and/or specialized nature requiring a variety of investigative expertise not found in any one law enforcement agency.

2. The convening and/or participation of the Campbell County Sheriff's Office in investigative task forces shall be for clearly defined purposes. The scope, nature and purpose of all task forces shall be reduced to writing prior to beginning operation. This documentation shall include, at a minimum, the following information:

(a) The purpose of the task force, the criminal activity involved and desired results,

(b) The authority of the task force, both jurisdictionally and operationally,

(c) Investigative responsibility,

(d) Accountability concerning personnel, administration, prosecution, etc.

(e) Available resources, potential resources and responsibility for providing and/or obtaining, and

(f) Duration of task force and periodic review by member jurisdictions, specifying responsible person in each agency, to evaluate productivity and recommend whether the program should be continued, expanded or discontinued.

F. Background Investigations (Criminal Cases)

1. In the course of investigating certain types of criminal activity, particularly vice, narcotics and organized crime, it often becomes desirable or necessary to learn as much as possible about the subjects and/or associates involved. Background investigations can provide information on a person's childhood, education, marital status, employment history, military service, criminal history, business associates, friends, recreational preferences, travel habits, financial status, residences, places frequented, etc. Such information can be invaluable in proving criminal activity and conspiracy, and/or predicting the likelihood of present or future involvement.

2. In conducting background investigations on criminal targets, Deputies are encouraged to be innovative and resourceful in searching for and collecting pertinent information. While information may come from virtually any source, the following should be considered routinely:

   (a) Court records,

   (b) Bank and credit agency records,

   (c) Telephone/utility company records,

   (d) School records,

   (e) Military records,

   (f) Business/professional licensing agencies' records,

   (g) FBI and police records,

   (h) DMV files,

   (i) Employers (past/present),

   (j) Mortgage and rental agency records, and

   (k) Friends and associates (if appropriate).

3. The information gathered should be incorporated into the official case record or intelligence file and should be considered confidential. Only those persons actively involved in the investigation shall be privileged to the information, in accordance with existing Sheriff's Office directives. The results of such investigations shall be used only in the furtherance of legitimate criminal prosecutions and/or intelligence operations. The security and distribution of such information shall be in accordance with existing Sheriff's Office directives and pertinent legal guidelines.

G. Investigator Availability Liaison

1. The normal working hours for Investigators assigned to the Criminal Investigation Division are 0800 - 1630 hours, Monday through Friday. However, in order to provide twenty-four hour availability and coverage, the CID Commander shall maintain an "on-call" duty roster, specifying the name and duty dates of CID personnel. The on-call

Investigator will work from 1500 - 2330 hours as designated by the schedule. It shall be the responsibility of on-call investigators to respond to after hours major crime incidents in accordance with Sheriff's Office policy and to provide advice and assistance to Patrol Deputies as necessary.

A copy of the CID "on-call" duty roster shall be provided to the Communications Center and other agency components as appropriate.

2. In order to foster harmonious working relationships and aid in the exchange of information investigative personnel will attend roll-calls, if feasible. During such roll-call sessions, investigators shall inform Field Deputies of specific criminal activity in which their assistance would be helpful, solicit information on known criminals and criminal activity, and answer Deputies' questions related to investigative techniques and procedures.

J. Constitutional Responsibility:

The major objective of the Criminal Investigation Division is the successful investigation and prosecution of criminal offenses and perpetrators. In order to be successful, such investigations must be pursued with enthusiasm, determination and a constant awareness of the constitutional constraints and legal ramifications of their actions. The violation of a suspect's rights and/or the illegal gathering of evidence could result in the dismissal of charges against a guilty party and possible disciplinary and/or criminal action against the Deputy involved.

1. Particular attention shall be given to the following areas:

   (a) Coercion or involuntary confessions/ admissions,

   (b) Delay in arraignment,

   (c) Failure to inform defendants of their rights,

   (d) Deprivation of counsel, and

   (e) Pretrial publicity tending to prejudice a fair trial.

Refer to GO 500 for further and more concise information on Constitutional Safeguards.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Sheriff's Office Interview Room Procedures	**NUMBER: 603**
EFFECTIVE DATE: March 18, 2004	
AMENDS/SUPERSEDES:	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.04.03, OPR.10.05	

NOTE

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I. PURPOSE

To provide a written directive regarding the use of the Campbell County Sheriff's Office Interview Room.

II. PROCEDURE

A. For protection of Sheriff's Office personnel and the safety of arrestee and prisoners, the Interview Room shall be searched before and after use. In addition, arrestees and prisoners shall be searched before being brought into the Interview Room.

B. An arrestee or prisoner's handcuffs and/or shackles may be removed during interview or interrogations, however, when a subject is left alone, there must be a constant monitoring of the arrestee or prisoner maintained at all times.

1. The observation may include visual by way of two-way mirror or video technology.

2. When an interview/interrogation subject is left alone in the Interview Room, Sheriff's Office personnel **must** remain in close proximity of the room and be readily available to intervene on behalf of the arrestee/prisoner or the agency.

C. Sheriff's Office personnel will always position themselves so that their firearm is away from the person being interviewed. Personnel have the option of securing their firearm prior to using the room.

D. The door to the Interview Room will **not** be equipped with any locking device. Sheriff's Office personnel are reminded that the Interview Room is **not** to be used as a holding room.

E. Juveniles that are being detained for **any** reason shall be kept under constant observation, even if the detention period is brief and they are simply going to be released to their parents after the interview.

F. Victims or witnesses that are being interviewed are subject to the same procedures for cause. Access to all secure areas of the Sheriff's Office is limited to Sheriff's Office personnel only. *No person shall ever be left unattended in **any** portion of the building for any reason*.

G. Any deputy conducting an interview in the Interview Room should contact an Investigator if there is a need for the interview to be video recorded.

H. Only authorized persons who have been properly trained in the contents of this General Order are permitted to use the Interview Room.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Preliminary Death Investigations	**NUMBER: 606**
EFFECTIVE DATE: March 8, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR. 02.01	

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I. POLICY

A. Cautions

1. A deputy should be constantly aware that, until determined otherwise, death calls may represent a danger to persons who are still at the scene or to responding deputy. Factors to be considered include, but are not limited to: information from the dispatcher, conversations with subjects at the scene, the deputy's observation and personal knowledge. The personal safety of the deputy and others should be a primary concern upon arrival at the scene.

2. After arriving at the scene and until convinced to the contrary, all deputies should consider every DOA call as a possible homicide and should be aware that a homicide may be "staged" to appear as a death by natural causes.

B. Responsibilities of First Deputy on Scene

If the death appears to be from other than natural causes, the deputy should direct attention to the following functions <u>in the order that his or her discretion dictates</u> after an evaluation of the situation.

1. Assuring the safety of persons to prevent further injury or death.

2. A preliminary determination that the subject is actually deceased.

3. Preservation of the scene and possible evidence.

4. Radio call for backup or rescue assistance.

5. Gathering of witnesses.

6. Requesting the presence of a supervisor at the scene. At this time, the supervisor will determine if an evidence technician is needed.

C. Pronouncement of Death

All deaths must be pronounced by a physician. This may be at the scene, at Lynchburg General Hospital, or at any other place designated by the Medical Examiner in Medical Examiner cases; or at the scene, Lynchburg General Hospital, or a funeral home in non-Medical Examiner cases. The deputy should note, and include in their report, the time of pronouncement and the name of the pronouncing physician in all deaths, except in non-Medical Examiner cases in which the body is transported to a funeral home. This information may be obtained by telephone if necessary.

D. Physician's Presence

The presence of a physician at the scene for the purpose of pronouncement is desirable, but not always essential to the investigation.

E. Investigator Notification and Response

1. Field Operations Division personnel will notify the CID of deaths resulting from homicide, suicide, non-vehicular accidents, unusual or suspicious circumstance, or fetal deaths. During normal CID duty hours, notification should be made by a Field Operations Division supervisor familiar with the events and the scene to the CID Commander, or in his absence, the Field Operations Division Commander, who will notify the Chief Deputy. Other than normal CID duty hours, notification should be made in the following order until a supervisor has been notified:

   (a) On call personnel for CID,

   (b) CID Commander

2. After evaluating the information provided by the Field Operations Division supervisor, the CID Commander will have the on call investigator:

   (a) Respond to take over the investigation or;

(b) Not respond, but follow-up after preliminary investigation reports have been submitted.

3. Preliminary investigation on deaths where there are no unusual or suspicious circumstances will be conducted by Field Operations Division personnel.

II. CLASSIFICATION AND DEFINITIONS

A. Medical Examiner's Case

If the circumstances of death fall into any of the following categories, or if there is any doubt as to its inclusion in one of these classifications, it should automatically be considered a Medical Examiner's case:

1. Classifications

(a) By violence; that is, accident, suicide, or homicide.

(b) Suddenly, when in apparent good health.

(c) When unattended by a physician (M.D.).

(d) When in jail or in custody of a deputy.

(e) By unusual, suspicious, or unnatural means.

(f) When the body is to be cremated.

(g) Fetal deaths.

2. Definitions

The following terms better define the classifications of death listed above:

(a) By violence, by unusual means or by unnatural means.

This category covers any death attributed to accidental, suicidal, physical, mechanical, electrical, thermal, poisonous or related means. A Medical Examiner's investigation and report is required regardless of the period of survival following injury and medical attendance at the time of the injury or during a period of survival.

(b) Suddenly, of persons in apparently good health. This term should include the following situations:

(i) Apparently instantaneous death without obvious cause;

(ii) Death during or following an unexplained fainting, or coma;

(iii) Death following an acute or sudden unexplained illness.

(c) Without medical attendance.

This classification should include the following situations:

(i) Found dead without obvious or probable cause;

(ii) Unattended at any time by a licensed physician;

(iii) Unattended by a physician during a terminal illness, particularly if such illness appears unrelated to a disease previously diagnosed and treated; or fetal deaths attended by midwives.

(d) In deputy's custody

This category covers those deaths involving a person in a deputy's custody.

(e) By suspicious means

This classification applies to any death suspected of having resulted from accident, suicide, or homicide.

(f) Cremations

No cremation may be performed without obtaining a certificate from the Medical Examiner.

(g) Fetal deaths

This category covers fetal deaths occurring without medical attendance upon the fetus at or after delivery or abortion.

B. Non-Medical Examiner's Case

For the purposes of this procedure, a non-Medical Examiner's case shall be defined as:

1. A death resulting directly from a disease or illness which has been diagnosed and is actively being treated or attended to by a private physician, and:

2. The death is not within the classification of a Medical Examiner's case, as defined above.

III. PHYSICIANS CERTIFIED AS MEDICAL EXAMINERS FOR CAMPBELL COUNTY

A. The Communications Center will maintain a listing of physicians currently certified as medical examiners for Campbell County. This listing will be updated periodically through the Chief Medical Examiner's office and at the direction of the Communication Center supervisor.

B. In the event of a Medical Examiner's case, only a physician on the current listing may give any authorization as to disposition of the body.

C. If a Medical Examiner on duty has referred his calls to a physician who is not on the listing, the supervisor, through the assistance of the Communication Center, must contact another Medical Examiner for proper authorization prior to police action.

IV. PROCEDURES

Procedures for the disposition of death calls will vary depending on each particular set of circumstances. It is emphasized that the Medical Examiner <u>may</u>, <u>at his discretion</u>, respond to the scene or order the removal of the body to the morgue or other designated place for the purpose of pronouncement, inspection, autopsy, or any other disposition. In all cases, the scene should be secured by appropriate police measures and as warranted by the situation. Generally, death investigations by this Department will fall into one of four categories:

1. Medical Examiner's case with the body in a public place or view.

2. Medical Examiner's case with the body not in a public place or view.

3. Non-Medical Examiner's case with the body in a public place or view.

4. Non-Medical Examiner's case with the body not in a public place or view.

A. Medical Examiner's Case - Public Place or View

1. Unless the determination is made by the Field supervisor or investigator that an on-site viewing by the Medical Examiner is necessary, the Field supervisor may, under the direction of the Medical Examiner, direct that the body be removed immediately from public view and transported to the morgue for pronouncement and custody.

2. The Medical Examiner is to be notified as soon as possible following this action.

B. Medical Examiner's Case - Not in Public Place or View

1. The Medical Examiner is to be contacted, and given the circumstances surrounding the death, along with any available medical background.

2. The Medical Examiner will make the appropriate determinations in reference to an on-site viewing, transportation, pronouncement and other disposition of the body.

3. Transportation of the body to the place designated by the Medical Examiner will be by a funeral director's vehicle. If no preference is indicated by the Medical Examiner, or family, the nearest funeral home is to be contacted for removal of the body. The Communications Center maintains a funeral home rotation call-out for these situations.

C. Non-Medical Examiner's Case - Public Place or View

1. Upon preliminary determination that the death does not represent a Medical Examiner's case, the Field supervisor may direct the ambulance to transport the body to Lynchburg General Hospital for pronouncement and custody.

2. The attending physician is to be contacted as soon as possible to advise him/her of the death, and to verify his/her status as attending physician. If he/she denies status as attending physician, the Medical Examiner is to be notified immediately.

D. Non-Medical Examiner's Case - Not in Public Place or View

1. The attending physician is to be notified as soon as possible following the death. The deputy must ascertain that:

   (a) The private physician will sign the death certificate, and;

   (b) Death will be attributed to natural causes.

2. The attending physician may direct that the body be removed to Lynchburg General Hospital for pronouncement or to a funeral home, but in the event that removal is to a funeral home, a pronouncement becomes the personal responsibility of the physician.

3. Transportation will be by a funeral director's vehicle and the responsibility for selection of a funeral home will be that of the family. If no preference is indicated by the family, the nearest funeral home is to be contacted for removal of the body. The Communications Center maintains a funeral home rotation call-out for these situations.

4. If no family is available, transportation will be through the direction of the Field supervisor, and by the funeral home listed on the rotation call-out.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Sexual Assault	**NUMBER: 608**
EFFECTIVE DATE: March 21, 2016	
AMENDS/SUPERSEDES: **Revised Date: 07/26/2013**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: ADM.23.01; ADM.23.02; ADM.23.03; OPR.02.01; OPR.02.03; OPR.13.01	

NOTE

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I. POLICY

The Campbell County Sheriff's Office recognizes the fact that sexual assaults (rape, forcible sodomy, incest, exploitation of children, and attempts thereof) are personal violent crimes that have great psychological and/or physical effects on the victims. It is the policy of the Campbell County Sheriff's Office to assist sexual assault victims in a supportive manner, using appropriate crisis intervention skills. Reducing recidivism through the apprehension and prosecution of the assailants is a Sheriff's Office priority.

The Sheriff's Office values policy input from the Commonwealth's Attorney, the Sexual Assault Response Program (SARP), the Campbell County Victim/Witness Program, and such appropriate State agencies as may have information, procedures or other requirements under the law pertaining to the investigation and prosecution of sexual assault cases. The Sheriff's Office communicates and collaborates with these resources in establishing, revising, and updating this Order.

II. PROCEDURES

A. <u>General responsibilities</u>

1. "Sexual assault" means those offenses involving sexual penetration or sexual contact with any person by force or threat of force, fear or intimidation, or through the use of a person's mental incapacity or physical helplessness, or any attempts to force sexual penetration or contact on any person.

2. Sheriff's Office personnel shall be aware of community services available to victims of sexual assault. Victims shall be given victim's rights information and referred to the Campbell County Victim/Witness Advocate (434-332-9520). Victims may also be referred to the Lynchburg General Hospital Forensic Nurses Program (434-200-3642) and Sexual Assault Response Program (SARP)/Crisis Line (434-947-7422).

3. Sheriff's Office personnel shall be trained and knowledgeable about sexual assault investigation and its impact on victims. Personnel shall receive ongoing training regarding changes to the Code of Virginia and new or modified procedural requirements related to sexual assault response.

4. Sheriff's Office personnel shall use appropriate communication skills when interacting with sexual assault victims.

B. Communications Officer/Dispatcher (communication center) responsibilities

1. If hospital personnel call in the sexual assault report, the dispatcher should obtain initial information only (name and location of victim, reporter's name and job title, and victim's condition). Confirm that the hospital has contacted the local sexual assault crisis center and arranged for an advocate to be available at the hospital to offer the victim support, per local Sexual Assault Response Team (SART) protocol.

2. If the victim calls to make a report, she or he may or may not want law enforcement intervention.

   a. If the victim does not want law enforcement response, the dispatcher should:

      (1) Obtain as much information as the victim will provide, but do not insist on the victim's identity if she or he does not want to provide this information.

      (2) Encourage the victim to go to the hospital for treatment and/or evidence collection – refer them to the Forensic Nurse. Advise the victim that a deputy could meet with her or him there; however, the victim is not required to make a report in order to have evidence collected.
      (Note: the Virginia Criminal Injuries Compensation Fund pays expenses related to the collection of the PERK (Physical Evidence Recovery Kit) exam, per *Virginia Code* § 19.2-368.18.

(3) Refer the caller to the local sexual assault crisis center (434-947-7422).

b. If the victim requests a law-enforcement response, the dispatcher shall observe the following.

(1) Obtain victim's name, present location, telephone number, victim's condition, and basic incident details. Ask for name of the assailant, if known, description, possible location or direction and means of travel from the scene, and the time elapsed since the crime.

(2) Ensure the victim's safety. A deputy shall be dispatched immediately. Stay on the line until the deputy arrives, if possible. Be supportive and use crisis intervention skills.

(3) If the assault occurred within the last 72 hours, explain to the victim the necessity of **not** performing the following activities: washing self or clothes, brushing teeth, eating, drinking, smoking, douching, combing hair or putting on make-up, going to the toilet, and touching or moving anything at crime scene. If the victim has already done any of these things, reassure her or him, but ask that she/he not do any more "cleanup." There is some possibility that evidence can be recovered even after 96 hours. (Investigators should consult with a Forensic Nurse Examiner.)

(4) If the assault occurred more than 72 hours earlier, recommend the victim to seek medical attention anyway and dispatch a deputy.

(5) Ask the victim if he or she wishes the presence of a sexual assault crisis center advocate, family member or friend for further support (at the hospital or office), and offer to contact that person.

(6) Ask if victim needs transportation. Dispatch a deputy to go to wherever the victim is, if possible. Facilitate the transport of the victim to the hospital or Sheriff's Office or explain that a deputy will meet the victim at the specific location.

3. Give a complete report of information obtained to the deputy/investigator assigned to the case before he or she initially contacts the victim.

4. Lynchburg General Hospital automatically calls the Forensic Nurse, SARP worker, and law enforcement when a victim shows up at the hospital.

5. It is not the dispatcher's role to judge what is heard from the victim. It is crucial to follow proper procedures for obtaining information.

C. Deputy Responsibilities

1. The deputy has certain immediate responsibilities, as follows.

   a. Ensure the victim's physical well-being. Give attention to the victim's emergency medical needs. Ensure safety. Reassure the victim that he or she is safe and that his or her physical and emotional well-being is a priority.

   b. Preserve the crime scene. Have Communications Center contact an investigator to respond. (See #5 below).

   c. Be alert to any suspect in the vicinity. Give crime broadcast, if applicable.

   d. Explain his or her role to the victim and what will be done at the scene and through follow-up.

   e. Advise the victim/witness about what to do if the suspect or suspect's companions or family threatens or intimidates him/her.

   f. Inform the victim/witness about the case number and subsequent steps in the processing of the case;

2. During initial contact with the victim, the deputy should make every effort to ensure that the victim is comfortable. The deputy should avoid standing over the victim or reacting negatively to statements made by the victim. It is important to use simple terminology, avoid cop/legal jargon, and clarify the meaning of slang terms for the report.

3. The deputy shall obtain information essential to determine what offense (or offenses) actually occurred. When this is not possible for any reason, the deputy shall concentrate on obtaining information that

will establish the basis for misdemeanor or felony offenses, and help determine appropriate police response in carrying out the arrest of any suspect.

4. The deputy shall obtain preliminary statements from the victim and witnesses. Try to establish rapport and obtain information needed immediately to determine the victim's greatest needs and the identity and/or location of the suspect.

   a. The deputy shall inform the victim, preferably in writing, of support services available in the area. Inform the victim that the Criminal Injuries Compensation Fund pays counseling and other crime-related fees, if needed. Per local Sexual Assault Response Team (SART) protocol, advise the victim that a sexual assault crisis center advocate may be available to offer support.

      In addition, ask the victim if he or she would like the presence of a family member or friend for further support (either at the hospital or Sheriff's Office) and offer to contact that person (if the dispatcher has not already done so.)

   b. Deputies should be mindful of the impact of trauma on memory, especially when contact with the victim is within a short time after the sexual assault occurred. Victims of any trauma, including but not limited to sexual assault, may experience difficulty with memory storage and recall. As a result, victims may be inconsistent or unclear in their descriptions. These symptoms are indications of a traumatic experience, not fabrication. After the victim has had two sleep cycles, the investigator will re-interview the victim. More accurate details can often be obtained as time passes from the traumatic event. This policy of re-interviewing the victim is consistent with related policies regarding re-interviewing officers/deputies at least two sleep cycles following an officer-involved shooting.

5. Once it is determined that a sexual assault has occurred, investigations will be notified to respond. **No in-depth interview is to be conducted at this point by field division personnel.**

6. The deputy shall arrange for transportation or transport the victim to the hospital for a sexual assault (PERK) examination, if appropriate (if the assault occurred within the last 72 hours.) Explain the medical and legal advantages of the exam. Inform the victim to take along a

change of **all** clothing. The deputy may provide transportation back home following the exam. If the assault occurred more than 72 hours before, the deputy shall still encourage the victim to seek medical help.

7. If the assault occurred more than 72 hours earlier, the deputy should still advise the victim to seek medical attention.

8. The deputy shall request an emergency protective order for the victim for any act involving violence, force, or threat that results in bodily injury, OR places one in reasonable apprehension of death, sexual assault, or bodily injury. Such acts include, but are not limited to any forceful detention, stalking or criminal sexual assault in violation of Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, OR any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. See General Order 534 for guidance concerning family abuse and non-family abuse protective orders, and violations thereof.

9. The deputy should identify and secure the crime scene. It is also important to determine whether there is a *secondary* crime scene.

D. Investigator responsibilities

1. The investigator shall obtain a complete report from the deputy assigned to the case.

2. The initial contact with the victim may happen in different ways:

   a. At the crime scene: The deputy shall protect the crime scene and the investigator shall establish rapport with the victim, transport the victim to the hospital, and begin the preliminary investigation.

   b. At the hospital: The investigator should collaborate with medical staff to arrange for the collection of evidence needed for prosecution. Ensure the victim understands the exam procedures and establish rapport for further interviews. The investigator should never be in the examination room during the sexual assault exam, even if the victim requests the investigator to be with them. Per local Sexual Assault Response Team (SART) protocol, ensure that a sexual assault crisis center advocate is available to offer support during the exam and interview(s). The Forensic Nurse will have the victim sign a consent form in order for the investigator to obtain a copy of the hospital report. The Forensic Nurse on duty will conduct the examination.

c. At the Sheriff's Office: Before interviewing, review the deputy's report and establish rapport with the victim by allowing her or him to ask preliminary questions or voice initial concerns. Per local Sexual Assault Response Team (SART) protocol, ensure that a sexual assault crisis center advocate is available to offer support during the interview(s).

3. Investigators should be mindful of the impact of trauma on memory, especially when contact with the victim is within a short time after the sexual assault occurred. Victims of any trauma, including but not limited to sexual assault, may experience difficulty with memory storage and recall. As a result, victims may be inconsistent or unclear in their descriptions. These symptoms are indications of a traumatic experience, not fabrication. After the victim has had two sleep cycles, the investigator will re-interview the victim. More accurate details can often be obtained as time passes from the traumatic event. This policy of re-interviewing the victim is consistent with related policies regarding re-interviewing officers/deputies at least two sleep cycles following an officer-involved shooting.

4. The investigator shall be trained in procedures for investigating sexual assault cases.

   a. Interviewing child sexual assault victims requires special qualifications. **See Section III, Appendices, B. Interviewing Child Sexual Assault Victims for additional information.**

   b. The investigator shall allow the sexual assault crisis center advocate to be with the victim for support during the interview(s), if the victim desires.

   c. If the victim prefers a female investigator, every attempt to provide one should be made. If one is not available, the investigator shall nevertheless encourage the victim's cooperation.

   d. Prepare the victim for each phase of the investigation. The investigator will encourage the victim's cooperation by explaining what must be done and the reasons why.

   e. A Physical Evidence Recovery Kit (PERK) examination must be completed as early as possible in the interests of victim health and safety, evidence collection, and substance/drug identification. All victims should be encouraged to obtain this exam prior to interview if possible, and regardless of their current willingness to prosecute or cooperate with the law enforcement investigation.

Note: All medical fees involved in the gathering of evidence on alleged victims in sexual assault cases (PERK examinations) shall be paid by the Criminal Injuries Compensation Fund (subsection F of § 19.2-368.11:1). Authorization by a criminal justice agency to obtain a PERK exam is not required. Any individual that submits to and completes a PERK exam shall be considered to have met the reporting and cooperation requirements of the Coe of Virginia.

f. Evaluate the need for a search warrant.

g. The investigator shall request an emergency protective order for the victim for any act involving violence, force, or threat that results in bodily injury, OR places one in reasonable apprehension of death, sexual assault, or bodily injury. Such acts include, but are not limited to any forceful detention, stalking or criminal sexual assault in violation of Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, OR any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. See General Order 534 for guidance concerning family abuse and non-family abuse protective orders, and violations thereof.

h. Identify and collect potential evidence, and photograph the scene or arrange for a forensic technician to do so.

i. Identify and interview any witnesses separately.

j. Note any potential human trafficking indicators, which may include:

- being disconnected from family and friends, or having no support system;
- Appearing fearful, timid, or submissive;
- Showing signs of having been denied food, water, sleep, or medical care;
- Being with someone who is controlling or to whom she or he defers;
- Living in unsuitable conditions;
- Lacking personal possessions and/or identification documents;
- Appearing to be coached on what to say

5. Interviews of the Victim

a. Interviewing child sexual assault victims requires special qualifications. **See Section III. Appendices, B. Interviewing Child Sexual Assault Victims for additional information**.

b. Privacy is a necessity for follow-up interviews. Choose a quiet room free of distractions and interruptions at the Sheriff's Office or go to the victim's home. A support person to aid the victim may be helpful to the investigation. Advise this person of his or her role and ask the person not to interfere with questioning. It may be helpful to have a sexual assault crisis center advocate from SART available to offer support during the follow-up interviews.

c. The investigator should remain aware of the impact of trauma on the victim and his or her memory. The victim may experience confusion, memory recall difficulty, or reluctance to discuss fear-inducing or humiliating details of the incident. Interview information is best obtained through supportive rapport building, not be questioning a victim's veracity or motives. Techniques used in interrogations should never be used with a victim.

d. Using a polygraph exam on a victim is <u>strongly discouraged</u>. If a victim is asked to take a polygraph exam, he or she must be informed, <u>in writing</u>, that "(i) the examination is voluntary, (ii) the results thereof are inadmissible as evidence and (iii) the agreement of the complaining witness to submit thereto shall not be the sole condition for initiating or continuing the criminal investigation." In addition, "the refusal of a victim to submit to such an examination shall not prevent the investigation, charging, or prosecution of the offense." (Code of Virginia § 19.2-91.1)

e. Building rapport with a victim may include:

(1) Explain the purpose of the interview (e.g., to collect information for law enforcement to determine exactly what happened, decisions about prosecution will be made later.)

(2) Acknowledge the victim's experience. Although there is a need to remain unbiased, investigators can relay sympathy by stating, "I'm sorry this happened to you."

(3) Allow the victim to express emotions. Communicate empathy. This facilitates cooperation and creates an environment that will yield the most information for an investigation.

(4) Avoid statements that do not communicate empathy, such as:

- Don't cry
- You shouldn't feel that way
- You must get on with your life
- Time heals all wounds
- It could have been worse
- At least you're not injured
- I know how you feel

(5) Avoid "why" questions that sound accusatory or judgmental about the victim's actions or behavior prior to the assault (such as "why did you go to the house?" or "why did you accept a ride with him?")

(6) Ask "how" questions instead (such as "how did you get to the house?" or "how did you end up in the car with him?")

f. Address questions that the victim can't answer. Sexual assault victims may react uniquely to this situation because they are concerned that they will be doubted or blamed.

(1) Victims should be cautioned against guessing. Reassure him or her that he or she might not know the answers to all of the questions.

(2) It is acceptable for the victim to answer "I don't know" or "I don't remember".

g. Address concerns regarding prosecution. If the victim is unsure or unwilling to follow through with prosecution, explain the importance of making a report and the need to respond quickly to collect appropriate evidence.

(1) Avoid telling the victim that he or she should follow through with prosecution in order to prevent future similar assaults. This places a burden on the victim that he or she is responsible for the assailant's behavior.

(2) Avoid telling the victim that he or she must cooperate with the law enforcement investigation and/or follow through with prosecution in order to obtain a PERK examination. This is against the law.

(3) Avoid pressuring a victim into cooperating with the law enforcement investigation and/or prosecution.

(4) It is important to remember that proceeding with prosecution may not always be in the best interest of every victim.

h. If the victim refuses to give a statement, he or she should be advised of the right to file a complaint at a later time and the procedure for doing so.

(1) The victim should be informed that critical evidence will be lost with the passage of time and may not be available at a later date. Advise the victim that he or she may obtain a PERK exam regardless of his or her decision participate in the investigation. If the victim decides to participate at a later date, the PERK exam results will be helpful; however, other evidence (such as at the crime scene) may not be available.

(2) The victim should be given information on how to contact the Sheriff's Office – preferably the assigned investigator's business card.

(3) The victim should be provided referral information for medical treatment and sexual assault crisis center services.

(4) There is no guarantee that victims will appreciate a sensitive and competent response by law enforcement.

(5) It is important to remember that proceeding with the investigation and/or prosecution may not always be in the best interest of every victim.

i. Questions which must be addressed during the interview include the following.

(1) <u>Assault circumstances</u>: Where approached? How? Where occurred? When?

(2) Suspect Information: Name, if known? Age? Race? Hair color? Clothing? Height? Weight? Identifying marks? Relationship to victim, if any?

(3) Multiple Crimes: Did multiple assaults occur? Were other crimes committed?

(4) Assault Details: What happened during the assault? Were weapons used? Describe them. Were threats made? What were they? Was there a fight or struggle? Did the victim bite or scratch the suspect? Were injuries sustained by the victim and/or suspect? Were drugs/alcohol involved? Was the victim incapacitated in any way?

(5) Details of Sexual Acts: If a male suspect, did he ejaculate? If so, where? Was a condom used? Was a lubricant used, and if so, what?

(6) Alcohol/Drugs: Were alcohol or drugs used to facilitate the assault? If so, a blood and urine sample should be obtained as soon as possible.

(7) Duration: How long was the suspect with the victim?

(8) After the Assault: What did the victim or suspect do immediately after the assault?

(9) Prosecution: Does the victim have concerns about prosecuting?

j. At the conclusion of the interview, the investigator shall ask about any additional assistance needed. (Counseling services are always recommended.) Refer the victim to the Sexual Assault Response Team (SART - 434-947-7422). Also, refer the victim to the Campbell County Victim/Witness Advocate Program and give the victim the victim's rights information.

k. Encourage the victim that it is common to remember additional details later. Encourage the victim to call if that happens or to ask questions. Give the victim contact information.

6. As soon as practicable, alert the Campbell County victim/witness advocate that a sexual assault has occurred. Provide the information necessary for staff to contact the victim.

7. Notify the Violence Against Women Investigator, if applicable.

8. Interviews and interrogations of the suspect.

a. A complete and accurate victim statement is crucial to conducting effective suspect interviews and interrogations. **(It is recommended that interviews and interrogations be video recorded, audio recorded, or both.)**

b. The interview is non-threatening. Its purpose is to obtain a detailed statement. The investigator should listen, document, and allow the suspect to offer as much information as he or she will without interruption. Good suspect interviews can produce numerous inconsistencies and admissions, often resulting in strengthening the victim's statement.

c. The interrogation is the questioning of a person suspected of committing the crime. Its purpose is to match previously acquired information to a particular suspect in order to secure a confession.

d. It is usually beneficial to have background information about the suspect (e.g., prior arrests or convictions, past experiences with sentencing, previous confessions to sexual assaults, relationship between suspect and victim, information from family, friends, or neighbors.)

e. It is generally recommended that the suspect be interviewed as soon as possible, before he or she learns of the investigation, in order to lock him or her into a story. If the suspect is surprised, he or she will be less likely to construct mental defenses and alibis.

f. The location of the interview can be very important.

(1) The location has an impact on whether the suspect feels free to leave or feels more threatened.

(2) The location has an impact on whether or not a Miranda warning must be given to the suspect.

(3) The interview should be conducted in a place that is quiet and free from distractions and interruptions.

(4) Conducting the interview away from the suspect's home or place of employment may reduce his or her feeling of control.

g. Consider using additional interview/interrogation strategies with a suspect (e.g., polygraph, an apology letter, a pretext phone call.)

h. It is crucial that sexual assault investigators receive specialized training in interviewing and interrogating suspects.

i. A PERK examination should be conducted on all identified suspects within 72 hours following the alleged assault. If an arrest has not been made, and the suspect will not consent to an examination, the investigator should obtain a search warrant. A Forensic Nurse Examiner (FNE) or Sexual Assault Nurse Examiner (SANE) is the most qualified person to conduct the suspect PERK examination; however a law enforcement officer may be in the room while the evidence is collected from a suspect. The procedures involved in a suspect PERK examination are similar to those of a victim PERK examination.

E. Evidence Collection Considerations

1. General Rules

a. Safeguard crime scene and evidence that is collected.
b. Evaluate the need for a search warrant.
c. Document the names of all persons who enter the crime scene.
d. Call a crime scene unit or evidence technician, if available.
e. Use caution not to damage, mark, or contaminate evidence.
f. Initial and date all items seized.
g. Document chain of custody of evidence in report.
h. Place all evidence in appropriate containers, seal, and initial.
i. See Section III. Appendices, A. Sexual Assault Evidence Collection for complete instructions.

2. Evidence should be sought to corroborate the victim's story (e.g., the room where the assault occurred contains overturned furniture, scratches or bruises on the body of the victim or suspect reflect the account of events). The majority of sexual assault cases involve perpetrators who are known to the victim, so the issue of combating a consent defense is more likely than that of correct suspect identification (as in stranger sexual assaults). Too often, sexual assault cases result in a situation of one person's word against another, with little or no evidence to corroborate the victim's story. To mitigate this, it is important for the investigation to yield as much corroborating evidence as possible.

3. In sexual assault cases, the victim's body is often the most important source of physical evidence. A suspect's body can also provide critical physical evidence.

4. The forensic medical examination of the victim generally includes the following components:

   a. Comprehensive medical interview.

   b. Collection of forensic evidence.

   c. Evaluation of risk and prophylactic treatment of sexually transmitted diseases (STD).

   d. Evaluation of pregnancy risk and emergency pregnancy interception.

   e. Crisis intervention and referrals.

5. Evidence collected during the forensic medical examination can generally be used for four primary purposes:

   a. To identify the suspect

   b. To confirm recent sexual activity.

   c. To establish force or threat.

   d. To corroborate the victim's story.

6. Types of forensic evidence include:

   a. DNA evidence (identification).

   b. Hair evidence (identification).

   c. Seminal fluid evidence (identification, sexual activity, corroboration).

   d. Clothing evidence (force, corroboration).

   e. Saliva evidence (identification, corroboration).

   f. Blood evidence (identification, force, corroboration).

   g. Urine analysis [drug facilitated assault] (force, corroboration).

   h. Non-biological evidence [e.g., lubricants, contraceptives, debris, fibers, soil, paint] (identification, corroboration).

i. Non-genital injury evidence (force, corroboration).

j. Genital trauma evidence (sexual activity, force).

7. A PERK examination should be conducted on all identified suspects within 72 hours following the alleged assault. If an arrest has not been made, and the suspect will not consent to an examination, a search warrant should be obtained. A Forensic Nurse Examiner (FNE) or Sexual Assault Nurse Examiner (SANE) is the most qualified person to conduct the suspect PERK examination; however, a law enforcement officer may be in the room while the evidence is collected from a suspect. The procedures involved in a suspect PERK examination are similar to those of a victim PERK examination.

   a. In addition to considering evidence transferred to the victim by the suspect, it is also important to consider any evidence transferred from the victim to the suspect.

   b. Bodily fluids, saliva, and epithelial cells from the victim are often recovered from the body of the suspect. In cases of digital penetration, cells from the victim have been found under the suspect's fingernails even after he or she has washed hands and/or bathed.

   c. A forensic examination can identify and document any injuries to the suspect that might have been caused by the victim.

   d. The victim may describe some types of distinguishing characteristics (e.g., tattoos, scars, moles, genital warts) that the examiner can photograph.

   e. If a suspect examination is not possible within several days following the assault, a full forensic examination is not recommended; however, an abbreviated examination should still be conducted to collect a DNA reference sample. This may include blood and/or saliva samples, and it may require law enforcement to obtain a search warrant.

8. Chain of custody.

   a. The PERK examination of an alleged sexual assault victim is paid for by the Criminal Injuries Compensation Fund (CICF). It is the property of the Commonwealth of Virginia, not the victim.

   b. When notified by medical treatment facilities that they have a PERK kit from an alleged sexual assault victim, the deputy or

investigator assigned will respond to begin an investigation and take custody of the evidence. Effective July 1, 2008, all medical fees expended in the gathering of evidence through physical evidence recovery kit examinations conducted on victims complaining of sexual assault pursuant to § 18.2-61 of the Code of Virginia, shall be paid by the Commonwealth. Victims complaining of sexual assault **shall not** be required to participate in the criminal justice system or cooperate with law-enforcement authorities in order to be provided with such forensic medical exams.

c. Anonymous Physical Evidence Recovery Kit (PERK) Examinations

.(1) The Forensic Nurses at Lynchburg General will contact the Sheriff's Office if they have a victim that requests a PERK examination but does not wish to cooperate with prosecution at that time. It will be the responsibility of the responding deputy to collect the kit from the Forensic Nurses and return it to the Sheriff's Office where it is to be placed in our evidentiary system. The deputy will need to complete an IBR – POLICE INFO ONLY report. Obviously you will not have a victim and/or suspect name but you can articulate that you responded to LGH ER and who (nurse's name) you received the kit from. You will also need to notate in your report that the kit was entered into evidence as well as the number assigned to the kit by LGH. An ERF form must be completed and submitted as normal protocol. These kits will NOT contain any evidence that needs to be refrigerated. The Sheriff's Office will be required to maintain these kits in our evidence system for exactly one year and one day from the date recovered. If the victim has not come forth at that time, we will be allowed to destroy the kit.

(2) The victim will be provided with a form that has the LGH assigned PERK Number listed on it. If for some reason the victim comes to the Sheriff's Office and claims that they have had a PERK examination completed but do **not** still have the form and the date of the PERK examination is less than one year and one day, the deputy may contact the Criminal Injuries Compensation Fund (CICF) at 1-800-552-4007. If you provide them with the name of the victim they can provide you with

the PERK number kit. The investigation can proceed as usual.

(3) A new CFS Code has been added. It is **S113** and states "PERK KIT (ANON). Please make sure that this code is used on your complaint in the CAD System if you respond to LGH to take possession of one of these kits. This is another way for us to track these kits and hopefully locate them easier if a victim decides they want to have their case investigated/prosecuted at a later date.

9. At each stage of the investigation, consult with the Commonwealth's Attorney to determine if additional interviewing or evidence collection is needed to increase the likelihood of successful prosecution.

All law enforcement officers responding to sexual assault reports shall review **General Order (GO) 534** for guidance concerning family abuse and non-family abuse protective orders, as well as handling violations thereof.

For additional information concerning the law enforcement response to sexual assault, and law enforcement roles and responsibilities in sexual assault response teams (SART), refer to the DCJS publication, "Sexual Assault Response Teams (SART): A Model Protocol for Virginia" at http://www.dcjs.virginia.gov/common/links.cfm?code=9&program=victims&announce=6.

III. APPENDICES

A. Sexual Assault Evidence Collection:

1. General Rules:

   a. Safeguard crime scene and evidence.

   b. Evaluate the need for a search warrant.

   c. Document the names of all persons who enter the crime scene.

   d. Call a crime scene unit or evidence technician, if available.

   e. Use caution not to damage, mark, or contaminate evidence.

   f. Initial and date all items seized.

   g. Document chain of custody of evidence.

   h. Place evidence in appropriate containers, seal, and initial.

2. At the Crime Scene:

   a. Collect undergarments, clothing, bedding, rugs, or other appropriate items which may contain semen, blood, other fluids, or be damaged.

   b. Collect wash cloths or towels which may have been used.

   c. Collect bottles, glasses, or other objects which may contain latent prints.

   d. Search scene for foreign objects (e.g., buttons, hair, pieces of torn clothing).

   e. If the crime occurred outdoors, gather soil samples from several areas and sketch the location of each sample taken.

   f. If the crime occurred in a car, gather sweepings from seats and floors, and search floor mats and seat covers.

   g. If entry was forced into the victim's house, gather samples of broken glass and paint chips. Note any pry marks.

   h. Photograph the crime scene.

   i. Photograph bite marks, scratch marks, or other signs of brutality or injury to victim. A forensic exam by Lynchburg

General Hospital Forensic Nurses should be requested. If in the unusual circumstance that a Forensic Nurse is not available, the same sex officers should be utilized to photograph the injuries. Sheriff's Office personnel shall **not** photograph private sexual areas.

j. Proof of physical resistance by the victim is **not** required (*VA Code* § 18.2-67.6). However, evidence indicating that a victim resisted, if it exists, should be preserved and gathered properly.

3. At the Hospital/Medical Facility

a. Note all signs of trauma or injury, as well as the emotional state of the victim, on hospital record. Review the examination with the examining forensic nurse to ensure that smears are taken from vagina, anus, and mouth of victim, as dictated by the nature of the assault. It is **not** necessary for maintaining the chain of evidence, and it is **not** appropriate for a deputy to be present at the time of the PERK exam. The victim needs privacy and the deputy lacks the expertise to testify regarding the exam done by licensed medical professionals.

b. A PERK exam is a Physical Evidence Recovery Kit examination. A PERK exam can be administered to either a victim or a perpetrator for purposes of gathering evidence. In this section, the term PERK exam refers to its administration on behalf of the victim. It's purposes are (i) to assess the health threats and needs of the victim, (ii) to identify and gather evidence for a sexual assault investigation (and eventual prosecution), and (iii) to help identify or exonerate a suspect. The PERK exam, in the case of an alleged sexual assault victim, is paid for by the Criminal Injuries Compensation Fund, and is the property of the State and not the victim.

4. Notes to be Prepared:

a. Description of exact location where each piece of evidence was found (e.g., one white bra, left strap torn, found on the ground in rear yard of *[address]*, 6 feet south of rear stairs).

b. Description of victim's appearance and behavior (e.g., bruises or marks, facial discoloration, disarrayed clothing, smeared makeup, hair disheveled, confused, dazed, disoriented, crying, incoherent speech).

c. Description of victim's clothing. Note the locations of torn garments, dirt, stains (e.g., blood, semen, grass).

d. Description of suspect. Pay special attention to the victim's physical description, especially those characteristics that would not be readily visible if the suspect were clothed (e.g., tattoos, scars, moles, genital warts).

e. Ensure that all signs of trauma or injury, as well as a description of the emotional state of the victim, are recorded in the hospital record.

f. Ensure that all protocols with the Sexual Assault Response Team (SART) are followed.

B. Interviewing Child Sexual Assault Victims

1. It is recommended that ONLY specially-trained child forensic interviewers conduct child sexual assault victim interviews.

2. The Campbell County Sheriff's Office is a member of the Campbell County Multidisciplinary Team (CCMDT). The purpose of the CCMDT is to lessen the "system inflicted" trauma to children and families involved in child abuse cases; to improve agency decisions , accuracy of investigations , and appropriateness of interventions ; to develop fully trained , more capable professionals; to enhance the quality of evidence presented for prosecution ; and to reduce duplication of services and efforts, while maximizing resources .

   The CCMDT handles the following types of cases:

   - Child sexual abuse
   - Severe child physical abuse
   - Criminal child endangerment
   - Child fatality with suspicion of abuse and/or neglect

3. Upon response to a MDT case, deputies will collect pertinent identifying information for a report from an adult, and notify an investigator and CPS. Children should only be interviewed by trained child forensic interviewers unless deemed an emergency.

a. If the situation is deemed an emergency such as the incident just happened with an unknown offender that may present an immediate danger to the community and the responding deputy decides to interview the child:

- Don't interview the child in your patrol vehicle
- Don't interview the child in presence of others
- Don't ask the child to point to where they were touched
- Don't ask them if they are telling a lie
- Don't ask them if they were touched in a specific place
- Don't offer them a name as a suspect such as, did dad touch you? Or did Uncle Ron do this?
- Don't stand over the child while talking to them (get down on their level or sit on the floor)

b. If you make the decision to speak with the child here are some things you should try to do:

- Speak with the child in a friendly environment without distractions
- Use a soft friendly tone with age appropriate vocabulary
- Sit in the floor or kneel down
- Ask open ended questions such as, “What happened tonight?” or “What happened next?”
- If you have to ask direct questions, give at least two choices for answers preferably three. Example….Did this happen in your room, the living room, or somewhere else?

4. Some common problem areas with child crimes are:

- Where the offense occurred

- When the offense took place
- Lack of medical evidence
- Child memory
- The pressure from family and or other adults to change the child's story.

5. Take photographs whenever possible. Photograph injuries, clothing, incident location, living conditions , etc. Collect potential evidence such as victim clothing, bedding, etc.

6. Assess the medical needs of the child. Focus on corroborative evidence. Determine the need for forensic exams and don't hesitate to consult with the forensic nurse to make that determination.

7. Be aware that it is common for children to wait long periods of time before disclosing abuse. There are many reasons for the delay in reporting and it is common. Sometimes many years pass before a child will disclose the abuse and then it can be disclosed by accident.

8. Deputies also need to be aware that the on call CPS worker will probably not be an actual CPS worker. More than likely it will be someone else employed by DSS and that person will not be able to provide much guidance. In any case please feel free to contact an Investigator for assistance in any case involving children. The Investigators will know who has received this specialized training.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Confidential Funds	**NUMBER: 617**
EFFECTIVE DATE: March 25, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.15.03	

NOTE

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

I. PURPOSE

To establish guidelines for the use of confidential funds issued to the Campbell County Sheriff's Office for the furtherance of investigations and recovery of properties and/or contraband.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to include in its budget confidential funds to support the operations of its vice, narcotics, and organized crime functions. While the primary intent of the confidential fund is to support the vice, narcotics, and organized crime efforts of the Criminal Investigation Division (CID), these funds will be made available and used to support any investigative and enforcement operation of the agency, at the discretion of the Sheriff. Confidential funds shall be received, recorded, and disbursed in such a manner as to ensure justification and accountability.

III. PROCEDURE

A. Procurement and Recording of Funds:

1. The direct responsibility for receiving, recording, maintaining, and disbursing confidential funds rests with the personnel of the Special Investigations Section of the CID. These personnel shall continually monitor the demand and utilization of confidential funds in order to prepare budgetary requests and forecast future needs. All budgetary requests shall be forwarded through the chain of command for approval and inclusion in the Agency's annual operating budget.

2. The personnel of the Special Investigations Section shall maintain a master accounting ledger detailing all transactions dealing with confidential funds, to include receipt of funds, disbursements of funds, date of transactions, nature of transaction, person receiving funds, etc. The ledger shall be maintained in accordance with basic accounting principals, and shall indicate current balance on-hand.

B. Disbursement of Confidential Funds:

1. The Investigator of the Special Investigations Section will disburse funds to deputies assigned to components of the function as appropriate and in accordance with policy.

2. When funds are issued, the Section Investigator shall make the following entries in the confidential funds master accounting ledger and receipt:

   a. Log and case number of transaction;

   b. Date of transaction (disbursement, receipt, etc.);

   c. Name of deputy receiving funds;

   d. Amount of transaction;

   e. Reason for transaction (information, expense, etc.);

   f. Name/signature of issuing supervisor;

   g. Informant's code number.

3. In addition, the log number (transaction number) shall be recorded on the Confidential Funds Accounting Ledger form for cross reference. The appropriate copy of the form shall be retained and filed by the investigator in accordance with this order.

4. When funds are returned by a deputy, for what ever reason, the investigator shall log the funds back in using the same procedure as for newly received monies.

C. Deputy Responsibility - Expenditure of Funds:

1. Deputies assigned to components of the Special Investigations Section shall be issued a predetermined amount of money to be used for incidental expenditures in the furtherance of an investigation. Situations where such funds may be used include, but are not necessarily limited to the following:

a. Purchase of alcoholic beverages, meals, etc., while meeting with a potential suspect, informant, or other person for the purpose of gathering intelligence information and/or attempting to procure contraband.

b. Non-prearranged purchases of small amounts of controlled substances, stolen property, contraband, and/or other articles or services which constitute criminal activity or may be of interest to the enforcement efforts of the Sheriff's Office.

c. Admission fees, transportation services, highway tolls, incidental items for potential sources of intelligence/information in the furtherance of an ongoing or potential investigation (i.e. - cigarettes, sodas, narcotics paraphernalia, etc.).

d. Funds expended for situations such as those listed above shall be reported to the Commander of the Criminal Investigations Division as soon as practical. The affected deputy shall complete and submit a Confidential Funds Accounting Ledger form to the CID Commander for accounting purposes and replenishment of funds. If the incidental expenditure was in the form of spontaneous payment of funds to a confidential informant (C.I.), a receipt must be signed by the C.I. and submitted for inclusion in his file as soon as possible.

(1) Deputies should exercise restraint and a great deal of discretion in the use of incidental monies, since the majority of such expenditures will not be verified by receipts or tangible merchandise.

(2) The incidental funds allotted to deputies is not intended to be utilized for prearranged purchases of contraband, controlled substances, or payments to informants. Such disbursements will under normal circumstances require prior approval and allocation of funds.

(3) When during the course of an investigation, it becomes necessary to make prearranged purchases of contraband, controlled substances, stolen property, illegal/illicit services, etc., and/or payments to confidential informants, it is necessary for the deputy involved to inform the Special Investigations Section Investigator in order to get approval for such a transaction and receive sufficient funds. The Special Investigations Investigator shall receive, review, record and disburse funds, as appropriate, in accordance with section III.B. of this directive.

a. All payments of funds to confidential informants shall be documented by a signed receipt executed by the source and witnessed by the issuing Deputy and at least one other law enforcement officer. Said receipt shall be forwarded as soon as possible to the section investigator for inclusion in the C.I.'s file. A Confidential Funds Accounting Ledger Form will also be completed and forwarded to the Special Investigations Section Investigator whenever a C.I. is paid for information. This will be accomplished in addition to the receipt.

b. When CCSO funds are used to purchase contraband, a Confidential Funds Accounting Ledger Form shall be completed. The original shall be forwarded to the Special Investigations Section Investigator. A copy will be placed in the appropriate case file, and a copy will be retained by the deputy to be placed in his/her records. In the event an informant payment is also involved in the same transaction, two separate Informant Payee Receipts will be executed, one for the buy money and one for the informant funds.

D. Authority to Disburse Funds - Limitations:

1. In order to maintain strict control over the use and integrity of the confidential funds appropriated to the Sheriff's Office, the following guidelines apply to the amount which may be expended:

a. Up to $500.00: The Investigator of the Special Investigations Section may approve and disburse as appropriate, in accordance with the other provisions of this order.

b. All Over $500.00: Approval must be granted by the CID Commander for disbursement.

2. At any time, if questions of appropriateness arise, or the Special Investigations Section Investigator or the CID Commander is unavailable, the Sheriff's approval may be sought.

3. From time to time situations will arise which require that large amounts of money be accessible to the Special Investigations Section Investigator and/or CID to be used in furtherance of an investigation. An example of such a situation would be where thousands of dollars are needed as flash money for a buy-bust deal. In such a situation, the Special Investigations Section Investigator shall inform the CID Commander of the proposed transaction and the need for excessive funds. The CID Commander shall evaluate the situation and if he determines that such an approach is appropriate, he shall contact the Sheriff for approval. The Sheriff will then contact the County Treasurer and request that such funds, as necessary, be made available for temporary use. When such funds are acquired from the County Treasurer, the CID Commander shall formulate detailed plans, ensuring that every effort is made and every security precaution is taken to ensure the safe return of all monies.

4. When requests for confidential funds come from a component of the Sheriff's Office other than the Special Investigations Section Investigator, such a request must be approved by the Sheriff or his designee, prior to issuance.

5. While the Special Investigations Investigator has direct control and security of the confidential funds, the CID Commander and the Sheriff may also disburse funds, in the event of an emergency or if the Special Investigations Section Investigator is not available.

E. ACCOUNTING PROCEDURES:

1. The Special Investigations Section Investigator shall on a monthly basis audit the incidental funds issued to each deputy assigned to his section, to ensure that such funds are available and to seek replenishment as needed. The intent is to avoid situations where funds are depleted over a period of time and not replenished. Such a

situation, if allowed to occur would defeat the purpose and intent of the allowance. Discrepancies shall be immediately reported to the CID Commander. In addition, the investigator shall prepare a quarterly report for the CID Commander detailing expenditures by members of their component, and indicating if additional funds are needed.

2. The Special Investigations Section Investigator shall prepare quarterly reports pertaining to expenditures. Said quarterly reports, along with the records and ledger shall then be presented to the Commander of CID for review. Any discrepancies detected shall be immediately addressed and corrective measures taken. Should the discrepancies be of great significance, the CID Commander shall immediately notify the Sheriff.

3. The Sheriff shall at least once annually inspect the accounting records pertaining to the confidential funds for accuracy and compliance with this General Order. The Sheriff at his discretion may appoint a department member familiar with standard accounting procedures to conduct said audit on his behalf, and report the findings to him.

4. In addition, the CID Commander, the Sheriff, or his designee, may at any time conduct an unannounced audit of the records, ledgers, files, etc., relating to the confidential fund.

5. The confidential funds appropriated to the Sheriff's Office shall be kept in a legitimate banking institution and drawn upon as needed. Monies withdrawn and kept on hand by the Special Investigations Investigator shall be kept in a secure place at all times. Only amounts deemed necessary for day to day operations shall be maintained on-hand.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Surveillance and Undercover Equipment	**NUMBER: 618**
EFFECTIVE DATE: March 27, 2004	
AMENDS/SUPERSEDES: **GO 619.1 - Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.15.04, OPR.03.03	

NOTE

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I. PURPOSE

The purpose of this General Order is to establish guidelines for the maintenance, distribution, and use of surveillance and undercover equipment.

II. POLICY

The Commander of the Criminal Investigation Division will maintain, disburse and have direct control over electronic eavesdropping and night vision equipment or other surveillance or undercover equipment.

III. PROCEDURE

A. Disbursement

1. The Commander of CID authorizes the use of specialized equipment for the purpose of surveillance and undercover operations. Authorization of this equipment will be based on a demonstration of need for the furtherance of an investigation by the deputy or investigator. No one shall use this equipment without prior authorization.

2. The personnel of the Special Investigations Section will be responsible for the release of any specialized equipment for the purpose of surveillance or intelligence gathering.

3. Person(s) requesting the use of any surveillance or undercover equipment must demonstrate his ability to operate the equipment prior to issuance. The person(s) requesting the use of the equipment will have sole responsibility for the upkeep and safety of the equipment.

4. All persons, other than the Special Investigations Section, prior to checking out any equipment, must log the items onto a sign-out sheet in the appropriate office. Information needed for the sign-out sheet should include:

   a. Name of person and division;

   b. Name or type of equipment utilized;

   c. Serial number;

   d. Date and time checked out;

   e. Date and time checked in; and

   f. Verifying the working order of the equipment.

5. All equipment must be signed in by the supervisor of the Special Investigations Section, or designee who will ensure that the equipment is in good working order when returned.

6. Under no circumstances will this equipment ever be used outside of the realms of a criminal investigation. This equipment will **not** be used for personal reasons.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Vice, Narcotics and Organized Crime	**NUMBER: 619**
EFFECTIVE DATE: March 25, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.03.01 – OPR.03.05	

NOTE

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I. PURPOSE

The purpose of this General Order is to formally state the Campbell County Sheriff's Office commitment to the suppression of offenses related to vice, narcotics and organized crime, and to establish the investigative structure and guidelines to effectively deal with such matters.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to vigorously record, investigate and seek prosecution in all cases involving vice, narcotics and organized criminal activity. It is the duty and responsibility of all department members to constantly be alert for such activities and to take appropriate action. While minor vice and narcotics violations may be effectively dealt with at the patrol level, offenses of a greater magnitude and all cases involving alleged organized criminal activity dictate investigation by highly trained and specialized personnel. Therefore, cases of this nature shall be referred to and investigated by the Special Investigations Section of the Criminal Investigation Division.

III. ORGANIZATION AND ADMINISTRATION

A. Special Investigations Section:

1. The primary investigative responsibility for vice, narcotics including the

possession, manufacture, distribution or trafficking of controlled substances and organized criminal activity in Campbell County rests with the Special Investigations Section of the Criminal Investigation Division.

2. The Commander of the Criminal Investigations Division shall be responsible for the overall administration and operation of the section. The CID Commander shall brief the Sheriff on all activities at the weekly staff meeting or other appropriate times as necessary. The duties of the Special Investigations Section personnel include, but are not limited to, the following:

   a. Insure that all cases/reports pertaining to vice, narcotics and organized crime are recorded, reviewed and assigned to the appropriate personnel for investigation.

   b. Maintain control and security over the confidential informant files.

   c. Maintain control and security of the confidential funds available for the suppression of vice, narcotics and organized crime.

   d. Review and approve all surveillance and undercover operations, including the use and distribution of all surveillance and undercover equipment.

   e. Review, plan, and assist with coordination of all raids and search warrant executions conducted by the Special Investigations Section.

   f. Establish and maintain communication, coordination, and cooperation with other Sheriff's Office components, especially the Field Operations Division and the Criminal Investigation Division.

   g. Coordinate the use of vehicles assigned to the Special Investigations Section to ensure their most effective and efficient use, rotating and replacing as necessary.

   h. Establish and maintain liaison with other agencies operating in Campbell County and the Central Virginia area responsible for the investigation and prosecution of offenses related to vice, narcotics and organized crime, in order to ensure effective communication, cooperation and coordination of effort.

i. Provide first-line supervision to ensure that cases are investigated by priority, in a timely and effective manner.

j. Audit funds assigned to each unit investigator on a monthly basis to ensure accountability and replenishment as necessary.

k. Inspect and inventory all specialized equipment assigned to the Special Investigations Section on a semi-annual basis. All damaged and/or missing items shall be immediately reported to the CID Commander for appropriate action.

3. The personnel of the Special Investigations Section shall have advanced training in the following areas:

a. Undercover investigation techniques;

b. Development, use and control of informants;

c. Drug recognition and identification; and

d. Stakeout and surveillance techniques.

4. The Special Investigations Section also has the primary investigative and intelligence gathering responsibility for offenses traditionally classified as vice and organized crime. Offenses which are the responsibility of the S.I.F. include, but are not limited to the following:

a. Illegal sale and distribution of liquor and tobacco;

b. Illegal gambling operations;

c. Illegal prostitution and pornography;

d. Extortion/bribery;

e. Organized criminal activity; and

f. Terrorism and subversive activities.

5. The Special Investigations Section will serve as the department's liaison with other task forces, commissions, law enforcement agencies, etc., operating in the Central Virginia area for the specific purpose of suppressing vice and organized criminal activity.

IV. OPERATIONS

A. Complaints - Receiving, Recording, and Processing

1. Incident Reports:

a. The Commander, Criminal Investigation Division (CID), or designee, shall review daily all incident reports generated by the Field Operations Division. Cases involving narcotics, vice and organized criminal activity shall be forwarded to the appropriate Special Investigations personnel. The CID Commander will make a determination as to whether the case should be assigned to an investigator for follow-up, or whether the information should be recorded for intelligence purposes and possible future reference. The CID Commander shall clearly indicate on the face of the report whether it is for "INVESTIGATION" or "INFO", and assign to Special Investigations personnel as appropriate.

b. Upon receipt of an incident report marked "INVESTIGATION", the Special Investigations personnel will develop a case file.

c. Upon receipt of a report marked "INFO", the Special Investigations personnel shall review the information and determine whether the information is of such a nature/importance that it should be recorded and maintained in the unit intelligence files. If it is determined that the information may be of future value, the data shall be properly recorded and filed.

2. Citizen Complaints:

a. The vast majority of information regarding vice, narcotics and organized criminal activity come to the Sheriff's Office attention by way of citizen complaints. Therefore, it is imperative that all such information be reviewed, recorded and appropriate action taken.

b. All information received by CID and field personnel concerning activities relating to vice, narcotics, and organized crime shall be recorded in as much detail as possible on a Narcotics Intelligence Form by the department member receiving the information.

c. The completed Narcotics Intelligence Form shall be forwarded immediately to the CID Commander or designee for review. The CID Commander or designee shall, after review, determine if the information is of such a nature/importance that it should be investigated, maintained as intelligence, or discarded. The supervisor shall then take the appropriate action, following the same guidelines as for incident reports.

d. Upon receipt of a Narcotics Intelligence Form marked either 'INVESTIGATION' or 'INFO', the Special Investigations Section personnel shall take appropriate action, following the same guidelines as for incident reports.

e. Anonymous information/complaints shall receive the same attention as those received from known sources. In certain situations, it may be appropriate to apprise the reporting/complaining party of the status of their complaint or information reported to the Sheriff's Office, in order to promote good public relations and encourage citizen involvement in curtailing criminal activity. The decision to inform a citizen of action taken or contemplated on a particular case rests with the Sheriff.

3. Outside Agencies:

a. In order to effectively deal with individuals and organizations involved in vice, narcotics, and organized criminal activity, it is vital that liaison be established and maintained with other law enforcement agencies in the Central Virginia area in order to effectively communicate information and coordinate enforcement efforts. It shall be the responsibility of the Special Investigations personnel to ensure that such contacts are made and used to their fullest extent. In addition, the personnel shall attend, or designate someone to attend, meetings and/or conferences related to such activities, as appropriate. The personnel shall also stay abreast of special task forces, commissions, etc., operating in the Central Virginia area dealing with vice, narcotics and organized crime control, and make recommendations to the Sheriff as to desirability of participation. All such recommendations shall be routed through the Criminal Investigation Division Commander.

b. Information and/or intelligence data received from outside law enforcement agencies shall be reviewed, recorded and acted upon in accordance with the procedures listed in this General Order for handling citizen complaints.

B. Records:

1. Records and files relating to vice, narcotics and organized criminal activity shall be maintained securely by the Special Investigations Section. The personnel of the Special Investigations Section shall be responsible for the security and accessibility of files and records maintained. These files and records will be maintained in the Investigations section and kept under lock and key security at all times.

2. Access to investigative and/or intelligence files shall be strictly regulated and limited to only those persons assigned to the Special Investigations Section, the CID Commander, and the Sheriff.

C. Confidential Informants:

1. The development and use of confidential sources of information is a necessary and virtually indispensable function of law enforcement operations dealing with vice, narcotics, and organized crime. However, due to the potential for danger and liability associated with the use of confidential informants, a great deal of caution and control must be exercised.

2. When an individual is identified or comes forward offering information and/or assistance of a confidential nature, it is vital that an in-depth examination be made of the subject's motive, background, criminal history, and mental stability. This shall be done prior to using the subject as an informant or acting on any information provided, if at all practical. The CID Commander will be informed of all intentions to use confidential informants and shall either approve or disapprove said use, based on all available information regarding the individual and the nature of the case.

3. Once an individual has agreed to function as an informant and approval has been obtained from the CID Commander, the following actions must be taken concerning the subject:

a. A "CCSO Confidential Source of Information" is completed, with full descriptive info, including a photograph of the subject and any aliases and/or code names or numbers the subject has used or may be using while functioning as a C.I. with the Sheriff's Office.

b. A criminal history and wanted check is effected.

c. A "Cooperating Individual Agreement" form is completed and signed by the individual.

d. An in-depth interview is conducted with the C.I. to determine known associates, behavioral traits, etc., and to solicit any and all information the subject may possess about criminal activity in Campbell County and/or any other jurisdiction.

e. The subject is assigned a Confidential Informant Number by the Special Investigations personnel and a file is established containing all the information in items a through d above.

f. The Special Investigations personnel shall review the C.I. file for accuracy and completeness and log the appropriate information in the Confidential Informant Control Log.

4. Once a C.I. file has been established on an individual, any and all involvement by the Subject in Sheriff's Office investigations and/or intelligence gathering operations, including introductions, controlled buys, surveillance/shadowing assistance, supplying information and/or payment of funds, shall be recorded in writing on the appropriate form or report and included in the subject's C.I. file.

5. Special Considerations: The use of any confidential informant is an issue which must be approached with a great deal of caution. However, there are certain types of individuals, who when used by law enforcement officers as confidential sources of information, require even stricter usage guidelines. Some situations which require special consideration:

a. Juveniles: While juveniles often prove to be excellent sources of information, the possible liability attached to their use often outweighs the potential benefits. The soliciting of information from juveniles usually does not pose any particular danger to the youth, nor the deputy, as long as the information is used as intelligence to support evidence gathered from other sources or as a basis to begin an investigation, as long as the source of

the information is kept highly confidential and the identity of the subject is not revealed and court testimony is not required. However, when a juvenile is recruited and/or operates as an informant (agent) for a deputy, the liability incurred can be enormous. Therefore, the use of any juvenile as a confidential informant is discouraged, except under the most extreme of circumstances, where other investigative means are

unavailable or would be clearly ineffective. Under such circumstances, the use of a juvenile will take place only after the CID Commander, the Sheriff, and either the parent(s) or Juvenile Court Officer have been briefed on the situation and approved. (Note: The parent(s) of a potential juvenile informant will always be notified, except in situations where such notification could result in harm to the juvenile. In such situations the Juvenile Court Officials may be consulted in lieu of the parent(s).

b. Probation/Parole: As in the case of juveniles, the obtaining of information from subjects on probation and/or parole is authorized and poses no greater risk than normal adult informants. However, when subjects on probation and/or parole are used as confidential informants and given direction by deputies, another unique problem arises. Conditions of probation and parole prohibit the association with known felons and subjects engaged in criminal activity, and forbid the individual from activity participating in any criminal act. Therefore, to request an individual on probation or parole to intentionally associate with persons engaged in criminal activity and/or engage in criminal activity himself, exposes the subject to a great deal of legal liability and could result in the deputy being held both civilly and criminally liable for his actions. In all situations where a subject on probation and/or parole is used for anything other than the provision of information, the Sheriff shall be notified and briefed on the situation. If, in the opinion of the Sheriff, use of the subject is vital to the investigation, he shall take the appropriate steps necessary to obtain permission from the appropriate probation and/or parole officials. The use of the individual concerned will cease until notification from the Sheriff that such use is approved.

c. Members of Opposite Sex: Any deputy utilizing a member of the opposing sex as a confidential informant shall exercise extreme caution in such dealings in order to prevent the allegations of sexual misconduct. As a precautionary measure, any meetings with an informant of an opposite sex than the deputy working the informant shall be held in the presence of another law enforcement officer. In addition, deputies dealing with informants shall be constantly alert for individuals exhibiting abnormal sexual preferences. When such persons are encountered, the same precautions as mentioned for dealing with members of the opposite sex shall be employed.

D. Confidential Funds:

Confidential funds shall be carefully controlled, scrutinized, and administered by the personnel of the Special Investigations Section and/or the CID Commander, in accordance with the provisions of General Order 617 (Confidential Funds).

E. Special Operations:

1. Vice, narcotics and organized crime offenses, surveillance, undercover, decoy, and raid operations, by their nature, often require deputies to learn of and develop evidence of criminal activity by infiltrating an operation or associating with persons suspected of criminal activity. Therefore, the Sheriff's Office will maintain the necessary resources to conduct special investigative functions, such as decoy, undercover, and surveillance operations in order to suppress criminal activity. The use of such special investigative techniques shall be strictly regulated to and used only in appropriate situations. The following guidelines have been established to ensure the safe, effective, and efficient use of such operations.

a. Decoy Operations:

(1) Intelligence and information received pertaining to victims, crimes committed and target areas will be analyzed to establish suspects, patterns, motives and methods of operation.

(2) Investigators must familiarize themselves with the type of neighborhood in which the operation will take place, concentrating on such aspects as the type of inhabitants, their dress, and their use of language. This information will assist the officers and their vehicles to blend in with the neighborhood. This pertains to the cover detail as well as the decoy unit.

(3) The number of back up units will be determined according to the size of the target area, observation points, and number of suspects. The safety of the decoy deputy should be the number one priority, and sufficient manpower should be utilized to ensure their protection.

(4) Back up deputies will attempt to maintain visual contact with the decoy officer at all times. The decoy officer should always try to move slowly and cause such delays as may be necessary for the back up team to maintain contact.

The back up team will be responsible for the arrests of suspects during the operation. The decoy deputy will only assist in the arrest if his/her involvement is absolutely necessary to effect the arrest. This will help to maintain the false identity of the decoy deputy to continue the operation or for future uses as an undercover operative.

(5) The Special Investigations Section personnel and the CID Commander will monitor and review all decoy operations with special attention given to possible legal ramifications. The Special Investigations Section personnel or the CID Commander will consult the Commonwealth Attorney's office concerning legal matters pertaining to the operation.

(6) When appropriate, the decoy deputy will utilize a body wire to be monitored by the supervisor of the operation. The back up team will use radios to communicate during the operation to ensure constant radio communications capability. The supervisor of the operation will be responsible for assigning frequencies to be used.

Secret signals should be prearranged between the decoy deputy and the back up team to communicate brief messages.

(7) Deputies assigned to the operation should be familiar with each other to avoid identification problems. If appropriate, back up personnel will have badges displayed and utilize Police Id jackets, if available. If these id devices cannot be immediately displayed, officers may utilize baseball caps or arm bands of the same color.

(8) Decoy operations will only be conducted with approval of the Sheriff or Chief Deputy. The personnel of the Special Investigations Section and/or the CID Commander will be responsible for notifying the Field Operations Commander and the on duty patrol supervisor of the operation and the target area to ensure the safety and success of the mission.

(9) Prior to actually engaging in the decoy operation, the deputy selected will be thoroughly briefed on all aspects of the operation to include the objective and target area, by the SI Section personnel. The actions of the decoy deputy shall be strictly monitored and scrutinized by the SI Section personnel.

(10) Prior to actually engaging in the decoy operation, all personnel involved shall meet at a central location in order to establish identity and be briefed by the supervisor-in-charge. The operation, when employed, shall be carefully monitored and controlled by a SI Section member and/or the CID Commander. Any problems of a significant nature which arise during the operation shall be immediately reported to the SI Section personnel or the CID Commander.

b. Stakeouts and Surveillances:

(1) Since stakeouts and surveillance operations often involve the commitment of significant amounts of manpower over a long period of time, all aspects of a particular case must be examined to determine if other investigative techniques would be more effective / efficient. Once a determination has been made by the SI Section personnel to conduct a stakeout/surveillance operation, a formal operational plan shall be devised, detailing the following:

a) Determine through the analysis of intelligence and information received concerning crimes which have been committed, or likely to be committed, if the criminal operation continues.

b) Determine through the analysis of intelligence and information received possible targets of the criminal operation. For example, organized crime might focus on the elderly or concentrate in areas where narcotics trafficking might take place.

c) As much information as possible should be obtained through background investigations on possible suspects. Background investigations will be conducted in accordance with GO 602.

d) Personnel involved in stakeouts or surveillances will be supplied with maps, diagrams, and photos (if available) to familiarize them with the area, buildings and dwellings to be observed.

e) Personnel involved in the operation will be given specific assignments to include observation of target, both stationary and moving, and an arrest team will be designated if an arrest is to take place. One person on the arrest team should be designated to give voice commands as necessary and coordinate the handcuffing and taking the suspect(s) into custody.

f) During the operation, investigators may be required to work overtime or to travel to other jurisdictions. Personnel should be supplied with expense funds for incidental expenditures. Reporting procedures will be in accordance with GO 617.

g) Secure communications can be accomplished by utilizing secure radios obtained by Special Investigations personnel. The SI personnel will be responsible for ensuring that all personnel are issued radios thereby assuring constant radio communications and that codes (if they are to be used) are understood by all.

h) The Special Investigations personnel will be responsible for issuing the necessary equipment for the operation to include, but not limited to, the body wire, cameras and night scopes.

i) The SI personnel will also be responsible for vehicles, assigned or leased, to ensure that stakeout and surveillance units are not detected. Vehicles used should blend in with the target area.

j) After formulating the operational plan, it shall be reviewed carefully by the SI personnel and the CID Commander, with special attention given to possible legal ramifications. The CID Commander or designee will consult with the Commonwealth Attorney's office concerning legal matters pertaining to the operation.

k) The Sheriff will be notified before the plan is executed.

i) If during the planning stages of the surveillance, it is felt that the operation may have to be extended for a considerable length of time (i.e. days or weeks) SI personnel or the CID Commander shall make arrangements for relief personnel to ensure the alertness and safety of the deputies involved. SI investigators will be utilized during the initial stage of the operation. Criminal investigators will be used for relief and if needed, field operations personnel.

ii) Prior to actually engaging in the operation, all personnel involved shall meet at a central location in order to establish identity and be briefed by the supervisor-in-charge. The operation shall be carefully monitored and controlled by the appropriate unit supervisor, or the

supervisor designated by the CID Commander. Any problems of a significant nature which arise during the operation shall be immediately reported to the Special Investigations personnel and/or the CID Commander.

c. Undercover Investigations:

1. Because undercover operations most often involve offenses related to vice, narcotics and organized crime, all such operations shall be planned, coordinated and regulated by the Special Investigations personnel, with the knowledge and approval of the CID Commander. The activities of each department member functioning in an undercover capacity shall be strictly monitored by the supervisor responsible for the operation. The Special Investigations personnel will serve as control officers for undercover personnel.

2. Prior to deploying a deputy as an undercover operative, a formal operational plan shall be prepared by the Special Investigations personnel, detailing the following:

a) As much information as possible should be obtained through background investigations on possible suspects. Background investigations will be conducted in accordance with General Order 602. Deputies will also be familiarized with the objective and details of the operation and the neighborhood or target area.

b) The approach used in the first contact with the suspect is, in most instances, the most critical point in the investigation. If this is accomplished smoothly and naturally, it should tend to offset any suspicion the suspect may have. Contacts can be made using the following approaches:

i) Informants, witting with their knowledge or unwitting without their knowledge, and

ii) The chance encounter.

c) Investigators must familiarize themselves with the type of neighborhood in which the operation will take place, concentrating on such aspects as the type of inhabitants, their dress, and their use of language. This information will assist the officers and their vehicles to blend in with the neighborhood.

d) Undercover investigators will establish a fictitious background and history in order to obtain documentation for a false identity. The background information should not be wholly fictitious, and should fit the undercover investigators own personality traits, background and characteristics so the false identity does not make him/her conspicuous.

e) Care must be exerted at all times by the undercover investigator in order that his true identity is not disclosed. This means that unless circumstances dictate otherwise, the investigator should remove all traces of his official identity from his person and vehicle.

Only those personnel on a need-to-know-basis will have access to information pertaining to undercover investigators.

f) Deputies assigned to undercover operations shall be issued a pre-determined amount of money to be used for incidental expenditures in the furtherance of an investigation. Spending and reporting of money issued will be done in accordance with General Order 617.

g) The Special Investigations personnel will be responsible for issuing specialized equipment that will be needed by undercover investigators or the cover detail.

h) Personnel assigned to Special Investigations will be issued pagers to be carried with them at all times. All personnel involved in the operation will be supplied with the pager numbers.

Undercover investigators will routinely make telephone contact with the personnel of the Special Investigations personnel or their control officer for any exchange of information deemed necessary.

i) The Narcotics Section personnel and the CID Commander will monitor and review all undercover operations with special attention given to possible legal ramifications. The Narcotics Section personnel and/or the CID Commander will consult the Commonwealth Attorney's office concerning legal matters pertaining to the operation.

j) Back up personnel will be responsible for the immediate arrest of suspects during undercover operations. The undercover investigator will not get involved in the arrest unless absolutely necessary, so as not to jeopardize the operation.

If appropriate, the undercover investigator will be arrested along with the suspect(s) and supplied with the necessary documentation. This will add to the credibility of the undercover investigator in the eyes of the suspect.

k) Situations may occur during the course of an undercover investigation which would warrant the use of a cover detail. The cover detail will be comprised of investigators from the Special Investigations or other law enforcement personnel. The cover detail would be used primarily for the undercover investigator's safety or to provide corroborative testimony about the undercover activity.

l) Prior to actually engaging in the undercover assignment, the deputy selected will be thoroughly briefed on all aspects of the operation by the Special Investigations personnel.

The actions of the undercover deputy shall be strictly monitored and scrutinized by the control officer.

3. After formulating the operational plan, the plan shall be carefully reviewed by the Special Investigations personnel, the SRT Commander, the CID Commander, and if appropriate, the Sheriff. Special attention shall be given to such issues as security, safety and legal ramifications of the operation.

4. Prior to actually engaging in the undercover assignment, the deputy selected will be thoroughly briefed on all aspects of the operation by the Section personnel. From this point on, all actions of the undercover deputy shall be strictly monitored and scrutinized by the control officer.

d. Raid Planning and Execution:

1. Due to the high potential for danger and legal liability, a great deal of planning and preparation must go into all search warrant and raid executions. All raids must be reviewed and approved by the SRT Commander.

2. All raids shall be directly supervised by the SRT Commander, Chief Deputy and/or Sheriff.

3. In high risk situations involving known, violent individuals, or the possibility of armed suspects, the Sheriff's Special Response Team will be utilized to conduct raids. The Team's responsibility will be to make entry and secure the premises.

a) If the raid does involve the entry of a particular location for the purposes of executing arrest warrants or to conduct a search, there are certain guidelines that should be followed to insure the necessary speed, safety and surprise.

b) The approach to the target location should be done as quickly as possible, with the entry team moving to the entry point and the cover detail quickly deploying to seal off all exits.

c) The following rules must be followed by the entry team for legal entries:

i) In the execution of a search warrant, one deputy will be designated to knock and announce in a loud voice, "Sheriff's Office, we have a search warrant, open the door."

ii) If the Team is not allowed access by someone inside and, after waiting a reasonable time, the Team will make forced entry.

iii) When making forced entry, care will be taken to avoid unnecessary and excessive damage to property.

iv) The entry team will display some type of identification upon entering the premises, i.e. badges, jackets, hats, etc.

d) Once entry is made, deputies will move as quickly as possible to secure the premises. Occupants will be given directions in a firm commanding voice. Once all rooms are secured, the occupants will be moved to a central location where they can be observed by a security detail. Everyone found inside will be asked to identify themselves and to produce identification.

e) If a search warrant is executed, the search of the premises should be thorough. Deputies and investigators making up the search team will be broken down and assigned areas of responsibilities. General Order 530 deals with Search Warrants in detail. The following guidelines will insure that evidence is properly collected and the chain of custody maintained:

i) When evidence or contraband is discovered, the person locating it should record a description of the item along with the time and place where it was found.

ii) The items should then be photographed where they were found.

iii) The evidence technician will then collect, mark as appropriate, package and maintain the chain of custody on all items collected.

iv) A list of items seized will form a basis for inventory which must be attached to the search warrant.

f) Analysis of the target location will assist in determining what equipment will be needed. S.R.T. members will have all of their assigned equipment.

g) During the initial planning process support units needed will be notified and will attend the pre-raid briefing to receive their assignments. This pre-raid briefing will cover, at a minimum, the objective and details of the operation, the neighborhood or target area, and determining operational procedures.

h) Prior to arrival at the target location, the raid supervisor will request that a radio channel be designated and held until the premises are secured or an arrest is made. This will allow raid personnel exclusive use of the primary frequency and allow constant radio communications capability.

i) Suspect arrests will be conducted in accordance with GO's 521 and 522. If legal questions arise during the raid concerning arrests, the Commonwealth Attorney's office will be contacted immediately.

j) Due to the high potential for danger, it may become necessary for deputies to use force to complete the operation. The guidelines in GO 506.1, Use of Non-Lethal Force and GO 506, Use of Deadly Force, will be followed if force is to be used.

k) If medical assistance is needed during the operation, the Communications Center will be notified who, in turn, will notify Fire and Rescue, dispatching needed personnel and equipment.

l) Reporting procedures will be in accordance with General Order 1002 "Incident Reporting" and General Order 1003 "Report Submission."

4. Any problems of a significant nature shall be immediately reported to the Chief Deputy and/or the Sheriff.

5. Upon completion of the raid, all personnel involved shall meet at a central location and be debriefed by the supervisor-in-charge on all aspects of the operation.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Seizure and Forfeiture of Assets	**NUMBER: 620**
EFFECTIVE DATE: March 27, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.03.06	

NOTE

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

I. POLICY

A constitutional amendment to state law permits law enforcement agencies to benefit directly from the seizures made in narcotics or drug investigations. Formerly, in order to receive financial assistance through seized assets, law enforcement agencies had to use the federal forfeiture process. The Sheriff's Office aggressively enforces narcotics and dangerous drugs laws, and where deputies make a substantial seizure of property according to state law, the Sheriff's Office shall begin forfeiture proceedings. Any assets recovered through the forfeiture process, whether money or property, will be applied to legitimate enforcement needs, primarily to carry out other drug enforcement strategies. Under no circumstances will personnel select enforcement targets because of the expected financial gain accruing to the Sheriff's Office: enforcement strategies are not dictated by profit.

II. PURPOSE

To outline the Sheriff's Office participation in asset forfeitures from drug enforcement cases, and to state responsibilities of the asset forfeiture coordinator.

III. DEFINITIONS

A. Asset Forfeiture Coordinator (AFC)

The AFC is the officer designated by the Sheriff to be conversant in state forfeiture law (*Virginia Code*, §§ 19.2-386.1 through .14), to identify assets in case records, and begin the legal process to appropriate these assets for Sheriff's Office use. The AFC also performs as liaison to other state and federal agencies, and the courts as needed.

1. The AFC shall also understand the authority of § 18.2-249 which allows for the seizure and forfeiture of property used in narcotics trafficking.

2. The AFC shall maintain a current edition of the *Forfeited Assets Seizure Manual* (FASP), published by the Department of Criminal Justice Services (DCJS).

B. Designated seizing agency

The designated seizing agency is the one which initiates the seizure or which retains possession of the seized property. It may be the agency chosen by mutual decision of the participating agencies.

C. Assets

Assets are **anything** of value seized in connection with a drug transaction and include both in-kind property and proceeds. In-kind property consists of whatever an agency can put to immediate use. Proceeds refer to money that is raised through sale of property of a kind not immediately useful.

IV. PROCEDURES

A. Responsibilities of the Asset Forfeiture Coordinator (AFC)

1. Reviews all incident reports to identify property subject to forfeiture.

2. Ensures that all seizures for forfeitures are reported to DCJS.

3. Reports to the Chief Deputy on all matters pertaining to forfeiture proceedings.

4. Chooses and coordinates with vendors hired to manage seized property.

5. Coordinates, where possible, with other agency representatives, as designated by the Sheriff, for "pre-seizure" planning meetings to evaluate target assets to ascertain ownership and the existence of liens or encumbrances.

   a. Personnel planning a seizure of assets shall make every reasonable effort to identify innocent lien holders to avoid inconveniencing them.

6. Coordinate with the Commonwealth's Attorney to enter a default judgment against persons who fail to respond to the court within 30 days to defend against seizure of their property.

7. Apply to DCJS for return of in-kind property for legitimate law enforcement use.

8. Coordinate with the Commonwealth's Attorney or other officials as necessary to obtain a commercial sale of property in appropriate cases.

9. Coordinate with other agencies participating in a regional drug enforcement task force to agree on which agency will become the designated seizing agency for purposes of forfeiture proceedings. Negotiate with participating law enforcement agencies for a suitable division of assets.

   a. Where agencies seize property pursuant to membership in a Regional Task Force, the AFC shall forward to DCJS a copy of the interagency agreement or contract that authorizes the task force.

   b. The AFC shall assist inter-jurisdictional coordination to ensure that localities maintain separate forfeitures, accounts, and auditing procedures. Similarly, the AFC shall track cases in which the Sheriff's Office is involved but is not the primary seizing agency.

10. Ensure that the locality's certification (that the proceeds will be used for law enforcement purposes only and will not supplant existing resources) is submitted to DCJS, and renewed annually by the County Administrator.

11. Ensure that seized money is forwarded to DCJS in check form. Coordinate with the locality finance officer, as necessary.

B. The agency administrative specialist shall:

1. Prepare checks to DCJS as soon as possible upon receipt by the Sheriff's Office of forfeited funds from drug transactions.

2. Prepare and maintain records on all property accruing to the Sheriff's Office through drug forfeitures and retain these records for a minimum of three (3) years.

3. Annually conduct an audit of all property seized attendant to drug transactions, including an audit of all property subjected to forfeiture proceedings. Forward a copy of all audits to DCJS upon request.

4. Compile and retain a file of all receipts for cash or property obtained and sold or otherwise disposed of through asset forfeitures procedures.

C. If the agency elects to pursue forfeiture through federal proceedings, then the AFC does not notify DCJS.

D. Evidentiary considerations

1. Deputies searching businesses, residences, or vehicles for narcotics evidence shall try to obtain documents relating to the ownership of the items seized.

2. Deputies must obtain complete data on all suspects and participants when a seizure is made. This data include name, date of birth, race, sex, nationality, height, eye and hair color, complete address with zip code, telephone number, Social Security number, and any other identifying numbers such as driver's license number.

3. When interviewing suspects or participants, deputies shall try to elicit statements of ownership or lien holding, and origin (how did the property come into the suspect's possession).

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Court Security: Administration and Operation	**NUMBER: 800**
EFFECTIVE DATE: March 20, 2004	
AMENDS/SUPERSEDES: **Issue Date: 1/28/99**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.11.01 - OPR.11.05	

NOTE

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

I. PURPOSE

The purpose of this directive is to outline both the administrative and operational procedures to be employed by the Sheriff's Office and its deputies to ensure the safe, secure, and orderly functioning of the courts and courthouse in Campbell County.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to commit sufficient manpower, equipment, and other resources necessary to maintain a safe, secure, and orderly environment for the operation of all courts of law in Campbell County. This goal shall be accomplished by the utilization of professionally trained personnel, technologically advanced security systems/hardware and the preparation/maintenance of operational plans to handle both routine and emergency situations.

III. PROCEDURES

A. Administration:

1. The primary responsibility for maintaining a safe, secure, and orderly environment in the courts and courthouse of Campbell County rests with the Court Security function of the Administrative Services Division.

2. The Court Security/Civil Process Lieutenant shall be responsible for the immediate administrative and operational functions of the Court Security function. The duties of the Court Security Lieutenant include, but are not limited to the following:

   a. Provide first-line supervision to ensure that deputies assigned as Court Security Deputies (CSD) carry out their duties in a professional and proficient manner.

   b. Constantly assess the manpower and security needs of each court/courtroom and assign personnel accordingly.

   c. Evaluate the training needs of Court Security Deputies and maintain liaison with the Agency Training Officer to ensure that appropriate training is facilitated.

   d. Maintain liaison with judges, clerks, prosecutors, defense attorneys, court employees and other law enforcement officers/agencies as appropriate to ensure cooperation and protect all interests.

   e. Monitor all on-going and/or up-coming court proceedings to detect, evaluate and prepare for situations which may pose a threat to the safe and orderly operation of the courts and courthouse.

   f. Conduct an annual security survey of all court facilities, property, alarm/security systems, etc. Based on the results of the annual security survey, formulate a Security Plan to address, at a minimum, the following areas:

      (1) Perimeter lighting

      (2) Doors/locking devices (interior/exterior)

      (3) Windows

      (4) Interior lighting (hallways, courtrooms, chambers, etc.)

      (5) Alarm systems/hardware (duress, intrusion, etc.)

      (6) Communications (routine/emergency)

      (7) Fire detection/prevention (alarms, sprinklers, extinguishers, evacuation plans, etc.)

(8) Parking facilities

(9) Power systems (normal/auxiliary)

g. Prepare and maintain a Special Operations Plan covering, at a minimum, the following areas:

(1) Hostage/Barricade Situations

(2) Bomb Threats/Incidents

(3) High-Risk and/or High-Profile Trials

(4) Sequestered Juries

(5) Witness/Dignitary (Judicial) Protection

(6) High-Risk Prisoners (Escapes/Threats)

(7) Medical Emergencies

h. Periodically inspect and inventory all specialized equipment assigned to Court Security to ensure availability, accountability and operational readiness. All damaged and/or missing items shall be immediately reported to the Commander of the Administrative Services Division for appropriate action.

3. The personnel of the Court Security function shall be thoroughly familiar with all aspects of court security operations and procedures. In addition, the CSD personnel shall have advanced training in providing courtroom security, security hardware, alarm systems and witness/dignitary protection.

4. The CSD personnel shall ensure that the Security Survey and Court Security Plan are maintained in the Court Security/Civil Process Lieutenant's Desk, located in the Circuit Court Room, and available to all deputies assigned to court security duty for reference and guidance.

B. Court Security Deputies: Duties and Responsibility

1. Selection and Training:

a. All sworn members of the Sheriff's Office are eligible for and subject to service as Court Security Deputies. Position openings in the Court Security function shall be advertised to all sworn personnel. Interested persons will be required to notify the Sheriff of their desire to be considered for the position. The Sheriff, or his designee, shall select persons to serve as Court Security Deputies based on qualifications, suitability for the job and the best interests of the Agency. (Note: In the event that insufficient or under-qualified persons apply for advertised CSD positions, the Sheriff may at his discretion select any sworn Deputy Sheriff to serve as a CSD.)

b. All persons assigned to court security duties shall be thoroughly indoctrinated by the Court Security/Civil Process Lieutenant upon reporting for duty. New personnel shall receive training in all aspects of the job, the Security Plan, the Special Operations Plan, and other pertinent areas in accordance with state law and Agency policy.

c. The Court Security/Civil Process Lieutenant shall assign newly appointed personnel to work with an experienced CSD for a period of not less than one week, in order to receive hands-on training. Within one year of assignment as a CSD, all personnel shall attend formal court security training program at a recognized training facility.

2. Reporting for Duty:

a. Court Security personnel will be required to attend shift change meetings when not conducting courtroom security services.

b. Deputies shall proceed immediately to their assigned courtroom (duty post), thirty minutes prior to the court opening to ensure that all is in order and conduct necessary security inspections as outlined in this order and in accordance with Agency policy.

c. Deputies shall remain at their designated assignment until court is adjourned, dismissed by the presiding judge, or relieved by competent authority. Immediately upon completion of an assignment, the effected deputy shall notify the Court Security/Civil Process Lieutenant, or ranking supervisor, of his status and request further instructions.

d. The Court Security/Civil Process Lieutenant is encouraged to assign deputies to judges and courtrooms on a regular basis. This is desirable so that deputies may become familiar with the habits and behavior patterns of the judges and more accurately recognize unusual or threatening situations.

3. Specific Duties for Court Security Deputies: The duties performed by deputies assigned to court security duty are varied and often very demanding, both physically and mentally. The functions performed may vary not only from court to court, but also from judge to judge, requiring a great deal of flexibility and understanding by Court Security Deputies. While it is not possible to describe all the duties performed, the following deserve discussion:

a. Courtroom Security/Inspections: Immediately upon receiving a court assignment, the CSD shall respond to the designated courtroom, thirty minutes prior to court opening and search the courtroom to ensure security and proper order. Particular attention shall be given to areas immediately surrounding the judge's bench, clerk and witness boxes, counsel tables, and jury box. Once these areas have been checked, and deemed secure, the remainder of the courtroom shall be checked. This search shall be documented on appropriate forms.

At the end of the day once everyone, to include judges and clerks, have left the courtroom, the doors shall be locked and the CSD shall search the courtroom to ensure that no property or person has been left behind. Any found property is to be brought to the CCSO and entered into the CCSO property/evidence system with an IBR “Info Only” report completed. This end of the day search shall be documented on appropriate forms.

(1) In the event that a security inspection reveals a suspected bomb or explosive device, the CSD shall immediately notify the Supervisor in Charge and take appropriate action in accordance with General Order 806.

(2) Suspicious/Disruptive Behavior: Deputies assigned as Court Security Deputies shall remain constantly alert for individuals entering or present in the courtroom exhibiting suspicious or disorderly/disruptive behavior. CSDs will always position themselves at strategic locations in the courtroom which give them a total-unobstructed view of the entire room, entrance doors, the defendant and individuals seated in the courtroom. Court Security Deputies shall not position themselves with their backs to the audience in the courtroom, nor in any area where they cannot immediately see anyone entering the courtroom.

At any time while court is in session, there is excessive talking and/or disruptive behavior emanating from the audience, the CSD may take appropriate action to correct the situation, including expelling the perpetrators from the courtroom. Such action should always be taken in a courteous and inconspicuous manner, and with the actual or implied consent of the presiding judge.

Reading of newspapers and/or magazines by spectators, while the court is in session, is forbidden. Also eating, drinking and smoking in the courtroom is prohibited at all times. Carrying cameras and taking photographs in courtrooms is not permitted without the prior approval of the presiding judge. In addition to the items listed above, deputies shall pay particular attention to all hand-carried items and packages introduced into the courtroom/courthouse by civilians. CSDs observing items which, by their general shape and/or appearance indicate the presence of a weapon or explosive device, shall notify the Supervisor in Charge and take appropriate action to ensure the safety and security of the court and all persons therein. Action taken shall be in accordance with this directive and existing Agency policy.

b. Court Security Deputies will limit undue traffic through the courtroom door at any time when court is in session, particularly during opening and closing arguments and reading of jury instructions.

c. In the event behavior is observed or anticipated, which the CSD feels poses a significant threat or holds the potential for extremely disorderly situation, he shall immediately notify the Supervisor in Charge, so that proper action may be taken.

4. Specific Duties for Courthouse Security Deputies:

a. Courthouse Security Deputies shall report to the Courthouse Entrance fifteen minutes before unlocking the doors of the courthouse.

b. Before unlocking doors, the Courthouse Security Deputies will check the operation of the walk through metal detector and the x-ray screening machine for their proper operation and log said operation check in the Courthouse Security Checkpoint log. If any malfunction is detected in any security equipment, the Courthouse Security Deputy shall immediately report this problem to the Court Security/Civil Process Lieutenant.

c. After all equipment is found to be in good working order, the Courthouse Security Deputy may then unlock the Courthouse entrance doors to the public. On normal court days, this should be no later than 8:00 a.m.

d. The Courthouse Security Deputy may never leave his post unattended for any reason unless he is called for immediate emergency assistance by a Court Security Deputy to respond to a courtroom or another area in the courthouse when no one else is available to respond. If during the shift it becomes necessary for an unexpected break, he shall radio for assistance from a Court Security Deputy and remain on his post until relieved.

e. If any court remains in session after 5:00 p.m., the Courthouse Security Deputy shall lock all entrance doors to the Courthouse and remain on his post until he is notified by the Court Security Deputy working said court that court is adjourned. At this time the Courthouse Security Deputy will turn off the x-ray machine and secure all other equipment in the desk.

f. Courthouse screening duties for deputies is defined by court order and attached to this General Order.

5. Weapons in Court: Deputies assigned court security duties shall be alert continuously for the possibility of weapons being brought into the courtroom and buildings by unauthorized persons. Only authorized Court Security Deputies, deputies, police officers and other law enforcement officers are permitted to carry and possess weapons in the courtrooms. When a CSD has probable cause to believe that an individual is in possession of a weapon in the courtroom and/or courthouse, he shall immediately notify the Supervisor in Charge and request a back-up. In addition, if time and circumstances permit, he shall also notify the presiding judge, so that court may be temporarily adjourned in order to deal with the situation. When the back-up arrives and safety permits, the suspect shall be confronted as inconspicuously as possible and a "pat-down" search conducted. Any hand-carried items which the suspect possesses shall also be inspected. Under normal circumstances, female suspects will be searched by female deputies, if possible and practical.

6. Court Openings/Closings: Another major task performed by Court Security Deputies is that of formally declaring the opening and closing of court sessions and other charges to spectators, court participants, and juries. These declarations generally evolved from common law practices and consist of very specific statements which must be delivered by the Court Security Deputy and are intended to establish order and/or maintain order in the courtroom.

7. Prisoner Care/Custody: A primary duty performed by Court Security Deputies is that of ensuring the security and proper handling of prisoners and defendants while present in court and/or while being escorted to and from court proceedings. The primary responsibility for such care and custody lies with the CSD assigned to the court where the prisoner/defendant is appearing. This responsibility is generally shared with other deputies assisting in the transport and/or proceeding. The specific procedures to be followed and the duties performed by each CSD are outlined in General Order 804 (Prisoner Care/Custody).

8. Document Control/Handling: Deputies assigned to court security duty shall familiarize themselves with the various documents used by the courts to which they are responsible. The extent to which deputies will become involved in the handling of documents will vary depending on the particular court and other factors, such as the judge, the availability of clerks, etc. Generally, deputies assigned to Circuit Court will handle very few court documents, while those assigned to General District Court will handle a very high volume. Civil courts normally require very little handling of orders and documents by CSDs resulting in more time being devoted to the safety and security of the judge and the courtroom. Deputies assigned court security duty shall refrain from volunteering to handle paperwork and shall remember that their primary function is the safe, secure, and orderly operation of the court.

9. Secondary Court Security Deputies: Deputies assigned as secondary CSDs will assist the primary deputy in the inspection and security of the courtroom, jury room and care and custody of prisoners. Upon being assigned to a specific courtroom as a secondary CSD, the deputy shall check with the primary CSD and request instructions as to positioning, duties and special situations. Upon completion of duty as a secondary CSD, the deputy shall report to the Shift Supervisor for further assignment.

10. Demeanor in the Courtroom: Court Security Deputies will, at all times, conduct themselves in a professional and courteous manner. CSDs will remain constantly alert and not allow themselves to become distracted or mentally lax. Under no circumstances will deputies sleep in the courtroom or position themselves in such a way as to present the appearance of being asleep or inattentive to the court proceedings and actions of all individuals present. Deputies will never lean on the judge's bench, nor allow anyone else to do so, except to sign documents as directed by the presiding judge. Under no circumstances will deputies functioning as Court Security Deputies eat, smoke, or drink in the courtroom. The chewing of gum during court is strictly prohibited by Court Security Deputies as well as **all** members of the Sheriff's Office. In addition to the aforementioned, deputies shall remain as inconspicuous as possible in court, and refrain from any actions which are distractive and reflect negatively upon the Sheriff's Office and the Court.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Court Security: Equipment and Systems	**NUMBER: 801**
EFFECTIVE DATE: March 20, 2004	
AMENDS/SUPERSEDES: **Issue Date: 1/28/99**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.11.05	

NOTE

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I. PURPOSE

The purpose of this General Order is to define the specialized equipment and alarms system available to the Court Security function to aid in providing a comprehensive security and safety plan for all court personnel and facilities in Campbell County.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to procure and utilize specialized equipment as necessary to ensure the security and safety of all individuals and facilities relating to the operation of the various courts in Campbell County. In addition to general equipment, the Sheriff's Office shall routinely check all alarms within the court complex for operational readiness, and ensure that all alarms are carefully monitored and responded to in an expedient and professional manner. The Sheriff's Office shall maintain constant liaison with all judges, clerks, court employees and other law enforcement agencies/officials, as appropriate, to ensure that the level of security/safety herein expressed is realized.

III. PROCEDURES

A. Equipment:

1. Weapons: Except in emergency or high-risk situations, deputies assigned to court security duty shall carry only their Agency issued service weapons (handgun), issued Oleoresin Capsicum spray, and Ultron II Stun Gun while on duty. Under no circumstances will Court Security Deputies leave unattended and/or store any weapons in the courthouse complex. All weapons must be kept on the deputy's person at all times except in authorized/secured locations designed for weapon retention.

   a. Specialized and tactical weapons, such as shotguns, tear gas and ammunition, will be maintained by the Field Operations Division Commander and made available to members of the Court Security function as appropriate, and in accordance with existing Agency policy.

2. Prisoner Restraint Devices: All deputies assigned to the Court Security function shall carry, as a part of their daily uniform, at least one pair of Agency issued handcuffs. Extra auxiliary handcuffs shall also be maintained in the secure key lock boxes located in all holding cell areas to deal with unruly prisoners as necessary.

   a. Leg restraints and waist restraints (belly chains) shall also be available for Court Security Deputies for high-risk/violent prisoners and those requiring special handling due to physical or mental conditions. All such restraints shall be utilized only with the knowledge and consent of the Court Security/Civil Process Lieutenant and the presiding judge in the affected courtroom.

3. Communications Equipment: Each deputy assigned to court security duty shall be issued a portable radio (transceiver), microphone, and ear piece monitor. These radios shall be used to ensure that communications are available to and from courtrooms while court is in session, while deputies are handling/transporting prisoners and to enhance the deployment of personnel on a routine and emergency basis.

   a. Telephones are located in some of the courtrooms and should be utilized in lieu of radios, if the situation allows and can be done in a discrete, non-disruptive manner.

4. Magnetometer: All deputies assigned to court security duty shall be thoroughly briefed on the use of the walk-thru and hand-held magnetometers upon being initially assigned to work court security. No deputy will be assigned to use either such device without first being indoctrinated on its use.

5. Lighting: In order to enhance security and safety in the event of a power failure or other emergency situation, the courtrooms, hallways and other key areas within the courthouse complexes are equipped with emergency (auxiliary) lighting devices. The areas immediately surrounding the Prisoner Holding Cells are also equipped with such devices. Deputies assigned to court security duty shall acquaint themselves with the location and general operation of these lighting devices.

B. ALARMS SYSTEMS:

1. Duress Alarms: Each courtroom located within the Campbell County courts complex is equipped with duress alarm buttons at the judge's bench, clerk's position and judge's chambers. All such alarms are silent in nature and go into the communications center.

a. Deputies assigned to specific courtrooms shall respond to said courtroom and conduct security checks in accordance with GO 800. Court Security Deputies shall inspect the duress alarms located in the courthouse complex on a monthly basis. The Court Security/Civil Process Lieutenant will designate court security personnel to accomplish this task. The results of these tests will be logged and kept on file by the Court Security/Civil Process Lieutenant. If any of the duress alarms are not fully operational, the Court Security/Civil Process Lieutenant is to be notified and will contact the maintenance department to repair the alarm as soon as possible. Judges and clerks are to be notified that the alarm is not functioning properly and that the problem has been reported for repair. They are to be notified once the alarm is fully operational.

b. When duress alarms are activated in the courthouse complex, they are received by communications personnel at the Emergency Communications Center. The Communications Center shall then notify the Supervisor in Charge, Court Security Deputies and on-duty Field Supervisor, as appropriate. Responding Court Security Deputies shall utilize

employee and/or security entrances, secondary and/or Field Deputies shall respond via the main entrance to the affected courtroom. Some courtrooms are equipped with peep-holes in the entrance doors, which should be utilized by responding deputies whenever available to view the courtroom situation prior to entry. The on duty Supervisor shall coordinate the response of all deputies to ensure effective and timely response.

C. FIRE EXTINGUISHERS

Fire extinguishers are located throughout the courthouse. Buildings and Grounds (Maintenance) is responsible for the maintenance and re-charging of the extinguishers. Any staff that sees the extinguishers have been removed, or needs charging should notify the Court Security/Civil Process Lieutenant as soon as possible.

D. MAINTENANCE OF SECURITY EQUIPMENT

Other than maintenance of radio equipment, Buildings and Grounds (Maintenance) is responsible for maintaining in working order all interior and exterior lighting, emergency lighting, auxiliary power sources, doors, windows, alarms, fire detection devices, fire protection devices, and heating, air conditioning and ventilation. If there is a deficiency in any of these areas, the Court Security/Civil Process Lieutenant should be notified immediately. He will in turn notify Maintenance of the need for repair.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Holding Facility - Court	NUMBER: 803
EFFECTIVE DATE: March 20, 2004	
AMENDS/SUPERSEDES: GO 804.1 - Issue Date: 1/28/99	APPROVED: Terry E. Gaddy Terry E. Gaddy, Sheriff
VLEPSC STANDARDS: ADM.25.03, ADM.25.12, OPR.10.01 - OPR.10.04	

NOTE

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I. POLICY

It is the policy of the Campbell County Sheriff=s Office to provide a secure and safe court holding facility for those individuals awaiting transfer to Campbell County Courts, and other state or local facilities. This holding area is located in the Campbell County Court House Complex in non-public halls. Access is restricted to authorized personnel.

II. PURPOSE

The purpose of this General Order is to establish procedures for the management, operation, maintenance, and security of the holding facility/cells within each court.

III. PROCEDURES

A. Responsibilities

The Commander of the Administrative Services Division and the Court Security/Civil Process Lieutenant are responsible for the management and operation of the holding facility/cells. The deputies assigned to Court Security and/or the transporting deputy shall, but not limited to, carry out the following duties.

1. Inspecting prior to the receiving and securing of prisoners in the court holding area for contraband, health hazards, and condition of security/non-security equipment.

2. Documenting prisoner movement and unusual events occurring within the holding area.

3. Assuring that females are kept separate from males while in the jail/court holding facilities.

4. Assuring that juveniles are kept separate from adults while in the jail/court holding facilities.

5. It will be the responsibility of the deputy in charge of the prisoner to conduct a physical security check of each assigned prisoner at a **minimum** of every thirty minutes. This deputy shall also be responsible for the care and security of the prisoner. The Blue Ridge Regional Jail Authority officers are responsible for the prisoners they place in the holding cells, to include the minimum thirty minute check of same.

6. Reporting to a supervisor verbally and/or preferably in writing any unsafe situations or unusual occurrences.

7. **All** personnel will properly secure their firearms in the secure lock boxes prior to entering **all** court holding cells.

8. A search will be made of all detainees upon entry into the lockup.

9. Prisoners in custody shall not be placed in the same holding cell presently occupied by inmates of the local jail, due to the possibility of contraband being passed.

10. If the holding cells where the prisoner has court is full, use one of the unoccupied holding cells for the other courts.

11. Detainee records are to be disseminated to the following personnel only:

    (1) Judges,

    (2) Court Clerks or designated court personnel,

    (3) Bailiffs.

    The transporting deputy is responsible for the detainee records and their dissemination.

B. Physical Plant

1. Sufficient air, lighting, and sanitary facilities will be provided for prisoners held in the courtroom temporary holding cells. All cells in the holding area are equipped with a toilet.

2. All prisoner holding cells **shall** be inspected daily, before use and after use, to ensure security, safety, and integrity.

3. All Sheriff's Office personnel and Blue Ridge Regional Jail Authority personnel have access to keys that open the secure key lock boxes in the holding areas. The lock boxes contain the keys that operate the holding cells. Cell keys are immediately locked back in the box after each use. The above personnel also have master alarm keys to allow entry from one holding area to another.

C. Release of Prisoners

1. Prisoners transported from the jail for court and whose release is ordered by the court will be returned to the jail for release and to obtain their property.

2. The written release verification for a person granted personal recognizance will be forwarded to the deputy in control of the prisoner. This deputy will forward the paperwork to the Blue Ridge Regional Jail for initiation of the release process.

3. Property will be released to prisoners according to the Blue Ridge Regional Jail Standard Operating Procedure.

D. Medical and Health Care Services

1. Medical Assistance

(a) Emergency Assistance

Prisoners in the courtrooms holding facility will be provided emergency medical assistance if needed. The transporting officer or court security deputy will notify Communications of any emergencies involving prisoners in the court holding cells. The Communications Center will notify the local rescue squad to respond to the courtroom holding facility.

(b) Non-Emergency Medical Assistance

Prisoners in the custody of the Blue Ridge Regional Jail who require care for non-life threatening conditions will be returned to the Jail, if possible. The medical service provider for the Jail will render medical assistance.

Prisoners in the custody of the Campbell County Sheriff=s Office who require care for non-life threatening conditions will be treated by the local rescue squad. The Deputy who has custody of the prisoner will notify the Communications Center to have the local rescue squad respond to the courtroom holding facility.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Court Security: Prisoner Care and Custody	**NUMBER: 804**
EFFECTIVE DATE: March 20, 2004	
AMENDS/SUPERSEDES: **Issue Date: 1/28/99**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.08.01, OPR.08.03, OPR.09.01, OPR.10.02, OPR.11.01	

NOTE

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I. PURPOSE

The purpose of this General Order is to establish the guidelines to be followed when prisoners are being escorted to and from court and appearing before the court.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to take appropriate security measures to ensure that prisoners in the custody of deputies, who must appear in court, are handled in such a manner as to ensure their own safety, the safety and security of the court and all persons therein.

III. PROCEDURE

A. Prisoner Movement and Restraint:

1. When a prisoner is being moved outside of a security area (such as the prisoner holding cells), he/she will be handcuffed and wear leg restraints. Prisoners likely to pose an escape risk or have behavioral problems will be restrained with waist chains, cuffs, and black box. While walking with a prisoner so handcuffed, the deputy will walk immediately behind the prisoner and a half step toward the side on which the deputy wears his/her gun, so the deputy’s gun will be on his/her far side from the prisoner.

2. When two deputies are handling one prisoner, the foregoing procedure will be followed, with the additional deputy walking ahead of their prisoner and clearing the way through any hazards or congestion.

3. When multiple prisoners are to be moved simultaneously, additional manpower will be used when available. In such situations, the handcuffing procedure described in #1 above shall be adhered to.

4. When transporting female prisoners, a female deputy will be utilized, if available.

   No Deputy will conduct a pat down search of an inmate of the opposite sex except in cases where a clear danger to the security and safety of personnel exits.

5. In order to enhance security and minimize public exposure, prisoners shall not be brought into the courthouse(s) through entrances normally used by the public. The prisoners will be escorted through the secured hallway to the court rooms.

6. If the prisoner is an amputee, in a cast, or on crutches, it shall be left to the Deputy's discretion as to the use of handcuffs. Leg chains or wrist chains may be used for restraint in such instances as appropriate.

7. In certain situations, it may become necessary to use extraordinary methods to restrain prisoners who become violent, disorderly and/or pose a significant escape risk, during court appearances. These restraint devices will be maintained by the Court Security Deputy, and be readily accessible to all deputies. The actual use of such restraints during court shall only be effected upon order of the presiding judge.

8. In all cases where prisoners are brought in by deputies to appear in a court proceeding, and such appearance is delayed, interrupted or completed, the subject in custody shall be immediately placed in one of the secure prisoner holding cells located in the main court building. Situations in which this procedure will be followed include, but are not limited to the following:

   a. Prisoners are brought into the courthouse and cannot immediately appear before the court.

   b. Court recesses of more than ten minutes.

c. Prisoners have completed their court appearance and immediate return to the applicable jurisdiction is not possible.

d. When so ordered by the presiding judge.

All Prisoner Holding Cells shall be inspected daily, before use and after use, to ensure security, safety, and integrity.

B. Prisoner Security Considerations:

1. Deputies shall not allow any articles of property, including clothing, money, etc., to be given to any prisoner by relatives, friends and/or attorneys while in their custody.

2. Deputies shall ensure that contact with prisoners in their custody is limited only to officers of the court, judges, and attorneys. Contact by other persons is strictly prohibited, unless ordered by the presiding judge.

3. During court proceedings in which a prisoner is a defendant, he/she shall be seated at the counsel table, with his/her attorney. Deputies shall position themselves in such a manner as to prevent escapes, observe the audience and protect the judge, witnesses and jury from attack by the prisoner and/or other persons in the courtroom, and shall be constantly alert to security and safety threats which may present themselves. In addition to the provisions of this directive, deputies assigned to court security duty shall strictly adhere to the guidelines in General Order 800 in courtroom situations.

C. High-Risk Prisoners

In the event that a deputy has reason to believe a prisoner constitutes a "security risk", he shall immediately notify the Court Security Deputy and institute additional security measures as may be appropriate. Classification of a prisoner as a "security risk" may be justified based on such issues as prior record, history of escapes, potential for violence and/or other facts surrounding the trial which come to the deputy's attention. Refer to Special Operations Plan.

D. Circulation Patterns

In order to increase the level of protection in the court facilities of Campbell County, efforts shall be made to minimize the contact between the public, prisoners, judges, and court employees, during movement in courthouse complex. As previously stated in this order, prisoners shall enter and exit through designated points which minimize public contact and potential for escape. The public will be allowed to enter courtrooms and court buildings only through entrances designed for routine ingress and egress (not those designated security entrances). Judges and court employees shall enter the buildings through secured entrances designated for their use. The judges' and employees' entrances shall be designated and controlled in such a manner as to minimize public contact and enhance security/safety.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Escape from Custody	NUMBER: 805
EFFECTIVE DATE: March 27, 2004	
AMENDS/SUPERSEDES: Issue Date: 1/28/99	APPROVED: Terry E. Gaddy Terry E. Gaddy, Sheriff
VLEPSC STANDARDS: OPR.10.03, OPR.11.01	

NOTE

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I. PURPOSE

To provide a policy for the apprehension of anyone escaping custody within the court complex.

II. POLICY

To safely and securely keep all persons remanded to the Sheriff's custody.

III. DEFINITION

The term escape from custody is to flee the lawful custody of a deputy with or without force or violence.

IV. PROCEDURE

A. Should an escape occur anywhere within the court complex, the deputy who is in charge of the prisoner will immediately give pursuit and broadcast by radio "Unit __#__ I have an escape from __location__". Broadcast description and name of subject if known, clothes he/she is wearing, the direction of travel, also whether or not he/she is armed.

B. Bailiffs in the closest courtrooms who are without prisoners will respond to assist and broadcast that information.

C. Court complex bailiffs, with the assistance of other deputies or police officers, will seal off as many exits as possible and allow no one to leave the building. They will broadcast which exits have been sealed to the supervisor in charge.

D. A Division Commander will take command until the arrival of the Sheriff, Chief Deputy or their designee who will be advised of the overall situation and assume command.

E. Should the subject evade pursuit, but is believed to be in the building, the Communication Center will be notified for K-9 assistance.

F. The outside perimeter will be secured by Sheriff's deputies and a systematic room by room, floor by floor search will be conducted, each room to be evacuated and locked after it is searched.

G. Full information on the escapee will be obtained from the Blue Ridge Regional Jail Authority, if possible and applicable, including a photograph.

H. A command post for the coordination of the search will be set up in a secured area of the court complex.

I. Internal movement of all prisoners within the court complex will cease unless otherwise directed by a judge to continue, after his/her first being apprised of the situation.

J. In the event an escape occurs and the subject gains immediate egress from the building, steps A, B & D will be followed. In addition, the supervisor in charge will cause the following to occur:

1. Notification to the Virginia State Police. Give them any pertinent information known at the moment such as description of escapee, clothing, last known direction of travel, any possible vehicles involved, the number of deputies involved in the pursuit and their last known location.

2. Obtain full information on escapee from the Blue Ridge Regional Jail Authority, if possible and applicable, including a photograph, whether he/she is a convicted felon, what charges are pending, last known address and addresses of relatives and friends and any information that would aid in his/her recapture.

3. If radio contact with pursuing deputies can be maintained and they have lost sight of the escapee, have them join up with the closest police unit and continue the search until such time as they are needed by the supervisor in charge.

K. Should an escape occur from any court, immediately notify the Communication Center giving description and location of escape. Notify the nearest supervisor as soon as possible.

L. Any media information requests will be released only by the Sheriff or Public Information Officer.

M. Should the escapee remain at large by the following day, full information of the incident will be passed on to all Court Bailiffs. Particular attention should be paid by deputies who work in the areas in which the subject may appear.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Fire Alarm/Bomb Threat in Court Complex	**NUMBER: 806**
EFFECTIVE DATE: March 27, 2004	
AMENDS/SUPERSEDES: **Issue Date: 1/28/99**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.11.01	

NOTE

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I. PURPOSE

To prescribe specific actions to be undertaken in the event:

A. A fire alarm is activated;

B. A threat is received either verbally or in writing which indicates that a bomb has been planted in the court complex or immediate vicinity thereof.

C. An object is discovered in, or adjacent to, the court complex which is suspected of being, or actually is, a bomb or explosive device.

II. POLICY

A. Fire Alarms

1. Consideration during a Fire Alarm

Staff should be alert to the possibility of an alarm being deliberately activated to divert attention from other activities, for example assaults, escape attempts, or attempts to disrupt judicial proceedings.

2. When a fire alarm is sounded, the court security deputy shall:

a. Call the Emergency Communications Center and inquire as to the location of the alarm.

b. Notify the Court Security/Civil Process Lieutenant of the location of the alarm and any available information about the alarm and the possibility of an actual fire.

c. Request that available court personnel closest to the alarm check the area of the alarm for a possible fire and report their findings to the Emergency Communications Center.

d. In the event of a verified fire, the Courtroom Security/Civil Process Lieutenant shall be notified to determine if evacuation is necessary. If evacuation is necessary, the Special Operations Plans dealing with evacuations shall be implemented. Each floor of the courthouse has a designated warden responsible for the evacuation of their floor. Each court security deputy shall notify the designated warden that evacuation has been ordered and assist in an orderly evacuation according to the Special Operations Plan.

e. The Court Security Deputy will also request patrol assistance be provided for perimeter control, if necessary.

3. Incident Reports

Following an alarm or an actual fire, the court security deputy will initiate an Incident Report with all other staff involved completing supplemental reports.

B. Bomb Threats

1. Whenever a threat is received indicating a bomb has been planted in or adjacent to the court complex, or whenever a suspected or actual bomb is discovered in or adjacent to the court complex, that primary consideration will be given to ensuring the safety of any and all persons in the building and its immediate vicinity. After the safety of persons has been assured, secondary consideration will be devoted to bomb location and/or its disarming and removal.

2. The Administrative Services Division Commander, Field Operations Division Commander, and/or Criminal Investigations Division Commander are assigned responsibility for implementing the provisions of this General Order.

3. During normal working hours, in the event of a bomb-threat, evacuation of the court complex may be ordered only by the Sheriff or Chief Deputy Sheriff. In their absence, a Division Commander may order evacuation, circumstances dictating as provided in the Special Operations Plan.

4. During normal working hours, in the event a suspected or actual bomb is discovered, the Sheriff, Chief Deputy Sheriff, or a Division Commander will order evacuation of the court complex as provided in the Special Operations Plan.

III. PROCEDURE

A. Bomb Threat Received by Telephone

If a bomb threat is received by telephone, the individual receiving the call should gather as much information as possible about the threat. The Bomb Threat Call Checklist, which has been distributed to all court personnel, should be used to gather this information.

Once the information has been evaluated, the court security deputy shall:

1. Notify Sheriff or Chief Deputy Sheriff. Obtain decision as to whether evacuation of the court complex is necessary. In absence of Sheriff or Chief Deputy, the decision to evacuate shall be made by a Division Commander.

2. Alert Sheriff's Office personnel assigned to the court complex and indicate Command Post location. Note: Due to the fact that a bomb or explosive device may be electronically controlled, this factor should be weighed as far as using radios for notification purposes or for means of communication during a bomb emergency.

3. Ensure immediate notification to the Communication Center. Provide as much information as possible concerning details of the threat received.

4. Proceed with building evacuation or building search as directed in the Special Operations Plan, or as determined by the nature of the threat.

   a. Bomb Search

      1) Prior to court

i) Search teams consisting of at least two members will be designated from existing court personnel. A Division Commander will appoint teams and team leaders to conduct searches in their respective areas of responsibility, bearing in mind that the probable places for bombs would be in areas frequented by the public, the rest rooms, janitors closets and electrical rooms. Courtrooms will be thoroughly searched.

ii) Court Bailiffs will conduct searches of clerical offices utilizing the assistance of clerical staff that are familiar with their respective office areas.

2) During court

i) When courts are in session and the building is not evacuated, search teams consisting of bailiffs and other deputies will conduct a floor to floor search as described above.

5. Restrict entry to the court complex to all but authorized personnel for the duration of the emergency.

B. Discovery of Actual or Suspected Bomb

1. A Division Commander shall:

a. Alert all personnel in the court complex. Due to the fact that a bomb or explosive device may be electronically controlled, this factor should be weighed with respect to the use of radios during a bomb emergency.

b. Ensure immediate notification of Communication Center and request dispatch of Fire/Rescue Services to the scene. Advise of Command Post location.

c. Proceed with building evacuation as per the Special Operations Plan.

d. Establish a Command Post at a safe distance from the court complex.

e. Be prepared to brief Fire/Rescue Services on their arrival.

f. Keep public at a safe distance from the court complex for the duration of the emergency.

2. Supervisors, Court Security Deputies and Other Deputies

Be prepared to assist with building evacuation and/or to evacuate the building. Evacuate the building immediately in accordance with the Special Operations Plan, assemble a safe distance away and await further instructions.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Civil Process	**NUMBER: 807**
EFFECTIVE DATE: April 15, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.12.01, OPR.12.02, OPR.12.04	

NOTE

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I. PURPOSE

To describe the duties and responsibilities of deputies assigned to serve Civil Process.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to execute Civil Processes and all other Orders as directed by the Courts in accordance with Virginia Code, § 8.01-287, 292, 293, and 296.

III. PROCEDURE

A. OPERATIONAL PROCEDURES - GENERAL:

1. Tour of Duty: All deputies will be required to serve civil process as directed by a shift supervisor. The deputies' assigned civil process as a primary function will work Monday through Saturday at times assigned by the Courtroom Security/Civil Process Lieutenant.

2. Services of Process: Services will be performed in accordance with the appropriate Sections of the Code of Virginia, the orders of the court, and instructions of supervisory personnel.

3. Training: It is the responsibility of the Courtroom Security/Civil Process Lieutenant or Administrative Captain to see that all assigned deputies are properly trained. Execution of training will be accomplished by the assigned Field Training Coordinators.

4. Area Assignment: Deputies are assigned to particular service areas which are designed to meet departmental needs and provide for the efficient execution of services. The Shift Lieutenant shall assign areas for the next month on or before the last day of the previous month to coordinate assignment of civil process. These assignments should be noted on a copy of a schedule and forwarded to the Civil Process Coordinator.

5. Reports: The Administrative Captain will maintain reports on services, evictions, levies, sales, time expended and other statistical data as required by supervisory personnel.

B. DOCUMENTATION/CONTROL OF PROCESS:

1. The Civil Process function of the Campbell County Sheriff's Office will receive and execute all process and other papers in accordance with § 8.01-294 and § 8.01-296.

2. Upon receipt of process from the courts of Campbell County and/or courts of foreign jurisdictions, the Records Manager shall ensure that the following steps are taken:

a. Enter the following information regarding the document in the Civil Process System Computer:

(1) Date/time received

(2) Type of legal process

(3) Nature of Document

(4) Source of Document (Jurisdiction)

(5) Name of plaintiff/complainant and defendant/respondent

(6) Deputy assigned for service

(7) Date of assignment

(8) Civil Process Control Number assigned by Campbell County Records Management Software (automatically, chronologically assigned by software)

b. Collect and receipt for service fees in accordance with § 17.1-272.

c. Forward the document to the Civil Process Coordinator for assignment to the appropriate deputy for service.

3. A Civil Process Coordinator shall review all documents for service on a daily basis (**except** Sundays and holidays), to ensure that the document has been assigned a control number. The Coordinator will then issue the document, according to service area, to the appropriate deputy for service. This procedure shall take place at 0830 and 1430 hours.

4. The Civil Process Coordinator has authority to oversee the service of process to insure proper and timely service of same.

5. Deputy Responsibility:

a. Upon receipt of a document for service, the deputy shall review the paper, paying particular attention to the nature of the paper, the court date and location of service, and any notation made by the Civil Process Coordinator, i.e., highlighted dates or information regarding service.

b. The assigned deputy shall proceed as soon as possible to serve the document/process, as demands for service allow.

c. If the person, place or thing named in the process/document is found, the deputy shall serve the paper and take appropriate action in accordance with law. The serving deputy will make the appropriate return on the document, indicating the date/time of service, location of service and method of service. The return copy of the process and other documentation, as appropriate, will then be returned to the Records Manager for processing. Refer to guidelines titled, Process Requiring Personal Service and Examples of Civil Process which are attached to this General Order.

d. In the event service is attempted and not made, the deputy shall return all unserved process to the Civil Process Coordinator or shift supervisor for distribution to the appropriate deputy at shift change. If service cannot be made, for whatever reason, prior to the due date, the document shall be returned to the Records Manager.

e. Upon return of a process, the Records Manager shall make the following entries in the Civil Process System Computer file:

(1) Service made:

(a) Date/time of service

(b) Executing Deputy

(c) Method of Service

(d) To whom process was served or on whom executed

(2) Non-service:

(a) Under "Type of Service" enter "Non-service".

(b) Under "Disposition" enter "Returned".

(c) Reason for non-service in narrative.

f. The Records Manager will then forward the served or unserved document back to the appropriate jurisdiction. If the process/document is from out-of-state, an executed "Affidavit of Service" shall be attached and forwarded with the document.

C. PROPERTY MANAGEMENT:

1. In normal circumstances, sworn deputies, who levy upon or attach property in accordance with a legal Court Order, do not take possession or seize this property until the actual day of a Public Auction. This property is normally sold at the defendant's residence or business site, if possible.

2. In the rare circumstances when possession of levied or attached property is required prior to a Public Auction, a secured storage unit and movers shall be rented and utilized at the expense of the plaintiff. This property shall be inventoried and transportation arrangements made to the storage unit by the sworn Legal Process deputy. A copy of this inventory shall be mailed to the defendant.

3. All property seized, found, forfeited and/or ordered sold or destroyed, shall be disposed of in accordance with the appropriate sections of the Code of Virginia, Codified Ordinances of Campbell County and/or orders of the Courts. Sheriff's sales shall be conducted in accordance with § 8.01-492, 15.2-1719, 15.2-1720, and 15.2-1721 of the Code of Virginia, Codified Ordinances of Campbell County and/or applicable laws and court orders.

D. FINANCIAL MANAGEMENT:

1. All monies received and/or collected by the Sheriff's Office as fees for the service of legal process in accordance with § 17.1-272 of the Code of Virginia and/or other applicable laws and ordinances, shall be deposited and accounted for in accordance with § 17.1-271 of the Code of Virginia and/or other applicable laws and ordinances.

2. Bookkeeping and financial records of all monies/funds received by the Sheriff's Office in connection with the legal process function shall be maintained and conform to generally accepted accounting principles. Said records shall be audited annually by the office of the state Auditor of Public Accounts in accordance with § 30-134 of the Code of Virginia and/or other laws and ordinances as applicable.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Levies	**NUMBER: 808**
EFFECTIVE DATE: January 2, 2012	
AMENDS/SUPERSEDES: **Issue Date: 04/15/2004**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: OPR.12.01, OPR.12.02, OPR.12.03	

NOTE

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I. PURPOSE

A. Provide guidelines for Deputy Sheriffs executing Fieri Facias or Levies.

B. Provide guidelines for Deputy Sheriffs to instruct plaintiffs regarding their responsibilities during the execution of Fieri Facias or Levies.

C. Provide guidelines for Deputy Sheriffs forcing entry under authority of a Fieri Facias.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to execute all Levies and Fieri Facias in a timely manner and in accordance with all applicable sections of the Code of Virginia.

III. PROCEDURE

Definitions:

Fieri Facias (fi-fa): A writ of execution in which the Sheriff is commanded to levy and make the amount of judgment from the goods and chattels of the judgment debtor.

Levy: The means by which property is seized or the party in possession of the property is made aware of a claim by the judgment creditor against the property with intent to seize or sell at a later date.

A. Office Procedure for Writs of Fieri Facias

1. When a writ of execution comes into the hands of the Sheriff, he or his deputies must immediately endorse on it the year, month, and day, and time of receipt. This procedure establishes the date of lien and priority of writs against the judgment debtor. Failure to properly endorse a writ of execution may cause the Sheriff to be liable for a percentage of the judgment.

    a. Levies received on the same day will, where operationally feasible, be executed in order of receipt.

    b. If more than one levy is received at the same time, they will be satisfied ratably (all share equally).

2. Check for obvious errors, e.g. correct addresses, proper authority, and proper bonds, if necessary.

B. Service Procedure

1. The Deputy Sheriff will levy on current money and bank notes, goods and chattels, except exemptions under Title 34 of the Code of Virginia, and growing crops. Generally, the deputy will levy only on personal property of the judgment debtor, except when the judgment is in favor of the Commonwealth, and then real property may be levied.

2. The Deputy Sheriff will levy on corporations the same as natural persons.

3. The Deputy Sheriff will levy enough goods and chattels to satisfy the judgment. The value of the goods levied will be based on estimated Sheriff's Sale value, not on estimated retail value.

4. The Deputy Sheriff will not levy in an excessive or unreasonable amount. For example, a levy of three or four times the value of the property, based not on retail, but what it would sell for at a Sheriff's Sale, would be excessive.

5. A Deputy Sheriff may force entry to execute a levy, but only during day light hours and only after giving the judgment debtor proper notice. The premises will be secured after the Deputy Sheriff executes his levy. All forced entries will be coordinated with the Administrative Services Division Captain.

6. A bond indemnifying the Sheriff in twice the amount of the judgment or value of the property being levied will be demanded of the plaintiff before seizure of the property is effected.

7. Deputies executing levies will not let third party claims interfere with or stop their levy. The deputy may advise the claimant that his relief lies in the court and that legal counsel should be sought. Any questions regarding bankruptcy will be directed to the Administrative Services Division Captain.

8. All levies will be executed in the appropriate manner unless canceled by the plaintiff or a court, the defendant presents the deputy with notification of bankruptcy or a forthcoming bond, or the deputy returns the levy "no property found". (In this case, a written explanation must be provided to validate the reason for this particular return on or in the Writ/Levy Notebook.)

9. Commonwealth of Virginia Employment Tax Warrants will be executed as a levy, except when execution is against a third party not the defendant, e.g., a bank or employer. In these cases the deputy will execute the Warrant by service, not levy. In all such Commonwealth cases the Deputy may take cash from the defendant, with a receipt issued, in lieu of actual levy.

10. At no time will a Deputy Sheriff act as a negotiator, arbitrator, or adviser between plaintiff, defendant, or interested third parties. He will simply execute all levies in a timely and legal manner.

11. When deputies are assigned a writ of Fieri Facias, the deputy shall attempt service within five working days. In the event where service cannot be effected within thirty days, the deputy assigned will note in the Levy/Writ Notebook the reason for delayed service as well as making notification to the Administrative Services Division Captain.

C. Receipt Procedure

1. Prenumbered Writ/Levy Forms must be utilized when cash is received on scene to satisfy the judgment. The deputy shall notate on the form: Cash Received (dollar amount); Date; Name of Person cash received from; and shall sign said form. No personal checks are to be accepted – only cash, cashier's check, and/or money orders.

2. The second deputy on scene shall sign as a witness at the bottom of the form. The person making the cash payment shall receive the yellow copy. The pink copy remains in the Writ/Levy Form Book.

3. The white copy – along with the cash received – shall be given to one of the Administrative Office personnel. The Administrative Office personnel accepting the funds shall not be the same as the one making the deposits of said funds. The Administrative Office personnel shall issue a formal receipt and mail to the person from whom payment was collected. If the person payment was received from is other than the defendant, the deputy shall record that person's complete name and address for receipt purposes.

4. All completed Writ/Levy Forms shall remain on file at the Sheriff's Office in accordance with the Library of Virginia Retention Schedule.

D. Prenumbered Writ/Levy Forms Book

1. One prenumbered Writ/Levy Forms Book shall be issued to the Administrative Services Division Civil Process Lieutenant to be utilized as a means of inventory of items levied on as well as to serve as receipts for any cash collected while on scene.

2. The Civil Process Lieutenant shall complete the form as necessary and needed. When the form is used, the defendant always receives the yellow copy. The pink copy is maintained in the forms book and the white copy is attached to the original paperwork. However, if cash is collected on scene, the procedures for receipts as listed above shall be followed for the white copy.

3. Both deputies on scene shall always sign the form.

4. On a monthly basis the Civil Process Lieutenant shall bring the Writ/Levy Forms book to the Administrative Services Division Captain to verify and record on the Log Sheet the number of forms used for that respective month. The Writ/Levy Book Log Sheet is used to notate the monthly inspection.

5. Once each Writ/Levy Book is completed the Administrative Services Division Captain shall give the completed book with pink copies to the Administrative Specialist to retain according to the Library of Virginia Retention Schedule. At this time a new prenumbered Writ/Levy Book shall be issued to the Civil Process Lieutenant.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Evictions	**NUMBER: 809**
EFFECTIVE DATE: April 15, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.12.02, OPR.12.04	

NOTE

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I. PURPOSE

A. To provide guidelines for Deputy Sheriffs executing "Writs of Possession in Unlawful Detainer" and AWrit of Possession and Fieri Facias in Detinue@.

B. To provide guidelines for Deputy Sheriffs to instruct plaintiffs regarding their responsibilities during the eviction.

C. To provide guidelines for Deputy Sheriffs concerning notification of defendants prior to eviction.

II. POLICY

It is the policy of the Campbell County Sheriff's Office to execute all Writs in a timely manner in accordance with § 8.01-156, 8.01-471, 55.237.1, and 55-249.38:2 of the Code of Virginia.

III. PROCEDURE

A. Endorse <u>all new</u> writs by putting the date and time received by the Sheriff's Office. Check for obvious errors - correct addresses, etc.

B. Preparation of Forms - All Writs

Copy the face of the Writ onto the back of the Writ Check List Form. Fill out the front of the check list form (including plaintiff name, defendant name and address, date received, date assigned, and officer assigned to). Place Check List Form in proper area of Writ/Levy notebook in Captain's Office.

Make sure there are two copies (original is executed and returned to court). The copy is served on the defendant.

In addition to the defendant's copy, a form entitled "Notice of Writ of Possession" will be given to the defendant at the time of service. It will be filled out with the date, time, day of week, and when the officer is to return and act on the Writ. A copy of § 55-237.1 and 55-248.38:2 of the Code of Virginia will also be attached when serving the writ of possession in unlawful detainer proceedings (evictions).

C. Service

Prior to serving all Writs, the deputy shall call the plaintiff and arrange a date and time for pick up of the property or in the case of eviction, movement of property or changing of locks. At least seventy-two (72) hours prior notice must be given to the defendant before execution of all Writs. Reference § 8.01-470.

Serve a copy of the Writ and Form with the date of execution on defendant in accordance with § 8.01-296.

D. Execution

"Writ of Possession and Fieri Facias in Detinue"

This is for specified property. The Deputy shall meet the plaintiff at the location of the Writ and supervise the removal by the plaintiff of only the items listed on the Writ. In the event of any unusual circumstances or if forced entry must be used to act upon the Writ (as per § 8.01-470 daylight hours only). The Administrative Captain **must** be notified prior to entry and give approval for forced entry.

The Deputy will list items picked up on the Court Copy and make his return. If no items are found, the word "none" shall be written in the inventory block indicating that no items were found or taken in to possession by the plaintiff.

Fill out the Writ/Levy Notebook as to what action was taken and check off in the Writ Book when completed.

"Writ of Possession of Unlawful Detainer"

This is to remove person(s) and/or their property from rental property or remove a mobile home from a lot.

The Deputy shall meet the plaintiff at the location on the Writ. The Deputy shall supervise the removal of all personal property to the nearest public right-of-way (street) or the changing of locks. Consideration for delaying or rescheduling the eviction might be proper in situations of inclement weather.

Any dangerous or offensive material or caustic or harmful agents will not be put on the public right-of-way but will be disposed of in an appropriate manner.

The Department of Social Services will be contacted in cases involving abandoned children.

The Animal Warden will be contacted to remove abandoned animals.

The Deputy will maintain complete supervision until the entire eviction procedure is complete.

Removal of a Mobile Home from a Manufactured Mobile Home Park

A resident who is evicted from a mobile home park shall have ninety days to move the trailer if:

The rent is kept current and paid on time and the regular maintenance of the lot is kept up.

E. Office Procedure after Eviction

The Deputy will note the method of execution on the face of the original Writ, e.g., canceled by plaintiff, postponed due to inclement weather, evicted persons and/or property, or returned at the request of the plaintiff.

The Writ will be executed and signed by the Deputy. Fill out the Writ Book as to the action taken and check off if completed.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Communication Duties and Responsibilities	**NUMBER: 901**
EFFECTIVE DATE: March 30, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.24.01 - ADM.24.04, ADM.24.07 - ADM.24.09	

NOTE

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I. PURPOSE

This General Order is issued for the purpose of explaining the procedures and practices of the Campbell County Communications Center as it relates to the Campbell County Sheriff's Office.

II. POLICY

The Campbell County Communications Center, which is an independent department, provides the communications services for the Campbell County Sheriff's Office, Altavista Town Police Department, Brookneal Town Police Department, volunteer County Fire Departments, volunteer County Rescue Squads, and other public service agencies. Communications also provides the Campbell County Sheriff's Office with access to local, state, and federal criminal justice information systems.

III. PROCEDURE

A. Administration

1. The Communications Center operates under the auspices of the Department of Public Safety.

2. The Field Operations Division Captain and the Administrative Services Division Lieutenant are the liaisons and coordinators with the Communications Center and are the Sheriff's Office designated individuals responsible for all coordination efforts in this area.

3. The communications component issues directions to deputies applying the appropriate departmental procedures. Communications personnel are assumed to have a complete view of operations and resource management for Sheriff's services. Therefore, deputies will perform assignments given them. First-line supervisors may change a communications directive based on their knowledge of a situation.

4. Access to the Communications Center is limited to authorized personnel only. Authorized personnel include:

   a. Employees of the Communications Center;

   b. All persons exercising command authority over the Communications Center;

   c. Any Senior Staff officer of the Sheriff's Office;

   d. First-line supervisors on a need-to basis;

   e. Any deputy, when directed by a supervisor; and

   f. Any person, when authorized by the Sheriff, Chief Deputy, Division Commanders, Public Safety Assistant Director, or the Public Safety Director.

5. Security

   Security measures taken to protect the Communications Center personnel and equipment include:

   a. Locked doors restricting public access to the dispatch area and communications equipment;

   b. Back-up power systems housed in tamper-proof buildings or enclosures; and

   c. Back-up power sources provided for both the remote transmitter and the communications center.

B. Communication Operations Meet FCC and SIRS Requirements

1. The Communication Center shall operate radio communications equipment in accordance with FCC and SIRS Rules and Regulations. These include, but are not limited to:

   a. The FCC assigns frequencies and enforces the operating practices of the radio spectrum;

   b. FCC rules require stations to keep proper records. They prohibit profane, indecent, or abusive language.

C. 24-Hour, Toll Free Service

The Communications Center serving the Sheriff's Office provides a 24-hour, toll-free telephone access for emergency calls for service through the E911 telephone system. It has a single emergency phone number, 911, and prominently displays it in phone books, on police vehicles, public phones, and in other conspicuous places.

D. Continuous, Two-Way Capability

The Communications Center serving the Campbell County Sheriff=s Office 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, Sheriff's Office, and other local and state public safety agencies. Every deputy will have access to radio communications through the use of a mobile unit, a portable unit, or both.

The Communications Center maintains an intro-departmental and inter-departmental communications network including teletype and automated data communications network to facilitate management control. All methods of departmental communication, including radio, telephone, and mail, are reserved for official business only.

The Communications Center shall operate automated data systems in accordance with published guidelines for the appropriate system. National Criminal Information Center, Virginia Criminal Information Network and departmental automated file inquiries and access shall be governed by their respective manuals.

E. Audio Recordings

All radio and emergency telephone communications conducted within the Communications Center shall be recorded on compact disc and stored for a period of not less than sixty days.

These recordings will be in accordance with the Code of Virginia. The Department of Public Safety Communication Policy and Procedures Manual shall be consulted for specific information regarding the use, playback, retention, access, changing of discs and the making of tapes.

F. Operations

1. Communications Center personnel shall have immediate access to the following:

   a. Home telephone numbers and address of all Sheriff's Office personnel;

   b. Duty rosters of all personnel;

   c. Shift assignment schedules;

   d. Radio designators of all personnel;

   e. An on-call list of agencies providing support services to the Sheriff's Office;

   f. Emergency contact numbers for any agency, company, facility or resource that may be required by the Sheriff's Office in the provision of emergency services;

   g. Intoxilyzer operators;

   h. On-call lists of departmental resources, i.e. SRT Team, Hostage Negotiators, Investigators, etc. and,

   i. Visual maps detailing the agency’s service area.

2. The Director of Public Safety shall ensure that the Communications Policy and Procedures Manual contain current procedures for procuring necessary services external to the department.

3. Communications Center personnel shall be familiar with the County's Emergency Operations Plan.

4. Communications Center personnel shall prepare all roll call information in a timely manner to be picked up by the appropriate personnel prior to roll call. This shall include, but not be limited to:

   a. Printouts of the BOLO file for the last 8 hours;

   b. All teletypes pertinent to Field Operations, if not included in the BOLO file;

   c. Printouts of all incidents for the past 24 hours;

   d. Any other information that Communication Center personnel feel is relevant to criminal activity, or possible problem areas or that would affect the delivery of Sheriff's services.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Basic Radio Procedure	**NUMBER: 902**
EFFECTIVE DATE: March 30, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.24.01, ADM.24.05, ADM.24.06	

NOTE

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I. PURPOSE

Increases in departmental workload and manpower necessitate guidelines to ensure the proper and efficient use of the public safety radio channels. Rapid and accurate communication capability is of paramount importance for the command and control of personnel resources and to ensure deputy safety.

It is imperative for the radio channels to remain free of unnecessary, inappropriate traffic so, when needed, a free, unencumbered channel is available for use. Standardized procedures maximize efficiency and increase dispatcher/channel availability for necessary traffic, while reducing the possibility of misunderstanding and error.

This General Order is issued for the purpose of explaining the basic radio procedures of the Campbell County Communications Center as it relates to the Campbell County Sheriff=s Office. The Campbell County Communications Center is a separate entity that operates under the auspices of the Department of Public Safety. Portions of the Communications Center Standard Operating Procedures have been incorporated into this General Order.

II. AUTHORITY

Dispatchers issue directions which carry the authority of a staff command. Instructions and assignments made by Communications personnel will be followed without argument. Personnel assigned as backup will respond as directed.

Their assignments are made by classifying the information available on a situation, determining the time frame of the occurrence and then, applying the appropriate departmental procedures. While first-line supervisors may change a dispatcher's directions based on their knowledge of a situation, ordinarily the dispatcher is assumed to have a complete view of operations and the availability of resources to adequately respond to call(s) for police service.

III. RADIO PROCEDURES/GENERAL GUIDELINES

A. Think before you speak. This will eliminate errors, increase clarity, and reduce the possibility of having to repeat the message. Plain language, appropriate codes, and the phonetic alphabet (whenever necessary) shall be used in accordance with the procedures set forth in the Department of Public Safety Communications Standard Operating Procedures Manual.

B. All communications between dispatchers and sheriff's office personnel should be conducted by radio if at all possible. This allows other personnel, especially supervisors, the opportunity to hear all calls for service and determine if other response is needed. Cellular phones are not to be used as an alternative to or substitute for the Campbell County radio system. Confidential or sensitive material should be exchanged over landlines for security reasons; however, most communication can be conveyed by radio.

C. Acknowledge messages which are understood without elaboration. Statements concerning your location are not usually necessary, unless the complaint is of an emergency nature or there is need for assistance. Deputies should not acknowledge a message until it is fully understood and necessary information is noted. Addresses, names, and other pertinent data should be recorded when initially dispatched so the information will not have to be repeated. Repetition necessitates additional air time.

D. If a supervisor or additional assistance is needed, the request shall be made as brief and clear as possible. Supervisors shall be informed in the event of major crimes or other circumstances which require the supervisor's presence on the scene i.e. serious injury and fatal accidents, major traffic problems, personal injury, use of force, etc.

E. Generally, only one deputy will be assigned to handle any one call; however, certain calls and situations may require the dispatching of an additional (backup) deputy to ensure deputy safety and adequately deal with the problem. Calls which would normally indicate the need to dispatch a backup deputy include, but are not limited to, the following: an assault on a deputy; on-scene arrest for a felony or violent misdemeanor; resistance to an arrest; use of force; a crime in progress; or a fleeing suspect.

F. Routine complaints should be handled by the deputy or deputies assigned to the patrol area of its occurrence. The Shift Supervisor will determine if deputies leave their assigned area to answer complaints in another patrol area. If another deputy determines that they are close to a complaint of an emergency nature, he/she shall advise the dispatcher as soon as the complaint is dispatched of their proximity to the event.

G. It shall be the responsibility of each member of the department who uses the police radio to keep the dispatcher advised of their status. To ensure proper command and control, each deputy is responsible for advising their status and location when leaving their vehicle. Upon return to the vehicle, deputies shall immediately update their status.

H. It shall be the responsibility of the Communications Dispatcher to check the status of any deputy out of their vehicle for an extended period of time. This is accomplished by the Dispatcher radioing the unit and asking “10-97". If all is okay with the deputy, the deputy will respond “10-4". If there is no response to the dispatcher or a negative response is given, the dispatcher shall immediately dispatch another deputy or supervisor to the location of this deputy.

I. When contacting the dispatcher, deputies shall state their mobile radio designator and await dispatcher acknowledgment. It must be taken into consideration that, because of various duties, dispatchers are not always prepared to record information without warning, i.e. complex messages, license numbers, names, addresses, etc.

J. Points of law, policy, or procedural decisions, etc., will not be made by dispatchers regarding operation performed by mobile units. If a deputy needs advice or assistance, a supervisor is to be requested.

K. Communications personnel will be advised of all complaints received by deputies. Information, such as name, address, phone numbers, and nature of complaint, will be relayed to Communications personnel via radio or telephone as soon as possible.

L. The 2400 hour time system shall be used by Communications personnel in all operational transmissions. This system can be easily followed as described below and shown in Table C.

<u>1 Minute After Midnight through 1259 A.M.</u>

0001 Triple Zero One
0015 Double Zero Fifteen
0030 Double Zero Thirty

Eliminate the word "hours" following the time except between 1000 and 1100 to avoid confusion with the 10 Codes.

1 A.M. through 9:59

1:00 0100 (Zero One Hundred), A.M.
9:59 0959 (Zero Nine Fifty-nine), A.M.

10:00 A.M. through 10:59 A.M.

10:00 1000 (Ten Hundred Hours), A.M.
10:30 1030 (Ten Thirty Hours), A.M.

1 P.M. through 11:59

1:30 1300 (Thirteen Hundred), P.M.
9:30 2130 (Twenty-one Thirty), P.M.
11:45 2345 (Twenty Three Forty-Five), P.M.

IV. SUPERVISORY RESPONSIBILITY

A. Supervisors shall advise Communications personnel of any manpower deployment changes which affect patrol area coverage or mobile radio designators.

B. It is the responsibility of the field supervisor to monitor the radio traffic of the personnel under their command to ensure that proper radio techniques are employed at all times and that an excessive number of units do not respond to calls.

C. A supervisor can overrule assignments which are made by dispatchers in extenuating circumstances or when information exists of which the dispatcher is not aware.

D. Communications supervisors shall ensure that all applicable procedures are followed by Communications personnel as set forth in the Department of Public Safety Communications Standard Operating Procedures and Protocols.

V. INCIDENT CLASSIFICATION AND CASE DISPOSITION

A. Call-takers and dispatchers will classify events in accordance with the Nature Code table listed in the Department of Public Safety Communications Standard Operating Procedures Manual.

B. In addition to determining the nature of the incident, the call-taker will determine, to the extent possible, the relative urgency of the complaint. For each incident, the police "priority", or urgency is predetermined, based on the general type of event. Call-takers shall, when the situation warrants, change the police priority, either higher, or lower, to more accurately reflect the urgency, or non-urgency of the incident. The general rules for determining the event urgency are as follows:

1. IN PROGRESS - The event is occurring at the time the call is received or within five minutes. The perpetrator is present;

2. JUST OCCURRED - The event has occurred during the 10 minutes preceding the call. The perpetrator has left the scene, but still may be in the area; and

3. REPORT ONLY - The event has occurred more than 30 minutes prior to the call being received.

C. Upon completion of an assignment, the unit will advise Communications that they are in service and give the proper code.

Example: Sheriff's Office Unit - "100 to Campbell"

Communications - "100"

Sheriff's Office Unit - "10-8, 10-24"

VI. FIELD UNIT RADIO IDENTIFICATION

Due to the increasing amount of radio traffic, it is imperative to assure the proper identification of sheriff's office units when communicating via the radio network. This will reduce the possibility of Communications personnel missing a sheriff's office unit radio transmission because of covering radio traffic.

A. Communications personnel will always address a particular sheriff's office unit, except for general broadcasts, by his/her mobile radio designator.

Example: "Campbell to 100"

This shall include simple acknowledgments.

Example: Sheriff's Office Unit - "100, 10-8"

Correct Response - "10-4 100, 0945"

Incorrect Response – "10-4, 0945"

B. Sheriff's Office units will respond to or acknowledge Communications Center personnel with their mobile radio/badge designator.

VII. NON-EMERGENCY COMPLAINTS

A. Non-emergency complaints are those requests for service that are citizen generated and field unit initiated which do not require immediate law enforcement intervention to prevent bodily injury, property loss or damage. Some items grouped in this category may be considered routine, but because they require some type of law enforcement action to resolve, they shall be considered non-emergency complaints.

B. Classification

1. Phone messages: Communications personnel will not, under any circumstances, give out home telephone numbers of law enforcement personnel to non-law enforcement personnel. In emergency situations, the sheriff's office employee will be called and asked to return the call as soon as possible.

   In all cases of telephone messages, a copy of the telephone message form will be completed including date and time taken and call taker name or number and forwarded to the intended person.

   If the message is broadcast over the radio, the time broadcast will be written on the message form.

2. Referrals:

   a. Many calls are received by Communications which are not directly law enforcement related. These include such cases as social services, public utilities, etc.

   In situations which require immediate response by the affected agency, they will be contacted by Communications personnel and given a message.

In other routine situations, the caller will be given the requested business number and hours they can be contacted.

b. Those calls which are received that are of an urgent, but non-emergency nature should be handled by Communications personnel in a manner which is deemed appropriate to the situation. It is preferred, in all cases, to have a written message logged of whatever action is taken.

In all cases where some law enforcement action is either requested by a citizen or initiated by a field unit, a CAD Report will be completed.

VIII. CAD REPORTS

The CAD Report will be completed following the instructions noted:

A. Full name of complainant. The subject will be asked to spell parts of their name that Communications personnel either do not know how to spell or those names that have several known variations, for example - Steven - Stephen; Jeffrey - Geoffrey - Jeffery; or Smith - Smyth. If the caller does not wish to give their name either list Anonymous or Refused Caller.

The spelling of names will not be assumed or guessed.

B. Complete mailing address of complainant, (person reporting the crime).

The town should always be included in an address as some subjects living in the Concord area have Lynchburg mailing addresses; the same applies to persons with P.O. Boxes at a particular town post office.

C. The complainant's home phone number and phone number they are calling from, if not the same.

D. The physical location where the incident occurred. For street addresses, list number and street name, i.e., 209 E. Holly Av. Any additional information regarding specific directions, which side of the road, etc., will be listed in the Remarks section.

E. The name, address, and telephone number of any person <u>reporting</u> an incident when they are <u>not</u> the victim or the owner of the property involved.

F. Nature/Type of complaint. Use one of the pre-designated call types that most closely fit this complaint.

G. Incident Number is automatically initiated and assigned by the Campbell County 911 CAD System.

H. The time and date Communications personnel received the complaint or request for service over the telephone or over the radio from a deputy as in self-initiated calls, i.e., deputy stopping to assist a motorist or deputy finding an open door at a business. This is automatically documented when the CAD Report is created.

I. The time Communications personnel dispatched the complaint to a deputy or notified the department or officer of another jurisdiction of the complaint.

J. The time the deputy arrives at the scene of the complaint or at the requested meeting place of the complainant.

1. In the case of a county deputy assisting on a situation being handled by another agency or jurisdiction, the deputy will be assigned his/her own CAD Report and the nature/type call will be listed as "Mutual Aid".

K. The time the deputy clears from the complaint or self-initiated call.

M. The badge/radio number of the assigned deputy(s) - primary and back-up, if applicable.

N. Descriptive information pertaining to the complaint, for example: white house with green trim; large long haired dog in yard; or paved driveway.

O. Status/Disposition of Reported Incident. This is normally documented by the deputy assigned the complaint.

IX. CAD RETENTION SCHEDULE FOR DATA CAPTURED BY COMPUTER SYSTEM

All data captured by the CAD computer system is currently maintained and stored through the use of archives. At this time, all data captured is retained.

THE PHONETIC ALPHABET

The following phonetic alphabet may be used as needed:

PHONETIC ALPHABET

A . . . Adam	N. . . Nora
B . . . Boy	O. . . Ocean
C . . . Charles	P. . . Paul
D . . . David	Q . . . Queen
E . . . Edward	R . . . Robert
F . . . Frank	S . . . Sam
G . . . George	T . . . Tom
H . . . Henry	U . . . Union
I . . . Ida	V . . . Victor
J . . . John	W . . . William
K . . . King	X . . . X-Ray
L . . . Lincoln	Y . . . Young
M . . . Mary	Z . . . Zebra

Note: When using the phonetic alphabet, it is not necessary to identify the letter with the corresponding word.

Example
Correct: 10-28 Virginia ADAM, BOY, CHARLES, ONE, TWO, THREE

Incorrect: 10-28 Virginia A-ADAM, B-BOY, C-CHARLES, ONE, TWO, THREE

2400 MILITARY TIME

2400	Twenty-Four Hundred	1200	Twelve hundred, (Twelve Noon)
0001	Triple Zero One	1230	Twelve-Thirty
0030	Double Zero Thirty	1300	Thirteen Hundred (One P.M.)
0100	Zero One Hundred (One A.M.)	1330	Thirteen-Thirty
0130	Zero One-Thirty	1400	Fourteen Hundred
0200	Zero Two Hundred	1430	Fourteen-Thirty
0230	Zero Two-Thirty	1500	Fifteen Hundred
0300	Zero Three Hundred	1530	Fifteen-Thirty
0330	Zero Three-Thirty	1600	Sixteen Hundred
0400	Zero Four Hundred	1630	Sixteen-Thirty
0430	Zero Four-Thirty	1700	17 Hundred
0500	Zero Five Hundred	1730	Seventeen-Thirty
0530	Zero Five-Thirty	1800	Eighteen Hundred
0600	Zero Six Hundred	1830	Eighteen-Thirty
0630	Zero Six-Thirty	1900	Nineteen Hundred
0700	Zero Seven Hundred	1930	Nineteen-Thirty
0730	Zero Seven-Thirty	2000	Twenty Hundred
0800	Zero Eight Hundred	2030	Twenty-Thirty
0830	Zero Eight Thirty	2100	21 Hundred
0900	Zero Nine Hundred	2130	21 Thirty
0930	Zero Nine-Thirty	2200	22 Hundred
l000	Ten Hundred Hours	2230	22 Thirty
1030	Ten-Thirty Hours	2300	23 Hundred
1100	Eleven Hundred Hours	2330	23 Thirty
1130	Eleven-Thirty Hours	2400	24 Hundred (Twelve Midnight)

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Communications Procedures	NUMBER: 903
EFFECTIVE DATE: March 31, 2004	
AMENDS/SUPERSEDES: Issue Date: 10/1/98	APPROVED: Terry E. Gaddy Terry E. Gaddy, Sheriff
VLEPSC STANDARDS: ADM.24.06, ADM.24.09	

NOTE

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I. PURPOSE

The purpose of this General Order shall be to outline communications procedures as set forth in the Campbell County Public Safety Communications Standard Operation Procedure Manual.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to follow basic radio procedures as outlined in General Order 902 and be aware of the Standard Operations Procedure for Communications Personnel.

III. DEPUTY - REPORTED COMPLAINTS

Complaints are often received by Communications directly from a deputy. These complaints will fall in two general categories. The first are reports received by deputies from citizens directly and, secondly, complaints that deputies discover during routine patrol. Both types will be handled in a generally similar manner with a few differences.

A. CITIZEN REPORTS TO SHERIFF'S OFFICE PERSONNEL

The deputy will advise Communications of the nature of the complaint and the exact location as soon as he receives the complaint. It will be the

deputy's responsibility to obtain the information necessary to complete the CAD Report. This information will be relayed to Communications by radio or telephone at the field unit's earliest opportunity.

Communications personnel will complete the CAD Report information immediately upon receipt of information from deputies. The time of receipt and dispatch will be the time information is relayed to Communications.

B. DEPUTY - INITIATED COMPLAINTS

Deputies will report incidents to Communications which they themselves discover, i.e., auto accidents, unsecured businesses, etc.

These complaints, both emergency and non-emergency, will be handled as above. The only exception is that the arrival time and date recorded on the CAD Report will be the same as the time and date of receipt and dispatch.

In both cases, Communications personnel will take the appropriate action based on the nature of the complaint. For example, a citizen reports an intoxicated pedestrian in front of a local business to a deputy and Communications has received a report of a destruction of property in progress. Communications personnel will divert the deputy to the more urgent complaint and the deputy will respond as dispatched.

IV. EMERGENCY RADIO TRAFFIC CHANNEL HOLD

Supervisors only may request Communications to hold a channel for emergency traffic. In order to provide a clear radio network for the use of deputies on the scene of an emergency, the following procedures have been implemented:

A. A Supervisor requests to hold the channel for emergency traffic;

1. Communications personnel will immediately broadcast the following announcement, "All units, divert all radio traffic to Channel 3 for an emergency on channel 1."

2. All sheriffs' office personnel will cease non-priority traffic on Channel 1.

3. The only personnel authorized to use Channel 1 during the emergency will be the unit(s) on the scene or responding to assist, the supervisor(s) dealing with the emergency and Communications personnel.

B. If necessary, Communications personnel will make a brief rebroadcast that Channel 1 is being held for emergency traffic only. This will announce that the channel is still held for emergency traffic and:

1. Remind supervisors to release the channel hold as soon as possible;

2. Reduce traffic from personnel not hearing the original announcement.

C. When the deputy switches to the alternate channel, he/she will be advised that channel 1 is being held for emergency traffic only. In the event a deputy does not hear the emergency traffic announcement and interrupts the cleared frequency, the response from Communications personnel will be, "Unit 000, Switch to Channel 3".

V. COMMUNICATION RECORDING EQUIPMENT

Due to the increasing requests for copies of taped telephone and radio calls and the sensitive nature of the same, the following procedures have been established and will be followed:

A. Requests for compact discs to be held or a copy made:

1. A deputy can request a disc to be held or a taped copy made for a number of reasons. If a request is received to hold a disc or have a taped copy made, the deputy must provide the date, time and incident. The 911 Coordinator or designee will make any copies of tapes.

B. Reviewing recorded material:

1. Effective immediately, no personnel are authorized to play back recorded information on the auxiliary tape reproducer without permission from the 911 Coordinator or designee.

The above mentioned regulations are necessary due to the restrictions of the Code of Virginia and should minimize the chances of severe criminal and civil penalties for violating Code sections.

VI. ANONYMOUS COMPLAINTS

Some calls will be received in which the caller will refuse to identify him/herself. These calls can run the full range of types of calls for service answered by this agency.

In these situations, an attempt should be made to obtain the name and address of the caller. Usually by promising confidentiality and explaining that the information is needed for record-keeping purposes only, the caller will agree to provide the required information.

If the caller still refuses to be identified, the complaint must still be considered valid. The exceptions to these are obviously false calls, for example, a young child reporting a major aircraft accident.

When anonymous calls are received, the CAD Report should be completed by entering "anonymous" or "refused" in the applicable blocks.

The call should then be handled as any other call and dispatched in the appropriate priority.

At all times, the deputy will be advised that the complaint was anonymous during the initial broadcast.

VII. LOSS OF CONTACT WITH DEPUTY

The following emergency procedures will apply after loss of radio contact with a deputy after a period of five minutes:

A. Advise supervisor of situation and last known location. Keep supervisor advised of status;

B. Advise deputy(s) in area, give last location;

C. Assign deputies in each end of the county to check on channel 1;

D. It will be the discretion of the supervisor to advise what steps will be taken over the loss of contact with a deputy after 15 minutes;

E. Every three minutes, an attempt will be made to contact the missing deputy until located.

VIII. RECEIVING COMPLAINTS ON DEPARTMENT PERSONNEL

When a citizen calls to report a complaint on a Sheriff's Office member, Communications personnel will often be the first to receive the complaint and, as such, will greatly influence the complainant's impression of this department's concern for the conduct of its members. Therefore, the following procedure is to be followed for receiving and relaying such complaints:

A. When Communications personnel determine a caller is complaining about a department member, the caller will immediately be informed that the complaint will have to be referred to a supervisor. The call taker will initiate a CAD Report and record the caller's name, address and phone number. The on-duty supervisor will be assigned the complaint and notified that the complaint exists.

B. No additional information, such as nature of complaint, etc., will be solicited or recorded.

C. All such information will be considered strictly confidential and will not be discussed with any employee of the Campbell County Sheriff=s Office, including the deputy/member involved (other than the assigned supervisor) or Communications Center personnel.

IX. DEPARTMENT RADIO PROCEDURE

Traffic Stops (routine)

A. Deputy Procedures

1. Pre-plan all traffic stops, if possible. It is during this pre-planning when Communications personnel should be advised of the intended traffic stop. If the violator does not stop in the pre-mentioned location, then a brief update of location is all that is required.

2. Procedure example

Upon initiation of a routine traffic stop, a deputy will follow this procedure. The deputy will announce their badge/radio number and wait to give any additional information until this transmission has been acknowledged by Communications.

Example:

1. Deputy - "100 to Campbell"
2. Communications - "100"
3. Deputy - "Traffic Stop on Rt. 29 South in front of Estes Sign Co., Virginia registration Adam, Boy, Charles - 123"

At this phase, additional information can be given, if necessary, such as, brief vehicle description, number of occupants, possible DWI, etc.

4. Communications - "10-4 100, 0945"

If the violator does not stop at the intended location, prior to exiting the vehicle, a brief update is appropriate.

Example:
1. Deputy - "100 to Campbell"
2. Communications - "100"
3. Field Unit - "Change location to Rt. 29 South at Phillips Equipment."
4. Communications - "10-4 100, 0950"

3. Communications will check the status of the deputy within 5 minutes of initiating the traffic stop. If the deputy does not report their status, communications personnel will radio the deputy and ask A10-97". If all is okay, the deputy will respond, A10-4". If there are problems, the deputy will respond as such. If there is no response, the Communications personnel should initiate action as in VII of this General Order.

B. Communication Procedure

1. When receiving notification of a traffic stop, Communications personnel should, if possible, attempt to obtain certain information, even if that information is not given by the deputy. Vital information consists of exact location of stop and vehicle registration number.

2. Communications personnel will check the vehicle registration number via NCIC/VCIN as soon as possible after receiving the information from the deputy. Communications personnel will then advise that registration information is available.

a. In the event a notification of a stolen vehicle is received in response to a vehicle inquiry, the correct response will be to reestablish contact with the deputy immediately and advise of NCIC/VCIN response using the appropriate 10 code and verifying vehicle registration number.

Example:
1. Communications - "Campbell to 100"
2. Deputy - "100"
3. Communications - "100, VA Registration - Adam, Boy, Charles - 123, <u>10-99</u>".

b. Immediately after notification to the deputy of a stolen vehicle status, a back-up will be sent to the appropriate location.

C. Felony (high risk) vehicle stops

Basic procedures for routine traffic stops will be adhered to where applicable.

The deputy will advise Communications of the impending felony vehicle stop.

Upon receiving the current location and direction of travel of suspects, Communications will direct adjacent deputies to proceed towards reporting deputy.

Communications personnel will request of the reporting deputy their desired location of the actual stop. Responding back-up deputies will be directed to that location and the supervisor will also be informed.

Communications personnel will keep in mind the strong possibility of a pursuit starting from the intended stopping point. Therefore, some pre-thought should be given to notification of adjoining jurisdictions.

Just prior to the actual vehicle stop, the emergency radio traffic procedure should be initiated and followed throughout.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Central Records	**NUMBER: 1001**
EFFECTIVE DATE: March 31, 2004	
AMENDS/SUPERSEDES: **Issue Date: 1/27/99**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.25.02, ADM.25.04 - ADM.25.06, ADM.25.08 – ADM.25.11	

NOTE

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I. PURPOSE

This General Order is issued for the purpose of establishing the Campbell County Sheriff's Office Central Records Section, its duties, responsibilities, and functions. The Central Records Section is a component of the Administrative Services Division.

II. ADMINISTRATION

A. Central Records function includes, but is not limited to:

1. Reviewing all reports for proper spelling, grammar, etc.

2. Classify IBR reports with the proper UCR offense code.

3. Review all entered data in the automated files such as:

   a. Victim's name, address, etc;

   b. Reporting person's name, address, etc;

   c. Suspects;

   d. Vehicles;

e. Stolen/Evidentiary property;

f. Found/recovered property;

g. Witnesses names, address, etc;

h. Incidents by type;

i. Incidents by location.

B. Records Repository

A central repository of records is maintained in the Records Section which includes the following:

1. Offense/Incident Reports;

2. Arrest Reports;

3. Traffic Accident Reports;

4. Other administrative files as directed by the Sheriff including name files, business files, location files, and towed vehicle files.

Copies of active case files are maintained by investigations, patrol, and records in accordance with existing orders. Case files of active confidential investigations, such as undercover drug investigations, are maintained by the investigating deputy or Criminal Investigations Division Commander. All other case files, when closed or inactivated are then submitted to the Records Section.

The Campbell County General District Court maintains a computerized enforcement database (citations/arrests/dispositions/locations) that is available to law enforcement personnel.

The Virginia State Police maintain traffic accident and enforcement analysis reports that are available to the Campbell County Sheriff's Office.

The Live Scan Fingerprint System, which electronically transmits arrest data to the State Police for inclusion into the Virginia Central Criminal Records Exchange, is maintained by the Records Section.

5. A unique identification number is assigned and a criminal history file is maintained on each person arrested. These files include:

a. Adult arrest records (Juvenile records are maintained in the Juvenile & Domestic Relations Court Clerk's Office only);

b. Fingerprint cards;

c. Photographs;

d. Copies of arrest reports.

III. INCIDENT BASED REPORT - PROCEDURES FOR COLLECTING AND SUBMITTING CRIME DATA

The Campbell County Sheriff's Office is a participant in the national Incident Based Reporting (IBR) System. Crimes are classified in accordance with guidelines established by this system.

All reports, citations, and arrests are entered into the records system during each calendar month. This information is transmitted directly from the Records Section via computer to the Virginia State Police IBR database via the internet. Reports are due in Richmond by the 15th of each month.

IV. WARRANT/WANTED PERSONS FILE

A. The Warrant/Wanted Persons File consists of:

1. Document file - warrants, capiases, etc., are filed alphabetically by suspect's last name;

2. The Warrant/Wanted Persons file is also computerized under the suspect's name.

3. Active VCIN/NCIC wanted person entry file; inquiries will be made only for legitimate law enforcement purposes.

In addition, all warrants and/or wanted persons are recorded in the original incident report.

B. <u>Procedures - VCIN/NCIC Entries</u>

1. All wanted persons must be entered NCIC within 72 hours from date of warrant per Virginia Code § 19.2-390.

2. Wanted persons are entered into VCIN/NCIC by communications or records personnel. Criteria and guidelines are listed in the VCIN/NCIC manuals and will be followed when making such entries.

3. VCIN/NCIC manual guidelines shall also be followed when verifying, amending, and canceling wanted person information.

4. Audits of wanted persons entered into the VCIN/NCIC system by the Campbell County Sheriff's Office shall be made biennially by the Virginia State Police. Quarterly audits are made of the unserved warrants file by the Records Manager. Three-year-old misdemeanor warrants and seven-year-old felony warrants are forwarded to the Commonwealth Attorney in compliance with State Statute for disposition.

V. MASTER NAME INDEX

The Records Section maintains an alphabetical master name index which serves as a cross-reference to reports in which a person has been named. Names listed in the Master Name Index file include victims, complainants, suspects, and witnesses. Names of persons issued traffic citations, arrested or persons for whom warrants have been issued are also maintained in the Master Name Index.

VI. COPIES OF RECORDS

In accordance with existing orders which govern release and protection of records under the Freedom of Information and Virginia Privacy Act, records personnel are authorized to accept payment per copy for photo-copying accident reports and FOIA reports. FOIA report copies are provided free of charge to the complainant that initiated the action requiring an incident report, once proof of identity has been established. Refer to GO 401 regarding procedures for fees collected.

Audits of receipt accounts are conducted annually.

VII. PROCEDURES FOR DEVELOPING, MODIFICATION, AND APPROVAL FOR ALL FORMS USED BY THIS AGENCY

All forms are developed within each Division of the Agency. The control process and modification of these forms are evaluated by the administration staff on a periodic basis as needed. The forms are reviewed and made consistent with the records maintenance and data process requirements. Final approval for the use of these forms is made by the Sheriff.

VIII. ACCESS TO RECORDS

The Central Records Office shall be available to sheriff's office personnel twenty-four hours a day. In addition, automated data files may be accessed twenty-four hours a day, seven days a week through computer terminals. Files that may be accessed through the terminals are:

A. Calls for service;

B. Offenses;

C. Arrests;

D. Incidents by name;

E. Property (lost, found, recovered, and stolen);

F. Stolen vehicles;

G. Merchant Index;

H. Civil Process Records (active and inactive)

I. Warrant Files (active and inactive).

The Campbell County Sheriff's Office interior offices remain locked at all times. Access to the interior offices is for Sheriff's Office personnel only. Citizens, when accompanied by a sworn deputy are allowed access to the interior offices; however, only authorized Sheriff's Office personnel are allowed in the Records Office. Hard copies of adult arrest records are secured in a locked room and accessible only by authorized Sheriff's Office personnel. Juvenile arrest records are maintained by the Juvenile and Domestic Relations Court Clerk.

IX. RETENTION OF RECORDS

The Campbell County Sheriff's Office maintains all records according to the Records Retention Schedule as maintained by the Library of Virginia.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Incident Reporting	**NUMBER: 1002**
EFFECTIVE DATE: April 1, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.25.01, ADM.25.06, ADM.25.07, ADM.25.09, ADM.25.12	

NOTE

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I. POLICY

Written Sheriff's reports and documentation concerning Sheriff's activities are essential in meeting the management, operational, and informational needs of the Campbell County Sheriff's Office. All employees of the department must be aware of and properly complete all required reports and paperwork as prescribed. This General Order establishes procedures concerning how police information is to be received, recorded, and documented.

II. PROCEDURES

A. Incident Reporting Requirements

1. Documentation of incidents, dispatched, assigned or which come to the attention of any employee of the Campbell County Sheriff's Office or any citizen report, complaint, or request/calls for service shall be required in the following:

   a. Criminal or suspected criminal incidents, felony and misdemeanors and arrests;

   b. Follow-up investigations;

   c. Incidents involving arrest, summonses or citations;

d. Criminal and certain non-criminal cases initiated by deputies;

e. Certain non-criminal cases such as:

(1) Missing persons;

(2) Damage or loss of County property;

(3) Complaints against the Campbell County Sheriff's Office and/or its personnel.

(4) Civil disputes involving threatened violence;

(5) Calls where valuable intelligence/information is gathered.

d. All property damage traffic accidents which occur on public roadways.

e. As a general rule, written IBR reports by deputies are not required for the following examples; however, deputies are expected to complete a narrative in the remarks section of the CAD Report for every complaint and/or call for service assigned to them that does not require an IBR:

(1) Suspicious person/car - gone on arrival;

(2) Loud music - no violation found;

(3) Private property accidents, unless injury or hit and run.

(4) Hazards requiring attention by County or State maintenance personnel;

(5) Business and residential security alarm checks;

(6) Citizen assists, i.e., vehicle lock-outs; and

(7) Civil disputes of a non-violent nature.

2. In the cases of incidents reported to the Sheriff's Office by citizens of Campbell County, **where the jurisdiction cannot be determined,** an IBR should be completed and listed as **"Police Info"**. Indicate in the narrative that **"the jurisdiction of the offense cannot be determined at this time".**

B. Field Reports

1. The Campbell County Sheriff's Office utilizes the following reports for sheriff's operations:

   a. Offense Report (IBR);

   b. Traffic Accident Reports;

   c. Statement of Rights (English and Spanish);

   d. Virginia Uniform Summons;

   e. Arrest Report;

   f. Notice of Vehicle Impoundment/Immobilization;

   g. Civilian Complaint Form;

   h. Use of Force Report;

   i. Property/Evidence Record Form (ERF).

2. Case Numbering

   a. All incident reports initiated by the sheriff's office shall be assigned a unique case number.

   b. The report numbering system (case number) ensures that no two cases shall be assigned identical numbers.

   c. Case numbers are assigned by incident. All additional personnel assigned to an incident are documented as back-up units with the same case number as the original call for service.

3. Review of Reports

   Supervisors should review reports generated during their shift for accuracy and completeness. All reports are to be completed by the end of the deputy's tour of duty unless permission is received by the supervisor to complete the report at the beginning of the next shift.

All reports are reviewed daily during the work week by the Administrative Division Commander and the Investigations Division Commander. The Administrative Division Commander assigns any cases that need to remain in the Field Operations Division. The Investigations Division Commander assigns cases to the Investigations Division that require further or more in depth investigation.

C. Incident Report (IBR)

1. The Incident Report has been designed to accomplish the following:

   a. Provide a means whereby deputies can conduct and record a preliminary investigation.

   b. Provide complete and accurate information for follow-up investigation and prosecution.

   c. Provide the field deputy, supervisor, and Division Commanders with certain decision-making information which will enable them to identify follow-up investigative needs.

   d. Officially documenting an incident.

   e. Provide a means for recording non-criminal information.

2. The Incident Report is a permanent police record. This report will be scrutinized at times by the Sheriff, his administrative personnel, attorneys, judges, and may be used in court as evidence. Every Incident Report shall include at a minimum the following information:

   a. Date and time of the initial reporting;

   b. Name (if available) of the citizen requesting the service, victim's or complainant's name;

   c. Nature of the incident; and

   d. Nature, date, and time of action taken (if any) by law enforcement personnel.

D. Supplement Narrative

The Supplement Narrative has been designed to accomplish the following:

1. Provide a means of adding investigative information to a preliminary report;

2. Provide a means of recording follow-up investigative data in an on-going investigation;

3. Record the status of incomplete investigations.

E. Distribution of Report

1. All reports are maintained indefinitely in the Records Management System software of the Campbell County Sheriff's Office.

2. The Commonwealth's Attorney's Office and the Victim-Witness Advocate Office have the Campbell County Sheriff's Office Records Management System installed on their computers and thereby have access to daily reports that may be needed for court purposes and/or victim information purposes.

3. Accident reports and Virginia Freedom of Information Reports may be released under the guidelines of GO 401.

4. Media members are not given copies of incident reports, but are issued prepared media releases on major crimes.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Criminal History Requests / Expungements	**NUMBER: 1004**
EFFECTIVE DATE: May 30, 2007	
AMENDS/SUPERSEDES: **Issue Date: 04/02/2004**	**APPROVED** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.25.03, ADM.25.12	

NOTE

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I. POLICY

The release of criminal history information to non-authorized persons is a criminal violation. This General Order establishes privacy and security precautions for the central records function of the Campbell County Sheriff's Office. These precautions are governed by the Code of Virginia.

II. RECORD CHECKS

A. Agencies Authorized to Obtain Record Checks

1. Criminal justice agencies may request and receive criminal history information from the Campbell County Sheriff's Office on offenses both reportable and non-reportable to Central Criminal Records Exchange (CCRE). This includes information concerning felonies and all misdemeanors.

2. Non-criminal justice agencies **will not** receive any criminal history record information that is reportable to CCRE. This must be requested from the State Police in Richmond using their form SP-167.

3. If there is uncertainty whether a requesting agency is a criminal or non-criminal justice agency, the Administrative Services Division Commander and/or Lieutenant, or in their absence, any Division Commander shall be consulted.

4. Arrest record checks will be furnished to those authorized agencies listed in “Attachment A” upon receipt of a signed request received through the Postal Service or presented in person by an individual bearing a valid (laminated or equal) identification card issued by or identifying the agency/activity that the person is representing.

5. After receiving proper identification, the requestor shall complete the Campbell County Sheriff's Office form for a Criminal History Record Request or provide their departmental release form. The completed form shall be reviewed to ensure compliance with this General Order. At this time, the Records Manager may release the information requested, retain a photocopy of the Form and give the original Form to the requestor.

6. The completed copy of the Form shall be filed alphabetically under the name of the subject whose record was searched, whether or not a record was found.

7. There is no charge for this records check.

B. Juvenile Criminal History Information

1. Personnel shall not release juvenile criminal history record information to any persons or agencies.

2. Request for juvenile criminal history record checks must be made to the Campbell County Juvenile and Domestic Relations Court, Rustburg, Virginia.

C. Telephone Arrest Record Checks from Local Law Enforcement Agencies

The Secretary or Records Clerk receiving the call shall:

1. Obtain the requestor's name, position, and law enforcement agency.

2. Ask the requestor for his/her telephone number and inform him/her that he/she will be called back.

3. The Secretary or Records Clerk shall then call the law enforcement agency with whom the requestor is employed on another number other than the one given to verify that, in fact, the individual is employed there.

4. The Secretary or Records Clerk, after verifying the requestor's employment, will call him/her back on the original phone number and obtain enough information from the requestor to complete the Campbell County Sheriff's Office Form for criminal record check. If the copy of this form is not wanted by the requestor, it shall be destroyed.

D. In-house Record Checks

A deputy, in the course of his/her official duties, can request a local criminal history arrest record or a VCIN/CCH record request from the Dispatcher or Records Clerk. Deputies must articulate the reason the CCH is requested. This information is logged in the Criminal History Log Book for audit purposes. If a deputy on patrol desires a VCIN/CCH inquiry on an individual, only the fact that there is or is not a CCH record on the individual will be relayed to the requesting unit EXCEPT in emergency situations or in compliance with § 19.2-80.2 of the Code of Virginia.

III. INDIVIDUAL'S RIGHT OF ACCESS AND/OR CHALLENGE TO OWN RECORD

A. Motor Vehicle Traffic Requests

Requests for review of traffic records must be made to the Division of Motor Vehicles.

B. Requirements for Checking of Individual Records

An adult may receive a copy of his individual criminal arrest record if maintained at the Campbell County Sheriff's Office and is for the purpose of ascertaining the completeness and accuracy of such information.

Requests for access to criminal history record information must be made in person. The Records Clerk shall verify the individual's current address, inspect proper identification, and ascertain whether the individual has ever been arrested in the County of Campbell. Only those individuals who maintain a current address within the County of Campbell, or who have been arrested within the County of Campbell, may have access to and review their criminal history information. Individuals not meeting this prerequisite shall be referred to the appropriate law enforcement agency, either where they reside or where they were arrested.

There is a $5.00 fee for each individual record checked.

C. Identification of Individual

The following are acceptable forms of positive identification:

1. A military identification card, driver's permit, or identification card issued by the Division of Motor Vehicles for non-drivers, bearing a photograph of the bearer.

2. A sworn notarized statement, provided by the individual, supported by a copy of the individual's birth certificate.

D. Release of Information to Individuals

1. After receiving proper identification, the requestor shall complete the Campbell County Sheriff's Office form for a Criminal History Record Request. The completed form shall be reviewed to ensure compliance with this General Order. At this time, the Records Manager may release the information requested, retain a photocopy of the Form and give the original Form to the requestor.

2. The completed copy of the Form shall be filed alphabetically under the name of the subject whose record was searched, whether or not a record was found.

E. Challenge

Individuals who desire to challenge their own criminal history record information must complete documentation provided by the criminal justice agency maintaining the record and forward it to the Central Criminal Records Exchange or the criminal justice agency maintaining the record. A duplicate copy of the form and the challenged record may be maintained by the individual initiating the challenge or review. The individual's record concerning arrests for felonies and Class 1 and 2 misdemeanors may be challenged at the Central Criminal Records Exchange or the criminal justice agency maintaining the record. For offenses not required to be reported to the Exchange, the challenge shall be made at the arresting law-enforcement agency or the criminal justice agency maintaining the records.

A challenge will be processed as described below.

1. Record maintained by the Central Criminal Records Exchange.

   a. Message flags. If the challenge is made of a record maintained by the Central Criminal Records Exchange, both the manual and the automated record shall be flagged with the message "CHALLENGED RECORD." A challenged record shall carry this message when disseminated while under challenge.

   b. Review at exchange. The Central Criminal Records Exchange shall compare the information contained in the repository files as reviewed by the individual with the original arrest or disposition form. If no error is located, the Central Criminal Records Exchange shall forward a copy of the challenge form, a copy of the Central Criminal Records Exchange record and other relevant information to the criminal justice agency or

agencies which the Central Criminal Records Exchange records indicate as having originated the information under challenge, and shall request them to examine the relevant files to determine the validity of the challenge.

c. Examination. The criminal justice agency or agencies responsible for originating the challenged record shall conduct an examination of their source data; the contents of the challenge, and information supplied by the Central Criminal Records Exchange for any discrepancies or errors, and shall advise the Central Criminal Records Exchange of the results of the examination.

d. Correction. If any modification of a Central Criminal Records Exchange record is required, the Exchange shall modify the record and shall then notify the criminal justice agency in which the record was originally reviewed of its action, and supply it and other agencies involved in the review with a copy of the corrected record.

e. Notification by Central Criminal Records Exchange. The Central Criminal Records Exchange shall also provide notification of the correction to all recipients of the record within the last 24 months.

f. Notification by other criminal justice agencies. Criminal justice agencies which have disseminated an erroneous or incomplete record shall in turn notify agencies which have received the disseminated record or portion of the record in the last two years from the date of the Central Criminal Records Exchange modifications of the records. Notification shall consist of sending a copy of the original record, and corrections made, to the recipients of the erroneous record noted in the dissemination log for the two-year period prior to the date of correction by the Central Criminal Records Exchange. (See §9-192 C of the Code of Virginia.) The criminal justice agency in which the review and challenge occurred shall notify the individual or his attorney of the action of Central Criminal Records Exchange.

g. Appeal. The record subject or his attorney, upon being told of the results of his record review, shall also be informed of his right to review and appeal those results.

2. Record maintained by a criminal justice agency other than the central Criminal Records Exchange.

   a. Message flags. If a challenge is made of a record maintained by a criminal justice agency, both the manual and the automated record shall be flagged with the message "CHALLENGED RECORD." A disseminated record shall contain this message while under challenge.

   b. Examination and correction agency. If the challenged record pertains to the criminal justice agency's arrest information, the arresting agency shall examine the relevant files to determine the validity of the challenge. If the review demonstrates that modification is in order, the modification shall be completed and the erroneous information destroyed. If the challenged record pertains to the disposition information, the arresting agency shall compare contents of the challenge with information originally supplied by the clerk of the court.

   c. Review by Clerk of Court. If no error is found in the criminal justice agency's records, the arresting agency shall forward the challenge to the clerk of the court that submitted the original disposition. The clerk of the court shall examine the court records pursuant to the challenge and shall, in turn, notify the arresting agency of its findings. The arresting agency shall then proceed as described in subsection 2 b. of this section.

   d. Notification. The criminal justice agency in which the challenge occurred shall notify the individual or his attorney of the action taken, and shall notify the Central Criminal Records Exchange and other criminal justice agencies receiving the erroneous information of the necessary corrections if required, as well as the non-criminal justice agencies to which it has distributed the information in the last 24 months, as noted in its dissemination log.

   e. Correction. The Central Criminal Records Exchange will correct its records, and notify agencies that received erroneous information within the past 24 months. The agencies will be requested to correct their files and to notify agencies which have the disseminated information, as provided in subsection 1 f. of this section.

   f. Appeal. The record subject or his attorney, upon receiving the results of the record review, shall be informed of the right to review and appeal.

3. Administrative review of challenge results.

   a. Review by criminal justice agency head. After the aforementioned review and challenge concerning a record either in the Central Criminal Records Exchange or another criminal justice agency, the individual or his attorney may, within 30 days, request in writing that the head of the criminal justice agency in which the challenge was made, review the challenge if the individual is not satisfied with the results of the review and challenge.

   b. Thirty-day review. The criminal justice agency head or his designated official shall review the challenge by reviewing the action taken by the agency, the Central Criminal Records Exchange, and other criminal justice agencies, and shall notify the individual or his attorney in writing of the decision within 30 days of the receipt of the written request to review the challenge. The criminal justice agency head shall also notify the individual of the option to request an administrative appeal through the department within 30 days of the postmarked date of the notification of the decision. This notification of the appeal shall include the address of the Department of Criminal Justice Services.

   c. Correction and notification. If required, correction and notification shall follow the procedures outlined in subsections 1 and 2 of this section.

   d. Notification of the department. A copy of the notice required in subsection 3 b. of this section shall be forwarded to the department by the criminal justice agency at the same time it is provided to the individual.

4. Administrative appeal.

   a. Departmental assessment. The individual or his attorney challenging his record, within 30 days of the postmark of his notification of the decision of the administrative review, may request that the Director of the Department of Criminal Justice Services review the challenge and conduct an informal hearing. The director may designate a hearing officer for this purpose.

   b. Determination of merits of case. The director of his designee shall contact the criminal justice agencies involved and request

any and all information needed. Criminal justice agencies shall supply the information requested in a timely manner, to allow the department to respond to the individual within 30 days. The director will then rule on the merits of a hearing and notify the individual or his attorney that such hearing will or will not be held.

c. Hearing. The hearing, if held, shall be conducted within 30 days of the receipt of the request, and the decision of the hearing officer communicated to the individual or his attorney within 30 days of the hearing.

d. Finding. If the director or the hearing officer determines that correction and modification of the records are required, correction of the record and notification of all involved parties shall proceed according to the procedures outlined in subsections 1 and 2 of this section.

e. Removal of a challenge designation. When records and relevant action taken by the criminal justice agencies involved are deemed to be correct, the department shall notify the affected criminal justice agencies to remove the challenge designation from their files.

5. Department notification following corrections.

For audit purposes, the Central Criminal Records Exchange shall annually forward the names and addresses of the agencies which originated erroneous record information or received erroneous information from the exchange in that year to the Department of Criminal Justice Services.

6. Statutory Authority

§9.1-102 and Article 3 (§9.1-126 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia.

IV. EXPUNGEMENTS

A. Expungements are the responsibility of the Superintendent of the Virginia Department of State Police. The expungement of a criminal history record or portion thereof is only permitted on the basis of a court order. Upon receipt of a court order, petition and other supporting documents for the expungement

of a criminal history record, the superintendent, pursuant to §19.2-392.2 of the Code of Virginia, shall by letter with an enclosed copy of the order, direct the Central Criminal Records Exchange and those agencies and individuals known to maintain or to have obtained such a record, to remove the electronic or manual record or portion thereof from its repository and place it in a physically sealed, separate file. The file shall be properly indexed to allow for later retrieval of the record if required by court order, and the record shall be labeled with the following designation: "EXPUNGED RECORD TO BE UNSEALED ONLY BY COURT ORDER."

B. Responsibility of agencies with a record to be expunged. The record named in the Virginia Department of State Police's letter shall be removed from normal access. The expunged information shall be sealed but remain available, as the courts may call for its reopening at a later date. (See §19.2-392.3 of the Code of Virginia.) Access to the record shall be possible only through a name index of expunged records maintained either with the expunged records or in a manner that will allow subsequent retrieval of the expunged record as may be required by the court or as part of the department's audit procedures. Should the name index make reference to the expunged record, it shall be apart from normally accessed files.

C. Procedure for expungement and sealing of hard copy records.

1. The expungement and sealing of hard copy original records of entry (arrest forms) is accomplished by physically removing them from a file, and filing them in a physically secure location elsewhere, apart from normally accessed files. This file should be used only for expunged records and should be accessible only to the manager of records.

2. If the information to be expunged is included among other information that has not been expunged on the same form or piece of paper, the expunged information shall be obliterated on the original or the original shall be retyped eliminating the expunged information. The expunged information shall then be placed in the file for expunged records, in its original or copied form, and shall be accessible only to the manager of records.

3. If the expunged information is located on a criminal history record provided by the Central Criminal Records Exchange (i.e., "RAP sheet"), the criminal history record information shall be destroyed, and a new copy, not containing the expunged data, shall be obtained when necessary.

D. Procedure for expunging automated records. Should the record to be expunged be maintained in an automated system, the Central Criminal Record Exchange or the agency known to possess such a record shall copy the automated record onto an off-line medium such as tape, disk or hard copy printouts. The expunged record, regardless of the type of medium on which it is maintained, shall then be kept in a file used for expunged records and sealed from normal use, accessible only to the manager of records. No notification that expunged data exists shall be left in the normally accessed files.

E. Department to be notified following expungement. Upon receipt of a request from the Virginia Department of State Police to expunge and seal a record, the affected agency or agencies shall perform the steps above, and notify the Virginia Department of State Police of their action in writing within 120 days of their receipt of the request.

F. Expungement order not received by department. Should a court ordered expungement be directed to a criminal justice agency other than the Virginia Department of State Police, the directed criminal justice agency shall comply as outlined herein and advise the superintendent without delay of such order. The superintendent shall, upon receipt of such notification, obtain a copy of the order from the appropriate circuit court.

G. Statutory Authority for Expungements

§9.1-102 of the Code of Virginia.

H. Juvenile Records

When a court orders the expungement of an individual's juvenile records, all records and identifying information associated with the expungement order shall be destroyed in accordance with the court order. Nonidentifying information may be kept in databases or other aggregated files for statistical purposes.

I. Expungement order received directly by participating agency

When a participating agency receives an expungement order directly from a court, the participating agency shall promptly comply with the expungement order in accordance with 6VAC35-160-330 and shall notify the VJJIS functional administrator of the court-ordered expungement. The VJJIS functional administrator shall, upon receipt of such notification, obtain a copy of the order from the appropriate court.

AUTHORIZED AGENCIES

A. Commonwealth of Virginia

1. Police Department or Sheriff's Office of any body in any county, city, or town, located within the Commonwealth;
2. Any special policeman appointed by the Circuit Court of Virginia in accordance with § 15.2-1737, Code of Virginia;
3. Division of Motor Vehicles;
4. Commission Game and Inland Fisheries;
5. Department of Agriculture and Commerce;
6. Department of Alcoholic Beverage Control, Enforcement and Inspection Division;
7. Department of State Police;
8. State and County Fire Marshal's Office;
9. Campbell County Attorney;
10. Virginia Circuit Court;
11. Virginia Department of Corrections;
12. Virginia Commonwealth Attorney;
13. Virginia General District Court;
14. Virginia Juvenile - Jurisdiction Court; and
15. Virginia State Supreme Court

B. Federal Agencies

1. U.S. Armed Services Police;
2. U.S. Department of Agriculture;

3. U.S. Civil Service Commission:
    a. Bureau of Personnel Investigations
4. U.S. Department of Defense:
    a. Department of the Air Force
    b. Department of the Army
    c. Department of the Coast Guard
    d. Defense Communications Agency
    e. Defense Investigative Agency
    f. Department of the Navy
5. U.S. Federal Protective Service;
6. U.S. General Services Administration;
7. U.S. Information Agency;
8. U.S. Immigration and Naturalization Service;
9. U.S. Department of Interior:
    a. Bureau of Indian Affairs;
    b. National Park Service
10. U.S. Department of Interior:
    a. Federal Bureau of Investigation;
    b. Drug Enforcement Administration
11. National Security Agency;
12. U.S. Department of Parole and Probation;
13. U.S. Park Police;

14. U.S. Postal Service;

15. U.S. Department of State:

    a. Office of Security

16. U.S. Department of Treasury:

    a. Internal Revenue Service;

    b. U.S. Secret Service

    c. U.S. Secret Service, Uniformed Division;

    d. Bureau of Customs;

    e. Bureau of Alcohol, Tobacco, and Firearms;

    f. Bureau of Printing and Engraving; and

    g. Bureau of Financial Operations.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Property / Evidence Procedures	**NUMBER: 1101**
EFFECTIVE DATE: April 18, 2013	
AMENDS/SUPERSEDES: **Revised Date: 04/18/12**	**APPROVED:** *Steve A. Hutcherson* **Steve A. Hutcherson, Sheriff**
VLEPSC STANDARDS: ADM.16.01, ADM.16.02, ADM.16.03, ADM.16.04	

NOTE

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

I. POLICY

It is the policy of the Campbell County Sheriff's Office that all evidence and property recovered, confiscated, seized, found, or turned in to this agency be properly packaged, handled, recorded, and stored in a secure designated area.

This General Order establishes a system for the safe and efficient storage and retrieval of items of evidentiary or other value which comes into the custody of this office.

This system establishes strict accountability for all property and evidence in the custody of the Campbell County Sheriff's Office. Only authorized personnel shall have access to the Property/Evidence Rooms. Any other person must be escorted by authorized personnel.

II. PROCEDURES

A. Deputy Responsibility

1. The recovering deputy shall be responsible for proper packaging and labeling of all items collected or recovered as property/evidence to prevent any tampering, contamination, or destruction. The DFS manual is available for reference.

2. Deputies shall, as soon as practical **(but not later than the end of shift)**, after coming into possession of property/evidence, fill out an ERF/Inventory and incident report detailing the circumstances by which the property came into the agency's possession and submit said property/evidence into the CCSO property/evidentiary system. **NO evidence shall be maintained by a deputy after the end of their shift – all property/evidence shall be placed under the control of the property/evidence function prior to the deputy's end of shift.**

   When completing the ERF, the **date and time** that the evidence was either given to the Evidence Specialist or placed in temporary storage (as described below) **shall** be notated on the ERF form.

   It is imperative that all information requested on the ERF form be completed prior to submission.

3. Deputies shall secure evidence/property in the locked Evidence drop box located on the lower level (garage bay) of the Sheriff's Office. Items that are too large or are of the nature that dropping them in the drop box will possibly damage the item will be placed in one of the wooden evidence lockers, also located in the garage bay. The wooden evidence lockers have a lock on the door. Deputies needing to put items in the lockers will place the item(s) in the locker and lock the door on the locker. The locker number is to then be written on the completed ERF form and placed on the Evidence Specialist's desk during office working hours and in her tray on the office door after hours.

   Any items that require refrigeration will be placed in the small refrigerator, also located in the garage bay. This refrigerator has a lock on the door. Deputies putting evidence in the refrigerator will lock the refrigerator door and place the completed ERF Form on the Evidence Specialist's desk during office working hours and in her tray on the office door after hours.

   The same procedures as described above shall apply to the drying room.

   Property that is too large, flammable, etc., i.e., bicycles, gas cans, oversize objects will be placed in the locked Storage Shed with an Evidence Tag and ERF attached. In this case, a copy of the ERF will be placed on the Evidence Specialist's desk during office working hours and in her tray on the office door after hours.

In major cases (where a large quantity of evidence is collected) the Evidence Specialist will be contacted to report to the Sheriff's Office and check in the evidence.

4. Deputies shall be responsible for compliance with General Orders 1102 (Custody of Property), 1103 (Firearms taken into Sheriff's Office Custody), and 1104 (Custody of Controlled Substances).

5. The Commander of the Administrative Services Division is responsible for the overall Property/Evidence management function.

6. Deputies shall ensure that final disposition/ destruction documents or instructions are conveyed to the Evidence Specialist within six months of satisfaction of legal requirements.

B. Evidence Specialist (Property Manager) Responsibility

1. All property/evidence is stored within a designated secure area of the Campbell County Sheriff's Office. Access to the Property / Evidence Room is limited to authorized personnel **only**. Any persons that are not routinely associated with the property and evidence function are required to document their entry/exit date and times and reason for entry as well as be escorted by authorized personnel while in the confines of the secure property and evidence storage areas. The authorized personnel will place their initials by the "time out" space in the log book so as to show who escorted the unauthorized person into the secure area.

2. The Evidence Specialist (Property Manager) is responsible for all property management functions within the Sheriff's Office and is accountable for control of all property accepted by or stored in areas of the Campbell County Sheriff's Office.

3. The Evidence Specialist (Property Manager) shall ensure the following:

   a. Property requiring additional protection such as money, jewelry, or precious metals, etc., shall be secured in the locked safe located within the locked Evidence Room. Controlled drugs / narcotics are secured in a locked locker located within the locked Evidence Room. Firearms are properly packaged / secured.

b. That lockable refrigerated storage is available for perishable items in the garage bay and also inside the Evidence Room.

c. That the locked property drop box along with wooden evidence lockers for other items is routinely checked for items that need to be transferred to the Evidence Room. The Evidence Specialist (Property Manager) is the only person at the Sheriff's Office with access to the temporary storage areas.

d. Records maintained by the Evidence Specialist (Property Manager) reflect the status of all evidence, found and recovered property held by the Sheriff's Office.

C. Audits/Inspections

1. On an annual basis, a property audit shall be conducted by a supervisor not routinely or directly connected with the control of property. The supervisor to conduct this audit shall be appointed by the Sheriff.

2. Two times per year unannounced inspections of property storage areas shall be conducted as directed by the Sheriff.

3. On a quarterly basis, at a minimum, the Commander of Administrative Services, or designee, shall conduct an inspection to ensure adherence to procedures used for the control of property.

D. Controlled Drugs and Narcotics

1. All personnel are required to utilize the following procedures with respect to the seizure/confiscation of controlled drugs and narcotics.

a. The recovering deputy shall ensure against contamination of the suspected narcotic or controlled drug by any other substance or foreign body. Placing the suspected drug in a tamper-proof heat-seal or lock-seal envelope, as soon as practical, most easily accomplishes this. The outside of the envelope shall have an evidence label affixed to it, completed, with a description of the evidence inside, including, but not limited to the following:

(1) A physical description of the item, i.e., green leafy substance, white powdery substance, etc.

(2) What the item is believed to be.

(3) A total count of items, i.e., pills and capsules as well as any description to include color and any writings, if applicable, on the pills and/or capsules.

b. When a suspected controlled drug or narcotic is seized / confiscated from a suspect, a field test should be performed to determine the type of drug, if such a test is immediately available. Confessions by suspects as to type of drug can substitute for the field test.

2. All drug-narcotics evidence shall be submitted to the lab within fourteen working days for examination.

3. The Evidence Specialist shall upon receipt, or release of drug/narcotics evidence, inspect the package for signs of tampering.

4. Seizures in excess of 10 pounds of controlled substances or marijuana are addressed in § 19.2-386.24. The section sets forth the disposal procedures for large amounts of controlled substances.

5. When the lab analysis results are received by the submitting deputy, a copy of the results shall be made and given to the Evidence Specialist to assist with records management and destruction orders.

E. Change of Evidence Specialist (Property Manager)

Whenever the primary Evidence Specialist (Property Manager) is assigned and/or transferred from the property and evidence control function, an inventory of property, to ensure that records are correct and properly annotated, is conducted jointly by the newly designated Evidence Specialist (Property Manager) and a designee of the Sheriff.

F. Cash as Evidence or Found Property

The Evidence Specialist (Property Manager) determines if the cash seized is needed for evidentiary purposes. If the cash is not needed for this purpose the cash is given to the Administrative Specialist as soon as possible for deposit in the Treasurer's Office.

If cash is received as found property, it is secured in the safe within the Evidence Room. If an owner has not been located within a minimum of 90 days, the Evidence Specialist will submit the cash to the Administrative Specialist for deposit in the Treasurer's Office. The Evidence Specialist will then list and send a check to the Virginia Unclaimed Property Office.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Custody of Property	NUMBER: 1102
EFFECTIVE DATE: April 6, 2004	
AMENDS/SUPERSEDES: Issue Date: 1/29/99	APPROVED: Terry E. Gaddy Terry E. Gaddy, Sheriff
VLEPSC STANDARDS: ADM.16.01, ADM.16.04, OPR.07.07	

NOTE

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

I. PURPOSE

In order to ensure a valid chain of custody for evidence and found property seized or coming into the control of Department personnel; to eliminate the possibility of lost or mishandled property; and, to avoid an unnecessary accumulation of property in the Property Section, uniform procedures for the storage and disposition of evidence and other property shall be utilized.

II. SAFEGUARDING PROPERTY REMOVED FROM ARRESTED PERSONS

All property, other than evidence or contraband, removed from the person of someone who has been placed under arrest and transported to detention facilities, shall be placed in an envelope or brown paper bag and the complete contents described on the outside.

III. SAFEGUARDING PROPERTY OF ACCIDENT VICTIMS

Deputies will not work personal injury and/or fatality crashes. The Virginia State Police will always work these. If, however, for any reason a deputy does come into possession of property of an accident victim, the property will be transported directly to the Sheriff's Office. After completing an ERF and labeling, the property will either be given to the Evidence Clerk or if the Evidence Clerk is off duty, the evidence drop box will be utilized.

IV. PROPERTY, OTHER THAN CONTROLLED SUBSTANCES AND CONTROLLED PARAPHERNALIA

A. Rights of Property Owners and Finders

Property acquired by the Sheriff's Office, other than by seizure or required for court, shall be claimed by the rightful owner within sixty days of the date of the Sheriff's Office possession. If no owner can be located, a destruction order shall be obtained from the court.

Property seized or otherwise taken possession of by the Sheriff's Office which is necessary to any court action and which is not claimed by the rightful owner within thirty days from the date of the final disposition of court proceedings shall be disposed of as unclaimed property in accordance with VA Code '15.2-1719, 15.2-1720, and 15.2-1721.

B. Responsibilities of Submitting Personnel

1. All property which is seized or comes into the possession of departmental personnel, other than controlled substances or controlled paraphernalia, shall be marked with the appropriate case number and accompanied by a completed property card containing an accurate description of the property. Property that will be returned to owner upon conclusion of a case shall be marked in a manner as not to defer or detract from the value i.e. radios, radar detectors, etc. Indelible pens, print and scribe should not be used except in an inconspicuous location. The property will be transported directly to the Sheriff's Office and after completing an ERF and labeling, will either be given to the Evidence Clerk or if the Evidence Clerk is off duty, the evidence drop box will be utilized.

2. All potentially dangerous articles shall be rendered safe. Firearms shall be unloaded and open-blade knives will have exposed edges covered.

3. It shall be the responsibility of all personnel submitting property which may be claimed to advise the rightful owner (if known), or the finder (if the owner is unknown), of the requirements and time limitations for claiming property in the possession of the Sheriff's Office. The responsibility shall apply to evidence, recovered stolen property, and found property.

4. It is the responsibility of all personnel submitting property or evidence to fill out an ERF. The section of the ERF which lists rightful owner of property will be filled out completely. If the owner is unknown or the property is “found”, the deputy filing the report is to make every effort to determine the rightful owner. Personnel shall inform finders that should the rightful owner be located after the property was released to them, that the owner may take action to reclaim the property in the possession of the finder.

5. When evidence is required for court, the deputy must check the evidence out with the Evidence Clerk. The Evidence Clerk will require the deputy to sign the evidence out for court on the back of the ERF form. Once court is completed, the deputy will return all evidence back to the Evidence Clerk who will sign it back in and place the item(s) back in the Evidence Room. If any items are kept by the court for evidence, the deputy shall give the Evidence Clerk a written list of items held by the Court. Upon completion of the court proceedings, the deputy seizing evidence or property in the case shall report in writing to the Evidence Clerk what the final disposition of all evidence/property in the case shall be. If it is to be destroyed, the deputy shall obtain a destruction order from the proper court and deliver the order to the Evidence Clerk to be carried out. If property is to be returned to the rightful owner, the Evidence Clerk will require one form of Identification such as a driver=s license before releasing the property. Owners must also sign the back of the ERF Form indicating they received the property listed.

6. Whenever property comes into the control of Sheriff’s Office personnel, an ERF form shall be completed. In addition, an Incident Report will be prepared. This shall apply even if found property is returned to its rightful owner within a short period of time after coming into Sheriff’s Office control.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Firearms Taken Into Sheriff's Office Custody	**NUMBER: 1103**
EFFECTIVE DATE: April 6, 2004	
AMENDS/SUPERSEDES: **Issue Date: 1/29/99**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.16.01	

NOTE

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

I. PURPOSE

This General Order is issued for the purpose of setting forth procedures to be followed whenever a firearm comes into the Sheriff's Office custody.

II. PROCEDURES

These procedures are to be followed with respect to all firearms which come into a deputy's custody regardless of the nature of the incident.

A. Whenever a firearm comes into the possession of a deputy, that deputy shall initiate an NCIC check to determine whether the firearm has been reported stolen.

B. An Incident Report shall be completed describing the circumstances under which the firearm came into the deputy's possession. The report shall include a statement indicating whether the NCIC check was positive or negative.

C. An ERF form shall be completed, describing the firearm in detail.

D. The firearm, ERF form and a copy of the NCIC check shall be delivered to the Evidence Clerk via normal procedure to await an appropriate disposition relating to the nature of the case.

E. Firearms will normally come into the possession of a sworn member of the Sheriff's Office in an operational context. However, the above procedures also apply to any employee who comes into possession of a firearm in an administrative setting. An example would be a citizen who wishes to relinquish ownership of a firearm and turns the firearm over to a member of the Sheriff's Office serving in an administrative capacity.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Custody of Controlled Substances / Marijuana / Paraphernalia	**NUMBER: 1104**
EFFECTIVE DATE: March 27, 2004	
AMENDS/SUPERSEDES: **Issue Date: 1/29/99**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.16.01, ADM.16.02	

NOTE

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

I. POLICY

The Sheriff's Office shall make every possible effort to safeguard controlled substances or paraphernalia whether seized for evidence or held solely for destruction. Department members shall be held to the highest degree of accountability and shall act in accordance with this General Order.

II. TERMINOLOGY

Material: As used in this General Order, material is synonymous with any controlled substance, marijuana or paraphernalia as defined by the Drug Control Act of Virginia.

III. MATERIAL SEIZED FOR EVIDENCE AND HAND CARRIED FOR LABORATORY ANALYSIS

A. A deputy coming in to possession of controlled substances/paraphernalia shall immediately complete an ERF Form. A copy of the ERF will be attached to the evidence and placed in the locked evidence drop box.

B. The Evidence Clerk will hand carry all evidence to the state laboratory unless certain circumstances dictate that the collecting deputy should transport his/her own evidence. The collecting deputy must have a supervisor's permission before hand carrying his/her evidence to the laboratory. The Evidence Clerk will make scheduled trips to the state laboratory every 2nd and 4th Thursday of each month.

C. A Division of Forensic Science Request for Laboratory Examination shall be completed as indicated in Attachment I. The form shall be submitted to the proper personnel at the laboratory.

D. The Evidence Clerk shall pick up the evidence once the state laboratory has completed their testing. The Evidence Clerk will place the evidence back into the Sheriff's Office Evidence Room.

E. The deputy shall file a copy of the Certificate of Analysis no less than seven days prior to the assigned court date.

F. When material is no longer required as evidence for court or proceedings in General District Court, Circuit Court, or Juvenile Court have been completed, and the appeal period has expired, the deputy shall obtain a destruction order from the court and forward it to the Evidence Clerk.

IV. MATERIAL RECEIVED FOR DESTRUCTION ONLY

Material which is not evidence, and therefore not requiring laboratory analysis, shall be disposed of as follows:

A. An ERF form shall be completed with the word "destroy" clearly marked.

B. The labeled envelope and ERF form shall be attached and placed in the area secured for material storage.

C. The Evidence Clerk shall transport material and assure recording and destruction.

ATTACHMENT I

DIVISION OF FORENSIC SCIENCE REQUEST FOR LABORATORY EXAMINATION

1. Investigating Officer: Complete name of deputy submitting material.
2. Telephone Number: The Sheriff's Office telephone number.
3. Agency and Address: The Campbell County Sheriff's Office and the mailing address of the Sheriff's Office.
4. Agency Case Number: Enter only one case number on form.
5. Name of Victim(s): Complete name of victim(s), if applicable {Last, first, middle}. DOB of Victim(s); Race of Victim(s); Sex of Victim(s).
6. Name of Suspect(s): Complete name of suspect(s), {Last, first, middle}. DOB of Suspect(s); Race of Suspect(s); Sex of Suspect(s).
7. Date and Type of Offense.
8. Court Date, (If Known).
9. Examinations Requested.
10. Jurisdiction of Offense.
11. Brief Statement of Fact.
12. Specify Manner of Return of Evidence: **Mark** Personal Pick-Up.
13. Evidence Submitted: Itemize each separate piece of evidence and provide a general description of physical appearance.

ATTACHMENT II

ERF FORM

Deputy is responsible for filling out the following information:

1. Case Number: Enter only one case number for each form.
2. Evidence, Found, or Recovered Property: Check appropriate box.
3. Defendant, Suspect, Victim and their Names: Person from whom material was seized or person who found material. Check all that apply.
4. Submitting Deputy and Badge Number: Full name of deputy and badge number.
5. Investigating Deputy and Badge Number: Full name of deputy submitting evidence and badge number.
6. Date of Event: Date the offense actually occurred.
7. Offense: Be specific.
8. Storage Location: If stored other than evidence box, list location.
9. Lawful owner's name, address, and phone number: Complete, if known.
10. Description of Evidence: Complete description of evidence to include quantity.
11. There should only be one ERF form per case number.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Evidence Collection	**NUMBER: 1105**
EFFECTIVE DATE: April 7, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: OPR.02.01, 02.03	

NOTE

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

I. PURPOSE

This General Order identifies responsibilities for the Deputy and/or Evidence Technician processing crime scenes and establishes guidelines for the proper documentation, collection, packaging, and submission of physical evidence to the forensic laboratory.

II. GENERAL

Proper documentation, collection, preservation, and submission of physical evidence to the forensic laboratory may provide the key ingredients of any 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 established, and theories concerning the crime/incident are substantiated or disproved. The deputy 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 deputy exercise care in the processing of a crime/incident scene so as not to overlook valuable evidence or contaminate or destroy collectable items. Physical evidence appears in many shapes, sizes, and forms, thereby necessitating various recovery, preservation and submission techniques. The deputy or Evidence Tech processing crime/incident scenes should be properly equipped to collect, identify and package the evidence so that it will not be changed in form and value when it reaches the laboratory. It will be the responsibility of the deputy collecting the evidence to maintain the 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.

III. PROCEDURES

A. Responsibility of the First Deputy on a Crime Scene

Normally, the first deputy on the scene will be the Field Deputy. The deputy(s) responsibilities include:

1. Responding to the scene promptly and safely;
2. Assist any injured persons and call for medical assistance.
3. Protecting the scene to prevent the destruction or contamination of evidence;
4. Preparing the original incident report;
5. Locating items of evidence;
6. Locating witnesses;
7. Sketching the scene when appropriate;
8. Other duties as outlined in General Order 601.

B. Investigators

As specified in General Order 601, an investigator shall be called to investigate certain serious offenses.

C. Crime Scene Processing Equipment

1. The deputy responding to the crime scene will make a determination of equipment needed for processing. The investigating deputy shall notify the Shift Supervisor who shall make the decision as to the extent of involvement required to process the scene.

2. Crime scene processing, requiring skills and techniques exceeding that of the field deputy will be accomplished by the Evidence Tech or designee, based on qualifications and experience. The function of Evidence Tech is designed to provide 24-hour coverage. The duty supervisor is authorized to call in the Evidence Tech when the situation requires greater evidence collection training than available among patrol deputies. Upon the Evidence Tech's arrival, crime scene security shall remain with on-duty personnel; however, on-scene processing is relinquished to the Evidence Tech. Crime scene investigation necessitates a cooperative effort between all investigative components within the Sheriff's Office.

3. In situations where the department's Evidence Tech is unavailable, at the discretion of the Sheriff, requests may be made for the services of the Virginia State Police Evidence Recovery Unit. The senior State Trooper will report to the duty supervisor, who shall brief him. Certain evidence items collected by the State Police may be submitted by them to their lab or relinquished to the Campbell County Sheriff's Office; however, a line of communication shall remain open. This does not preclude the use of other agencies, i.e., FBI or ATF, as may be required.

4. Every Evidence Tech will have available the following equipment to process crime scenes:

   a. Photography Equipment

      (1) 35 MM Camera

      (2) Flash Attachment

      (3) Extra film, (black and white, Polaroid)

      (4) Tripod

      (5) Rulers

      (6) Polaroid camera

      (7) Camera case

      (8) Close-up lens kit

      (9) Batteries and charger

   b. Sketch Equipment

      (1) Graph paper

      (2) Pencils

      (3) Various templates

   c. Latent Fingerprint Recovery Kit

      (1) Brushes (fiberglass, magnetic)

      (2) Powders

(3) Lifting tape

(4) Blank cards

(5) Elimination print pad w/cards

d. Blood Recovery Kit

e. Footwear, Tire Impression Kit

f. Tool Mark Impression Kit

g. Alternate Light Source

h. Gunshot Residue Kit (GSR)

i. All necessary forms

j. Physical Evidence Recovery Kits (PERK) for sexual assaults

k. Evidence Packaging Materials

(1) Paper bags, various sizes

(2) Plastic bags, various sizes

(3) Small containers, various sizes

(4) Envelopes

(5) Markers

(6) Scribes

(7) Tape

D. Protecting the Scene

1. The first deputy on the scene must secure the initial point of the incident and must extend the area of protection out toward the perimeter.

2. Crime scenes may be secured by the following methods:

a. Deputies;

b. Barricades, rope, or banner used to define the area to be protected; or,

c. Signs used to control access.

E. Notes and Reports - Valuable Records

1. The Evidence Tech's original notes are the personal and most readily available record of the crime scene. The Tech must refer to those notes to complete any or all other finished reports required of actions taken on the scene of the crime.

2. Types of information the Evidence Tech should record at the scene include:

a. Case number

b. Date and time of arrival at scene

c. Location of scene

d. Name of victim

e. Actions taken at scene

f. Name of collecting deputy

F. Preliminary Scene Survey

Evidence Tech's actions at the crime scene should include the following:

1. Observe and record (look, but don't touch).

2. Determine nature and extent of crime scene.

3. Determine location of evidence.

4. Determine order of collection.

5. Establish best working route.

6. Duplicate movement of perpetrator (in thought) and plan search accordingly.

7. Note all existing conditions.

8. Note items out of place or damaged.

9. Note relationship between items.

10. Initial rough sketch should be made.

G. Crime Scene Sketch

Detailed crime scene sketches normally are prepared only for major crimes. Minimum detail to be contained in the sketch includes:

1. Time and date of preparation;
2. Location of offense;
3. Location of items of evidence in the scene;
4. Location and names of victims, witnesses, and suspects;
5. Relationships of the crime scene to other rooms, buildings, or roads;
6. Name of person preparing the sketch;
7. Direction of North;
8. What lights were on or off;
9. What windows were open;
10. Radio/television on or off; and
11. Dimensions and measurements of item(s) or location.

H. Photographing the Scene

At the end of the preliminary scene survey, overall photographs of the scene should be taken from several different locations.

1. If an interior scene, a wide-angle lens should be used.
2. Photograph the surrounding area thoroughly.
3. The following information shall be recorded at the time evidentiary photographs are taken. The type of camera used, description of the lens, kind of film used (including ASA speed), lens setting, kind of lighting, direction of the camera at the time of exposure, and a brief description of the photograph.

I. Mid-range Photography

Mid-range photography is utilized to orient the viewer as to the exact location of items of evidence in the scene.

1. If possible, the deputy should attempt to include two items of evidence into the field of view. If this is not possible, then a common item, i.e., desk, bed, table, etc., should be included in all mid-range photos.

2. Mid-range photos should always be taken with a normal lens to prevent distortion. (50 MM)

J. Close-up Photography

Before any item of evidence is moved, a close-up photograph should be taken, as follows:

1. Fill field vision with item.

2. 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 along with the masking tape.

3. The deputy can place a strip of masking tape across the face of the rule, making sure not to cover the measuring increments. Information to be written on the tape includes:

   a. Item number;

   b. Case number;

   c. Date; and

   d. Deputy's initials.

K. Location of Evidence - Measurements

Prior to the collection of any item of evidence, the following procedure should be followed:

1. Take measurements by use of triangulation or coordinate method so that the deputy can exactly place the item of evidence at the scene.

2. A close visual examination of the item should be conducted by the deputy so he knows exactly what he is dealing with.

L. Collection of Evidence

The Physical Evidence Collection Guide published by the Virginia Bureau of Forensic Science contains information on the collection, packaging, and submission of different types of physical evidence to the lab. When collecting items of evidence, the deputy should consider:

1. The use of tongs or tweezers where possible. The deputy should avoid touching any item of evidence with his hands or anything that might contaminate the item.

2. Proper order of collection:

   a. The deputy should collect perishable evidence first.

   b. If destruction of evidence is not a concern, then the deputy should work his way through the scene, collecting in a logical sequence and trying to avoid disruption of other items of evidence.

3. Collection of Known Samples

   The forensic laboratory can only compare a known item with an item showing similar characteristics. Sufficient specimens and controls must be submitted for comparisons of such items as hairs, blood, fibers, paint, glass, soil and tool marks.

4. Documentation of Each Item Collected

   All items of evidence that are collected by the Evidence Tech processing the crime scene will be listed on the Physical Evidence Recovery Sheet. For each item listed, the following information will be noted:

M. Marking Evidence

1. In many instances, marking and labeling of evidence may represent a single process. If the evidence is of such a large size or nature, complete identifying data may be recorded directly on the evidence. This will include the deputy's name, date, item number, case number, and description of item.

2. If the small size or nature of the item collected will not permit complete information to be noted directly on the item, the container or attached tag should be marked.

3. The crime scene search deputy should establish the habit of marking similar items in the same location; for example, on the trouser band, under the right front pocket of the trousers, or on the right-hand side of the handgun. This will save time looking for identifying marks when asked to identify the evidence on the witness stand.

4. Instruments which may be used for marking physical evidence include permanent markers (felt tip pens), scribes (diamond-tip or awl), or, where labels are used, ball point pens.

5. The deputy collecting the item of evidence will be the person responsible for marking or labeling the item at the time it first comes into custody.

6. Each Evidence Tech should develop their own identifying mark. Normally it should be their initials, but may be some other mark. An adequate and convenient test of the suitability of evidence marking is to ask yourself the following question: "If I never see this item again until I am seated on the witness stand, will I be able to state that this is the item I collected at a particular location in connection with this particular case, to the exclusion of all other evidence I have handled in this or any other investigation?"

7. Evidence collected shall be listed categorically, listing the following:

   a. Assigned item number;

   b. Full description indicating make, model number, color, size, and serial number, if any, and source;(whom or location obtained);

   c. Person collecting items.

N. Packaging of Items of Evidence

1. The collecting deputy should choose a container suitable to the type of evidence he intends to package. Considerations in choosing the proper container include:

   a. The size and weight of the item;

   b. Whether the item is moist (which could rot or deteriorate if packaged in plastic or an air-tight container); and

   c. Wet (soaked items) must be packaged in plastic and transported immediately, refrigerated a maximum of one week, or air dried. There is a secure drying area located in the garage area of the Sheriff's Office. An ERF Form must be completed, the key attached to the ERF and then deposited into the Evidence Drop Box.

2. The deputy should avoid any contamination of evidence by packaging all items separately.

3. Fluids or stains should not be allowed to touch and should be carefully rolled in paper.

4. Pack the item to minimize interior movement within the package.

5. Seal the package with tape.

6. The collecting deputy should initial across the seal.

7. The deputy should label and identify the exterior of the package as to contents.

8. Whenever possible, the package should be labeled before placing the evidence in it so as not to damage contents while writing on it.

9. Packaging Materials - Described in Physical Evidence Collection Guide published by Virginia Bureau of Forensic Science.

O. Latent Fingerprinting

When processing the crime scene for latent fingerprints, the Evidence Tech should take the following into consideration:

1. The size of the item to be dusted;

2. The type surface; and

3. Potential for destruction if moved. If movement or transporting the object will destroy latent prints, the object should be processed at the scene.

P. Overall Measurements

The obtaining of wall, room, and building measurements is one of the last operations to be performed in the processing of the crime scene. The overall measurements are vital in the production of the final crime scene sketch but must be obtained last so as not to damage or destroy items of evidence.

Q. Final Organized Search

A final, thorough search should be conducted at the crime scene in case evidence may have been overlooked. Wherever possible the use of a fresh deputy on a final search is preferred. He may find what someone else overlooked.

R. Preservation and Submission of Evidence to Forensic Laboratory

1. Responsibility for Requesting Lab Examinations

a. Under normal circumstances, the Evidence Tech will be responsible for submitting the laboratory request to the property clerk. If the deputy charged with investigating the case so wishes, he may submit the laboratory request only after notifying the Evidence Tech.

b. Transportation of evidence for analysis to the forensic laboratory will be the responsibility of the investigating officer, with the exception of evidence in major cases. Transportation responsibilities will be with the Evidence Tech.

2. Preservation of Perishable or Deteriorating Items

a. 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.

b. Any time a deputy transports a perishable item to the laboratory for immediate analysis, the laboratory should be called first so they will be ready to receive the item.

c. In those cases where immediate transport to the forensic laboratory is not possible:

(1) Refrigerate (no more than one week) and transport to lab; or

(2) Air dry (no more than one week) and transport to lab.

3. Non-perishable Items of Evidence

Avoid contamination and package properly.

4. Many items submitted to the lab must be accompanied by a known specimen so a comparison can be made. The Evidence Tech on the case will be responsible for obtaining any required known specimens, following legal procedures, and sending them, along with the items of evidence, to the forensic lab for analysis and comparison.

5. Request for Laboratory Examination

a. Any evidence submitted to the Division of Consolidated Laboratory Services, Bureau of Forensic Science, will be accompanied by a completed Request for Laboratory Examination. The Bureau of Forensic Science automatically will supply written results on all requested examinations.

b. The bottom part of the request form is reserved for documentation of chain of custody, and must be completed by the relinquishing deputy as well as the receiving person at the lab.

c. For requirements as to maintaining chain of custody, see this General Order, Section IV "Chain of Custody".

S. Special Considerations

1. A supplemental report by the Evidence Tech processing a crime/incident scene will be prepared, giving an accurate account of the events. This information should be placed in the Incident report and will include:

a. Date and time he arrived at scene;

b. Location of the crime;

c. Name of victim (if any);

d. Name of suspect(s), (if any);

e. Evidence Tech's actions at the scene; and

f. Case number.

2. Failure to Recover Physical Evidence/Photograph Scenes of Serious Offense/Incidents

Whenever photographs are not taken or when physical evidence is not recovered from the scene of a serious crime against person or property, the Evidence Tech assigned will prepare a report giving the reasons why these things were not done. This may be included in the addendum of the supplemental report or subsequent follow-ups.

3. Processing Stolen Vehicles

When a stolen vehicle is recovered by a deputy of this department, it shall be treated with the same care in processing for physical evidence as any other crime scene. As with any other recovered property, the owner shall be notified as well as the agency to which it was reported stolen, so that all necessary notification can be made. The investigating deputy shall initiate all NCIC and VCIN requests.

IV. CHAIN OF CUSTODY

A. Transfer of Custody

Each time a custody transfer of physical evidence takes place, a record of that transfer shall be completed and contain the following information at a minimum:

1. Date of transfer;
2. Receiving person's name;
3. Reason for the transfer;
4. Name and location of the laboratory, synopsis of event, and examination required, when transferring to a laboratory not within the Sheriff's Office.

B. Transfer to a Laboratory for Examination

Every time physical evidence is submitted to a laboratory for examination, a written record must be kept of prior custody information to include:

1. Name of person last having custody of the item;
2. Date of submission or mailing and method used for transmission;
3. Date and time of receipt in the laboratory;
4. Name and signature of person in the laboratory receiving the evidence.

V. TRAINING

Specialized training shall be provided to all personnel responsible for crime scene processing to develop the following skills:

A. Recovery of latent fingerprints and palm prints;

B. Recovery of foot, tool, and tire impressions;

C. Photographing crime and accident scenes;

D. Preparing crime or accident scene sketches; and

E. Collecting, preserving, and transmitting physical evidence, including biological materials.

CAMPBELL COUNTY SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Property Management: County-Owned Property	**NUMBER: 1106**
EFFECTIVE DATE: April 6, 2004	
AMENDS/SUPERSEDES: **Issue Date: 10/1/98**	**APPROVED:** *Terry E. Gaddy* **Terry E. Gaddy, Sheriff**
VLEPSC STANDARDS: ADM.15.04, ADM.15.05	

NOTE

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

I. PURPOSE

The purpose of this General Order is to establish the guidelines to be followed in the procurement, receipt, issuance, and maintenance of all county-owned property assigned to and under the control of the Sheriff's Office.

II. POLICY

It shall be the policy of the Campbell County Sheriff's Office to strictly account for all county-owned property assigned to the Sheriff's Office. This accountability function pertains to all expendable items, installed property, uninstalled property, equipment, vehicles, munitions, and personal wear items owned by the county and allocated, assigned to and/or controlled by the Sheriff's Office.

III. PROCEDURE

A. The direct responsibility for the management of the County-owned property function, which shall include all non-vehicle related property, is assigned to the Fleet Manager or his designee. Direct responsibility for management of County-owned vehicles and vehicle-related accessories, such as tires, motor oil, emergency and communications equipment, etc. is assigned to the Fleet Manager.

B. Division commanders shall monitor the equipment and supply needs of their respective components continuously. Commanders shall attempt to forecast their property needs and present them to the Chief Deputy annually for inclusion in the department's operating budget. The Sheriff and the Chief Deputy shall evaluate the budgetary request submitted by each component and include the desired property/equipment in the annual budget request, as appropriate.

C. Requests for the procurement of property shall be facilitated by the division desiring the items. A written request shall then be forwarded to the Chief Deputy for accounting purposes. The requisition shall be approved by the Sheriff, or his designee, and is then forwarded to County Purchasing for processing by the Administrative Specialist.

D. Immediate purchases of equipment and/or supplies not exceeding $500.00 may be made under extenuating circumstances. The individual making the purchase request must receive the approval of the affected Division Commander to effect the immediate and/or emergency purchase. The Administrative Specialist will obtain the necessary authorization from County Purchasing for the purchase. Unique situations and circumstances may result in a variance from this directive. In unique situations which require immediate/emergency purchases, approval for purchase shall be obtained from the Sheriff or Chief Deputy prior to purchase.

E. Under normal circumstances, property ordered by the Sheriff's Office shall be delivered through the Administrative Specialist. Should another employee accept delivery of property, the Administrative Specialist shall be notified as soon as possible in order to properly record the receipt of said property. Records of all property received by the Sheriff's Office shall be made and maintained by the Administrative Specialist.

F. The Fleet Manager shall also be responsible for maintaining and inspecting County-owned property in use by the Sheriff's Office in a state of operational readiness at least semi-annually. Property shall be thoroughly checked upon receipt and prior to assignment to ensure proper working order. In addition, the Fleet Manager shall inspect stored items for care, cleaning, preventive maintenance, repair, workability and responsiveness. This includes items such as handcuffs, cameras, batteries, fire extinguishers, surveillance equipment, etc.

G. At no time is county-owned or county-stored property maintained at the same location as evidence, found, recovered or seized property.