

# Tazewell County Sheriff's Office



*Brian Hieatt*  
*Sheriff*

## Policy and Procedures Manual

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Tazewell County Sheriff's Office  
315 School Street- Suite 3  
Tazewell Virginia 24651



*A State Accredited Law Enforcement Agency*  
*Since 2008*





# Tazewell County Sheriff's Office

## Policy and Procedure Guidelines

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*This Policy and Procedures Manual is produced for the information and guidance of all employees of the Tazewell County Sheriff's Office.*

# Tazewell County Sheriff's Office

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## Tazewell County Sheriff's Office Policy and Procedures Manual

*Brian Hieatt,  
Sheriff*

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### **Note:**

*This policy manual is the property of the Tazewell County Sheriff's Department and shall be returned when officers terminate their employment.*

*This manual is for internal use only.*

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## Foreword

*Rules and regulations for the government, control and discipline of the Tazewell County Sheriff's Office shall be made know by Policy & Procedures to be issued through the Office of the Sheriff.*

*Each employee of the Tazewell County Sheriff's Office shall comply with all Policy & Procedures applicable to them and failure to do so shall be deemed neglect of duty or insubordination and may be grounds for disciplinary action.*

*The Sheriff may alter or waive certain regulations when necessary and such waivers or alterations as may be necessary shall not be done under the color of office to accomplish a self-serving interest.*

*It shall be the duty of every employee of the Sheriff's Office to thoroughly familiarize himself/herself with such sections of the Policy & procedure Manual as deal specifically with the duties of the rank or grade of such employee.*



*Brian Heatt,  
Sheriff*



# Policy and Procedures Manual



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Tazewell County Sheriff's Office  
315 School Street- Suite 3  
Tazewell, VA 24651

## INTRODUCTION

## INTRODUCTION



### Tazewell County Sheriff's Office

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315 School Street- Suite 3  
Tazewell, VA 24651

*Brian Heatt, Sheriff*

[1.01 Sheriff's Directive](#)

[1.02 Mission Statement](#)

[1.03 Organizational Chart](#)

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[1.06 Code of Ethics](#)

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## 1-01 Sheriff's Directive

**From:** Brian Hieatt, Sheriff

**To:** All members of the Tazewell County Sheriff's Office

**Subject:** POLICY AND PROCEDURE



Housed within the covers of this document are the policies and procedures of the Tazewell County Sheriff's Office.

Policies and Procedures are the product of research and experience in state of the art methods of law enforcement procedures and direction. They are intended to guide, direct, and control members, sworn and civilian, of the Tazewell County Sheriff's Office in the performance of their duty. At the same time they set procedural and operational standards for the performance of duty.

It is acknowledged that it is impossible to provide a Policy on every conceivable situation in which a member may come in contact. To that end, members are expected to employ **Professionalism and Courtesy** as in any situation.

My signature on this Directive activates and establishes each Policy and Procedure within as doctrine.

Given by my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2014 at Tazewell County, Virginia.

A handwritten signature in black ink that reads "Brian L. Hieatt".

Brian Hieatt, Sheriff

## 1-02 Mission Statement



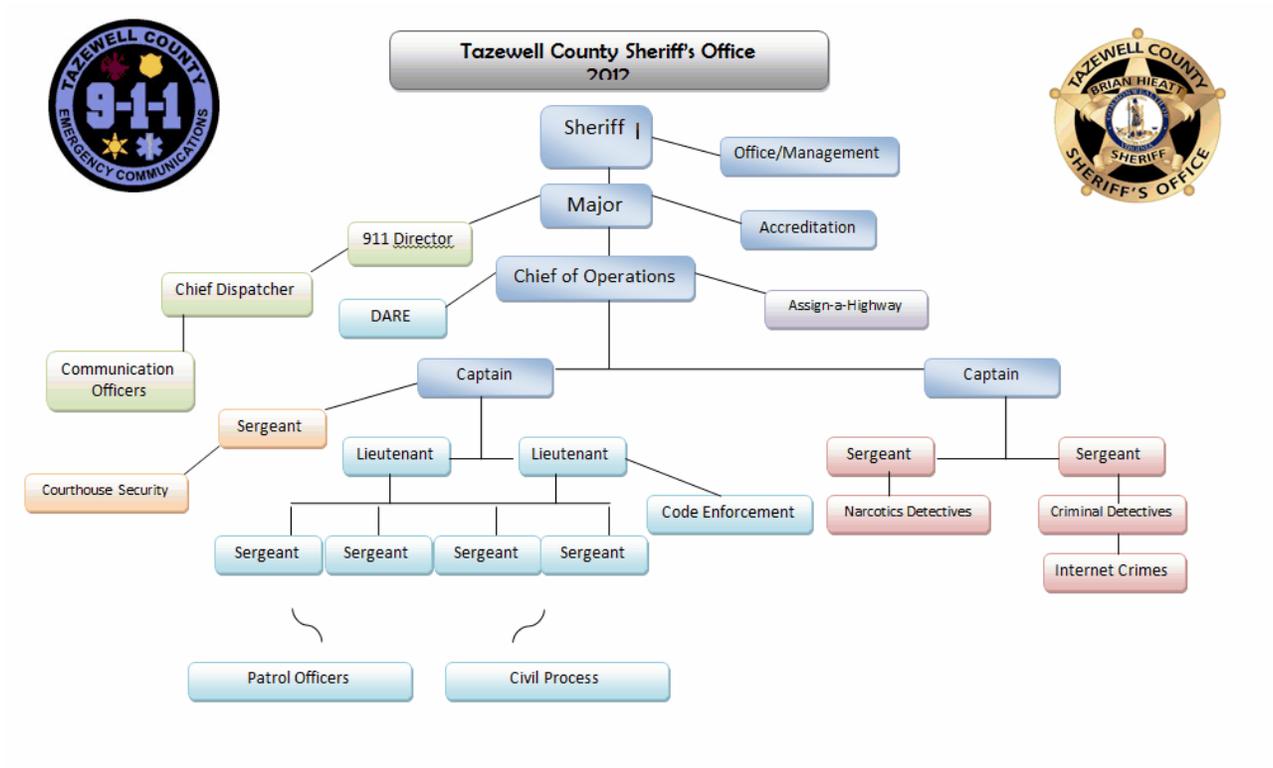
# *Tazewell County Sheriff's Office Mission Statement*

*Professionalism through training and service without any exceptions.*

1-03 Organizational Chart

VLEPSC STANDARDS:ADM.07.03

## Tazewell County Sheriff's Office Chain of Command



## 1-04 Oath of Office Directive



## Oath of Office

Prior to assuming sworn status, all Deputies must take an Oath of Office. By taking the Oath of Office Deputies solemnly swear to uphold the Constitution of the United States and the Constitution of the Commonwealth of Virginia. The following page is the form that is used by this agency.

**1-05 Oath of Office Form**

**VLEPSC STANDARDS: ADM.01.01**

Oath of Office

**Commonwealth of Virginia, County of Tazewell, to-wit:**

I, Brian Hieatt, Sheriff of Tazewell County, do certify that \_\_\_\_\_

is appointed as **Deputy Sheriff** of Tazewell County for a term commencing

\_\_\_\_\_, 20\_\_\_\_ and ending December 31, 2015 at 12:00 p.m.

\_\_\_\_\_  
Brian Hieatt, Sheriff

I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the Commonwealth of Virginia, the County Ordinance, and that I will faithfully and impartially discharge all the duties incumbent upon me as **Deputy Sheriff** according to the best of my ability, so, help me God.

\_\_\_\_\_  
Deputy Sheriff Signature

I, James Blevins, Clerk of Circuit Court in and for the County of Tazewell, do certify that \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared before me, and took the subscribed above oath.

James E. Blevins, Clerk

By:

\_\_\_\_\_ Deputy Clerk

## **1-06 Code of Ethics**

### **VLEPSC STANDARDS: ADM.01.02**

#### **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, of intimidation and the peaceful against violence, and to respect the constitutional rights of all men/women to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, maintain 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 Office. 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 any 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 expecting 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 of law enforcement.

**1-07 Equal Opportunity**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Equal Opportunity</b>	<b>NUMBER: 1-07</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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

**Equal Employment Opportunity Policy**

It is the policy of the Tazewell County Sheriff's Office to assure equal employment opportunity to its employees and applicants for employment on the basis of fitness and merit without regard to race, color, religion, national origin, political affiliation, handicap, sex or age (except where age is a bona fide occupational qualification).

This policy shall be followed in recruiting, hiring, promotion into all classifications, compensation, benefits, transfers, layoffs, returns from layoffs, demotions, terminations, training, educational leave, social and recreational program and use of County facilities.

It is not the intent of this policy to permit or require the lowering of bona fide job compensation or qualification standards to give reverence to any employee or applicant for employment. However, positive affirmative measures shall be taken to recruit qualified minorities, females, and handicapped persons to all levels of this Office where under utilization is reflected.

Any employee of the Tazewell County Sheriff's Office who fails to comply with this policy is subject to appropriate disciplinary action.

## **1-08 Foreword**

### FOREWORD

1. Rules and regulations for the government, control, and discipline of the Tazewell County Sheriff's Office shall be made known by Policy & Procedures to be issued through the Office of the Sheriff.
2. Each employee of the Tazewell County Sheriff's Office shall comply with all Policy & Procedures applicable to them, and failure to do so shall be deemed neglect of duty or insubordination and may be grounds for disciplinary action.
3. The Sheriff may alter or waive certain regulations when necessary and such waivers or alterations as may be necessary shall not be done under the color of office to accomplish a self-serving interest.
4. It shall be the duty of every employee of the Sheriff's Office to thoroughly familiarize himself/herself with such sections of the Policy & Procedure manual as deal specifically with the duties of the rank or grade of such employee.
5. Previously issued policies, procedures, rules and regulations in conflict with this Manual are hereby rescinded, except those referring to the appointment, transfers, promotion, or other administrative action affecting the personnel status of an employee.

**1-09 Complaint Procedure**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>INTRODUCTION</b>
<b>SUBJECT: <u>Complaint Procedure</u></b>	<b>NUMBER: 1-09</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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**Tazewell County Sheriff's Office Complaint Procedure**

1. If you wish to make a complaint about the actions of a deputy or about any aspect of deputy operations, please:
  - A. Make your complaint in writing, print format whether handwritten or typed, and address the letter to the Sheriff.
  - B. Make sure to include your name, physical address, and a phone number, so that you may be contacted if need be.
  - C. Mail the letter to the Sheriff's Office at:

Tazewell County Sheriff's Office  
ATTN: Sheriff Brian Hieatt  
315 School Street, Suite 3  
Tazewell, Virginia 24651
2. The Sheriff or his designee will handle the complaint in a reasonable and timely manner.
3. Your complaint will be investigated and you may be contacted and asked additional questions about your complaint or asked to come into the office for a meeting.
4. If it is going to take a long time to investigate your complaint, a letter telling you approximately when you may expect a reply will notify you.
5. When your complaint has been investigated, the Sheriff will review the investigation and will write you a letter explaining what has been determined regarding the matter.



# Policy and Procedures Manual



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Tazewell County Sheriff's Office  
315 School Street- Suite 3  
Tazewell, VA 24651

## PERSONNEL

## **PERSONNEL**

This section contains the following policies, procedures and information:

[2.01 Salary Program](#)

[2.02 Office Organization](#)

[2.03 Personnel Records](#)

[2.04 Hiring](#)

[2.05 Promotion Process](#)

[2.06 Master Deputy Program](#)

[2.07 Fiscal Management](#)

[2.08 Benefits](#)

[2.09 Overtime Compensation](#)

[2.10 Leave Policy](#)

[2.11 Personal Injuries](#)

[2.12 Job Descriptions and Task Analysis](#)

[2.13 Communicable Disease](#)

[2.14 Drug & Alcohol Testing](#)

[2.15 Social Media](#)

**2-01 Salary Program**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Salary Program</b>	<b>NUMBER: 2-01</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: PER.03.01</b>	

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**I. POLICY**

Establish guidelines for the pay scale set forth by the Compensation Board.

**II. PURPOSE**

The Compensation Board classifies and sets the pay band for support personnel with in the Sheriff's Office.

**III. PROCEDURE**

The Sheriff's Office follows the pay band scale that is provided by the Virginia State Compensation Board.

## 2-02 Office Organization

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Office Organization</b>	<b>NUMBER: 2-02</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008 June 2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: ADM.07.04</b>	

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### I. POLICY

Outline the structure of the chain of command, describe the authority of the employees, and advise employees about the obedience orders.

### II. PURPOSE

To have a structure of leadership.

### III. PROCEDURE

#### A. Organizational Structure

1. The Sheriff's Office consists of a Sheriff, Major, Chief of Operations Captain of Detectives, Lieutenants, Sergeants, Corporals and as many deputies and administrative staff as the Sheriff determines are required to support or carry out the office's objectives.
2. The Sheriff is responsible for the direction of all activities of the office and accomplishes this through written and oral orders as well as by personal leadership. Written orders take the form of policies and procedures, rules and regulations, and other directives as needed.

#### B. Chain of Command

1. In the absence of the Sheriff, the Major shall take command and notify the Sheriff of all major decisions that are made. If the Sheriff and the Major are not available, or under exceptional situations both are not available, command shall be taken in the following order: (1) the Chief of Operations, (2) Captains, (3) Lieutenants. The ranking Supervisor taking command will notify the Sheriff of all major decisions that they make.
2. Supervisors shall, without specific instructions, undertake the required details and assignments necessary to carry out the business of the office.

### C. Authority and Responsibility

1. At each rank within the office, personnel are given the authority to make necessary decisions for the effective performance of their responsibilities.
2. Each employee shall be held accountable for the use of, or failure to use, delegated authority. Any employee who receives an order relayed through another employee from the supervisor shall treat such an order as if coming directly from the supervisor. Any employee with questions concerning his or her delegated authority shall refer the matter to their supervisor for prompt resolution. Any employee who receives conflicting or unlawful orders shall report such through the chain of command.
3. All appointees shall report any gross or improper use of authority or failure to accept authority through the chain of command immediately.
4. Supervisors are held strictly accountable for the condition, preparedness, and performance of the personnel assigned to him or her and will ensure that they have been supplied with and instructed on all orders, pertinent laws, ordinances, necessary skills.
5. Supervisors shall closely observe the performance and behavior of all personnel assigned to them. As appropriate, supervisors shall submit detailed reports which describe their personnel's appearance, intelligence, discipline, efficiency, initiative, and general adaptability.
6. Each organizational component is under the direct command of only one supervisor.
7. Each employee is responsible to only one supervisor at any given time.

### D. Direction, Obedience to orders

1. All personnel shall obey any lawful order of a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank.

### E. Span of Control

1. Any major event in which all or most of the personnel will be on duty, plans for that event will clearly delineate the command structure and outline the span of control.

## 2-03 Personnel Records

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Personnel Records</b>	<b>NUMBER: 2-03</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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### I. POLICY

Every employee of the Office shall have a personnel record containing all forms completed during the hiring process. The Office of the Sheriff shall maintain the individual personnel record and all personnel records are permanent property of the Sheriff's Office.

### II. PURPOSE

To establish policies and procedures for the maintenance and administration of individual personnel records.

### III. PROCEDURE

1. The individual personnel records will be assembled, maintained and filed in the Administrative Offices (kept under lock and key in the Sheriff's office). The individual personnel folder shall consist of official personnel forms, disciplinary actions, training records, and related material and documents (certifications to prove knowledge/abilities/skills).
2. Every employee of the Office shall be permitted to review his/her record upon request with the permission of the Sheriff, but may not remove the record or any materials filed therein from the immediate area. When a copy is requested ample notice must be given and the person requesting the copy can make the copies in the office.
3. The Sheriff is the specific custodian of individual personnel records.
4. Any person who disagrees with the inclusion of any material in his/her record or who wishes to have any additional information included in his/her record may request such action by letter to the Sheriff.
5. When an employee, sworn or not sworn, terminates employment with the Office or is dismissed, his or her file shall be filed in a separate section apart from the active files. This file must be kept in according to the record retention of Virginia.

**2-04 Hiring**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Hiring</b>	<b>NUMBER: 2-04</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, 9/29/09, 3/12/12, 9/2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: PER.01.01, PER.01.02, PER.01.03, PER.01.04,</b>	

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**I. POLICY**

To ensure equal opportunity employment to its employees and applicants on the basis of fitness and merit without regard to race, color, religion, national origin, political affiliation, handicap, sex or age (except where age is a bona fide occupational qualification). The Sheriff shall handle the interviewing and hiring process.

Selection process will be administered, scored, evaluated, and interpreted in a fair and uniform manner.

**II. PURPOSE**

To establish policy and procedures for applicant qualifications and background investigations of applicants to determine their suitability for hire.

**III. PROCEDURE****A. QUALIFICATIONS**

1. Minimum qualifications and requirements. Each candidate must:
  - a. Complete and return the application to the Sheriff's Office.
  - b. Meet all of the requirements stated in the VA Code, 15.2-1705.
  - c. Be a citizen of the United States.
  - d. Be required to undergo a background investigation
  - e. Have a high school education or passed the General Educational Development Exam.
  - f. Possess a valid Virginia operator's license.
  - g. Be of good health and physical condition, and pass a physical examination subsequent to offer of employment, conducted under the supervision of a licensed physician for law enforcement assignments.
  - h. Be not less than 18 years of age for law enforcement assignments.
  - i. Have not been charged or convicted, pleaded guilty or no contest to a felony or a crime that would be a felony in Virginia.
  - j. Be of good moral character and reputation.

B. RESPONSIBILITY

1. The Sheriff will make all offers of employment.
2. Employee photographs and fingerprints will be maintained in the secure personnel file in the Office of the Sheriff. Employee fingerprints will be forwarded to CCRE and then returned to the Office and placed in the personnel file.
3. All information concerning Sheriff's Office applicants will be treated as confidential law enforcement information and will not be released to any unauthorized persons.
4. The Sheriff will make sure that the selection process is administered, scored, evaluated, and interpreted in a fair, impartial, and uniform manner.
5. Trained Sheriff's Office personnel will conduct all interviews and investigations.
6. All new hires will be required to undergo a polygraph examination.
7. Must pass a pre-employment physical agility test for law enforcement assignments which includes; 25 push-ups in 60 seconds, 30 sit-ups in 60 seconds, 30 step-ups in 45 seconds, 100 yard dash in 25 seconds, and one-mile run in 15 minutes or less.
8. Applicants that are interviewed will receive notification of application disposition via letter.

**2-05 Promotion Process**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Promotion Process</b>	<b>NUMBER: 2-05</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: PER.07.01,</b>	

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**I. POLICY**

The Sheriff shall be responsible for administering any promotional process. Nondiscriminatory procedures of testing and evaluation shall be employed in the promotional process. The Sheriff shall possess the sole authority for promoting personnel throughout the Office.

**II. PURPOSE**

To establish the promotional process.

**A. PROMOTION PROCESS****1. Responsibility**

- a. The Sheriff is responsible for the formulation and administration of the promotional process and may designate selected personnel to assist in any or all phases of selection.
- b. The promotion process will be followed in promoting all positions within the Tazewell County Sheriff's Office.
- c. The Sheriff shall possess final authority for promoting personnel throughout the agency.
- d. The Sheriff shall be responsible for all appointment of the ranks.

**2. Vacancy Announcement**

- a. Upon vacancy, a written announcement concerning the availability of the position shall be disseminated through the standard channels of the Office and will contain the following information:
  - 1) Job description
  - 2) Deadline for applying for the position.
- b. All personnel meeting the eligibility of the position shall be entered in to the selection process.
- c. All components of evaluation and determination shall be job related and non-discriminatory in content.

**3. Promotional Criteria**

- a. In order to participate in the selection process for rank within the Tazewell County Sheriff's Office, personnel must meet the following criteria:

- 1) Personnel must have received no more than one written reprimand during the twelve (12) months prior to the closing date of the vacancy announcement.
  - 2) Personnel must not have been suspended from duty for disciplinary reasons during the twenty-four (24) months prior to the closing date of the vacancy announcement.
  - 3) Personnel must not be on probationary status due either to the fulfillment of official requirement or for remedial purposes.
  - 4) Personnel must not be under active administrative probation for disciplinary reasons.
  - 5) Personnel must not currently be under administrative or criminal investigation.
- b. Personnel may participate in a selection process only for the position for which they are eligible. Trial participation shall not be permitted.
4. Eligibility Requirements for Ranking Positions
- a. Education - A degree in a criminal justice related curriculum is desirable, but not mandatory.
  - b. Experience - Experience will be taken into account, but will not be the sole factor in the decision-making.
  - c. Good overall performance in a current position, which is to be determined by past employee evaluations.

## B. ELEMENTS USED IN PROMOTIONAL PROCESS

### 1. Eligibility & Criteria

- a. The Sheriff shall review all of the names of employees that have made known their desire to be considered for the position and will consider each applicant as to their eligibility and criteria requirements.
- b. An interview time will be set for each applicant that meets the eligibility and criteria requirements set forth in sections of this policy. If an applicant does not meet the eligibility requirements he or she shall be notified in person as to the reasons that they will not be allowed to continue on with the promotional process.

### 2. Position Interview

- a. An interview will be given to qualified applicants by the Sheriff or the next in command or both.
- b. During the interview the applicant will be able to discuss their qualifications and their career development within the agency.

### 3. Practical Experience and/or Education

- a. During the promotional process the Sheriff shall take into account each eligible applicant's law enforcement experience and professional education. Special consideration shall be taken into account for those applicants with specialized education and experience related to the position they are applying for.

### 4. Seniority

- a. During the promotional process the eligible applicant shall be given consideration for the amount of time the employee has worked within the agency.

### 5. Sole Decision

- a. No factors mentioned above will be the sole factor in making the decision for promotions.

## C. SELECTION FOR PROMOTION

### 1. Results

- a. The Sheriff shall review the results of the four areas in the elements used in the promotional process to determine the best candidate for the position.
- b. An employee promoted to the ranking position by the Sheriff shall receive notification (verbal is acceptable) of the promotion.
- c. Unsatisfactory performance evaluations and failure to show improvement will be cause for termination of the promotion during the probationary period. Personnel in this category may be reassigned to their former status/rank or to another position at the discretion of the Sheriff, if a vacancy exists.

## 2-06 Master Deputy Program

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Master Deputy Program</b>	<b>NUMBER: 2-06</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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### I. POLICY

The Master Deputy Program is for employees with a grade L8 or CS8 who has improved personal skills, knowledge and abilities in order to meet department objectives.

### II. PURPOSE

Having Deputies with professionalism in the Sheriff's Office by improving personal skills, knowledge and training.

### III. PROCEDURE

#### A. Equal Opportunity Statement

This Career Development Program in its entirety is available to all sworn grade eight (8) deputies of the Tazewell County Sheriff's Office and selection will be made regardless of race, religion, gender, national origin or political affiliation of deputies who choose to apply.

#### B. Criteria for Consideration as a Master Deputy

1. The minimum length of service for a Deputy to be considered for selection as a Master Deputy is three consecutive years at the Tazewell County Sheriff's Office.
2. The Deputy must have an above average evaluation by the two most recent performance reviews. The Deputy must have demonstrated exceptional abilities and/or leadership skills in the performance of assigned duties as well as being well versed in the Tazewell County Sheriff's Office Policy
3. The Deputy shall have no more than one written reprimand within the past two years.
4. The Deputy shall not have more than one preventable vehicle accident in the past 3 years.
5. The Deputy must qualify annually with a department-approved firearm with a score of not less than 80%.
6. The Deputy must complete a minimum of 40 hours of specialized training in the law enforcement field in addition to the 40 hours mandated in-service training required by

DCJS within a two-year period. Any job related college course of at least 3 credit hours may be substituted for the additional 40 hours of law enforcement training. The office will try to accommodate the Deputy and training, if at all possible. The training shall be the Deputy's initiative and responsibility.

7. The Deputy must not abuse sick leave and report on duty in a timely manner that is consistent with the Tazewell County Sheriff's Office policy.
8. The Deputy must complete and pass the Tazewell County Sheriff's Office Physical Fitness Performance Test. The Deputy will be given two attempts. The second attempt will be administered no more than 30 days from the first attempt.
9. The Sheriff must approve any modifications to the conditions for extending or rescinding the Master Deputy status, and makes the final decision regarding removal. The program shall be reviewed and/or revised every two years by the Sheriff or designee, if necessary.
10. The Career Development Board shall be responsible for initiating the removal actions and an appeal can be submitted in writing to the Sheriff.
11. The Career Development Board shall be responsible for maintaining an inventory of skills, knowledge, and abilities of each Deputy that has either been selected or has requested to be selected for the Master Deputy Program. These records will be kept in a file maintained by the Office Manager in the Administration Office .

#### C. Selection Process

1. The Deputy must request consideration for participation in the Master Deputy Program in writing to the Career Development Board listing that his or her qualifications have been met and how they were met.
2. The Career Development Board makes recommendations to the Sheriff regarding selection.
3. The Deputy may appeal to the Sheriff in writing, the decision for not being selected by the Career Development Board.
4. The Sheriff makes the final decision regarding selection.

#### D. Conditions for Rescinding of Master Deputy Status

1. A Master Deputy who receives an annual evaluation rating of below average will be rescinded immediately and remains in effect until a rating of better than average or better than satisfactory is attained at the next annual evaluation.
2. If a Master Deputy receives more than one written disciplinary action in a two-year period, his/her status will be rescinded and remains in effect for one year from the date of the last written disciplinary action, during which time no further written disciplinary actions may be incurred.
3. If a Master Deputy has more than one preventable vehicle accident in a three-year

period, his/her status will be rescinded immediately and remains in effect for a period of one year from the last accident, during which time no further preventable accidents may be incurred.

4. A Master Deputy who does not qualify annually with a department-approved firearm with at least 80% proficiency will be rescinded immediately.
5. A Master Deputy must every two years complete the physical fitness test to maintain the Master Deputy status. The tests are as follows; push-ups 25 in 60 seconds, sit-ups 30 in 60 seconds, step-ups 30 in 45 seconds, 100 yard dash in 25 seconds, and one mile run/walk in 15 minutes.
6. A Master Deputy who does not receive 40 hours of law enforcement training and 40 hours mandated in-service training within every two-year period will be rescinded immediately and remains in effect for a period of one year and until the deputy completes their 40 hours specialized training or does not complete the physical fitness test.

**2-07 Fiscal Management**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Fiscal Management</b>	<b>NUMBER: 2-07</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008 June 2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.15.01, ADM.15.03</b>	

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**I. POLICY**

This agency keeps a complete account of fee sheets on money collected for service. Copies will be kept of all budget printouts, fee sheets, bank statements, and receipts for accounts payable. All Original receipts will be sent to the County Administration for payment.

**II. PURPOSE**

The principle function is to establish Office procedures and policies and to assign responsibilities for fiscal management within the Office.

**III. PROCEDURE**

A. Responsibility: Initial appropriation for each account (or program) The Sheriff is responsible for fiscal management and fiscal matters for the Office and must comply with the Code of Virginia and/or established County policy.

**B. Accounting Maintenance**

1. The Office Manager, Secretary, and Clerk will maintain financial transactions on monies collected and will be deposited into a bank account. At the end of the month a check for that months accounts will be written and a fees sheet taken to the Treasurers of Tazewell County's Office at the end of each month \$0.00 will be left in the bank account.
2. Budget Printouts will be received from the finance department and will be compared, by the Office Manager, Secretary, or Clerk. Expenditures and encumbrances made during the period will be checked and any errors, omissions, or unexplainable transactions will be called to the Budget Coordinator's at the County Administration Office attention for resolution.
3. All persons will abide by the following guidelines for receiving, distributing, recording, and maintaining documents of accounts:
  - a. A fee sheet (credits) and bank statements (deposits and debits) will be used for credits and debits. Receipts shall reflect the amount received from the person petitioning for a paper service, the date of transaction, credits (cash income received), and will be kept accurate and ready for inspection at all times.
4. Receipt records, will be maintained by the Office Manager, Secretary and Office Clerk.

5. All cash will be documented, deposited, and a check for the full amount collected at the end of each month will be sent to the Treasures of Office, which will leave the bank account \$0.00 at the end of each month.
6. Procedures for an independent audit of the agency's fiscal activities; All accounts will be kept and complete in a state of readiness for external audits by the County and State Auditor's examinations, as required by VA. Code 15.2-2511.

#### **IV. PURCHASING**

- A. Purchases for the Sheriff's Office require a purchase requisition and the Sheriff or his designee's approval.
- B. On the requisition the person purchasing the equipment has to fill out their name the date they ordered it, purchase order if applicable, and the line item the purchase will be taken from.
- C. Board of Supervisors set an amount required for unsealed bids there policy will be followed by in this incidents. Criteria for the selection of vendors and bidders are set forth in the County Administration policy.
- D. If emergency or rental agreements for equipment are needed they must have approval from the Sheriff or Office Manager.
- E. If requesting supplemental or emergency fund transfer it must first be approved by the Sheriff.
- F. If any contracts such as maintenance and service agreements are needed they must have approval by the Sheriff or Office Manager.

**2-08 Benefits**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Benefits</b>	<b>NUMBER: 2-08</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.23.04, PER.03.03</b>	

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**I. POLICY**

The County Administration Office provides full-time Sheriff's Office employees a package of benefits and salaries that are paid by the Compensation Board and the County Administration Office.

**II. PURPOSE**

To outline the benefit packages available to full-time employees.

**III. PROCEDURE****A. LIFE/ACCIDENT****1. Group Life Insurance**

All full time employees will be enrolled in the Virginia Retirement System term life insurance program. The coverage is calculated by rounding the individual's annual salary to the next thousand and multiplying by two. Accidental death doubles that coverage. The County Administration provides full funding for the premium.

**2. In the Line Of Duty Act**

The following benefits are not automatic; survivors are required to file documentation. The Tazewell County Sheriff's Office shall assist if needed. The Virginia Line of Duty Act and the Federal Line of Duty Act shall cover employees of the Tazewell County Sheriff. Virginia Code legislates that every law enforcement and correctional officer of the state or a political subdivision in the state whose death occurs after January 1, 2006, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive a payment from the general fund of the state treasury, in gratitude and recognition of his or her sacrifice on behalf of the people of the Commonwealth. The act provides for payment of benefits in the amount of twenty five thousand dollars to survivors if the officer's death:

The Public Safety Officers' Benefit Program provides death benefits in the form of a one-time financial payment to the eligible survivors. If you need further information you can go to [http://www.ojp.usdoj.gov/BJA/grant/psob/psob\\_main.html](http://www.ojp.usdoj.gov/BJA/grant/psob/psob_main.html).

**B. RETIREMENT**

All Full-Time employees of the Tazewell County Sheriff's Office shall be members of the Virginia Retirement System (VRS). Both the employer/employee contributions are fully paid by the County. The member becomes vested after a period of five years of active service. More detailed information is available from VRS.

**C. LEOS**

All full-time employees who have 20 years of qualified hazardous duty can have LEOS as a supplement for retirement. The member becomes vested after a period of five years of active service. More detailed information is available from VRS.

**D. MEDICAL**

Hospitalization insurance is available to all full-time employees to be paid for by the employee and the employer.

**E. CREDIT UNION**

Employees may participate in a Credit Union. Participation is optional.

**F. LIABILITY**

The County of Tazewell maintains liability insurance on all law enforcement deputies in case of a lawsuit.

**G. ALSO AVAILABLE**

Also available are disability, accident, and cancer policies provided through participating insurance companies. Premiums are paid for strictly at the employee's expense.

**Note:** For any information on benefits, contact the **County Administration Office**.

**2-09 Overtime Compensation**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Overtime Compensation</b>	<b>NUMBER: 2-09</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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**I POLICY**

Detailed documentation of overtime is required, supervisors will closely monitor and evaluate all overtime in terms of its necessity.

**II. PURPOSE**

The Tazewell County Sheriff's Office seeks to minimize the occurrence of overtime.

**III. PROCEDURE****GOVERNMENT STANDARDS****A. The F.L.S.A.:**

1. The Fair Labor Standards Act (FLSA) regulates minimum wage, overtime pay, child labor and dictates certain record keeping requirements.
2. The FLSA does not require the following:
  - a. Vacation
  - b. Holidays
  - c. Severance, or Sick Pay
  - d. Meal or rest periods
  - e. Premium pay for weekends or holiday work
  - f. Pay raises or fringe benefits
  - g. A discharge notice or reason for discharge
  - h. Maximum work hours for employees over 16 years old

**B. Who is Affected:**

1. State and local government employees engaged in traditional government activities are subject to the FLSA. Those employees specifically engaged in law enforcement activities are subject to a special section of the Act (7K), which provides for a partial overtime exemption applied on a work period basis as opposed to the more restrictive workweek basis.
2. An employee engaged in "law enforcement activities" refers to any employee who is
  - a. Empowered to enforce laws designed to maintain peace and order, and to protect life and property, and to prevent or detect crimes,
  - b. Who has the power of arrest, and
  - c. Who is presently undergoing, has undergone or will undergo on the job training and/or a course of instruction or study in self-defense, firearms, criminal and

civil law principles, investigative and enforcement techniques, community relations, medical aid and ethics. (Title 29, Part 553.211 FLSA)

3. Tazewell County Sheriff's Office employees engaged in law enforcement activities and support staff alike, can get Compensation and/or overtime pay if they are full-time employees. Sworn employees have to work over 171 hours in a 28 day time period to receive compensation. Anything past 171 is calculated at time and half. Non-sworn employees receive compensation for hours worked past the 40 hour workweek at time and half.
4. There are exceptions in which certain individuals in the Office are considered "EXEMPT" and are not subject to the overtime provisions of the FLSA, whether engaged in "law enforcement activities" or not. These are discussed below.

C. Hours Worked:

1. OFF DUTY: Periods during which the employee is completely relieved from duty and can use the time effectively for his or her own purposes. (Title 29 Part 785.16 FLSA)
2. ON CALL: If an employee must only leave word as to where they can be reached or if they carry a pager, they are not considered restricted under the Act and these hours are not considered HOURS WORKED. Even though the employee may not be able to go out of town for the day or weekend, they are still considered unrestricted under the act. If, however, an employee has to stay by his or her phone at home to receive calls when the employer's office is closed, the employee is considered restricted and the hours "on call" in this situation would be counted as hours worked. (Title 29 Part 785.17 FLSA)

D. Regular and Overtime Pay:

1. RATE OF PAY: The regular rate is calculated at an hourly rate. Compensation due employees must be completed based on the hourly rate derived from the salary amount by mathematical computation. (Title 29 Part 778.109 FLSA)
2. COMPENSATORY TIME: Compensatory time will be given only after sworn deputies work past the 171 hours in a 28 day time period over their regular shift non-sworn is anything past 40 hours work in a workweek. Compensatory time is calculated monthly.
3. TIME OFF PLAN: An employer can comply with FLSA and continue to pay a fixed salary even when an employee works overtime in some workweek within the same PAY period (month). The employer lays off the employee for a sufficient number of hours (1.5 to 1) during some other week of the SAME PAY PERIOD so that the fixed salary for the pay period covers the total amount of compensation, including the overtime compensation, due the employee for each work week taken separately. (WH Pub. 1459).

E. Overtime:

1. If an employee works an amount of time surpassing the required time, compensation time will be awarded. If occasions occur and there are funds available to pay an employee monetarily at an overtime rate, this will be managed through the administrative office and if overtime pay is not available they will receive compensatory time.
2. Avoidance: Working past regularly assigned daily or shift hours should be avoided unless the necessity can be documented. (The Administrative Office requires an explanation for all overtime, by means of a 28 day time sheet that has to be signed by there supervisor, who is responsible for the calculations on the time sheet).

3. Items considered for approval of compensation time:
  - a. For special assignments authorized by supervisory personnel (includes assignment to cover absent deputy's shift for example, appearances in courts which includes regular and special grand juries in criminal cases, appearances in out of jurisdiction courts in criminal cases, off-duty time spent for mandatory office functions such as training and meetings;
  - b. Working past the end of a shift in order to complete an arrest, complaint, investigation or overtime earned for some other justifiable and absolutely necessary purpose will be considered as AUTHORIZED overtime but it must be approved at that time by the on-duty supervisor.
  - c. Unessential overtime such as staying over just to ride or visit with another deputy on the next shift is not authorized. Supervisors will closely evaluate the necessity of all overtime.
4. Compensatory Time: The preferred method of reimbursement for overtime is compensatory time given within the 28-day cycle.
5. Each supervisor will be responsible for the accurate and timely completion of this record for each deputy assigned to that division. The record is to be submitted 3 days after the end of the 28-day time period. The time record shall contain the employee's name, hours worked, reason for overtime, and any vacation, sick or compensation time taken.
6. Each employee's immediate supervisor shall be responsible for the authorization, awarding, and scheduling of compensatory leave. The administration and documentation shall be the same as for other types of leave.

## 2-10 Leave Policy

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Leave Policy</b>	<b>NUMBER: 2-10</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, 10/5/09, 1/12/09</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: PER.03.01, PER.03.02,</b>	

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### I. POLICY

This policy will cover Annual, Sick, Compensatory, Military, Family Medical, Leave of Absence Without Pay, Administrative Leave, Workman's Compensation Leave, Holiday, and Cobra.

### II. PURPOSE

The purpose of this policy is to inform the employees of the different types of leave available.

### III. PROCEDURE

#### A. General

In all types of leave, the leave must be earned before it is taken. Leave cannot be advanced unless approved by the Sheriff. All leave must be approved in advance of the requested time by filling out a Classified Personnel Certification of Absence (except in emergencies.) During the first year of service; each employee will receive 6 2/3 hours for each month they have worked. The time will be calculated at the end of each month worked. There is a 90-day probationary period for all employees during which time annual leave is accrued at the rate of 6 2/3 hours per month. Employees cannot expend any accrued annual leave, sick leave, and compensatory leave until their 90-day probationary period has expired. This agency abides by the criteria set forth by all State and Federal Guidelines regarding leave. All Employees of the Office shall be granted annual leave as follows:

#### 1. Annual Leave Schedule

Years of Service	Days Earned Per Month	Days Earned Per Year	Accumulation
1-5	6.67 hours	10 days	20 days
6-10	10 hours	15 days	30 days
11-15	12 hours	18 days	36 days
16+	14 hours	21 days	42 days

- a. The supervisor will approve or disapprove of the requested time. Then the supervisor will record the employees' time in the leave book.
  - b. When on leave, regardless of the type the employee will not be allowed to change their leave status unless approved by their supervisor.
  - c. Employees can only carry over the amount accumulated on the table, annual leave past this time will be forfeited at the end of each year.
2. Sick Leave
- a. Sick leave shall be defined as leave with pay granted for an illness; bodily injury resulting in temporary disability; medically required confinement; medical and dental appointments; and illness in the home requiring the presence of the employee.
  - b. Sick leave may be authorized also in case of serious illness of a member of the immediate family of the employee, that is living in the employee's household. Serious illness is defined as incapacity or inability to care for oneself. Immediate family is defined as the employees' parents, mother-in-law, father-in-law, wife/husband, children, brother, sister, and grandparents. Sick leave of more than three (3) consecutive days requires a doctor's return to work with no restrictions.
  - c. In cases of illness, employee shall notify his/her supervisor promptly.
  - d. Each employee will accrue eight hours of sick leave at the end of each month.
  - e. Once a resignation is submitted you cannot use any sick leave, without approval from the Sheriff.
3. Compensatory Leave
- a. Compensatory leave may be used for the purpose of and in lieu of annual and sick leave.
  - b. Compensatory time will be calculated by using the 28- day time sheet, sworn officers working more than 171 hrs will receive time and half for their hours. Non-Sworn personnel receive compensatory time at time and half for anything worked past 40 hrs per workweek.
4. Military Leave
- a. A copy of active duty orders must be furnished at least 30 days before active-duty begins. Grants of all military leave shall be in addition to leave otherwise allowable. An employee who is absent for annual active duty for training as a member of the reserve components of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service or United States Coast and Geodetic Survey is allowed leave without pay for the period required to fulfill his military obligations. Any extraordinary absences for military purpose such as special schools, training, or volunteer service shall be allowed only with the approval of the Sheriff.
  - b. Absence without loss of pay for up to 15 workdays shall be granted for members of the Virginia Defense Force or the National Defense Executive Reserve when it is for training that is specifically approved in advance by the Governor or his designee. If such absences exceed 15 workdays, the employee's option, may be charged to annual or compensatory leave balances.
  - c. An employee voluntarily entering active duty in the Armed Forces of the United States shall be deemed to have resigned from his position but shall have automatic rights to reinstatement in his position upon return from active duty. Provided

however, if an employee who voluntarily leaves employment for active duty serves not more than four years, has a certificate attesting that military duty was satisfactorily completed, and applies for re-employment in County service not later than ninety (90) calendar days following separation from active military duty, said employee shall be re-employed in any available position to which he meets the qualifications.

5. Family/Medical Leave

- a. Entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. A week is considered 7 days. The Family Medical Leave will begin on the first day of leave. The 12 week period and 12 month period will also begin on the first day of leave.
- b. Eligibility  
Employee has worked for the Sheriff's Office for 12 months (need not be consecutive) and has worked at least 1,250 hours **prior to starting** FMLA leave.
- c. Family Medical Leave can be taken for:
  1. Birth and care of the newborn child of the employee;
  2. Placement with the employee of a child for adoption or foster care;
  3. Care for an immediate family member (spouse, child, or employees parents) with a serious health condition; or
  4. Employee's own serious health condition.
- d. "Serious health condition" means:
  1. a condition connected with an overnight stay in the hospital;
  2. an incapacitating condition requiring an absence of more than three calendar days from work that involves continuing treatment by a health care provider;
  3. an incapacitating condition due to pregnancy or for prenatal care;
  4. an incapacitating condition resulting from a chronic disease, such as asthma, diabetes, or epilepsy;
  5. an incapacitating condition that is permanent or long term due to terminal disease, stroke, Alzheimer's; or
  6. a condition requiring multiple treatments by a doctor that would result in incapacity or more than three consecutive days if left untreated, such as dialysis, chemotherapy, physical therapy.
- e. "Health care provider" means:
  1. doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice;
  2. podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulations of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law;
  3. nurse practitioners, nurse-midwives, and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law;
  4. Christian Science practitioners
  5. Any health care provider recognized by the Sheriff's Office or the Sheriff's Office group health plan benefits manager.
- f. Spouses employed by the Sheriff's Office are jointly entitled to a **combined** total of 12 work-weeks of family leave.
- g. The Sheriff or the next in command, may require the employee to give certification from his/her health care provider. They may also require the employee to get a second opinion from a health care provider of their choosing, at the Sheriff's Office

expense. This health care provider cannot be one which the Sheriff's Office contracts or whom the Sheriff's Office regularly uses. If the health care provider's opinions differ, the Sheriff or the next in command and the employee must agree to a third opinion which will be final. The Sheriff's Office must also pay for the third opinion.

- h. During the Family Medical Leave, the Sheriff or the next in command may require periodic reports regarding the employee's status and intent to return to work.
  - i. The employee is required to take accrued sick leave, annual leave, and/or compensatory leave during Family Medical Leave (except in cases where Worker's Compensation runs concurrently with FMLA).
  - j. When accrued leave is exhausted, the employee will be placed on leave without pay for the duration of the Family Medical Leave.
  - k. Maintenance of health benefits
    - 1. Health insurance must be maintained just as if the employee continued to work;
    - 2. The employee must continue to make any contributions to his/her premium;
    - 3. The Sheriff's Office may discontinue coverage if the employee notifies the Sheriff or the next in command that he/she will not return to work or he/she does not return to work at the end of the leave period.
6. Leave without pay
- a. Leave of absence without pay consists of leave granted to an individual who has exhausted all other leave, but can show justification that an emergency exists which may be concluded that it will be temporary in nature and the employee intends to return to work. Each case will be judged on its own merits and approved by the Sheriff or the next in command.
  - b. Absence without notification shall be defined as an absence from the job during a scheduled work period without approval of the employee's supervisor. Also, the failure to report to work at the expiration of an authorized leave or the request an extension of time shall be considered an absence without pay.
7. Workman's Compensation Leave
- An employee incapacitated by compensable job-related injury or illness, as defined by the Workman's Compensation Act, is entitled to the benefits provided by that Act.
8. Holiday
- A set number of days will be designated as official Holidays to be observed. The County shall also observe such days as may be given by the Tazewell County Board of Supervisors, the Governor of Virginia, or the President of the United States. Holiday New Year's Day, Martin Luther King Jr's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day, and Christmas Day.
9. Cobra Extended Coverage Rights
- Extended Coverage can become available to you when you would otherwise lose your group health coverage. It can also become available to other members of your family who are covered under the Plan when they would otherwise lose their group health coverage. For additional information about your rights and obligations under the plan and under the law, you should contact your Payroll and Benefits Coordinator at the County Administration Office.
10. Civil Leave

Civil leave is granted with pay for absence from duty in order that the employee may serve required jury duty. An employee compensated for civil duties, as by jury or witness fees, shall be paid only the difference between such compensation and his regular salary for the period of absence, unless the absence is charged to earned annual leave or compensatory leave.

**2-11 Personal Injuries**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Personal Injuries</b>	<b>NUMBER: 2-11</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008 8/1/2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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

**I. POLICY**

Employees of the Tazewell County Sheriff's Office shall act to ensure prompt and accurate reporting of any injury which may be covered under the provisions of the Worker's Compensation Act.

**II. PURPOSE**

To establish a clear understanding of procedures used concerning personal injuries that occur during duty hours.

**III. PROCEDURE****A. WORK RELATED INJURIES****1. On-Duty Injuries**

- a. Any employee who sustains a personal injury during the performance of duty shall notify his or her shift supervisor as soon as possible. The supervisor or the injured employee will immediately call the company nurse hotline 1-888-770-0925 and use the code V089 to report the injury. The supervisor needs to also notify the chain of command of the injury within **24 hours**.
- b. When the injury prevents the employee from returning to duty for any period of time, the employee needs to follow the guidelines set in the sick leave policy section 2.11.

**2. Off Duty Injuries**

A sworn employee who is injured off-duty while performing a law enforcement function, shall report the injury in the above-described manner.

## 2-12 Job Descriptions & Task Analysis

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Job Descriptions &amp; Task Analysis</b>	<b>NUMBER: 2-12</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, 3/9/2010 9/2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.08.01, ADM.24.01,</b>	

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

### I. POLICY

To maintain job descriptions of every position within the agency.

### II. PURPOSE

To ensure that every employee will have an understanding of the duties of each assignment.

### III. PROCEDURE

**SHERIFF:** This is an executive position with professional and administrative duties and responsibilities that involve knowledge of policies and procedures.

A. The Sheriff's position duties and responsibilities are as follows:

1. The Sheriff is an elected official and directly responsible to the citizens of Tazewell County.
2. Has ultimate responsibility for administration, command and external relations of the agency.
3. Directly supervises the Major, Office Manager, and conducts their performance evaluations.
4. Develops such programs and policies as deemed necessary to maintain a modern, efficient and effective agency.
5. Develops, presents, and justifies budget estimates for the Sheriff's Office.
6. Maintains high standards of confidence through instruction and training for and by employees of the Sheriff's Office.
7. Reviews all training requests submitted by employees.
8. Maintain department equipment in operational readiness.

### MAJOR

A. The Major's position duties and responsibilities are as follows:

- 1) Serve as second in command to the Sheriff.
- 2) Acts for Sheriff when assigned.
- 3) Notifies the Sheriff of any major crimes/incidents reported to him/her by the Captains

- or their subordinates.
- 4) Implements all orders received from the Sheriff.
  - 5) Supervises the Chief of Operations, accreditation manager, and 911 Director inspects their vehicle and equipment and conducts their performance evaluation.
  - 6) Accountable for the actions or omissions of Chief of Operations, accreditation manager, and 911 director which are contrary to departmental regulations or policy.
  - 7) Organizes and oversees staff meetings.
  - 8) Advises the Sheriff on matters involving policy, training, employees and assignment.
  - 9) Reads shift reports, case summary data, and other forms of information presented to him/her to make recommendations about enforcement ideas, community involvement projects, and office efficiency.
  - 10) Supervises the Evidence Room Custodians and the Property Room Manager and completes their performance evaluations and is accountable for their actions.
  - 11) Trains the Chief of Operations about the Major's job duties.
  - 12) Works with government agencies, businesses, citizens, and citizen groups of Tazewell County to address issues that the Sheriff's Office may become involved.
  - 13) Enforce laws and ordinances, conduct investigations, arrest or summons violators, serve criminal warrants, civil processes and summons, and testify in court as necessary.
  - 14) Maintain department equipment in operational readiness.
  - 15) Delegates duties to his/her subordinates when necessary.
  - 16) Performs other tasks assigned by the Sheriff.

### **CHIEF OF OPERATIONS**

- A. The Chief of Operations position duties and responsibilities are as follows:
- 1) Serve as third in command to the Sheriff.
  - 2) Acts for Sheriff when assigned.
  - 3) Notifies the Sheriff of any major crimes/incidents reported to him/her by the Captains or their subordinates.
  - 4) Implements all orders received from the Sheriff or Major.
  - 5) Supervises the Captains, inspects their vehicles and equipment and conducts their performance evaluations.
  - 6) Accountable for the actions or omissions of Captains which are contrary to departmental regulations or policy.
  - 7) Organizes and oversees staff meetings with the Major.
  - 8) Advises the Sheriff on matters involving policy, training, employees and assignment.
  - 9) Reads shift reports, case summary data, and other forms of information presented to him/her to make recommendations about enforcement ideas, community involvement projects, and office efficiency.
  - 10) Trains the Captains about the Chief of Operations job duties.
  - 11) Works with government agencies, businesses, citizens, and citizen groups of Tazewell County to address issues that the Sheriff's Office may become involved.
  - 12) Enforce laws and ordinances, conduct investigations, arrest or summons violators, serve criminal warrants, civil processes and summons, and testify in court as necessary.
  - 13) Maintain department equipment in operational readiness.
  - 14) Delegates duties to his/her subordinates when necessary.
  - 15) Performs other tasks assigned by the Sheriff.

### **CAPTAIN OF DETECTIVES**

- A. The Captain of Detective's position duties and responsibilities are as follows:
- 1) Reports to the Chief of Operations.
  - 2) Notifies the Chief of Operations of all major crimes/incidents reported to him/her.
  - 3) Implements all orders received from the Sheriff, Major, or Chief of Operations.
  - 4) Supervises the Detectives, inspects their vehicles and equipment and conducts their performance evaluations.
  - 5) Reviews and ensures the accuracy of all reports submitted by the detectives.
  - 6) Schedules all detectives for work assignments including on-call status.
  - 7) Accountable for the actions or omissions of the detectives, which are contrary to departmental regulations or policy.
  - 8) Assigns cases to each detective and retains a log of all cases that have been assigned to each detective.
  - 9) Assists in the selection and conducts the training of new detectives.
  - 10) Ensures that each detective has the equipment that they need to perform their duties and ensures that the Crime Scene Vehicle is properly equipped with investigative equipment.
  - 11) Enforce laws and ordinances, conduct investigations, arrest or summons violators, service criminal warrants, civil processes and summons, and testify in court as necessary.
  - 12) Maintain department equipment in operational readiness.
  - 13) Performs other tasks assigned by the Sheriff, Major, or Chief of Operations.

### **CAPTAIN OF Patrol**

- A. The Captain of Patrol position duties and responsibilities are as follows:
- 1) Reports to the Chief of Operations.
  - 2) Notifies the Chief of Operations of all major crimes/incidents reported to him/her.
  - 3) Implements all orders received from the Sheriff, Major, or Chief of Operations.
  - 4) Supervises the Lieutenants, inspects their vehicles and equipment and conducts their performance evaluations.
  - 5) Reviews and ensures the accuracy of all reports submitted by the Lieutenants.
  - 6) Reviews all shift reports submitted by patrol supervisors for accuracy and corrects problems that are documented on the shift reports.
  - 7) Accountable for the actions or omissions of the Lieutenants, which are contrary to departmental regulations or policy.
  - 8) Schedules the Lieutenants work assignments.
  - 9) Assists in the selection and training of new Deputies and his/her personnel.
  - 10) Ensures that each employee under his/her command has the equipment that they need to perform their duties.
  - 11) Enforce laws and ordinances, conduct investigations, arrest or summons violators, service criminal warrants, civil processes and summons, and testify in court as necessary.
  - 12) Trains the Lieutenant about the Captain of Patrol job duties.
  - 13) Maintain department equipment in operational readiness.
  - 14) Performs other tasks assigned by the Sheriff, Major, or Chief of Operations.

### **LIEUTENANT**

- A. The Lieutenant's position duties and responsibilities are as follows:

- 1) Reports to the Captain of Patrol and notifies their supervisor of all major crimes/incidents reported to him/her.
- 2) Implements all orders received from the Captain of Patrol or his/her superior.
- 3) Supervises the Sergeants, inspects their vehicles and equipment and conducts their performance evaluations.
- 4) Reviews and ensures the accuracy of all reports submitted by the Sergeants.
- 5) Reviews all shift reports submitted by patrol supervisors for accuracy and corrects problems that are documented on the shift reports.
- 6) Accountable for the actions or omissions of the Sergeants, which are contrary to departmental regulations or policy.
- 7) Schedules the Sergeants work assignments.
- 8) Assists in the selection and training of new Deputies and his/her personnel.
- 9) Ensures that each employee under his/her command has the equipment that they need to perform their duties.
- 10) Respond to citizen complaints to provide services to persons in need, investigate crimes and traffic accidents, arrest or summons violators, service criminal warrants, civil processes and summons, and testify in court as necessary.
- 11) Trains the Sergeant about the Lieutenant's job duties.
- 12) Maintain department equipment in operational readiness.
- 13) Performs other tasks assigned by a superior.

### **SERGEANT (Patrol)**

A. The patrol Sergeant's position duties and responsibilities are as follows:

- 1) Reports to a Lieutenant and notifies their supervisor of all major crimes/incidents reported to him/her.
- 2) Implements all orders received from the Lieutenant or his/her superior.
- 3) Supervises the Corporals, Patrol Deputies, Civil Process Servers, D.A.R.E. instructor and K-9 handlers, inspects their vehicles and equipment and conducts their performance evaluations.
- 4) Reviews and ensures the accuracy of all reports submitted by their personnel.
- 5) Reviews all shift reports submitted by other patrol supervisors and discusses those shift reports with his/her personnel during shift meetings.
- 6) Accountable for the actions or omissions of the his/her personnel, which are contrary to departmental regulations or policy.
- 7) Schedules his/her personnel's work assignments.
- 8) Assists in the selection and training of new Deputies and his/her personnel.
- 9) Ensures that each employee under his/her command has the equipment that they need to perform their duties.
- 10) Respond to citizen complaints to provide services to persons in need, investigate crimes and traffic accidents, arrest or summons violators, service criminal warrants, civil processes and summons, and testify in court as necessary.
- 11) Maintain department equipment in operational readiness.
- 12) Performs other tasks assigned by a superior.

### **SERGEANT (Courthouse Security/Transportation)**

A. The Sergeant of Courthouse Security/Transportation position duties and responsibilities are as follows:

- 1) Reports to a Captain and notifies their supervisor of all major crimes/incidents reported to him/her.

- 2) Implements all orders received from the Captain or his/her superior.
- 3) Supervises the Courthouse Security Deputies, and Transportation Deputies, inspects their vehicles (if assigned) and equipment and conducts their performance evaluations.
- 4) Reviews and ensures the accuracy of all reports submitted by his/her personnel.
- 5) Accountable for the actions or omissions of the his/her personnel, which are contrary to departmental regulations or policy.
- 6) Schedules courthouse security deputies, and transportation officer's work assignments.
- 7) Plans and schedules transports and extraditions.
- 8) Assists in the training of new Deputies and his/her personnel.
- 9) Notifies his/her supervisor of possible security problems that have been detected and develops a plan to fix that problem.
- 10) Works closely with the administrators, clerks of the courts, and judges that work in the courthouse complex to address security problems and correct those problems with planning and training.
- 11) Ensures that each employee under his/her command has the equipment that they need to perform their duties.
- 12) Enforce laws and ordinances, arrest or summons violators, serve criminal warrants, civil processes and summons, and testify in court as necessary.
- 13) Maintain department equipment in operational readiness.
- 14) Performs other tasks assigned by a superior.

### **CORPORAL**

A. The Corporal's position duties and responsibilities are as follows:

- 1) Reports to a Sergeant and notifies their supervisor of all major crimes/incidents reported to him/her.
- 2) Works in a position for the purpose of learning the leadership responsibilities of a Sergeant. These include professionalism, ethics, appearance, efficiency, efficiency and the leadership tasks and decision making process of a Sergeant.
- 3) Patrols or works an assigned area, respond to citizen complaints to provide services to persons in need, investigate crimes and traffic accidents, arrest or summons violators, serve criminal warrants, civil processes and summons, and testify in court as necessary.
- 4) Complete and file accurate reports in a timely manner.
- 5) Maintain department equipment in operational readiness.
- 6) Performs other tasks assigned by a superior.

### **DEPUTY**

A. The Patrol Deputy's position duties and responsibilities are as follows:

- 1) Reports to a Sergeant and notifies their supervisor of all major crimes/incidents reported to him/her.
- 2) Patrols an assigned area, respond to citizen complaints to provide services to persons in need, investigate crimes and traffic accidents, arrest or summons violators, serve criminal warrants, serve civil processes and summons, and testify in court as necessary.
- 3) Complete and file accurate reports in a timely manner.
- 4) Maintain department equipment in operational readiness.

- 5) Performs other tasks assigned by a superior.

**DEPUTY (Canine Handler)**

A. The Canine Handler's position duties and responsibilities are as follows:

- 1) Reports to a Sergeant and notifies their supervisor of all major crimes/incidents reported to him/her.
- 2) Patrols an assigned area, respond to citizen complaints to provide services to persons in need, investigate crimes and traffic accidents, arrest or summons violators, serve criminal warrants, civil processes and summons, and testify in court as necessary.
- 3) Handles and trains dogs for police work on a regular basis.
- 4) Conducts training with the dog on a regular basis and maintains accurate training documentation.
- 5) Purchases dog food, cleans and maintains the kennel where the dog is kept when not working, and maintains the health care of the dog.
- 6) Complete and file accurate reports in a timely manner.
- 7) Maintain department equipment in operational readiness.
- 8) Performs other tasks assigned by a superior.

**DEPUTY (D.A.R.E Instructor):**

A. The D.A.R.E. Instructor's position duties and responsibilities are as follows:

- 1) Reports to a Sergeant or Lieutenant and notifies their supervisor of all major crimes/incidents reported to him/her.
- 2) Primarily coordinates and instructs the D.A.R.E. program in the Tazewell County Public Schools.
- 3) Works closely with teachers, principles, and school board officials to facilitate a good working relationship between the Sheriff's Office and the school system.
- 4) Become involved with students, staff, and the school's curriculum to provide an open line of communication and instruction that will enhance the student's understanding of the law and our mission.
- 5) Teach drug abuse prevention classes and other classes to include issues about moral principles, ethnic backgrounds, delinquency prevention, bullying, and gang prevention.
- 6) Coordinate activities with School Resource Officers at other schools.
- 7) Assist with crime prevention programs and work with local Neighborhood Watch programs.
- 8) As needed, patrol an assigned area, respond to citizens complaints to provide services to persons in need, investigate crimes and traffic accidents, civil processes and summons, and testify in court as needed.
- 9) Complete and file accurate reports in a timely manner.
- 10) Maintain department equipment in operational readiness.
- 11) Performs other tasks assigned by a superior.

**DEPUTY (Courthouse Security):**

A. The Courthouse Security Deputy's positions duties and responsibilities are as follows:

- 1) Reports to a Sergeant and notifies their supervisor of all major crimes/incidents, security risks and irregularities reported to him/her.
- 2) Conducts physical, visual, and electronic searches of persons and their belongings

- that enter the courthouse for weapons and unauthorized items, arrest or summons violators, serve criminal warrants, civil processes and summons, and testify in court as necessary.
- 3) Conducts physical and visual inspections of the courthouse, which includes checking doors, windows, locks, and exterior perimeter.
  - 4) Maintains order and security in the courtrooms, provides protection to the Judges, Clerks, and other persons in the courtrooms.
  - 5) Provide general assistance in person, via radio or telephone to deputies, law enforcement officers, administrative staff of the Sheriff's Office and the general public as needed.
  - 6) Complete and file accurate reports in a timely manner.
  - 7) Maintain department equipment in operational readiness.
  - 8) Performs other tasks assigned by a superior.

**DEPUTY (Transportation Officer):**

- A. The Transportation Officer's position duties and responsibilities are as follows:
- 1) Reports to a Sergeant and notifies their supervisor of all major crimes/incidents, security risks and irregularities reported to him/her.
  - 2) Primarily transports prisoners, juveniles, and persons in legal custody from facility to facility while using proper restraint procedures.
  - 3) Serve criminal warrants, civil processes and summons, and testify in court as necessary.
  - 4) Complete and file accurate reports in a timely manner.
  - 5) Maintain department equipment in operational readiness.
  - 6) Performs other tasks assigned by a superior.

**EVIDENCE ROOM CUSTODIAN:**

- A. The Evidence Room Custodian's position duties and responsibilities are as follow:
- 1) Reports to the Captain of Detectives about Evidence Room matters.
  - 2) As directed, the Evidence Room Custodian works at different times each work week in the Evidence Room.
  - 3) Shall have administration control over all items that enter the Evidence Room and shall ensure that they are documented appropriately to include the chain of custody of items entering or being released from the Evidence Room.
  - 4) Shall ensure that the Evidence Room is clean, orderly and secure and shall take necessary steps to ensure that all items in the Evidence Room are protected from damage, deterioration, or theft.
  - 5) Shall restrict access to the Evidence Room to the Sheriff, Major, Captain of Detectives, or their designee.
  - 6) Shall ensure that money, jewelry, weapons, precious metals, and narcotics are locked in a safe.
  - 7) Shall release property only to authorized persons.
  - 8) Shall ensure the timely destruction or return of items that are placed in the evidence room.
  - 9) Complete and file accurate reports in a timely manner.
  - 10) Maintain department equipment in operational readiness.
  - 11) Performs other tasks assigned by a superior.

**DETECTIVE:**

- A. The Detective position duties and responsibilities are as follows:
- 1) Reports to the Captain of Detectives and notifies their supervisor of all major crimes/incidents and investigations reported to him/her.
  - 2) Respond to citizens complaints to provide services to persons in need, investigate crimes, arrest or summons violators, serve criminal warrants, civil processes and summons, and testify in court and grand jury as necessary.
  - 3) Investigate known or suspected criminals or facts of a particular case to detect criminal activity and solve cases.
  - 4) Interview complainants, victims, witnesses, suspects, and officers.
  - 5) Examine crime scenes and gather evidence.
  - 6) Coordinate with the Commonwealth's Attorney and the US Attorney regarding criminal cases.
  - 7) Interact with the State Forensic Lab regarding physical evidence.
  - 8) Complete and file accurate reports in a timely manner.
  - 9) Maintain department equipment in operational readiness.
  - 10) Performs other tasks assigned by a superior.

**OFFICE MANAGER:**

- A. The Office Manager Position duties and responsibilities are as follows:
- 1) Reports directly to the Sheriff.
  - 2) Assists with the development of the annual budget.
  - 3) Manages finances, bank deposits and processes bills for payment.
  - 4) Makes general fund deposits to the Treasurer's Office.
  - 5) Conducts payroll and personnel changes via the COIN system.
  - 6) Completes on-line work to the DCJS TREX system.
  - 7) Conducts internal audits of office operations.
  - 8) Maintains and calculates time cards of all leave accumulated and used.
  - 9) Supervises the Administrative Secretaries, General Office Clerks, and Accreditation Manager and conducts their performance evaluations.
  - 10) Delegates duties to his/her subordinates when necessary.
  - 11) Maintain department equipment in operational readiness.
  - 12) Perform any other duties assigned by the Sheriff.

**ACCREDITATION MANAGER:**

- A. The position of an Accreditation Manager will require the following responsibilities:
- 1) Reports directly to the Major.
  - 2) Regularly develop, write, revise, analyze and research Sheriffs Office policies, procedures, and special orders to ensure conformity to current State Accreditation standard laws.
  - 3) Attend classes and training, as requested, pertaining to accreditation.
  - 4) Write yearly reports to DCJS and VALEAC on Accreditation Standards.
  - 5) Liaison between the Sheriffs Office and the DCJS Law Enforcement Accreditation Coordinator.
  - 6) Maintain and continually work on re-accreditation by searching for and gathering proofs of compliance.
  - 7) Maintain department equipment in operational readiness.
  - 8) Perform any other duties assigned by a superior.

**ADMINISTRATIVE SECRETARY:**

- A. The position of a Secretary will require the following responsibilities:
- 1) Reports directly to the Office Manager.
  - 2) Assists citizens who come into the office.
  - 3) Answers telephone, transfers calls, and takes phone messages for Sheriff's Office personnel.
  - 4) Submits IBR reports monthly and files them as required.
  - 5) Composes, types, and mails letters and memos.
  - 6) Assists with entering civil process papers on the computer.
  - 7) Assumes the duties of other administrative office personnel in their absence.
  - 8) Process accident reports and mail them to the DMV.
  - 9) Assists with social functions of the Sheriff's Office.
  - 10) Maintain department equipment in operational readiness.
  - 11) Perform any other duties assigned by a superior.

**GENERAL OFFICE CLERK:**

- A. The position of Office Clerk will require the following responsibilities:
- 1) Reports directly to the Office Manager.
  - 2) Assists citizens who come into the office.
  - 3) Answers telephone, transfers calls, and takes phone messages for Sheriff's Office personnel.
  - 4) Enters civil papers into the computer daily and places them in the appropriate boxes after they have been executed.
  - 5) Composes, types, and mails letters and memos.
  - 6) Process accidents reports and mail them to the DMV.
  - 7) Assumes the duties of other administrative office personnel in their absence.
  - 8) Assists with social functions of the Sheriff's Office.
  - 9) Maintain department equipment in operational readiness.
  - 10) Perform any other duties assigned by a superior.

**911 DIRECTOR:**

- A. The 911 Director's position duties and responsibilities are as follows:
- 1) Reports directly to the Major.
  - 2) Supervises the 911 Chief of Operation's and conducts his/her performance evaluations.
  - 3) Serve as the contact point for complaints and/or questions about the 911 center and its personnel.
  - 4) Communicates with the Sheriff and Major about matters that involve the 911 center and its personnel.
  - 5) Assist the Sheriff with the annual budget for the 911 center.
  - 6) Reviews applications, conducts interviews and background investigations of applicants, and makes recommendations to the Sheriff about the hiring of personnel.
  - 7) Assists with the training of new dispatchers.
  - 8) Maintains personnel records for all dispatchers, conducts payroll and personnel changes with the County Administration, and forwards personnel information to the Office Manager.
  - 9) Responsible for the verification and submission of weekly/monthly time sheets.
  - 10) Responsible for the fiscal management of the 911 center.

- 11) Delegates duties for his/her subordinates when necessary.
- 12) Complete and file accurate reports in a timely manner.
- 13) Maintain department equipment in operational readiness.
- 14) Performs other tasks assigned by a superior.

**911 Chief OF OPERATIONS:**

A. The 911 Chief of Operation's position duties and responsibilities are as follows:

- 1) Reports directly to the 911 Director.
- 2) Conducts 911 Director's duties when he/she is absent.
- 3) Supervises the dispatchers and conducts their performance evaluations.
- 4) Communicates with the 911 Director about matters that involve the 911 center and its personnel.
- 5) Assists with the review of applications and trains new dispatchers.
- 6) Validates NCIC/VCIN records and maintains second party checks of entries in the VCIN/NCIC network.
- 7) If needed, perform the duties of a dispatcher.
- 8) Delegates duties to his/her subordinates when necessary.
- 9) Complete and file accurate reports in a timely manner.
- 10) Maintain department equipment in operational readiness.
- 11) Performs other tasks assigned by a superior.

**DISPATCHER:**

A. The Dispatcher's position duties and responsibilities are as follows:

- 1) Reports directly to the Chief Dispatcher then the 911 Director.
- 2) Operate multi-channel radio equipment to transmit and receive information to and from law enforcement, fire, and emergency medical services personnel.
- 3) Operate multi-line telephones to receive and transmit information about emergencies, requests for assistance, and complaints.
- 4) Operate VCIN/NCIC terminals.
- 5) Maintain warrant files and assign warrants to deputies for service.
- 6) Complete and file accurate reports in a timely manner.
- 7) Maintain department equipment in operational readiness.
- 8) Performs other tasks assigned by a superior.

## 2-13 Communicable Disease

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Communicable Disease</b>	<b>NUMBER: 2-13</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: PER.10.01,</b>	

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

### I. POLICY

Notify personnel 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.

### II. PURPOSE

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 for handling of evidence or property that may be contaminated.

### III. PROCEDURE

- A. The Sheriff, through all division heads, shall ensure that every Office vehicle will each contain bio hazard, disposable gloves, and first aid kits.
- B. Deputies using supplies in their vehicles shall replace them or arrange to have them replaced as soon as possible.
- C. Personnel shall use protective equipment under all appropriate circumstances unless the deputy can justify otherwise.
- D. All personnel whose skin comes into contact with body fluids of another shall begin disinfections 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.

#### GENERAL PRECAUTIONS

##### A. General

Whenever possible, deputies shall wear disposable latex 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 that appear on floors, seats, equipment,

handcuffs, shoes, clothing, pens, pencils.

**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, 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. Remember: Never put your hands where your eyes cannot see.
3. When transporting prisoners
  - a. 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.
  - b. Notify other support personnel or law enforcement deputies 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. Booking forms should so state.

**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. Office vehicles within which body fluids are spilled require immediate disinfections procedures. Appointees who have the vehicles assigned to them shall notify their supervisor of the spill and arrange for a thorough cleaning as soon as possible.

**F. Precautions when bitten**

The danger of infection through bites is low. The victim cannot be infected with HIV through the blood of the biting person unless that person has blood in his or her mouth, which comes into contact with the victim's blood. HIV cannot be transmitted through saliva. With HBV, however, transmission takes place through infected blood or blood-derived body fluids. Infection takes place by exposure of the eyes, mouth, or mucous membranes to the virus. Precautionary procedures to minimize the risk of infection include:

1. Encouraging the wound to bleed by applying pressure and gently "milking" the wound.
  2. Washing the area thoroughly with soap and hot running water.
  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 filing of appropriate Worker's Compensation forms.
- 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 supervisor, make an incident report, and follow any other policy for reporting injuries, including the filing of appropriate Worker's Compensation forms.

#### IV. OCCUPATIONAL EXPOSURE TO COMMUNICABLE DISEASES

- A. As soon as practicable, all employees shall document possible exposure to infectious fluids or materials. In any case, employees shall immediately notify their supervisor of possible exposure. **Virginia Code 32.1-45.2** requires public safety employees to immediately notify their agencies of any possible exposure prone incident.
1. AIDS/ARC/HIV
    - a. Blood tests can detect HIV antibodies (produced by the body's immune system).
    - b. The two common tests for HIV antibodies are the ELISA (Enzyme-Linked Immunosorbent Assay) and the Western Blot. Since the ELISA is less expensive and easier to perform, it is usually used as a first screen for HIV. If the ELISA identifies the person as seropositive, a second ELISA is performed. If the second test is also positive, a Western Blot is usually performed to confirm the results.
    - c. Since HIV antibodies may not develop for some months after a person has been infected, an initial negative result may not mean freedom from infection. Typically, three to six months elapse following an infection for a positive reaction to occur. High false positive rates also occur with the use of only ELISA test.
    - d. One must be tested, then, immediately following the incident (for a baseline) and then six and twelve months later.
    - e. The Office shall ensure that the appointee receives qualified counseling during the testing period.
    - f. The Virginia State Public Health Office provides free confidential or anonymous testing (both ELISA and Western Blot) in every health district. The results are given only to the person tested. State law, under §§ 32.1-36.1, provides confidentiality and prescribes a penalty.
  2. Hepatitis B & C  
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, and then confirmed by an x-ray.

**B. 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 Tazewell County Sheriff's Office views a breach of confidentiality as a serious disciplinary problem, which may result in suspension, or termination of employment.

1. Under most circumstances, medical authorities will retain confidential records unless the appointee tested requests it or state law requires it.

**C. Positive test results**

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 coworkers in the Sheriff's Office). The Sheriff's Office shall alter an appointee's assignment only when he or she can no longer perform the required duties.

**D. The Sheriff's Office shall ensure continued testing, if necessary, of members for evidence of infection, and shall provide psychological counseling if necessary.**

**E. 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**

Communicable disease: Infected appointees 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.

**G. Where feasible, an appointee 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 reassignment. All personnel shall treat such appointees in the same manner as appointees who suffer from other serious diseases or handicaps: that is, fairly, courteously, and with dignity.**

**H. The Sheriff's Office may require an appointee to be examined by the Sheriff's Office physician to determine if he/she is able to perform his/her duties without hazard to him/herself or others.**

**I. Federal law**

The Federal Rehabilitation Act of 1973 generally protects appointees infected by communicable diseases.

**J. Discrimination**

The Sheriff's Office expects all personnel to continue working relationships with any fellow appointee recognized as having AIDS/ARC, Hepatitis B, or non-communicable tuberculosis. The Sheriff's Office will consider appropriate corrective or disciplinary action

against an appointee who threatens or refuses to work with an infected appointee or who disrupts the Sheriff's Office's mission.

K. Records

The agency maintains a record for each appointee 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 employment plus 30 years, and **shall not be disclosed or reported without the express written consent of the appointee.** The Office Manager or her designee is responsible for the coordination of the communicable disease program.

**VIII. TRAINING**

Education on communicable diseases shall be continuous in the Sheriff's Office. The training deputy 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 appointee will receive annual refresher training plus any additional training appropriate to the particular appointee assignment.

**2-14 Drug & Alcohol Testing**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Drug &amp; Alcohol Testing</b>	<b>NUMBER: 2-14</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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**I. POLICY**

The illegal use of narcotic drugs and controlled substances, including any prohibited use of alcohol by employees of the Tazewell County Sheriff's Office will not be tolerated. This policy is deemed necessary to maintain the integrity of the Sheriff's Office and to ensure safety of its employees and the public.

**II. PURPOSE**

To establish a policy and procedure for the administration of the Drug/Alcohol Screening Program.

**III. PROCEDURES****A. General**

1. All employees may be randomly required to provide a specimen of their urine for drug analysis. The Sheriff or the next in command will randomly choose the individuals to be tested. Refusal to submit immediately to a urinalysis when directed by the Sheriff or the next in command will constitute insubordination and the employee could be subject to discipline, up to and including termination of employment. Employees who are notified to provide a specimen of their urine for a drug screening analysis will immediately report to the medical facility or collection site designated by the Sheriff.

**B. Reasonable Suspicion**

1. Reasonable Suspicion Testing: When there is reasonable suspicion to believe that an employee uses or is under the influence of drugs or alcohol, or controlled substances, the Sheriff or the next in command may require that an employee provide a specimen of his/her urine for testing to determine if traces of drugs exist in the system of the employee. If use of alcohol is suspected, the individual will be directed by Sheriff or the next in command to submit to an Alco sensor test. If the results of the Alco sensor test are positive, the individual will be directed to submit to a Breathalyzer test. Any of the following, while not all inclusive, may constitute reasonable suspicion:
  - a. Slurred speech;
  - b. Odor of alcoholic beverage on person;
  - c. Inability to walk in a straight line;
  - d. Verbal or physical altercation;
  - e. Behavior which is so unusual that it warrants summoning a supervisor;

- f. Unauthorized or illegal possession of alcoholic beverages or drugs while on duty
  - g. Information received from a reliable person with personal knowledge;
  - h. Results of acceptable methods or tests.
2. Employees who have been asked to submit to an Alco sensor test, Breathalyzer test, and/or urinalysis must be informed of the reason, i.e. the facts of reasonable suspicion for which the specimen is being requested. Further, they should be informed that if the test shows positive results, the employee could be subject to discipline, up to and including termination of employment.
- C. Employee Submission to Drug Testing
1. When an employee is required to submit to a urine test, the employee will be observed by a person of the same sex, in private. Refusal to submit immediately to a test when directed will constitute insubordination and the employee could be subject to discipline, up to and including termination of employment.
  2. The confirmed finding of an illicit narcotic drug or controlled substance as defined in Sections 54.1-3446, 54.1-3448, 54.1-3450, 54.1-3452 and 54.1-3456, Code of Virginia (1950), as amended, or alcohol in an employee of the Sheriff's Office, will result in immediate action as to be determined by the Sheriff. Exceptions are made if a doctor for that employee prescribes the substance.
- D. Employee Responsibility to Notify
1. The responsibility lies on the employee to notify the Sheriff or the next in command of any narcotic prescribed to them, in writing from their physician.

**2-15 Social Media**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>PERSONNEL</b>
<b>SUBJECT: Social Media</b>	<b>NUMBER: 2-15</b>
<b>EFFECTIVE DATE: September 2012</b>	<b>REVISED: 9/2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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**I. POLICY**

Social Media provides valuable means of assisting the Department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The Department also recognizes the role these tools play in personal lives of some personnel. The personal use of social media can have a bearing on Department personnel in their official capacities. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Department Personnel.

**II. PURPOSE:**

The purpose of this policy is to establish the Department's position on the utility, management, administration, and oversight of social media. This policy addresses social media in general to allow for new tools and future technologies. The following guidelines apply to the use of social media

**A. Definitions related to Social Media**

1. Blog- A website or part of a website with commentary, descriptions of events, or journal type entries usually with the capability for readers to reply and post comments. The term is short for "Web log."
2. Computer network- Two or more computers that can share information, typically connected by cable, data line, or satellite link.
3. Crowdsourcing- An open call, usually through an Internet based resource, to an undefined community of people to obtain and use ideas, content, or solutions to business needs.
4. Electronic Communications Tools- Tools used as a means of sending and receiving messages or information electronically through connected electronic systems or the internet. Tools may include networked computers, e-mail, voicemail, cell phones, smart phones, any other similar system, and new technologies as they are developed.
5. Electronic Mail (e-mail)- The transmission and storage of messages, documents, or attachments through computers and telecommunications.
6. Information Infrastructure- Telecommunications, cable, and computer networks, including the Internet, the World Wide Web, Usenet, bulletin board systems, on-line

- systems, and telephone networks.
7. Internet- An international network of independent computer systems. The World Wide Web is one of the most recognized means of using the Internet.
  8. Microblog- A form of a blog in which frequent, short updates are posted about specific activities (e.g., Twitter).
  9. Page- The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
  10. Photosharing- The online publishing of photographs with the ability to transfer and share the photos with others.
  11. Podcast- Digital media file that can be downloaded for playback to computers and personal digital devices.
  12. Post- Content an individual shares on a social media site or the act of publishing content on a site.
  13. Profile- Information that a user provides about himself/herself on a social networking site.
  14. Sexually Explicit Content- (i) any description of or (ii) any picture, photograph, drawing, motion picture film, digital image or similar visual representation depicting sexual bestiality, a lewd exhibition of nudity, as nudity is defined in 18.2-390, sexual excitement, sexual conduct or sadomasochistic abuse, as also defined in 18.2-390, coprophilia, urophilia, or fetishism.
  15. Social Media- Form of online communication or publication that allows for multi-directional interaction. Social media includes blogs, wikis, podcasts, social networks, photograph and video hosting websites, crowdsourcing, and new technologies as they evolve. This includes, but is not limited to, social networking sites (Facebook, LinkedIn), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Bebo, YouTube), wikis (Wikipedia), blogs, and news sites (Google news, Yahoo news).
  16. Social Networking- Interacting with a group of people with common interests in a virtual environment (e.g., chat groups).
  17. Social Networks- Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
  18. Speech - Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
  19. Streaming Media- Any audio, voice, or video content (radio, music, movie, TV programming, sports, etc. i. e. Pandora and Hulu) sent over the Internet to a web browser (Internet Explorer/Firefox) and played on a computer as the browser receives it.
  20. Unauthorized Software- Any software that is not distributed, or licensed by the department.
  - 21 User- Any person who uses the Department's Internet access and/or electronic communications media, external communications media, or electronic communications tools for personal or business purposes including, but not limited to, all full-time employees, part-time employees, contract employees, volunteers, and interns of Tazewell County Sheriff's Office, and any employee, inter, or volunteer of federal, state, or local government agencies when utilizing electronic communications tools provided by Tazewell County Sheriff's Office.
  22. Videosharing- The online publishing of videos with the ability to transfer and share them with others.
  23. Web 2.0- The second generation of the World Wide Web focused on sharable, user-generated content, rather than static web pages. Some use this interchangeably with social media.

24. Wiki- Web page(s) that can be edited collaboratively.

## B. Free Speech

1. As Public employees, Department personnel are cautioned that speech, on or off-duty, made pursuant to their official duties is not protected under the First Amendment and may form the basis for discipline if deemed detrimental to the Department. Department personnel should assume their speech and related activity on social media sites reflect upon their office and this Department. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal or civil proceedings. Department personnel are subject to discipline up to and including termination for violations of these provisions.
2. When using social media, Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's Social Media Policy is required in the personal use of social media. In particular, Department personnel are prohibited from the following.
  - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any other protected class of individuals.
  - b. Speech involving themselves or other Department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
  - c. Speech which could bring the Department into disrepute or which impairs the mission of the Department and/or the ability of Department personnel to perform their duties.

## C. Safety Concerns

For Safety and security reasons, Department personnel are encouraged not to disclose their employment with this Department. As such, Department personnel are encouraged not to post personal photographs or provide similar means of personal recognition that may cause them to be identified as a sworn employee of this Department. Sworn employees who are, or who may reasonably be expected to work in undercover operations, surveillance, intelligence, or technical support positions should not post any form of visual or personal identification. In the event Department personnel make the choice to disclose their employment with the Department they do so at their own risk and liability.

1. Posting the following types of criminal justice information to social networking sites is explicitly prohibited.
  - a. Confidential, sensitive, or copyrighted information to which you have access due to your employment with the Department;
  - b. Data from criminal or administrative investigations including photographs, videos, or audio recordings;
  - c. Photographs of suspects, arrestee's or evidence;
  - d. Personal statements about any investigation that are not included in an official police report including;
  - e. Comments related to pending investigations and/or prosecutions.

## D. Use of Social Media

1. All Department social media sites or pages shall be approved by the Sheriff and shall be administered by the Sheriff and his designees. If possible, social media pages should clearly indicate they are maintained by the Department and should have Department contact information prominently displayed.
2. If possible, each social media page should include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website. Social media page(s) should be designed for the target audience, such as youth or potential police recruits.
3. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies. Content is subject to public records laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and retrieved to comply with applicable laws and policies.
4. Social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department. Pages shall clearly indicate that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments, and personal attacks. Pages shall also indicate that any content posted or submitted for posting is subject to public disclosure.
5. Department personnel representing the Department via social media outlets shall:
  - a. Conduct themselves at all times as representatives of the Department and, accordingly, shall adhere to all Department standard operating procedures and observe conventionally accepted protocols and proper decorum.
  - b. Identify themselves as employees of the Department.
  - c. Refrain from making statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions or any criminal investigations, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to Department training, activities, or work-related assignments without express written permission.
  - d. Refrain from conducting political activities or private business.
6. Social media is a valuable investigative tool when seeking evidence or information and/or disseminating information about:
  - a. Missing persons;
  - b. Wanted persons;
  - c. Gang participation;
  - d. General crime information;
  - e. Photos or video of a crime where the Department needs the media's assistance, as approved by supervisory personnel.
7. Social media can be used for community outreach and engagement by:
  - a. Providing crime prevention tips;
  - b. Offering online-reporting opportunities;
  - c. Sharing crime maps and data;
  - d. Soliciting tips about unsolved crimes.
8. Social media can be used to make time sensitive notifications related to:
  - a. Road closures;
  - b. Special events;
  - c. Weather emergencies;
  - d. Missing or endangered persons;
  - e. Accidents and/or crime scenes where the public may be affected.

9. Social Media may be used for:
  - a. Recruiting;
  - b. Advertising employment positions;
  - c. Publicizing volunteer positions;
  - d. Offering training opportunities.

E. Background Investigations

1. The Department includes a review of social media when conducting background investigations of job candidates.
2. Searches shall be conducted by trained applicant investigators. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.
3. Search methods shall not involve techniques that are a violation of existing law.
4. Vetting techniques shall be applied uniformly to all candidates.
5. Every effort must be made to validate Internet-based information considered during the hiring process.

F. Civil Action

Department personnel may be subject to civil litigation for"

1. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
2. Publishing or posting private facts and personal information about someone without their permission that have not been previously revealed to the public, are not of legitimate public concern, and would be offensive to a reasonable person;
3. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose;
4. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.



# Policy and Procedures Manual



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Tazewell County Sheriff's Office  
315 School Street- Suite 3  
Tazewell, VA 24651

## TRAINING

## **TRAINING**

This section contains the following policies, procedures and information:

[3.01 Evaluations](#)

[3.02 Career Development Board](#)

[3.03 Firearms Training & Qualifications](#)

[3.04 Recruit & In-Service Training](#)

**3-01 Evaluations**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>TRAINING</b>
<b>SUBJECT: Evaluations</b>	<b>NUMBER: 3-01</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008 9/2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: PER.06.01, PER.06.02,</b>	

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**I. POLICY**

Employees will have an evaluation 90 days after their hire date, 6 months after their hire date and then on or around July 1st of each year.

**II. PURPOSE**

The evaluation system is utilized to rate personnel on their job performance. Evaluations help to maintain and improve performance and identify training needs. In addition, evaluations will assist administration in making decisions about promotions and the tenure of employees. All personnel shall be evaluated by the same rating scale.

**III. PROCEDURE****A. Evaluations**

1. All personnel shall be evaluated using the form supplied by the Sheriff's Office.
2. Evaluation rates are:
  - a. Unsatisfactory, Immediate Improvement Required
  - b. Needs Improvement
  - c. Acceptable Performance
  - d. Exceeds Most Requirements
  - e. Consistently Exceeds Requirements
3. All evaluations shall be placed in employees' personnel files. Employees shall receive a written evaluation from their immediate supervisor. Before any evaluation, the supervisor will review past evaluations, any written complaints and any notes of interest placed in the personnel file.
4. Supervisors shall evaluate employees annually.
5. Signing the evaluation does not mean the employee is in agreement with the evaluation, it means that the employee has received the evaluation and the supervisor has discussed the results of the evaluation with the employee.

A. Career Development Plan

1. The career development plan shall be kept in the personnel file with the evaluation.  
The counseling shall include an examination of the following:
  - a. Results of the evaluation and levels of performance expected.
  - b. Past interest, strengths and weakness exhibited.
  - c. A review of training programs applicable to the employee's duties.
  - d. Interest in gaining additional knowledge and imparting knowledge to others.
  - e. Has employee gained any new skills, knowledge, abilities on or off-duty that may benefit the Sheriff's Office or employee in his or her employment?
  
2. The supervisor shall determine:
  - a. What is the goal for the future and how will the employee meet that goal?
  - b. What activity has the employee been involved with above and beyond normal expected duties that would further the goals?
  - c. Has the employee shown enough prior legitimate interest in the area in question to warrant advance training in the field?

**3-02 Career Development Board**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>TRAINING</b>
<b>SUBJECT: Career Development Board</b>	<b>NUMBER: 3-02</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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**I. POLICY**

The Tazewell County Sheriff's Office will have a Career Development Board that will oversee these programs with the Department educational levels, work skills, training needs, awards/exceptional performance/acts and publicize these, and to oversee the Master Deputy Program and the Fallen Officer Memorial.

**II. PURPOSE**

To encourage employees to advance their careers and themselves.

**III. PROCEDURE**

A. Is made of representatives from the following divisions:

1. Patrol, detective, courthouse security, office administration, and communications.

B. The Career Development Board shall designate a Chairman to oversee the board proceedings. Representatives are encouraged to meet with their division every other month prior to the Career Development Board meeting. Every two years the Board will vote on a Chairman seat of he/she shall remain as Chairman or elect a new Chairman.

C. The Chairman, or designee in his/her absence, will meet with the Sheriff and discuss the information obtained from each meeting. When discussing any problems or concerns with the Sheriff the Chairman shall log down the responses he/she received from the Sheriff. The concerns and responses will be posted on the Bulletin Board in the Administration office located in the Sheriff's Office for any employee to view and the results will be presented at the next board meeting.

### 3-03 Firearms Training & Qualifications

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>TRAINING</b>
<b>SUBJECT: Firearms Training &amp; Qualifications</b>	<b>NUMBER: 3-03</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008 9/2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.06.01, ADM.06.02</b>	

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#### I. POLICY

Every officer that is issued a departmental weapon shall receive training, demonstrate proficiency, and qualify with a minimum of 70% with all on and off-duty weapons before carrying them. This shall be performed on an annual basis.

#### II. PURPOSE

To ensure that officers are properly trained not only in the appropriate use of firearms and the circumstances of their use, but also in their safety and maintenance.

#### III. PROCEDURES

##### A. Issuance of weapons

1. Deputies are responsible for the security of all weapons and ammunition issued to them. Weapons and ammunition shall be carried securely in a proper carrying device. When handling weapons the utmost care shall be taken to prevent accidental discharges. Horseplay or other unprofessional use of weapons shall not be tolerated.
2. The firearms instructor shall thoroughly inspect all weapons and ammunition while on the range to ensure that they are in serviceable condition.
3. A Sheriff's Office approved course shall be used for annual qualifications of all weapons.
4. When an officer fails to qualify, the range officer shall provide remedial training at that time and the officer shall be allowed to qualify again before leaving the range. If the officer again fails to qualify the employee will relinquish their weapon to the range officer. The range officer will then take the weapon and the results to the Sheriff/or designee for final review.
5. A record of all firearms qualifications shall be kept.
6. Safety equipment such as ear, eye, and body protection shall be at the discretion of the firearms instructor.
7. Carrying non-departmental issued weapons and ammunition while on duty is strictly prohibited, unless approved by the sheriff.

##### B. Modification of weapons

Departmental or off-duty weapons shall not be modified or altered without the approval of the firearms instructor.

C. Off-Duty Weapons

1. Weapons must be a minimum of a .38 caliber and not to exceed .45 caliber.
2. Badge and identification must be carried.
3. Off-duty weapons and ammunition shall be carried safely and from public view.
4. Only factory ammunition will be used.

D. Other weapons

1. All sworn personnel will undergo refresher training and qualification biennially for any other weapons other than firearms.

### 3-04 Recruit & In-Service Training

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>TRAINING</b>
<b>SUBJECT: Recruit &amp; In-Service Training</b>	<b>NUMBER: 3-04</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008 9/2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: TRN.01.02, TRN.02.01, TRN..02.02, TRN.03.01, TRN.03.02</b>	

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#### I. POLICY

Will recruit and train qualified personnel that will be dedicated to the Sheriff's Office and serve the citizens of Tazewell County. Including a well developed in-service training guideline to enhance their professional career development by supporting both mandatory and specialized training.

#### II. PURPOSE

To develop professional and well trained employees prepared to act decisively and correctly in a broad spectrum of situations.

#### III. PROCEDURE

##### A. Selection

1. Application process (covered in detail in employee hiring process policy).
  - a. Each employee will be required to fill out a completed typed application.
  - b. The employee will then be interviewed.
2. The Sheriff will review and select the best application candidate for the position.
3. Potential Employee will go through Sheriff's Office guideline of new recruits: including drug tests, polygraphs, and training, unless otherwise directed by the Sheriff.

##### B. Recruit

For the duration of in-house, civilian, basic, field, in-service, and specialized training, personnel will be assigned to the school as the work location and all procedures of the Sheriff's Office Policy and Procedure Manual shall apply. Employees shall successfully complete any mandated training. Proper conduct and dress is required while at the training school. Absences and tardiness shall be considered to be unauthorized leave unless prior approval has been obtained through the employees' immediate supervisor. All officers will complete agency required law enforcement academy and field training programs. Recruits will complete a curriculum based on tasks of the most frequent assignments. Evaluation techniques will be used to evaluate SKA.

##### C. Training Scheduling

Training will be scheduled by the Sheriff or the next in command. Any absences from a scheduled training shall be reported in writing by the employees' supervisor. All deputies attending training shall copy all training certificates and forward the copy to the Sheriff.

D. In-house Training

1. Personnel will complete in-house training when mandated.
2. In-house training will be assigned for essential topics, changes in policy and procedures, changes in the Code of Virginia, or any other reason deemed necessary by the Sheriff, next in command, or designee.
3. The Sheriff or the next in command shall supervise all in-house training.
4. All on the job training will be supervised.

E. Basic Schools

Courthouse, Civil/Law Enforcement: Patrol and civil deputies must successfully complete basic training academy. Each employee will be sent to the appropriate school pertaining to their specific job assignment.

F. Civilian Training

All newly appointed civilian personnel including dispatchers and administrative personnel are to receive information and training regarding:

1. The agency's role, purpose, goals, policies and procedures;
2. Working conditions, benefits, and regulations; and
3. Responsibilities and rights of employees.

G. Field Training

1. Field Trainee

- a. Field training for trainees will be in accordance with DCJS standards, at a minimum.
- b. After graduation from the academy, the trainee will enter shift rotation and complete any field training tasks not completed prior to attending the academy.

2. Field Training Officer

- a. Selection of the Field Training Officers will be decided by the Sheriff.
- b. Training of Field Training Officer, new appointees will enter and attend the next available FTO class.
- c. On completion of FTO class, and upon assignment by the Sheriff or Major the FTO will be assigned the responsibility of the next available field trainee.

3. Supervision of the Field Training Officer will be done by the Sheriff or Major.

4. Rotation of recruit field assignment will include the following assignments:

- a. Initial reading of policy - Administration assignment
- b. dispatch
- c. court service
- d. detective division
- e. civil service division
- f. patrol service division
- g. jail assignment

5. Evaluation of recruits by field training officers

- a. The FTO will closely observe the progress of the trainee, pursuing corrective measures as necessary and continuously providing positive guidance through the training process.
- b. During the period of training, exposure to a cross section of calls is of vital

importance. Patrol supervisors are encouraged to allow the FTO and new recruit to assume a roaming status, to handle or observe as many different types of calls as possible during the training period.

- c. The FTO will complete a weekly evaluation of the trainee. The completed evaluation will be discussed with the trainee. Each review will address a list of objectives completed.
  - d. These evaluations shall discuss the acquisition of essential knowledge or abilities that the trainee has demonstrated toward each standard.
  - e. Upon completion of the evaluation, the FTO will submit the final evaluation to the Sheriff and Major where he/she will review.
6. Documentation and reporting will be the responsibility of the Field Training Officer
- a. The FTO will document progress of the trainee, including deficiencies or procedural problems.
  - b. The FTO will report directly to the Major with any problems or unusual situations.
  - c. Prior to routine assignment all deputies must have successfully completed the recruit training.
- H. In-Service Training
1. All sworn personnel of the Office will biennially attend 40-hours of in-service school. Such instruction shall include four hours of legal training, two hours cultured diversity, and thirty-four hours of career development training, totaling forty hours. In-service shall be completed every two years, after the graduation from basic training.
  2. Classes required at the direction of the Sheriff or regional training academy, such as:
    - a) Supervisory and management training,
    - b) Re-assignment training,
    - c) Policy and procedure training,
    - d) Weapons training and qualifications,
    - e) Any other training as deemed necessary.
- I. Specialized Training and Re-assignment:
1. A deputy performing in **any** type of function that requires specialized training will be trained so that they can develop or enhance the skills, knowledge and their abilities in that particular function.
  2. All Deputies shall request to attend training through the Sheriff or the next in command.
  3. The Sheriff will review the request and approve or disapprove all or part of the recommendation.
  4. All specialized functions with the department shall ensure that the required re-certifications are completed in a timely manner. The Training Officer shall oversee the department supervisors to guarantee that all required re-certifications are completed.
- J. Training Records
1. Sheriff's Office Records Management System shall maintain, in each personnel file, a training record, for all job-related training, in-house or not, which will include:
    - a. Training received and title of training received;
    - b. Dates and number of hours of attendance;
    - c. The identification of trainers or agencies presenting the course; and
    - d. The names of all agency personnel receiving the training.

# Policy and Procedures Manual



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Tazewell County Sheriff's Office  
315 School Street- Suite 3  
Tazewell, VA 24651

## ADMINISTRATION

## **ADMINISTRATION**

This section contains the following policies, procedures and information:

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## 4-01 Community Relations

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Community Relations</b>	<b>NUMBER: 4-01</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: January 2012 9/2012</b>
<b>AMENDS/SUPERSEDES: May 2008 revision</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.20.01</b>	

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### I. POLICY

Community relations are defined as positive interaction between the community and all personnel.

### II. PURPOSE/ OBJECTIVES

A. To build a strong relationship between the Tazewell County Sheriff's Office and the community.

B. To establish close ties with and respond to the needs of the community.

Our goal is to strive for the establishment of a climate in which personnel may perform their duties with the acceptance, understanding, and approval of the public.

### III. PROCEDURES

#### A. General

1. Community relations is concerned with identifying and addressing interaction between the office and all segments of the county. We seek to establish formal relationships with community groups, learn of issues and respond to them before they become problems, and develop programs which increase community understanding and confidence in current and proposed activities and programs
2. All personnel are responsible for approaching the public in a professional courteous manner seeking to maintain the cooperation and approval of the community.
3. No personnel shall allow his/her individual beliefs or feelings to affect the performance of his/her duties or interaction with the public.
4. All personnel have responsibilities for achieving the community relations objectives established.
5. A citizens survey is available to address citizens concerns. This survey will be available at all community events when this office has a booth in place and will be

made available to the public during our normal course of business. All completed surveys must be submitted up the Chain of Command.

**B. Community Relations Activities**

1. A wide variety of planned community relations activities are undertaken by the Sheriff's Office as a means of increasing public support, dialogue, and understanding.

Activities included but are not limited to:

- a. Formal participation in and liaison with civic, social, business or other public and community groups.
- b. Presenting of programs to community groups and organizations.
- c. Attendance at community sponsored events presenting Sheriff's Office organization and operation as well as pertinent information related to specific criminal activity.

2. Community input, recommendations, and suggestions will be considered.

**C. Annual Report**

An annual report showing agency activities and statistics will be completed at the end of each calendar year and submitted to the public through news media.

## 4-02 Goals & Objectives

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Goals &amp; Objectives</b>	<b>NUMBER: 4-02</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, May 2014</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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### I. POLICY

The department will provide written goals and objectives and see that they are reviewed annually, and, if updated, made available to all agency personnel.

### II. PURPOSE

To establish goals and objectives that are communicated to all employees, insuring a unit of purpose and direction. An annual evaluation will be completed by the Sheriff or the next in command, evaluating the goals and objectives.

### III. PROCEDURES

A. The Goals and Objectives for the Tazewell County Sheriff's Office:

1. Create and maintain a feeling of respect for and confidence in the Tazewell County Sheriff's Office. This will result in a feeling of citizen security with the result that they support and assist the department in its efforts.
2. Maximize, to the extent possible, the development and job satisfaction of departmental employees.
3. Safeguard the lives, property and public peace that the citizens and visitors of Tazewell County are entitled to.
4. Identify, arrest, and assist in the prosecution of persons whom commit crimes.
5. Recover lost and stolen property, identify its owner and ensure its prompt return or provide safekeeping until such property is disposed of consistent with law or policy.
6. Arrange for the delivery of emergency services that deputies are particularly equipped to provide.
7. We will continue to keep open communications with the community and allow them to be a part of our daily process through Social Media, radio, and television.

**4-03 Written Directive System**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Written Directive System</b>	<b>NUMBER: 4-03</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.05.02, ADM.09.01, ADM.09.02</b>	

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**I. POLICY**

Policies, memorandum, and information bulletins are available to all employees to read and acknowledge.

**II. PURPOSE**

To keep employees informed of changes to policies and/or any in-house information.

**III. PROCEDURE****A. Issuing Authority**

1. Policy changes can only be authorized by the Sheriff.
2. Memorandum and Information Bulletins can only be posted after the approval of the Sheriff or the next in command.

**B. Preparation and distribution of Policies**

1. Policies may be drafted by any employee of the Sheriff's Office and submitted through the chain-of-command for consideration.
2. The Sheriff will review, modify, and approve all policies submitted for consideration and those currently in effect.
3. If a policy is updated or a new policy is put into effect, the policy software will be updated and a memorandum will be placed on the Sheriff's Office bulletin board notifying all employees of the policy change, update, or implementation of a new policy. Each employee will also be required to sign an acknowledgement sheet indicating that they have read and understand the policy change.
4. Employees can view the policy manual from any computer in the Sheriff's Office or at the 911 Center.

**C. Preparation and distribution of Memorandum and Information Bulletins**

1. Memorandum and Information Bulletins may be drafted by any employee of the Sheriff's Office and submitted to the Sheriff or the next in command for consideration.
2. The Sheriff or the next in command will review, modify, and approve all Memorandum and Information Bulletins.
3. If the Memorandum or Information Bulletin is approved, it will be placed on the Sheriff's Office bulletin board for all employees to see.

## 4-04 Planning and Research

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Planning and Research</b>	<b>NUMBER: 4-04</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.10.01</b>	

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### I. POLICY

In order to remain current and abreast with changing policy and changing trends in law enforcement, the Tazewell County Sheriff's Office has placed emphasis on planning and research

### II. PURPOSE

To define the planning and research function of the Tazewell County Sheriff's Office.

### III. PROCEDURE

1. It is the responsibility of the Sheriff or the next in command to make sure that the planning and research required is done so that decisions can be made for changes.
2. Changing trends in law enforcement and techniques will be constantly monitored and changes implemented as necessary.
3. Planning and research shall include awareness in:
  - a. Changing trends in law enforcement
  - b. Changing techniques in law enforcement
  - c. Policy changes
  - d. Constitutional law changes
  - e. Statutory law changes
  - f. Office kept statistics
4. The Sheriff or or the next in command will make changes known to Office personnel in order to ensure all employees remain current on changes or proposed changes of the situations listed above.

**4-05 Crime Analysis Program**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Crime Analysis Program</b>	<b>NUMBER: 4-05</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.11.01</b>	

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**I. POLICY**

We will have a system in place to collect and review crime data.

**II. PURPOSE**

To provide the department, public, and media with crime data.

**III. PROCEDURE****A. Obtaining crime data information**

1. Sheriff's Office employees shall frequently review shift reports, weekly/monthly statistics, bulletin board postings, and e-mail postings to update their knowledge of county crime data and to assist in on-going criminal investigations.
2. Other sources of crime data can be collected from Sheriff-Pak, databases maintained by other local, state, or federal government agencies, census reports, or any database that employees have legal access to.
3. The Sheriff shall review all crime data that has been generated per a public/media request, prior to release of the information.
4. Any dissemination of crime data to another law enforcement agency will be marked as "Law Enforcement Sensitive".

## 4-06 Inter-Agency Cooperation

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Inter-Agency Cooperation</b>	<b>NUMBER: 4-06</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.24.06</b>	

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### I. POLICY

Working in close cooperation with other agencies, institutions and individuals in accomplishing the mission and goals of the Office.

### II. PURPOSE

To establish procedures and responsibilities for maintaining communication between the Sheriff's Office, neighboring law enforcement agencies, and other criminal justice or social service agencies, both public and private.

### III. PROCEDURE

#### A. Relationships

##### 1. Communications with Interacting Agencies:

- a. All employees of the Sheriff's Office will assist and cooperate with all federal, state, and local law enforcement agencies in every way possible allowed by law. It shall be the responsibility of all employees to maintain working relations and communication with:
  - 1) The Commonwealth Attorneys;
  - 2) General District, Juvenile and Domestic Relations, and Circuit Courts; Judges; and Clerk's;
  - 3) The probation and parole officers;
  - 4) FBI, DEA and other Federal Agencies;
  - 5) Adult Detention Facilities;
  - 6) VA State Police;
  - 7) Town of Tazewell Police Department;
  - 8) Richlands Police Department;
  - 9) Bluefield Police Department;
  - 10) Cedar Bluff Police Department;
  - 11) Pocahontas Police Department
  - 12) Department of Game and Inland Fisheries;
  - 13) Alcohol and Beverage Control;
  - 14) Any other criminal justice agency(s);
- b. Any serious procedural problems, differences with another agency, or its personnel shall be brought to the attention of the Sheriff who will meet with appropriate

personnel of these agencies in order to resolve the problems. A detailed report shall be submitted to the Sheriff addressing the problem.

- c. During any investigation, any questions of law or criminal procedure shall be addressed to the Commonwealth's Attorney. Questions on law enforcement procedure will be addressed to a Supervisor.
2. With local fire and rescue agencies, it shall be the responsibility of all employees to maintain harmonious working relations and communications with any local fire or rescue agency encountered through job related circumstances.
- B. Agreements
1. There are generally three levels of assistance as follows:
    - a. short duration- approximately thirty minutes or less.
    - b. medium duration- one to four hours.
    - c. long duration- more than four hours, full-scale.
  2. Mutual aid agreements shall be conducted in accordance with the *Code of Virginia* .

## 4-07 Diplomatic Immunity & Foreign Nationals

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Diplomatic Immunity &amp; Foreign Nationals</b>	<b>NUMBER: 4-07</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: ADM.02.04</b>	

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### I. POLICY

Shall 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 and incompetent adults who are foreign nationals, in addition to the related issues pertaining to the provision of consular services to foreign nationals with whom we come into contact in this county.

### II. PURPOSE

To establish guidance for employees to follow when a situation arises, involving the arrest/detention of a foreign national or a consular official.

### III. PROCEDURES

#### A. Definitions:

1. Consular Official is a citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government, to that government's citizens in a foreign country.
2. Diplomatic Official is an officer of a foreign or domestic government. Authorized by their government to perform consular functions. (this includes U.S. Congressmen while Congress is in session, members of the National Guard, and members of a religious order if en route to a religious function.)
3. Foreign Consulate is the office or the headquarters of a consul who represents a foreign country in the United States.
4. Foreign National is any person who is not a U.S. citizen, who owes personal allegiance to a county other than the United States, and possesses Foreign National documentation from the U.S. State Department of Security, also known as Aliens.

#### B. Requirements pertaining to foreign nationals:

1. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.

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 on the event of that one of their citizens, has been arrested is extensive. The State Department shall be contacted for guidance. To determine the foreign national's country, in the absence of any other information, you may assume that this is the country listed on the passport or on other travel documents the foreign national possesses.
  3. Consular officials are entitled to have 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. When a foreign ship or aircraft wrecks or crashes, consular officials must be notified.
- C. Diplomatic immunity from arrest or detention
- All of the above mentioned officials will have identification cards issued by the State Department. If you have any doubt about the authenticity of the identification, you can call the State Department's Office of Security at 1-202-647-4415 or 1-202-647-4000 during regular business hours. During nights or weekends, call 1-202-647-1512 or 1-202-647-7277 to contact Diplomatic Security Services who will contact the Office of Protocol if necessary.
1. Upon exhibiting proof of diplomatic immunity, persons shall be released if they were being stopped for a misdemeanor traffic violation. If the question arises about this procedure, or if a felony arrest is necessary, call and advise the United States State Department of Security (day: 1-202-647-4415; or their operations center at 1-202-647-1512 during nights and weekends.)
  2. 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.
  3. 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 of the public or other officers. Verification of the diplomatic claim shall take place after the danger has been neutralized. A criminal investigation shall proceed 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 U.S. State Department.
- D. Steps to Follow When a Foreign National is Arrested or Detained
1. Determine the foreign national's country. In the absences of other information,

assume this is the country on the passport or other travel document the foreign national may possess.

2. If the foreign national's country is NOT on the mandatory notification list, then follow the procedures below.
    - a. Offer, without delay, to notify the foreign national's consular officials of the arrest/detention.
    - b. For a suggested statement to the foreign national, see Statement #1 in the following section. Translations of the statements can be found in the State Department Blue Book located in the Communications Center
  3. If the foreign national's country IS on the list of mandatory notification countries:
    - a. Notify that country's nearest consular officials, without delay, of the arrest/detention.
    - b. Phone and fax numbers are located at the end of this general order. There is a suggested informational fax sheet for making the notification in the State Department Blue Book located in the Communications Center
    - c. Tell the foreign national that you are making this notification. A suggested statement to the foreign national is found at the end of this general order as Statement #2 and can also be found in the State Department Blue Book located in the Communications Center
    - d. Keep a written record of the provision of notification and actions taken
- E. Suggested Statements to Arrested or Detained Foreign Nationals
1. When Consular Notification is at the Foreign National's Option:

"As a non-United States 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 may visit you in detention, among other things. If you want us to contact your country's consular officials, you can request this notification now or 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?"
  2. When Consular Notification is Mandatory:

"Because of your nationality, we are required to inform 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."

## 4-08 Employee Discipline

TAZEWELL COUNTY SHERIFF'S OFFICE	ADMINISTRATION
SUBJECT: <b>Employee Discipline</b>	NUMBER: 4-08
EFFECTIVE DATE: January 2006	REVISED: May 2008
AMENDS/SUPERSEDES:	APPROVED:  Brian Heatt, Sheriff
VLEPSC STANDARDS: PER.03.02, PER.09.02, PER.09.03, PER.09.05,	

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### I. POLICY

To impose disciplinary action fairly and impartially. Discipline in the Sheriff's Office involves training, counseling, and as a last resort, punishment and there are no appeals. All disciplinary records shall be kept permanently in the employee's personnel file.

### II. PURPOSE

To establish procedures concerning informal and formal disciplinary practices within the Office.

### III. PROCEDURES

#### A. DISMISSALS

All personnel of the Tazewell County Sheriff's Office work at the will and pleasure of the Sheriff. If the Sheriff makes it known to an employee that their services are no longer needed, an explanation is **not** required. This decision is final and procedures for reprimands are **not** required.

#### B. REPRIMANDS

##### 1. Consistency in discipline

- a. The Office abides by the philosophy that discipline must be applied consistently and uniformly.
- b. Employees are expected to have a reasonable perception of what constitutes proper behavior, based on academy training, adherence to the Law Enforcement Code of Ethics and the observance of the behavior of officers generally.

##### 2. Relief from duty

- a. An employee may be relieved from duty whenever the Sheriff questions an employee's physical or psychological fitness for duty. Supervisors are responsible for reporting inappropriate actions of the deputy's they are responsible for, directly to the Sheriff or the next in command.
- b. Supervisor's have the authority to relieve an employee from shift duty, but must promptly report this action to the Sheriff or the next in command, accompanied by a written report setting forth details and circumstances.
- c. The Sheriff may suspend without pay an officer whose continued presence on the job constitutes a substantial and immediate threat to the welfare of the

department, the public, or to himself.

- d. An officer who refuses to obey a direct order in conformance with the department's orders may be relieved from duty by the Supervisor who may recommend suspension to the Sheriff. The Sheriff may then suspend without pay.

### 3. Steps of Discipline

The following penalties are available for use should a problem with an employee occur:

- a. Oral reprimands; counseling; training, payment of lost or damaged equipment.
- b. Written reprimand.
- c. Demotion or suspensions without pay.
- d. Dismissal from Office.
  - 1) Oral reprimands, while informal, require documentation without an employee's knowledge of such needed.
  - 2) The reprimanding supervisor shall record the reprimand/counseling in a memorandum to be maintained in the employees' personnel file, located in the Sheriff's Office.
    - a) Employee's name;
    - b) Date of reprimand/counseling;
    - c) Summary of reasons for reprimand/counseling;
    - d) Summary of employee's response;
    - e) Suggestions for improvement or specific actions suggested;
    - f) Name of counselor and signature.
  - 3) Oral reprimand/counseling may involve remedial training. This training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance at academy classes, in-service, or other training specially created to help the employee correct or modify his or her behavior. Remedial training is reasonably offered until the employee can demonstrate proficiency in the corrected behavior.
  - 4) Supervisors are expected to counsel employees regularly without oral reprimands. Most counseling is informal, positive, supportive, and perhaps undocumented.
    - 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 including psychological, family, marital, and financial counseling. Employees in need of counseling, or desiring information about available resources, are encouraged to talk with the Sheriff or the next in command. The Office recognizes that no stigma is attached to seeking professional counseling to solve problems.

### 4. Written reprimand

A written reprimand cautions an employee about poor behavior, sets forth the corrected or modified behavior mandated by the Office, and specifies the penalty in

case of recurrent poor behavior. A written reprimand becomes a permanent part of the employee's personnel record.

5. Suspension without pay
  - a. If the situation warrants, the Sheriff, may suspend without pay.
  - b. Suspensions without pay will normally apply to a period of up to 3- 15 days, as determined by the Sheriff.
  - c. Suspensions resulting from criminal investigations may be prolonged beyond 15 days pending court action.
    - 1) In no case shall an employee convicted of a felony continue to work for the Office.
    - 2) If an employee is acquitted of criminal charges, the employee may yet be disciplined at the discretion of the Sheriff or reinstated with full or partial back pay.
  - d. Any employee suspended for a period ten days or longer shall return all Office-owned property.
  - e. During a suspension, the employee shall not undertake any official duties.
6. Demotion  
Demotion shall be to a lower rank. The decision is made by Sheriff and is final.
7. Transfer
  - a. Transfer of positions shall be at the discretion of the Sheriff.
  - b. Transfer can be voluntary if the employee asked to be transferred and the position is open and the Sheriff approves it.
8. Reporting arrests
  - a. Any employee arrested for, charged with, or convicted of any crime, or required to appear as a defendant in any criminal or civil proceedings, must so inform the Sheriff in writing as soon as possible.
  - b. Failure to notify the Office of the foregoing shall be cause for punishment.

#### **IV. INFRACTIONS AND PUNISHMENTS**

##### **A. General Guidelines**

1. Except for gross breaches of discipline or moral turpitude, supervisors shall begin employee discipline with the least punitive measures. If these do not work, then increasingly more severe measures may be required. While this process may take some time, it is important that each employee be dealt with justly and in a manner, which clearly indicates that positive, constructive measures to change behavior or performance preceded the imposition of more negative sanctions.
2. Unacceptable conduct is divided into three categories according to severity of misbehavior.
  - a. Category I, Examples:
    - 1) Excessive absences, tardiness.
    - 2) Abuse of duty time (too much time away from established duties; too much time for personal business).
    - 3) Abusive or obscene language.
    - 4) Inadequate or unsatisfactory job performance.
    - 5) Disruptive behavior

- 6) Use of alcohol or unlawful possession or use of a controlled substance while on duty.
- 7) Reporting to work under the influence or when ability is impaired by alcohol or the unlawful use of controlled substances.
- 8) Category I offenses are of minor severity yet require correction in the interest of maintaining a productive and well-managed Office.
- 9) Category I offenses normally result, in the first offense, in informal measures such as counseling, or perhaps oral reprimand/formal counseling. Three Category I offenses in one year may result in a written reprimand or suspension. A fourth instance in one year shall provide grounds for longer suspension or dismissal

**(If the investigation of an accident yields findings that the accident was unavoidable or occurred as a direct result of the performance of official duties and there was no negligence on the part of the employee and further that no Office policies or safety rules were violated, then no disciplinary action shall be taken against the employee.)**

3. Category II, Examples:

- a. Failure to follow supervisor's instructions, perform assigned work, or otherwise comply with policy.
- b. Avoidable vehicle accidents wherein no safety rules were violated and the accident resulted from minor negligence or inattention of the employee.
- c. Violating safety rules without a threat to life. This includes vehicle accidents where the employee was found to be at fault, but was not found to have acted recklessly or in a grossly negligent manner.
- d. Unauthorized time away from work assignments without permission during duty hours.
- e. Failure to report to work without proper notice to a supervisor.
- f. Unauthorized use or misuse of Office property.
- g. Refusal to work overtime based on a reasonable request, or repeated refusals to work overtime.
- h. Category II offenses include more severe acts and misbehavior. Category II offenses normally result, in the first instance, in issuance of a written reprimand. A subsequent infraction within two years may result in suspension, demotion, or dismissal.

4. Category III, Examples:

- a. Absence in excess of three days without notice to a superior.
- b. Insubordination or serious breach of discipline, willful disobedience.
- c. Falsification of any reports such as, but not limited to, vouchers, official reports, time records, leave records, or knowingly making any false official statement.
- d. Willfully or negligently damaging or destroying Office property.
- e. Theft or unauthorized removal of Office records or county or employee property.
- f. Acts of physical violence or fighting (except official police actions).
- g. Violating safety rules where there is a threat to life. This includes vehicle accidents wherein the employee was found to have acted recklessly or with gross negligence, or in violation of Office policy.
- h. Sleeping on duty.
- i. Participating in any kind of work slowdown or sit-down or any other concerted interference with town/county operations.
- j. Unauthorized possession or use of firearms, dangerous weapons, or explosives.

- k. Threatening or coercing employees or supervisors.
  - l. Criminal convictions for acts of conduct occurring on or off the job, which are plainly related to job performance, and consequently to continue the employee in the assigned position would constitute negligence regarding the agency's duties to the public.
  - m. Failure to take physical or mental examinations as required.
  - n. Using public office for private gain.
  - o. Engaging in criminal conduct on or off the job.
  - p. Engaging in dishonest or immoral conduct that undermines the effectiveness of the agency's activities or employee performance, whether on or off the job.
  - q. Disclosure of confidential information to any person except those who may be entitled to such information.
  - r. Taking any action, which will impair the efficiency or reputation of the Office, or employees.
  - s. Acceptance of any bribe, gift, token, money, or other things of value intended as an inducement to perform or refrain from performing any official act, or any action of extortion or other means of obtaining money or anything of value through his position.
  - t. Manifesting cowardice, feigning illness, or otherwise attempting to shirk official duty.
  - u. Involvement in any compromise between persons accused of crime and the person or persons who may have suffered from criminal acts with the purpose of allowing the accused to escape punishment.
  - v. Failure to answer questions specifically directed and related to official duties or job fitness (unless criminal prosecution is contemplated).
  - w. The use of unnecessary force during an arrest/custody procedure.
5. Category III offenses include acts of such severity as to merit suspension or dismissal at a single occurrence.
- B. Probationary employees  
Probationary employees shall be dismissed, suspended, or otherwise disciplined according to the foregoing. In the case of a dismissed probationary employee, the official record shall merely indicate that the person was dismissed during probationary employment.
- C. Sexual harassment and other discrimination  
Employees found to have engaged in discrimination on the basis of race, color, religion, national origin, political affiliation, handicap, age, or sex (including sexual harassment) may be counseled or disciplined with a Category I, II, or III Offense, depending upon the specific facts and circumstances surrounding the incident.

## 4-09 Internal Affairs

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Internal Affairs</b>	<b>NUMBER: 4-09</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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

### I. POLICY

The office will competently and impartially investigate all allegations of misfeasance, malfeasance, nonfeasance by all appointees and complaints bearing on the office's response to community needs.

### II. PURPOSE

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

### III. PROCEDURES – GENERAL

#### A. Receipt of complaints

All written complaints shall be received courteously and shall be handled efficiently. All deputies are obligated to explain complaint procedures to inquiring citizens.

#### B. How to make a complaint

A copy of "How to Make A Complaint" may be given to any citizen requesting information. A copy of "How to Make a Complaint" will be posted in the public area of the Sheriff's Office.

#### C. Responsibility for handling complaints

The Sheriff or the next in command shall determine investigative responsibility of complaints involving how law enforcement service is provided or a failure to provide service or improper attitudes or behavior. The Sheriff will oversee all investigations of complaints and will assign them to the appropriate division when necessary. The Sheriff may ask another agency to undertake the investigation.

#### D. Complaint-handling procedures

Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. An appointee of the Sheriff's Office who interferes with, discourages, or delays the making of complaint shall be subject to disciplinary action. A copy of the allegation(s) will be provided to the employee as requested.

#### E. Disposition of complaints generally

The Sheriff shall:

1. Notify the complainant, as soon as practical, that the office acknowledges receipt of the complaint, that it is under investigation, and that the complainant will be advised of the outcome.
  2. Notify the employee being investigated of the status/disposition of the complaint. Take appropriate disciplinary action following the investigation.
- F. Disposition of serious complaint
1. Allegations of misconduct that might result in discharge, suspension, or demotion, or criminal charges being sought are serious complaints. The term "serious complaint," in this manual, is synonymous with "internal investigation." Internal investigations examine alleged brutality, gross excesses of legal authority, or allegations involving supervisory or multiple personnel.
  2. In these cases, The Sheriff shall:
    - a. Record, register, control or cause to be recorded, registered, or controlled the investigations of appointees.
    - b. Supervise the activities under "a."
    - c. Maintain confidential records of Internal Affairs activities.
    - d. Maintain close liaison with the commonwealth's attorney in investigating alleged criminal conduct.

#### **IV. PROCEDURES: INVESTIGATIVE**

Two types of investigations may take place: administrative or criminal.

##### **A. Interview for administrative purposes**

In an interview for administrative purpose, no Miranda rights are required.

##### **B. Interviews for criminal investigative purposes**

1. If the Sheriff believes that criminal prosecutions are possible and wishes to use statements against the appointee in a criminal proceeding, or at least wishes to maintain the option of their use, he or another interviewer shall give the appointee Miranda rights.
2. If the appointee decides to answer questions at this point, the responses may be used in both criminal and disciplinary proceedings.

##### **C. Individual Responsibility**

All appointees of the Sheriff's Office shall cooperate fully with the appointee conducting such investigations. Any appointee of this office shall, upon request, furnish information to any citizen regarding the procedures used to file complaints.

##### **D. Investigation**

1. The Sheriff may appoint a designee to investigate the following complaints:  
The following categories of offenses are listed in the Employee Discipline Policy:
  - a. Category I,
  - b. Category II, and
  - c. Category III
2. The nature of offense will determine how the Sheriff assigns and handles the

complaint.

E. Internal affairs investigator

1. The designee assigned to an internal affairs investigation shall keep the Sheriff informed about the progress of the investigation.
2. Records pertaining to internal affairs investigations shall be maintained in a locked cabinet in a secured area in the Sheriff's office. Access to the Internal Affairs records will be prohibited to all personnel except:
  - a. The Sheriff;
  - b. Major.

**V. ADJUDICATION OF COMPLAINTS**

The Sheriff will classify completed investigations as:

1. Unfounded - no truth to allegations.
2. Sustained - allegations true.

## 4-10 Outside Employment

TAZEWELL COUNTY SHERIFF'S OFFICE	ADMINISTRATION
SUBJECT: <b>Outside Employment</b>	NUMBER: 4-10
EFFECTIVE DATE: January 2006	REVISED: May 2008
AMENDS/SUPERSEDES:	APPROVED:  Brian Hieatt, Sheriff
VLEPSC STANDARDS: PER.04.01, PER.04.02,	

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

### I. POLICY

Employees may engage in off-duty and extra-duty employment other than the Tazewell County Sheriff's Office.

### II. PURPOSE

To provide an established precept for employees of the Sheriff's Office if they wish to be employed elsewhere while working for our agency.

### III. PROCEDURE

#### A. Approval

1. Any employee desiring to engage in off-duty and/or extra-duty employment shall submit a request form to the Sheriff. A response to the request stating either the approval with any conditions or the disapproval shall be forwarded to the employee with a copy placed in that employee's personnel file. The Sheriff's decision to grant, deny or revoke secondary employment is final.
2. If an employee desires to change secondary employers, a new approval will be required.
3. The Sheriff may cancel the approval at any time for just cause. Supervisors shall request cancellation of a subordinate's outside employment approval when the secondary employment interferes with either the subordinate's attendance or performance of duties at the Sheriff's Office. The approval for outside employment shall not relieve any employee of the Office from the responsibility to be available and respond to a call for active duty.
4. A request for outside employment will be **denied or revoked** under any of the following conditions:
  - a. When the secondary employment or the place where it is performed would tend to bring either the Office or the employee into disrespect or involve the employee in violation of any Office policy, procedure, rule, practice, regulation, directive or order.
5. **You may or may not be covered under worker's compensation or risk**

**management. They will determine this on a one by one case.**

**4-11 Release of Information**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Release of Information</b>	<b>NUMBER: 4-11</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, 9/2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: ADM.25.03, OPR.11.01, OPR.11.02</b>	

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

**I. POLICY**

The Sheriff or his designee will make all news releases or conferences.

**II. PURPOSE**

The Sheriff's Office is committed to informing the citizens; their communities and the news media of events within the public domain that are handled by or involve the agency, including events that may affect the lives of the citizens in their communities with openness and candor.

**III. PROCEDURE**

To establish a course of action for preparing, releasing and distributing information to the news media.

**A. REPORTS****1. Incident Reports and Factual Information****a. The following information concerning an incident may be gathered for release:**

- (1) A general description of the offense including a brief summary of events.
- (2) Location and time of offense (circumstances of the crime may exclude releasing this information)
- (3) Injuries sustained, or damages resulting from the action
- (4) Identity of the victim, except for a sex crime victim
- (5) Whether or not there are suspects (no names) (optional)
- (6) Information about unidentified suspects, such as physical descriptions, vehicle description, etc. (optional)
- (7) Identification of fugitive suspects for whom a warrant has been issued

**b. Names of individuals in an incident requiring an offense report will appear in records open to public inspection, provided that press representatives are reminded that it is normal practice not to publish the following:**

- (1) Juvenile defendants or suspects;
- (2) Female victims of sex crimes;
- (3) Names of witnesses to crimes;
- (4) Deceased persons names prior to notification of next of kin.

- c. Factual information concerning an individual, such as age and description. This shall not include information concerning a subject's arrest record.
  - d. After the arrest of a person **other than** a juvenile, the following may be released upon media request, if approved by the Sheriff.
    - (1) Arrestee's name, age, residence
    - (2) The nature of the charge upon which the arrest is made
    - (3) The identity of the investigating agency(s)
    - (4) In high profile case where deputies have participated and the release of the deputy's name will serve as an incentive, or when the media requests to know (unless this jeopardizes the investigation)
    - (5) Names of deputies providing information to the media may be given to the media and published, unless the deputy is involved in an undercover assignment. Addresses and telephone numbers of law enforcement personnel will not be released
    - (6) The circumstances surrounding the arrest, including place of arrest
    - (7) Custody status
    - (8) The dates of various hearings
    - (9) Photographs of the defendants without the Sheriff's Office identification data may be furnished, if readily available in current files
    - (10) A general description of the offense including a brief summary of events
  - e. Coordinate release of information concerning up-dates on an on-going agency investigation and operation.
    - (1) Media will be advised and kept informed of any news worthy and releasable incident updates.
  - f. Release of information regarding juveniles, criminal offense, normally juveniles names, address, or other distinctly unique information which would serve to identify a juvenile SHALL NOT be released; but age, sex, area subject is from and details of the offense MAY be released. Under certain circumstances, a judge may authorize release of identity information.
  - g. Inquires concerning office policies, procedures, practices or relationships with other criminal justice agencies will be referred to the Sheriff or the next in the chain of command. The Sheriff or the next in command will coordinate all responses.
- B. MEDIA RELATIONS - Coordinating release of information
- 1. Media representatives either visit the Office in person or call seeking information about newsworthy items. Routinely they shall be referred to the Sheriff or the Chief Deputy.
  - 2. Media representatives will not read offense reports since non-releasable information may be on the report. The Sheriff or his designee will make the public written release of information.
  - 3. At scenes of news worthy events the Crime Scene Mobile Command Unit will be the official media access area. Media representatives shall be assisted in gaining access to the scene only when it will not interfere with law enforcement efforts. Deputies will establish perimeters and control access to the area.
  - 4. At scenes of natural disasters, major fires, or other catastrophic events a written directive in accordance with the Code of Virginia controls the news media representatives access to the scene of major events to include the perimeter of crime scenes.
  - 5. When other agencies are involved, there shall be a cooperative effort to disseminate

information in a timely fashion with all agencies concurring on information to be released.

## 4-12 Freedom of Information

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Freedom of Information</b>	<b>NUMBER: 4-12</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: ADM.22.01, ADM.22.02, ADM.22.03,</b>	

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

### I. POLICY

The Virginia Freedom of Information Act (FOIA) is found in the Code of Virginia; Section 2.1-340. The FOIA covers both public records and meetings

### II. PURPOSE

To address frequently asked questions and requests from the media and the public.

### III. PROCEDURE

#### A. Request for Information:

1. In some instances, a verbal request for information for a single record or limited information can be promptly fulfilled.
2. If a written or verbal request for information is received, it shall be treated as a formal request, this means an initial response must be made within 5 working days after the request is received. There must be one of the following responses to the requester:
  - a. Make the requested record(s) available;
  - b. Decline in writing to furnish record(s), citing the specific part of the FOIA which exempt them or any other statute which prohibits their release;
    1. Example: Section 16-301, which restricts the release of juvenile records.
  - c. If only a portion of the records requested are exempt from disclosure, delete or excise the portion which need not be disclosed, and make the rest available accompanied by a written statement identifying that portion of FOIA or other statute that allows the exemption;
  - d. Respond in writing that the requested records cannot be identified within 5 working days, thereby allowing an additional 7 days to identify the records and respond to the request.
  - e. In highly unusual circumstances, a petition may be made to the circuit court for even more time to respond, if accommodation cannot be reached between the agency and the requester.
3. An agency may recover from the request or *actual costs* associated with producing requested records, such as the direct costs for copying or for time spent on researching and locating records. For many of the requests received by law enforcement agencies such costs may be minimized and may be waived in the

interests of public relations and an informed citizenry. In the event that the estimated cost of producing the requested records exceeds \$200, the agency may request payment in advance of processing the request. *Actual costs* means the actual cost per page of photocopying or the hourly pay rate of any staff member involved; there can be no charge for “overhead,” such as electricity, building maintenance, etc.

4. FOIA does not provide for “*standing requests*,” as for all future “criminal incident information” reports an agency may produce. FOIA can be applied only to records *that already are in existence*.
5. Persons incarcerated in either a state or federal correctional facility cannot request records under FOIA, but do retain the right to call for records which may be used as evidence in criminal prosecution in which they are involved.
6. FOIA does not require an agency to produce a new document if the requested information is not recorded. However, if adapting an existing document can fulfill the request it must be done. Examples would include making available selected fields from computerized data or readapting information from existing reports written to comply with requests for “critical incident information.”

## B. CRIMINAL INCIDENT INFORMATION

### 1. Required Components

- a. Critical incident information is the bulk of FOIA requests, both by media and citizens. As defined in the FOIA, this is minimal information about an event, frequently much less than an agency would typically disclose. For example, suspect descriptions, which are commonly made public in such cases as robbery, are not required components of “criminal incident information.”
- b. Following is a discussion of each of the required components.
  - 1) “*General description of the criminal activity reported*”: This means the nature of the offense, through 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.
  - 2) “*The date and general location the alleged crime was committed*”: A specific date should be generally 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 a geographic, community, or subdivision locator identity.
  - 3) “*Identity of the investigating officer*”: Self-explanatory, but could include either officer taking the report or a detective assigned to follow up on a case. While this information must be furnished if a requester wants it.
  - 4) Is not needed as long as there is a point of contact for additional information, such as a public information officer (Captain of Detectives).
  - 5) “*A general description of any injuries suffered or property damaged or stolen*”: Phrases such as “stab wound”, “Life-threatening injuries”, or “injuries that were not life threatening” are appropriate. Property may be described in such terms as “construction materials”, “household goods”, or “assorted merchandise”.

- c. Even this minimal amount of information may be withheld if one or more of the following circumstances apply should be released:
  - 1) Jeopardize an ongoing investigation or prosecution;
  - 2) Jeopardize the safety of an individual;
  - 3) Cause a suspect to flee or evade detection;
  - 4) Result in the destruction of evidence.
- d. It is important to note that the “criminal incident information” may be withheld *only until the specified damage is no longer likely to occur from the release of the information.*
- e. The act also states that nothing in the exemption section should be construed to prohibit the release of information of those portions of “criminal incident information” that are not likely to cause the specified damage.

### C. ARREST RECORDS

With the exception of juvenile offenders, the identities of persons arrested, the charges against them, and the status of the charge or arrest **must** be released without exception. This applies to felony, misdemeanor, and traffic arrests. 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.

### D. ARRESTEE PHOTOGRAPHS

1. It is required that photographs of adults who are arrested be released if doing so will not jeopardize an investigation. For example, a photograph may be withheld if the person is to appear in a photo or live lineup to avoid possible tainting of the process. However, once these activities are concluded, the photo must be released.
2. 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.
3. There are no requirements in FOIA relating to size or quality of adult arrestee photographs.
4. It is important to note that the requirement to release applies to **all** arrestee who are photographed, regardless of whether they are charged with a felony or a misdemeanor.
5. Unprocessed film does not constitute an existing record and the requirement does not apply until the photograph has been developed and printed.

### E. PROTECTED INFORMATION

1. Exemptions from Disclosure
  - a. FOIA provides law enforcement agencies considerable leeway in protecting individuals with whom they may be involved in a variety of ways. The identities of victims, witnesses, or undercover officers need not be disclosed, but may be at the discretion of the agency unless otherwise prohibited by law. Identities of persons providing information about a crime or criminal activity under any promise of anonymity (such as through a Crime Solvers program) will not be disclosed. Records pertaining to neighborhood watch programs, including information

- pertaining to individual participants, are exempt from disclosure.
- b. Also exempt from mandatory disclosure is information that reveals investigative techniques or procedures, though an agency has the option to disclose if it desires. Records of reports to state and local law enforcement agencies and campus police departments of colleges and universities need not be disclosed.
2. Criminal Investigations
- a. This information enjoys extensive protection. Exempt from disclosure are all complaints, memoranda, correspondence, and relating evidence relating to a criminal investigation (*except for "criminal incident information" relating to felonies*). Commonwealth's attorneys are specifically defined as law enforcement officials, so criminal investigative materials remain protected when they are turned over to a prosecutor by a law enforcement agency.
  - b. Once again, it is important to note that a law enforcement agency *has the discretion to release materials at any time*, even though FOIA extends the exemption to disclosure in perpetuity. In many cases it will be deemed essential to withhold portions of investigative reports even after a case has been adjudicated. On the other hand, there may be portions of some case investigations that would be in the public interest to eventually disclose. FOIA leaves that decision up to the law enforcement agency.

## F. OTHER INVESTIGATIONS AND RECORDS

### 1. Exemptions to Disclosure

- a. While stating that all records kept by law enforcement agencies as required under Section 15.2-1722 (Certain Records to Be Kept By Police Chiefs and Sheriffs) shall be subject to FOIA, there are some broad exemptions in furtherance of law enforcement purposes. The one with the most wide-ranging applicability relates to noncriminal incident or other investigative reports or materials. These portions containing identifying information of a personal, medical, or financial nature where the release of such information could jeopardize the safety or privacy of any person are exempted from disclosure. This is a very broad exemption that requires judicious application to avoid accusations of abuse through overly broad application.
- b. Examples of information that can and should be protected under this exemption are:
  - 1) Reports of suicide attempts;
  - 2) Medical information obtained during unattended death investigations;
  - 3) Credit card numbers;
  - 4) Other information recorded on lost property reports;
  - 5) Response to domestic disputes, in which no violence occurs.
- c. Radio and phone recordings are *not wholly exempted* under the law. While those involving criminal investigations are wholly protected, these involving non-criminal incidents are only to the extent described above. For example, the words of a caller reporting a medical emergency could be excised from a recording (or deleted from a transcript) in order to protect individual privacy, but many words of the call-taker or dispatcher would be subject to release, as would such related records as response time.
- d. Exemptions are provided for:
  - 1) Records of background investigations of applicants for law enforcement agency employment or other confidential administrative investigations, examples of

which include internal affairs investigations or background checks for conservators of the peace;

- 2) Those portions of any records containing 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 released.
  - 3) Personnel records, with the exception of salaries over \$10,000, and personnel disciplinary actions are exempted from disclosure.
- e. Other records in the possession of a law enforcement agency, as well as correspondence, not falling into any type of the previously discussed exempted categories, are subject to disclosure. This also applies to electronic messages. For example, an e-mail from a police chief to a deputy chief inquiring about certain aspects of a homicide investigation would be exempt from disclosure as criminal investigative materials. However, an e-mail from the chief to the deputy chief making unkind comments about the major would be subject to release under FOIA (and possibly be the subject of a headline in the local newspaper!).

## 2. Other Exemptions

- a. FOIA contains several other specific exemptions applicable to or of interest to law enforcement agencies in addition to those enumerated in Section 2.1-342.2 Found in [Section 2.1-342.01](#),
- b. Examples include:
  - 1) Engineering and architectural drawings;
  - 2) Operational, procedural, tactical planning or training manuals; Staff meeting minutes or other records which would reveal surveillance techniques, personnel deployments, alarm system technologies, or operational or transportation
  - 3) Plans or procedures when disclosure would jeopardize the security or employee safety of any courthouse, jail, or law enforcement facility.
  - 4) Law enforcement agency records containing specific tactical plans when their disclosure would jeopardize the safety or security of law enforcement personnel or the general public. Also included in this exemption are:
    - a) Records of emergency services containing specific tactical plans related to anti-terrorist activity.
    - b) 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 telecommunication system.
    - c) Information and records acquired during a review of any child death by the State Child Fatality Review Team.
    - d) Confidential records, including victim identity, provided to staff of a rape crisis center or a program for battered spouses.
    - e) Computer programs used to process data that may be included within official records.

## G. INSURING COMPLIANCE

Because of the specific knowledge required and the broad discretion granted to law enforcement agencies, not all personnel of an agency can respond to requests for information. Records secretaries, all administrative personnel, and all supervisor personnel should be knowledgeable of the FOIA requirements. Prompt, polite referral of the requestor to the persons who can help them is mandatory. The Sheriff or his designee is the designated point of contact within the agency to handle third party requests for information.

## H. CONCLUSION

The underlying principle of FOIA is that the public has the right of access to the public's business. Law enforcement activities must be, of necessity, one of the very few areas where that right of access must be limited. The Virginia FOIA, as amended, does this quite effectively to insure accomplishment of the law enforcement mission. Nonetheless, law enforcement agencies have an obligation to responsibly make available to the public, whether represented by a private citizen or a news media reported, not only that information mandated as releasable by FOIA, but also additional information which will serve to enhance the public's understanding of the agency and its work.

### **CODE OF VIRGINIA 2.2-3706.** Disclosure of criminal records; limitations.

#### A. As used in this section:

"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.

- B. Law-enforcement agencies shall make available upon request criminal incident information relating to felony offenses. However, where the release of criminal incident information 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 this subsection shall be construed to prohibit the release of those portions of such information that are not likely to cause the above-referenced damage.
- C. Information in the custody of law-enforcement agencies relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest shall be released.
- D. 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 **Code of Virginia** 19.2-11.2.
- E. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.
- F. The following records are excluded from the provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:
  - 1. Complaints, memoranda, correspondence, case files or reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than criminal incident information as defined in subsection A;
  - 2. Adult arrestee photographs when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation;
  - 3. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to **Code of Virginia** 53.1-16 or 66-3.1, and (iii) campus police departments of public institutions of higher education established pursuant to Chapter 17 (**Code of Virginia** 23-232 et seq.) of Title 23;
  - 4. Portions of records of local government crime commissions that would identify individuals providing information about crimes or criminal activities under a promise of anonymity;

5. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;
  6. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;
  7. 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;
  8. All records of adult persons under (i) investigation or supervision by a local pretrial services agency in accordance with Article 5 (**Code of Virginia** 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation, probation supervision or monitoring by a local community-based probation services agency in accordance with Article 9 (**Code of Virginia** 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or supervision by state probation and parole services in accordance with Article 2 (**Code of Virginia** 53.1-141 et seq.) of Chapter 4 of Title 53.1; and
  9. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.
- G. Records kept by law-enforcement agencies as required by **Code of Virginia** 15.2-1722 shall be subject to the provisions of this chapter except:
1. Those portions of non-criminal 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 would jeopardize the safety or privacy of any person;
  2. Those portions of any records containing information related to plans for or resources dedicated to undercover operations; or
  3. Records of background investigations of applicants for law-enforcement agency employment or other confidential administrative investigations conducted pursuant to law.
- H. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (**Code of Virginia** 9.1-900 et seq.) of Title 9.1 are excluded from the provisions of this chapter, including information obtained from state, local and regional officials, except to the extent that information is required to be posted on the Internet pursuant to **Code of Virginia** 9.1-913.
- I. In the event of conflict between this section as it relates to requests made under this section and other provisions of law, this section shall control.
- (1999, cc. 703, 726, **Code of Virginia** 2.1-342.2; 2000, c. 227; 2001, c. 844; 2002, cc. 393, 715, 769, 830; 2004, cc. 685, 735; 2006, cc. 857, 914; 2007, c. 133.)

**4-13 Inspections**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Inspections</b>	<b>NUMBER: 4-13</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.19.01, ADM.19.02</b>	

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

**I. POLICY**

Conduct line and staff inspections of organizational components.

**II. PURPOSE**

Ensure compliance and uniformity of Sheriff's Office operations.

**III. PROCEDURE****A. Line Inspections:**

1. Line Inspections are on-going activities conducted by supervisors to ensure that employees are abiding with departmental policies and procedures in such areas as personal appearance, use and maintenance of equipment, adherence to rules, regulations, directives, and orders.
  - a. Supervisors are given the authority to conduct line inspections as an on-going activity and are responsible for the reporting of both sub-standard conditions/performance and ensuring that appropriate corrections are made. Additionally, exemplary performance by employees should be noted. Monthly reports will be utilized to report inspection results, corrections, and exemplary performance.
  - b. Supervisors shall, as a part of their daily routine, observe the activities of their assigned employees to determine their fitness for duty, appearance, performance, etc. Deficiency noted should be addressed and corrected as soon as practical, problems or conditions requiring correction beyond the supervisor's control will be reported to the appropriate authority, and noted on the monthly report.

**B. Staff Inspections:**

1. The Major will, on an as needed basis conducts a staff inspection. The inspection will include, at a minimum:
  - a. An evaluation of previous concerns and problem areas along with any new concerns

- b. A written report outlining the results of the inspection to include recommendations for correction of deficiencies. This report will be forwarded to the Sheriff for review.

**4-14 Equipment & Uniforms**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Equipment &amp; Uniforms</b>	<b>NUMBER: 4-14</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, 9/2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: PER.03.04, OPR.01.09</b>	

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

**I. POLICY**

There is a dress code required for employees within different sections of the department.

**II. PURPOSE**

Regulating the apparel and uniform equipment worn by the employees.

**III. PROCEDURE**

A. Equipment issued by the agency

**1. EQUIPMENT AND UNIFORMS :**

- |                                |                              |                            |
|--------------------------------|------------------------------|----------------------------|
| a. Trousers                    | k. Holster                   | u. Radio and holder        |
| b. Long sleeve shirts          | l. Ammunition/magazine pouch | v. Shoes                   |
| c. Short sleeve shirts         | m. Handcuffs and case        | w. Cool tees               |
| d. Winter coat                 | n. Flashlight ring holder    | x. Pepper spray and holder |
| e. Straw hat                   | o. Belt keepers              | y. Badge and holder        |
| f. Hat band                    | p. Traffic vest              | z. Baseball cap            |
| g. Ties                        | q. Latex gloves              | aa. TDU shirt              |
| h. ASP Baton                   | r. Handgun                   | bb. TDU trousers           |
| i. ASP Baton holder            | s. Ammo magazines            | cc. Body armor vest        |
| j. Raincoat and rain hat cover | t. Duty belt                 |                            |

**2. Canine handlers additional equipment:**

- a. Boots;
- b. Nylon duty belt with the following accessories; holster, OC spray holder, ASP holder, cuff case, radio holder, flashlight ring, and double magazine pouch;
- c. 10 x 10 foot kennel;
- d. Metal trashcan to store food;
- e. Heated water bowl;
- f. Stainless food bowl;

- g. Broom;
- h. Leather and nylon leads;
- i. Assorted brushes;
- j. Collars; and
- k. Leather harness.

B. Equipment and uniforms:

1. Deputies will wear the uniform in a neat, clean, well-fitted and professional appearance.
2. No headgear will be worn with the uniform other than what is issued to the deputy.
  - a. Straw hat with the dress uniform.
  - b. Baseball cap with the TDU uniform.
3. Deputies may wear long sleeve or short sleeve year round. When in court or wearing dress uniform a tie must be worn. Shoes and leather shall be regularly polished/cleaned to enhance appearance and preserve the equipment. The uniform will only be worn while representing the Sheriff's Office, whether on or off duty.
4. Deputies who wear plain clothes as part of the job assignment, shall wear proper attire and present a professional appearance while on duty.
5. Civilians who work at the Sheriff's Office shall wear an appropriate casual business attire.

C. Hair grooming standards

1. Male deputies will wear their hair in a neat, clean, combed style, no longer than the top of the collar of the neck when standing with the head in a normal posture. Sideburns shall be neatly trimmed and may be no more than one inch at the widest point and shall not extend below the lowest part of the exterior ear opening. Uniformed officers shall be clean-shaven except that they may have mustaches that do not extend beyond the corner of the mouth or below the upper lip line.
2. Female uniformed deputies will wear their hair in a neat, clean, and combed style. Their hair must be worn above the top of the collar.
3. Civilian employees will wear their hair in a neat, clean, and combed style.

**4-15 Office Vehicles- Assignment & Maintenance**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Office Vehicles-Assignments &amp; Maintenance</b>	<b>NUMBER: 4-15</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, 9/2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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**I. POLICY**

Employees are to keep all vehicles in the best possible operating condition to ensure safety. All vehicles will be kept clean inside and out.

**II. PURPOSE**

To provide procedures and guidelines for employees on the assignment of vehicles and keys, repair, maintenance, and cleaning of vehicles.

**III. PROCEDURE****A. Assignment of Vehicles and Keys****1. VEHICLES**

All vehicles are assigned to an employee by the vehicle supervisor or sheriff. Vehicles are to be kept at the residence of the assigned employee. Vehicles are not to be used for any other purpose except official county business.

All patrol vehicles shall be equipped with emergency lights, siren, and radio communication equipment. Patrol vehicles will have reflective markings . Administration , Investigations and some patrol vehicles will be unmarked and equipped with emergency lights, siren, and radio communication equipment. Certain unmarked vehicles shall be equipped with radio only.

**2. KEYS**

All spare keys shall be kept on the keyboard located in the Sheriff's Office and will be accessible to all officers. The vehicle supervisor shall maintain the keyboard.

**B. Vehicle Repair Procedure**

All vehicles shall be taken to the County garage for repairs or at a repair facility designated by the county garage or the vehicle maintenance supervisor. All vehicles left at the county garage for repairs or service must be accompanied by a written request for needed repairs or service. A duplicate copy of the request will be given to the vehicle supervisor.

**C. Vehicle Maintenance**

Each deputy will be responsible for the maintenance of his/her assigned vehicle.

1. Maintenance on the vehicle is composed of the following:
  - (a) Regular oil, oil filter, air filter changes, every 5,000 miles
  - (b) Transmission service every 30,000 miles or as directed by Manufacturer.
2. Tires: Tires are to be replaced or repaired as determined by county garage.

D. Vehicle Inspections

1. Officers shall inspect each Sheriff's Office vehicle they drive for damage or defective equipment, before starting their shift or trip.
2. Supervisors shall conduct monthly inspections of all vehicles used on their shift to ensure that the vehicles are safe, clean, fully operational, undamaged and properly equipped.
3. Any vehicle found to have mechanical, electrical or radio problems shall be taken out of service until repairs are made. Vehicles with body damage, or noticeable defects in paint or graphics, will be taken out of service until repairs are made.
4. Any vehicle found to be lacking required equipment will be taken out of service until missing or depleted equipment is replaced.

**4-16 Department Inventory**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Department Inventory</b>	<b>NUMBER: 4-16</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.15.04, ADM.19.03</b>	

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**I. POLICY**

The agency will at a minimum, semi-annually inspect stored property in departmental vehicles.

**II. PURPOSE**

To establish the agency's procedures for maintaining the operational readiness for departmental property.

**III. PROCEDURE****A. Sheriff's Office Property**

1. Equipment utilized in daily operations of the Sheriff's Office shall be maintained in accordance with manufacture's guidelines.
  - a. Deputies shall be responsible for maintaining any and all items of equipment issued to them. Inspections of the condition and function of such items may be held at any time, announced or unannounced.
2. Stored property in the Sheriff's Office shall be inspected at least twice annually to ensure operational function and readiness.
3. Capital assets belonging to the Sheriff's Office shall be defined as:
  - a. Items having a value of five thousand dollars (\$5000.00) per item or more.
  - b. Capital assets that are within agency control will be inventoried annually.

## 4-17 Discrimination & Sexual Harassment

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Discrimination &amp; Sexual Harassment</b>	<b>NUMBER: 4-17</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: PER.02.01, PER.02.02</b>	

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

### I. POLICY

There will be no tolerance of discrimination and/or sexual harassment.

### II. PURPOSE

To provide a workplace free of sexual advances, requests for sexual favors and other verbal or physical conduct or communications deemed to constitute discrimination or sexual harassment.

### III. PROCEDURE

#### A. General

1. Discrimination because of race, color, religion, sex, national origin, age, handicap, or political affiliation is a violation of Title VII of the Civil Rights Act of 1964, as amended, and will not be tolerated.
2. Sexual harassment may include, but is not limited to
  - a. Vulgar language of a sexual nature.
  - b. Sexually derogatory names.
  - c. Touching of another's body in a way that can be construed as being sexual.
  - d. Displaying sexually explicit pictures, photographs, cartoons, sexual parts actual or inanimate.
  - e. Advances of a sexual nature.
  - f. Demands for sexual acts; promises of favorable employment decisions; and threats of negative employment decisions.

#### B. Discrimination or harassment complaints

1. The Sheriff has a duty to enforce the Sheriff's Office discrimination and sexual harassment policy.
2. Any person who believes that he/she has been discriminated against or sexually harassed will report the matter in writing to the Sheriff or the next in command immediately.

3. The Sheriff or the next in command may designate a Detective or other personnel to promptly investigate the complaint.
  4. Discipline up to and including termination of employment may result in the event that the offense involves an employee of the Sheriff's Office.
  5. There will be no discrimination or retaliation against any employee for making a discrimination or sexual harassment complaint.
  6. All actions taken to resolve discrimination or sexual harassment complaints shall be conducted confidentially.
- C. False Complaints
- Where the results of an investigation reveal that a complaint of discrimination or sexual harassment is false or groundless, the employee having made such complaint may be subject to disciplinary action including up to termination of employment.

### 4-17A Acknowledgement of Consensual Relationships

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Acknowledgment of Consensual Relationships</b>	<b>NUMBER: 4-17A Addendum</b>
<b>EFFECTIVE DATE: January 2014</b>	<b>REVISED:</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b> <i>Brian L. Heatt</i> <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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

#### I. PURPOSE

The Purpose of this policy is to provide acknowledgement to employees engaging in consensual relationships within the Tazewell Sheriff's Office and to serve as an addendum to the Discrimination & Sexual Harassment Policy 4-17 which provides a workplace free from any form of harassment.

We, the undersigned employees, have entered into a personal relationship with each other. We have read and understand the Discrimination & Sexual Harassment policy and we agree to the following:

1. Our relationship is entirely voluntary.
2. Our relationship will not have a negative impact on our work performance or the workplace in general.
3. We will not engage in any public displays of affection or other behavior that creates a hostile work environment for others, or that makes others uncomfortable.
4. We will act professionally towards each other at all times, even should the relationship end.
5. We will not participate in any of the decision-making processes that could affect the other's pay, promotional opportunities, performance reviews, hours, shifts, careers or any other employment decisions affecting the other person.
6. We will inform the Sheriff immediately should the relationship end or if the conduct or advances of the other person are no longer welcome.
7. We agree that, should the relationship end, we will respect the other person's decision to end the relationship and not pursue that person or seek to resume the relationship or engage in any other conduct towards the other person that could violate the policy.
8. We understand that, should the relationship end, one of us may choose to date others in

the workplace, In that event, we will not react with jealousy or spite or in any manner that is less than professional with respect to each other and/or toward others in the workplace.

9. We understand that if the relationship impacts our work performance, the work of others, or generally becomes disruptive to the work environment, one or both of us may be asked to resign our employment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Employee Name: \_\_\_\_\_

Employee Name: \_\_\_\_\_

Witness Name: \_\_\_\_\_

## 4-18 Victim/Witness Services

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Victim/Witness Services</b>	<b>NUMBER: 4-18</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: ADM.23.01, ADM.23.02, ADM.23.03, ADM.23.04</b>	

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### I. POLICY

Officers will provide assistance, specific information and referrals to victims and witnesses of crime in compliance with the **Code of Virginia** 19.2-11.1. VA Code 19.2-11.2 allows victims the option of keeping their information confidential. Members of the office will only release information with consent by the victim.

### II. PURPOSE

Ensuring that victims and other witnesses receive professional assistance consistent with important investigative and prosecution role. Treatment of a victim at the initial scene and afterwards affects the victim's immediate and long-term ability to cope with the crime, and their willingness to assist in prosecution.

### III. PROCEDURE

#### A. VICTIM WITNESS TERMS AND CONDITIONS

1. "Victim" means a person suffering from a crime committed upon his/her property or person.
2. Officers render assistance through investigation and prosecution of crimes, unless victims refuse. Our duty to act in assisting a victim may be liable for negligence for improperly performing, or failing to perform a duty. Our office will maintain a liaison with the Victim/Witness Coordinator.
3. Officers are supplied with informational pamphlets to be dispersed to victims of crime.

#### B. PRELIMINARY RESPONSIBILITY

1. Sworn and non-sworn employees will render service and compassionate aid to victims and witnesses of crime.
2. Sworn and non-sworn employees will maintain a positive and supportive attitude towards victims and witnesses of crime in compliance with Code of Ethics statements.
3. Reporting officers will provide information to victims and witnesses concerning their role, processing of information and follow-up procedures. Victims will be informed of where medical or other assistance can be obtained, how evidentiary or recovered

property may be reclaimed if applicable, and actions to take if threats occur because of reporting.

4. Officers shall give the victim the Office number and the Officer's name for follow-up information or questions.
5. Officers shall obtain the necessary warrants and/or protective orders, and processes shall be explained to the victim, regarding court appearances, time expirations, and extension of protective orders.

### C. PATROL RESPONSIBILITIES

Officers are responsible for preserving the crime scene and using tact in informing victims of investigation procedures, necessity of taking photographs or removing personal belongings. The victim may need to be reassured or may be confused or unable to express his/her needs. Using good judgment, refer the victim to the appropriate agency, if necessary. If psychological support is needed, a friend, relative, or counselor may be present. Officers can arrange for transportation to a medical facility, Sheriff's Office, shelter or other criminal justice agency. An on-call victim/witness advocate shall be contacted by the dispatcher when a victim goes into a medical facility. Once the victim arrives at the necessary destination, officers will escort the victim inside, ensuring proper authority is notified. When line-ups, interviews, or other appearances are required (excluding court appearances), the scheduling of such events shall be made at the convenience of the victim or witness, if feasible. The detective or follow-up officer is encouraged to provide referral information that is appropriate (given the particular circumstances of the case).

### D. LINE-OF-DUTY DEATH OR SERIOUS INJURY

#### Notification and Support of Family

1. Notification of family members in any line-of-duty death or serious injury case involving a member of the Tazewell County Sheriff's Office shall be handled in a timely fashion. Immediate notification of all administrative staff is mandatory, including Chaplains. All personnel having contact with the family will act in a compassionate manner, assisting and supporting the family.
  - a. Line-of-Duty Death  
The Sheriff or his designee will make contact as soon as possible to notify the deceased member's family.
  - b. Serious Injuries  
The Sheriff or his designee will make contact as soon as possible to notify the family members to offer assistance, including transportation to the hospital.
2. The Sheriff or his designee will appoint or notify the officer that has been previously selected by the department to assist and remain in contact with the family. The officer will:
  - a. Support the family at the funeral and burial;
  - b. Help the family with legal and benefit matters;
  - c. Support the family during any criminal proceedings, if any, and
  - d. Maintain long-term contact with the family.

**4-19 Domestic Violence**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Domestic Violence - To include law enforcement officer's and repeat offenders</b>	<b>NUMBER: 4-19</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, December 2010, January 2011</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b> <i>Brian L. Hieatt</i> <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.13.01</b>	

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**I. POLICY**

With all due consideration for their own safety, Sheriff's Office personnel responding to all domestic disturbance calls, including law enforcement officer's and repeat offenders shall:

1. Restore order
2. Arrest persons when probable cause exists that a crime has occurred
3. Provide safety and security for the crime victim(s)
4. Help participants contact appropriate agencies to help prevent future occurrences.

**II. PURPOSE**

Domestic or family violence (domestic disturbance) is assigned high priority. The nature and seriousness of crimes committed between family and household members are not mitigated because of the relationships or living arrangements of those involved

**A. DEFINITIONS**

1. "Domestic violence" means: the use, or threatened use, of physical force to inflict physical harm, bodily injury or assault, intimidation, or forceful detention (interference with personal liberty) by one family or household member on another. (See Virginia Code 16.1-228, Family Abuse).
2. "Intimidation" means to compel or deter another person or to make fearful through the use of threats, force, and/or menacing annoyances harassment).
3. "Assault": See Virginia Code 18.2-57. See Also 18.2-57.2 ("Assault and Battery Against a Family or Household Member", which at a third or subsequent conviction of the same or similar offense under the law of any jurisdiction within a ten-year period shall be treated as a Class 6 felony).
  - a. Virginia Code 18.2-60, makes it a criminal offense to send, and/or procure someone else to send, any form of communication which produces a visual or electronic message of a threatening nature, whether such letter or communication

- be signed or anonymous. The person so writing or composing, and sending, or procuring the sending, of a correspondence sent to any person, which contains a threat to kill or do bodily injury to the person, (or to any member of his or her family), shall be guilty of a Class 6 felony.
- b. A magistrate issuing a warrant for violation of Virginia Code 18.2-57.2 shall also issue an Emergency Protective Order as authorized by Virginia Code 16.1-253.4, except if the respondent is a minor, an emergency protective order shall not be required.
4. "Family abuse" means any act involving violence, force, or threat including any forceful detention, which results in physical injury or places one in reasonable apprehension of serious bodily injury and which is committed by a person against such person's family or household member.
5. "Family or Household Member", per Virginia Code 16.1-228, 18.2-57.2, and 19.2-81.3, includes:
- Spouses, whether or not residing in the same home
  - Former Spouses, whether or not residing in the same home
  - The person's parents, stepparents, children, stepchildren, brothers, sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person
  - 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
  - Persons who have a child in common, whether or not they have ever been married or resided together at any time
  - Persons who cohabit or who, within the previous 12 months cohabited with the suspect, and any children of either of them then residing in the same home with the person
  - Warrants against family/household members are heard by Juvenile and Domestic Relations Court.
6. "Predominant physical aggressor" (See Virginia Code 19.2-81.4) is the party that poses the greatest threat. The predominant physical aggressor is not necessarily the first disputant to engage in aggressive behavior, but the one with the most ability and inclination to inflict physical injury. Deputies shall identify a predominant physical aggressor based on the totality of the circumstances.
7. "Domestic violence shelters/programs" means services that are provided (usually 24 hours a day) for women and their children who have been physically or emotionally abused, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.
8. "Protective order" is a court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, and may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, plus other measures (see Virginia Code 16.1-279.1). A protective order may be valid up to two years. Officers must be aware of two types of protective orders:
- An Emergency Protective Order (see Virginia Code 16.1-253.4) may be requested by an Officer by telephone or in person (or by an allegedly abused individual in

- person) from a judge or a magistrate. The Emergency Protective Order aims to protect the health or safety of any person. It must be put in writing as soon as possible by the officer on Form DC-626. This order expires seventy-two hours after issuance. If the expiration of the seventy-two-hour period occurs at a time that the court is not in session, the emergency protective order shall be extended until 5:00 p.m. of the next business day that the Juvenile and Domestic Relations District Court is in session.
- b. Officers may request an Emergency Protective Order pursuant to the code section if the person in need of protection is physically or mentally incapable of filing a petition pursuant to Virginia Code 16.1-253.1 or 16.1-279.1. Officers may request the extension of an emergency protective order for an additional period of time not to exceed seventy-two hours after expiration of the original order. The request for an order or extension of an order may be made orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral Emergency Protective order. An oral Emergency Protective Order issued pursuant to this section shall be reduced to writing by the Officer requesting the order or the magistrate on Form DC-626. The completed form shall include a statement of the grounds for the order asserted by the officer or the allegedly abused person.
  - c. When the magistrate or the Officer, on behalf of the magistrate, issues an Emergency Protective Order, the following information must be obtained, if at all possible, at the time of issue:
    - 1) Name
    - 2) Sex
    - 3) Race
    - 4) DOB
    - 5) Height
    - 6) Weight
    - 7) Eye Color
    - 8) Hair Color
    - 9) Social Security Number
  - c. Officers must serve a copy of this order on the respondent, and give a copy to the abused family/household member. The officer must forward the original to the issuing judge or magistrate for verification, who then has it filed with the Juvenile and Domestic Relations Court within five days of issuance.
  - d. All **Emergency Protective Orders** must be entered in the VCIN Computer as a civil paper before service or as soon as possible after service. VCIN entries will be accomplished at the 911 Communications Center. Office personnel are responsible for entering all EPO's received during business hours and sending a copy to the 911 Communications Center for entry into VCIN. After business hours officers are responsible for faxing a copy of the EPO to dispatch, for entry into VCIN and for making a copy for entry into the computer system. Upon service, the officers must ensure that the VCIN entry is modified to show date and time of service. VCIN entries will be accomplished as explained above.

### III. PATROL RESPONSIBILITIES

#### A. ARRIVAL AT SCENE

1. Obtain all available information from the dispatcher prior to arrival.

2. Approaching the scene.
  - a. Officers must be concerned for their own safety as well as the disputants. When possible, Officers should wait for back up, discuss a strategy, and approach the dispute scene in pairs.
  - b. Avoid use of sirens and alarms in the vicinity of the scene. The assailant might be dangerous and could turn a weapon upon arriving officers;
  - c. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and escape route. From this point on, officers should remain within sight of one another, if possible.
  - d. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g., layout of the house, number of people, weapons, evidence of violence or damage).
  - e. To minimize possibility of injury, stand to the side of the door when knocking. The unexpected may occur when the door opens.
  
3. Initial contact with occupant(s).
  - a. Identify self by name, give an explanation of your presence, and request entry into the home (when conditions permit). Ascertain identity of complainant, and ask to see him or her and any other person at the home.
    - 1) Officers shall not accept statements from any disputant or witness that the call was a mistake without investigating further.
    - 2) Officers shall not leave without interviewing the complainant.
  - b. If entry is refused, Officers must explain that they must make sure there are no injured persons inside. If no one responds to knocking, try to establish voice contact by shouting for an answer.
  - c. Refusal of entry or no response to a knock at the door may require a forced entrance only if Officers have a reasonable suspicion that the safety of people inside may be in jeopardy. In making the decision to make a forced warrantless entry, officers shall evaluate the following elements:
    - 1) the degree of urgency involved and the time required to get a warrant;
    - 2) the possibility of danger to others, including officer left to guard the site;
    - 3) whether the suspected offense involved violence;
    - 4) whether officers reasonably believe that persons may be armed.
  - d. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, **either one** may give a valid consent.
    - 1) A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants.
    - 2) 2 If one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part.
  - e. Once inside, establish control by:
    - 1) Inquiring about the nature of the dispute;
    - 2) Identifying disputants; determine if EMS services are needed
    - 3) Being aware of potential weapons in surroundings; avoid, if practical, conducting interviews in rooms where potential weapons are usually stored such as a kitchen, den, bedroom, etc.
    - 4) Determining if persons are in other rooms, whether children or adults, and the

extent of any injuries. These persons should be separated from the parties involved and kept out of hearing range (so their status as possible witnesses won't be compromised).

- 5) Protecting the victim from further abuse. Separate the victim from the assailant and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. Photograph the victim's injuries
- 6) Ascertaining whether a protective order has been violated.
- f. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed.

#### B. INTERVIEWING ALL DISPUTANTS

1. Ensure safety and privacy interviewing the victim in a place separate from the assailant.
2. Ascertain the following information from the victim:
  - a. What happened;
  - b. Any injuries, who caused them, and what weapons or objects were used;
  - c. Relationship to assailant;
  - d. Any threats made against victim or others;
  - e. Forced sexual contact against victim's will;
  - f. Any court cases pending against assailant or any protective orders in effect;
  - g. Is assailant on probation or parole;
  - h. Did assailant threaten others, particularly children, damage property, or hurt pets.

#### C. MAKING THE ARREST

1. Arrest the assailant if he or she is present, apply handcuffs, inform him or her that the decision to arrest is a law enforcement one, and transport securely to the jail/magistrate.
2. If an arrest must be made because a protective order has been violated, verify its validity by:
  - 1) Examining the victim's copy, if available;
  - 2) Having communications search VCIN or contact the jurisdiction that issued the order to confirm its currency.
3. If the assailant is absent, arrange transportation for the victim to a safe shelter or other appropriate place. Have dispatch circulate a "be-on-the-lookout" message describing the assailant and arrange for an arrest warrant

#### D. VICTIM SERVICES:

1. Explain to the victim about protective orders and restraining orders and how to obtain them and offer to help the victim obtain them later.
2. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers. When transportation to a safe house, hospital, or magistrate arrangements will be made.
3. Give the victim telephone numbers of agencies for future assistance in the area and

emergency number, 911. Assure victim we are available to assist in future emergencies and explain measures to ensure their future safety.

4. Provide the victim with a standardized form listing the specific rights afforded to crime victims. Per Virginia Code 19.2-11.1.

#### E. GATHERING EVIDENCE

1. Physical evidence takes three forms in domestic violence cases: the injuries of the victim, evidentiary articles that substantiate an attack, and the crime scene itself.
2. The victim's account of injuries sustained should be corroborated by a physician or a forensic nurse examiner;
3. When feasible, take photographs of injuries. Photograph victims and scene depicting struggle, Write a description and scene sketch as appropriate

#### IV. ARREST OF LAW ENFORCEMENT PERSONNEL

- A. If the predominant physical aggressor or abuser is a law enforcement officer, the responding Officer shall summon the shift supervisor, who shall in turn notify his or her chain of command.
- B. The scene shall be secured and medical attention sought, if required.
- C. The on call detective shall be contacted who shall begin the investigation.

## 4-20 Crime Prevention Programs

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Crime Prevention Programs</b>	<b>NUMBER: 4-20</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, 9/2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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### I. POLICY

To have a close relationship with businesses and communities through frequent and positive contacts by all employees and to respond to community needs through proactive crime prevention programs.

### II. PURPOSE

To collectively play a role in reduction and prevention of crime.

### III. PROCEDURE

#### A. CRIME PREVENTION

1. Deputies will be responsible for conducting security surveys of residences and business.
2. Every deputy is expected to provide advice regarding measures that may prevent the possibility of a person or business becoming a victim.
3. Deputies will conduct public awareness presentations, when requested, to inform the public of various issues concerning crime prevention, drug abuse, child safety, and other such information to assist the public in maintaining a safe community
4. Deputies will target programs by crime type and geographic area on the basis of an analysis of local crime data and evaluate the effectiveness of crime prevention programs.
5. The Crime Prevention personnel will analyze crime data from areas of Tazewell County.
  - a. Evaluating effectiveness of existing crime prevention programs.
  - b. Targeting programs by crime type and geographical area based on the analysis of local crime.

#### B. BUSINESS / RESIDENTIAL / PERSONAL SECURITY PROGRAMS

1. Neighborhood Watch – These watches consist of relatively informal grouping of residence, their occupants banding together to lookout for each other and their

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

2. Triad – Is a partnership to address crime issues, which affect older citizens. The TRIAD program will endeavor to educate, assist, and involve the more mature citizens of our community.
3. Community programs
4. Fairs, festivals, and safety day events

#### C. SCHOOL-BASED PROGRAMS

The Tazewell County Sheriff's Office instructs D.A.R.E. and Class Action programs to students in the county schools. D.A.R.E. is offered to students in elementary school, and Class Action is instructed in the middle and high schools.

1. The D.A.R.E. Program: **DRUG ABUSE RESISTANCE EDUCATION**  
This program is a series of officer-led classroom lessons designed to educate students of the hazards of drug abuse as well as how to resist peer pressure and live productive drug and violence-free lives.
  - a. D.A.R.E. officers will work in cooperation with Tazewell County Public School system and the national D.A.R.E. organization.
  - b. D.A.R.E. Curriculum will remain consistent with directives issued from Tazewell County Sheriff's Office and D.A.R.E. America.

## 4-21 School Based Officers

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: School Based Officers</b>	<b>NUMBER: 4-21</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.04.01</b>	

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### I. POLICY

The School Based Officers will work together with the School Board and their administrators to ensure the safety of the facility and students attending that school.

### II. PURPOSE

The School-Based Officers with an established basis of expectations to use as a tool in ensuring the safety of school facilities, as well as the safety of the students and faculty.

### III. PROCEDURE

1. The School Based Officers will be in uniform at all times unless otherwise approved by the Sheriff or the Major.
2. The officers assigned to the schools will spend the majority of their duty shift at his/her assigned school. They shall report to their assigned Shift Supervisor before altering their scheduled school duties, and they shall not leave their assigned schools unless they are called out for an emergency.
3. The School-Based Officers will make every effort to work on an individual basis with children to provide counseling to troubled students.
4. Adjustments to the normal work schedule, made for after school activities, will be pre-approved by the assigned Shift Supervisor.
5. School Based Officers shall have the authority to move about the school with freedom to enter all public access or controlled areas.
6. The School Based Officer while in and on school property shall observe all school policies. The School Based Officer shall use no tobacco products while on school property.
7. The School Based Officers will take suggestions from the Principal or their designee and directives from their shift supervisor regarding all school matters.
8. It will be the responsibility of all School-Based Officers to serve as the crime prevention

unit and organize and conduct community relations projects, including fair events, DARE booths, TRIAD, and Neighborhood Watch Programs, in addition to any function or organization that requires a representative for the Sheriff's Office.

## 4-22 Amber Alert Locator

TAZEWELL COUNTY SHERIFF'S OFFICE	ADMINISTRATION
SUBJECT: <b>Amber Alert Locator</b>	NUMBER: 4-22
EFFECTIVE DATE: January 2006	REVISED: May 2008
AMENDS/SUPERSEDES:	APPROVED:  Brian Hieatt, Sheriff
VLEPSC STANDARDS:	

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### I. POLICY

The 911 Center will utilize the Virginia Amber Alert (VAA) Plan when preliminary investigation determines an actual child abduction has taken place and meets the criteria for activation.

### II. PURPOSE

The AMBER Alert plan is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child-abduction cases. Broadcasters use the Emergency Alert System (EAS) to air a description of the missing child and suspected abductor.

### III. AMBER ALERT ACTIVATION

#### A. Criteria

1. Determine if actual child abduction has taken place.
2. Determine the Criteria for the activation of the plan have been met. If all of the following criteria are not met, the plan will not be activated:
  - a. The missing child must be 17 years of age or younger and law enforcement believes the child has been abducted (unwillingly taken without permission from the child's parent or legal guardian)
  - b. Law enforcement believes the missing child is in imminent danger or serious bodily harm or death
  - c. An investigation is/ has taken place and verifies the abduction or eliminates alternative explanations
  - d. Sufficient information is available to disseminate to the public that could assist in locating the child, suspect, and/or subjects vehicle
  - e. The child must be entered into VCIN and NCIC missing person files as soon as practical.

**If all of the aforementioned criteria is not met the VAA Plan will not be activated. However, the Virginia State Police can assist with an Endangered Missing Child Media Alert Locator.**

#### B. Contact of Personnel

1. Upon determination a child abduction has taken place and the criteria as been met to activate VAA, a dispatcher or shift supervisor shall contact the list of primary personnel in order; if primary is unavailable the alternate will be contacted.

Primary

Amber Alert Coordinator  
Public Information Officer  
Captain of Detectives  
Major  
Sheriff

Alternate

Secondary Amber Alert Coordinator  
Sergeant of Detectives  
Lieutenant of Patrol  
Captain of Patrol  
Major

2. Once personnel have been notified, the VAA shall be activated (a copy of the plan is in the dispatch office and Captain of Detectives and each deputies vehicle).
3. The Public Information Officer, via the Captain of Detectives, will stay in contact with the Virginia Missing Children Clearinghouse (VMCC) to relay any and all information.
4. The Sheriff or Major shall handle all contact between the agency and the local media; this will prevent duplicate and inaccurate information from being broadcasted.
5. All dispatchers, patrol deputies, and detectives shall be trained on the purpose of the VAA and trained in the criteria for activation, activation process, and agencies responsibilities in relation to the VAA plan.

#### **IV. MISSING / WANTED PERSON LOCATER**

The Lost Child Alert Technology Resource (LOCATER) program provides the hardware and software needed to easily scan images and rapidly disseminate information to law enforcement agencies and the public. The program is designed to produce posters of missing children; however, the technology may also be used for a number of purposes such as stolen vehicles, wanted persons, and crime alerts. The LOCATER system is funded by a Congressional grant at no cost to the agency.

##### **A. Procedural Steps**

1. Upon receiving a missing or wanted person report, regardless if VAA criterion is met, a Detective or reporting officer will obtain a photograph of the person from parent/guardian or relative/friend.
2. The missing/wanted person will be entered into VCIN/NCIC.
3. A poster is created on the LOCATER system.
4. Posters are distributed to Deputies, the media, and potential surrounding jurisdictions and states.
  - a. Posters can be distributed via E-mail.
  - b. When a poster is sent to another LOCATER system, the receiving system will activate an audible and visual signal, alerting the agency of the incoming alert.
  - c. Receiving agencies can download, print, and distribute poster repeatedly to other agencies, the media, and the public, as deemed appropriate.

## 4-23 Courthouse/Courtroom Security

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Courthouse/Courtroom Security</b>	<b>NUMBER: 4-23</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.10.02, OPR.10.03, OPR.11.01, OPR 11.04, OPR.11.05</b>	

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### I. POLICY

Provide security to persons who are visiting or working in the Tazewell County Courthouse and be prepared to take appropriate measures when emergencies arise in the courthouse.

### II. PURPOSE

Outline daily, routine procedures and procedures to be used in cases of fire, medical emergency, hostage/barricade situations, bomb threat, required evacuations, escapes from custody, or any other situation that threatens the life and/or safety of anyone in the courthouse.

### III. COURTHOUSE/COURTROOM SECURITY PROCEDURES

- A. Deputies are assigned to courthouse/courtroom security and to a duty post within the courthouse. Deputies's will be trained in the operation and security of the holding cell.
1. All employees are responsible to identify threats, or potential threats, to the safe and orderly operation of the courthouse.
  2. Defendants remanded into the custody of the Sheriff, directly from the court, will be moved immediately to the holding cell.
  3. All deputies assigned to the courthouse should assist the public in finding the location they seek, and prohibit their entry into the non-public areas.
  4. Restraints are stored in the Courthouse Security Office and each courtroom.
  5. The Deputy will conduct a thorough and systematic search of the courtroom prior to the morning session, after the lunch recess if the room is vacated by deputies and not locked, and at the end of the day. The courtroom should remain locked or kept under direct surveillance.
  6. The Deputies will position themselves in the courtroom at a location providing the best view of the courtroom, including the occupants, the doors, and any windows. The Deputy should never sit or stand with his back to the audience in the courtroom nor place himself in an area where he is unable to immediately see who enters, or intends to enter, the courtroom. The Deputy should remain attentive and alert at all times and refrain from unnecessary movements or actions that may detract from the proceedings.
  7. At any time during a court session there is excessive or disruptive talking among the audience, the Deputy should take action to quiet the audience members.
  8. The Deputy will limit disrupting traffic into or out of the courtroom when the court is in

session, particularly during the opening and closing arguments. In Circuit Court, during the reading of instructions in a jury trial no one is permitted to enter or leave the courtroom.

9. The Deputy will escort witnesses to the witness box.
10. At any time the Deputy believes that additional assistance is needed, he should immediately make a request for additional help.
11. The Deputy shall test the duress alarm in their court quarterly to ensure its operational readiness.
12. The Deputy(s) assigned to court will have the primary responsibility for handling the prisoner(s).
13. Access to the holding cell areas is controlled by the Deputy in each court, who limits the use of keys to authorized personnel only. Prior to entering the holding cell areas all deputies must properly secure their firearms in the lock boxes located in each courtroom.
14. The Deputy searches the prisoner upon entering the holding cell area in the courthouse.
15. The prisoner will be in front of the deputy at all times.
16. The Deputy will not sit beside the prisoner, but rather station himself in such a manner to prevent escape or threat to the judge or other court personnel.
17. The Deputy will accompany the prisoner to the bench during bench conferences and to the witness box.
18. Immediately prior to sentencing, the Deputy will station himself behind the prisoner and be prepared to subdue the prisoner should the prisoner present a threat to the security of the courtroom, and be prepared to handle boisterous relatives or friends.
19. Anticipate the prisoner's actions.
20. Never permit a prisoner to have physical contact with anyone other than his attorney or other court personnel.
21. When a prisoner is remanded into the custody of the Sheriff by the judge, the Deputy will immediately take the prisoner to the court holding area and will search the prisoner. Prisoners placed in the holding cells should be transferred to the jail as soon as possible.
22. Prisoners will not be permitted to smoke while in the courthouse.
23. Prisoners who require the use of a restroom during a court recess will be escorted to a holding cell restroom.
24. No food is permitted in the holding cell areas located in the courthouse unless approved by the Deputy.
25. Prisoners awaiting criminal proceedings at the courthouse are within the control of the Sheriff and are returned to the regional jail after conclusion of all criminal proceedings.
26. Deputy's shall check prisoner's at least every thirty minutes while they are in the holding cells.
27. Officers will operate the equipment at the screening stations at each public entrance.
28. Periodic rounds of the courthouse will be performed when time and staff allow.

#### **IV. SPECIAL OPERATIONS PLAN**

##### **A. Operational Command**

1. Primary authority and responsibility for security operations for a high-risk court proceeding is the Sheriff. He will review and approve all operational plans used during the trial.
2. The Courthouse Security Administrator is designated as the courtroom security

supervisor.

B. Notification and Planning:

Upon notification of an upcoming high risk trial, the Courthouse Security Administrator will prepare and submit an operational security plan to the Sheriff. This plan should address this Section and Section E., following:

1. All available intelligence information concerning both the defendant(s) and the nature of the charge(s) against him.
2. Criminal history: with particular attention to any previous acts of violence, narcotics use, escapes and/or escape attempts.
3. Physical description of defendant(s), including a recent photograph.
4. Personal information of defendant, including home address, names and addresses of family members and friends, organizations to which the defendant belongs which may pose a threat; names and addresses of defendant's visitors at the jail facility.
5. Law enforcement information – case/arrest reports.
6. Schedule of court appearances including arraignments and preliminary hearings in the General District or Juvenile Domestic Relations Courts, including the courtrooms to be used; motions, trial, sentencing dates and presiding judge in the Circuit Court; Commonwealth's Attorney assigned to the case; and Defense Attorney(s) and expert witnesses, if any.
7. Coordination with the presiding judge, Commonwealth's Attorney, and defense attorneys.

C. Determination of Security Needs:

1. The security plan will address the number of deputies to be assigned for direct prisoner security, the number of deputies assigned as Deputy, transportation arrangements to and from the courthouse, or other holding facility, type of vehicle(s), number of vehicle(s), transporting personnel, use of decoy vehicle, or need for other specialized equipment or personnel.
2. Communications including frequencies, channels, and radios issued to personnel.
3. Perimeter security of the courthouse, including but not limited to securing all doors opening to the outside, rooftop security.
4. Interior security including use of magnetometer use, roving patrols.
5. Seating arrangements inside the courtroom (to be coordinated with presiding judge and Commonwealth's Attorney), including seats for the media, victim(s) and family, defendant's family and friends, and witnesses (use of outside witness rooms preferred; separate seating for prosecution witnesses and defense witnesses).
6. Personal protection needs for the presiding judge, witnesses, attorneys, and jurors (sequestering determined by presiding judge). This security may address the needs of personal vehicular, and/or residential protection.
7. Building Search/Shakedown, including, if needed, a canine assisted search.
8. Media relations plan, including designating a media liaison, providing space for the media, or other needs.

D. Staff Coordination: Prior to the opening of the trial, briefing(s) will provide information needed to conduct the trial as well as to discuss other planning and strategy options. The result of this planning is a contingency plan to address the potential events.

E. Incidents:

1. If information is gathered that suggests there is an imminent threat to the trial, deputies will immediately advise the judge. Action taken to recess, postpone, or

- move the trial will be discussed and determined.
  2. In the event of an actual incident, deputies working in the courtroom will immediately secure the prisoner, the judge and court personnel, the jury, and advise the supervisor. Back-up will be requested, and the contingency plan implemented.
  3. Threats of actual events will be documented.
- F. Critique: Following the conclusion of the trial, the Courthouse Security Supervisor may critique the trial with staff focused on the notification, planning, implementation and outcome of the activities related to the trial.
- G. Seizing Property: Property seized in the course of a high security trial, particularly at the location of the magnetometer, will be processed and held until the conclusion of court.

## **V. EMERGENCY PROCEDURES (fire, bomb, escape, etc.)**

### **A.. MEDICAL EMERGENCIES**

1. Medical Emergencies - General Public - If a medical emergency arises involving a member of the general public or a courthouse employee, the Deputy will contact, or have another person contact the dispatcher to call for rescue.
2. Medical Emergencies Involving Prisoners - The Deputy should ask that the rescue squad be contacted. If a prisoner in a courtroom exhibits signs that he may need emergency medical care, the prisoner will be immediately removed from the courtroom, the rescue squad will be called.

### **B. FIRE AND 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. Fire Alarms - When a fire alarm is sounded, the courthouse will be evacuated except for sworn personnel of the Sheriff's Office and persons remanded to the custody of the Sheriff.
  - a. Advise dispatch to notify the Fire Department and Rescue Squad, and call other deputies to assist if necessary.
  - b. Notify the highest ranking officer 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 Services personnel closest to the alarm check the area of the alarm for a possible fire and report to the on scene supervisor.
3. Reports/Emergency Notification - Following an alarm, or an actual fire, the Courthouse Security Administrator will file an Incident Report, with other staff involved filing supplemental reports.

### **C. BOMB THREATS**

Bomb Threats are handled according to the Bomb Threat Policy.

### **D. HOSTAGE/BARRICADE SITUATION IN THE COURTHOUSE**

Hostage/Barricaded person(s) calls will be handled according to the Hostage Policy.

## **VI. ESTABLISHING A COMMAND POST: SCENE COMMAND**

- A. As soon as the situation allows, the supervisor on the scene will establish a command

post for the purpose of coordinating the activities of all units involved. The command post should include radio and telephone communications, floor plans, and other items required by the situation.

1. The command post may ultimately be comprised of appropriate Sheriff's Office Command staff, and when necessary other supervisory personnel of the assisting agencies.
2. Overall command of the scene will rest with the ranking member on the scene.

## **VII. COURTHOUSE EVACUATION PLAN**

- A. Evacuation of Judges – The Deputies will ensure that the Judges will be evacuated from their courtrooms, and offices, and escorted from the building.
- B. Evacuation of Jurors – The Deputy assigned as the Jury Coordinator will take the appropriate action to ensure the safety of jurors while protecting the integrity of the trial proceedings.
  1. All jurors will be directed from the courtroom through the back hallway following evacuation of the judge.
  2. The Deputy will remain with the jury during the evacuation, and will escort the jurors to the rally point.
- C. Evacuation of Courthouse Employees: When the employees of the Courthouse are given the order to evacuate the following procedures shall be followed:
  1. Close the door in his/her area.
  2. Personnel will turn off all non-essential equipment and proceed to their assigned assembly location. This procedure provides for the safety of public safety responders and preservation of equipment within the facility.
  3. Leave by the nearest safe stairwell exit. Elevators are not recognized as exits in an emergency evacuation plan and should not be used in the event of a fire emergency.
  4. Each office liaison will contact the Courthouse Security Administrator at a designated phone number and let him/her know if all of their personnel have exited the building or if someone is still inside.
- D. Evacuation of General Public/Witnesses – The general public and witnesses will exit the courtroom through the lobby doors and go to the nearest descending stairwell if stairs are required. They will exit the back entrance and proceed to the parking lot below the jail building.
- E. Evacuation of prisoners – The following procedures will be followed for evacuation of prisoners from the courthouse:
  1. Prisoner Movements – If a fire alarm sounds during a court proceeding where a prisoner is present, the Deputy will immediately remove the prisoner from the courtroom and secure the prisoner in the holding cell area nearest the courtroom. The prisoners will be moved to the jail.
  2. Consideration During Prisoner Evacuation – Deputies will ensure that courtrooms and judges' chambers are clear and secure prior to the transport of prisoners through these areas. Efforts should be made to keep juvenile, female and adult inmates separate during the evacuation.

## **VIII. ESCAPES FROM CUSTODY**

- A. Identification of the Escapee(s) - When the identity of the escapee(s) has been determined, the jail will be requested to provide information to the scene supervisor including, but not limited to a photograph, physical description, address, visitor information, criminal history information, family information, past employers, etc. A copy of the photograph along with a physical description will immediately be furnished to any assisting agencies and to any officer assigned to search for the escapee(s). A teletype of a confirmed escape and descriptive information will be transmitted by the Communications Center.
- B. Securing the Courthouse - If there is reason to believe that an escape has occurred, the officer on scene will immediately order the courthouse doors secured, order external perimeter security, as necessary, and request assistance from the Sheriff's Office deputies and other agencies.
- C. Search of the Courthouse - A systematic search will be conducted of the courthouse. The ranking member on the scene will designate deputies to begin searching the courthouse. As offices of the courthouse are searched, the areas will be secured by the best means possible. Deputies participating in the interior search will be armed.
- D. Securing a Warrant – The scene supervisor will secure a warrant for escape.
- E. Post-Incident De-Briefing – At the conclusion of the incident, the ranking member will prepare a de-briefing report. This report will include, a summary of all events, copies of relevant reports and means to which may have contributed to the escape.

## **IX. COURTHOUSE SECURITY EQUIPMENT**

- A. Walk-Thru Metal Detectors and X-Ray Scanners located at each of the two public entrances.
- B. The following equipment will be supplied to the Deputies and courthouse security: hand-held scanner, handcuffs, leg shackles and belt restraints.

## 4-24 Bomb Threats/Bomb Incidents

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Bomb Threats/Bomb Incidents</b>	<b>NUMBER: 4-24</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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### I. POLICY

All possible efforts shall be made to prevent the detonation of explosive 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 all bomb threats and incidents where an explosive device has been detonated. The bomb technician will then determine if a response to the scene is necessary.

### II. 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.

### III. PROCEDURES

#### A. Receiving the threat:

1. It should be kept in mind that the citizen who received the threat is the key to the Office's 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. The officer-in-charge should set up this post at a reasonable distance away from the threatened building. All responding personnel must report to this post for assignment. At this time, the officer-in-charge will notify the Sheriff, Major and Captain. The Virginia State Police Arson Bureau bomb technicians should be contacted. The Virginia State Police bomb technician can make a determination, whether a response to the scene is necessary. However, the Virginia State Police bomb dog or another trained bomb dog 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. 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 prohibited 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.
5. Evacuation Procedure
6. 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 will, in all cases, order immediate evacuation. If the threat is within the Courthouse facility, Courthouse Security shall handle the evacuation and the evacuation shall be mandatory.
7. 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.
8. 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.
9. Sheriff's Office personnel should be stationed in such a manner that they can prevent anyone from entering the area.
10. When an evacuation order is given, the Patrol Division Commander should be notified and should immediately respond to the target location as officer-in-charge.

D. 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.

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, Wytheville, VA. If the State Police bomb technicians are not available, contact the E.O.D., 57th Ordinance Detachment, at 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 from 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.

E. 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 deputy 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 or Major
  - 2) Bureau of Alcohol, Tobacco and Firearms
  - 3) Virginia State Police Arson Bureau bomb technician
  - 4) Criminal Investigation Division

F. Investigative responsibility

The Tazewell 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 Tazewell County Sheriff's Office, and State Police Arson Bureau. The

primary responsibility for investigating actual bombing incidents will remain with the Tazewell 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, police communications personnel must inform ATF of the FBI's decision to relinquish jurisdiction in the incident.

## 4-25 Hostage/Barricade Situation

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Hostage/Barricade Situation</b>	<b>NUMBER: 4-25</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR 5.01</b>	

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### I. POLICY

Hostage and barricade situations present extreme danger to deputies and citizens. Each hostage/barricade situation is different, but a basic plan may provide deputies with guidelines to help defuse the situation safely.

### II. PURPOSE

To set operational guidelines for the handling of hostage and barricaded person situations. The safety of deputies, hostages, and innocent bystanders is of paramount concern.

### III. PROCEDURE

#### A. Barricaded Person And 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. Communications shall notify the Chain of Command
- 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. Remember, deputies cannot force citizens to evacuate their homes, they can only request that they do so.

##### 2. Notification of Special Response Team

- a. If the necessity for a Special Response Team presents itself, the closest available Special Response Team will be called.

##### 3. Establishing Command Post; Command at Scene:

- a. As soon as the situation allows, the supervisor on the scene will establish a

command post for the purpose of coordinating the activities of all units involved.

The supervisor should ensure that the location selected for the command post is in a safe location. In addition, the ranking supervisor shall ensure that the communications center has been advised of all necessary information.

- b. Overall command of the scene will rest with the highest-ranking supervisor on scene. They will remain in command until a higher-ranking authority dictates otherwise.
- 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. The decision to use deadly force, to employ chemical agents, or to assault a barricaded position, shall rest with the person in charge or in their absence the on scene commander. This does not apply to exigent circumstances arising during the situation requiring immediate action to protect life.

#### 4. Inner and Outer Perimeters

- a. Patrol units may be assigned to control the outer perimeter.
- b. A supervisor will 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.

#### 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 Release of Information policy.

#### 7. Communication with Suspects

Trained negotiators shall conduct communication with suspects. Negotiators shall utilize accepted practice and whatever equipment necessary to maintain communications. All communications with suspects shall be recorded, when possible. Negotiators shall advise the command post on intelligence gathered, the emotional condition of the suspect/hostage-takers and hostages, and other relevant information. Negotiators should have their own support staff that have been trained to function in different assignments.

#### 8. Negotiators

- a. Communications with suspects.
- b. Intelligence gathering.
- c. Maintain stability of suspect.
- d. Suspect manipulation. (When necessary)

#### 9. Negotiating Demands

The following items are nonnegotiable:

- a. Weapons
- b. Illegal or illicit drugs and alcohol

All other 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, the Major, or in their absence the on scene commander.

#### 10. 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 suspect's 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, if available, shall be placed on the vehicle to allow the vehicles location to be pinpointed 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 his designee.

#### 11. De-escalation

Once the hostage taker has been captured, the following actions shall be performed:

- a. The suspect shall be removed from the scene immediately in a screened unit following an extensive search of his or her person incident to an arrest. The investigating deputy shall take the suspect to a place of interrogation.
- b. Hostages shall be removed immediately upon capture of the suspect.
  - 1) The on-scene supervisor shall alert all participants by radio that the hostages are exiting the scene.
  - 2) Medical treatment shall be provided, if needed.
  - 3) Find a quiet area so that hostages may be united with their families.
  - 4) The on-duty supervisor shall assign the investigator to interview each hostage to obtain statements.
- c. The crime scene shall be preserved until processed for evidence by deputies assigned.
  - 1) The area shall remain cordoned off until the on-duty supervisor declares it open.
  - 2) Deputies who are no longer needed shall be cleared for normal assignments by the on-duty supervisor.
  - 3) Investigations shall be made into any surrounding property damage, e.g., bullet holes in neighboring building or destroyed lawns and gardens. Investigations shall include pictures.

#### 12. After action reports

The on-duty supervisor shall submit a comprehensive report to the Chain of Command on all hostage/ barricade incidents.

## 4-26 Communications Procedures

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Communications Procedures</b>	<b>NUMBER: 4-26</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008 April 2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: ADM.24.02, ADM.24.03, ADM.24.05, ADM.24.06, ADM.24.08, ADM.24.09, ADM.25.07</b>	

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### I. POLICY

The Center provides 24-hour communications services for Law Enforcement, Fire Departments, Rescue Squads, General Public and other public service agencies. The Center will provide access to local, state, and federal criminal justice information systems for law enforcement.

### II. PURPOSE

Provide basic criteria for determining what information the Center's Telecommunicators are to relay to law enforcement and other public agency personnel and to provide a uniform procedure for doing so.

### III. COMMUNICATIONS PROCEDURES

The Communications Director oversees the Center and the Director supervises the Dispatch.

#### A. Radio Communications

Radio channels need to remain free of unnecessary and inappropriate transmissions. Standardized procedures maximize efficiency and increase dispatcher/channel availability for necessary traffic, while reducing the possibility of misunderstanding and error.

The Center assigns calls and issues information to responding units applying the appropriate departmental procedures. With the Center's more complete view of operations and resource management, patrol operations/responding units will perform assignments given them.

#### B. Telephone Communications

The Center provides a 24-hour, toll-free telephone access, using the 9-1-1 telephone number, for emergency calls.

All incoming calls, 9-1-1 and administrative, will be answered promptly and each treated as an emergency until proven otherwise.

Telephones are to be used for the transaction of Communications business. Employees shall limit the use of office telephones for personal use and no employee shall use telephones for long distance personal purposes.

**C. National Criminal Information Center / Virginia Criminal Information Network (Teletype) and Automated Data Communications**

The 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 (Computer Aided Dispatch and Sheriff's Pac) and access shall be governed by their respective manuals/regulations.

All communications networks, along with radio, telephone, and mail communications, are reserved for official business only.

**IV. COMMUNICATION OPERATIONS / FEDERAL COMMUNICATIONS COMMISSION REQUIREMENTS**

The Center shall operate radio communications equipment in accordance with FCC Rules and Regulations. These include, but are not limited to:

The FCC assigns frequencies and enforces the operating practices of the radio spectrum and prohibits profane, indecent, or abusive language.

**V. REQUEST FOR SERVICE**

Receiving calls by telephone or radio the Telecommunicators will record the appropriate information needed in the Computer Aided Dispatch (CAD) system and then dispatch the appropriate personnel.

The following information will be obtained and recorded in the CAD system on each call:

- a. Incident Number – An incident number will be issued for each call
- b. Date and Time – The CAD system will automatically generate date and time of the request
- c. Address of Incident – The physical address of the incident
- d. Name and Address of Caller – The physical address of complainant
- e. Telephone Number – Phone number of caller
- f. Zone – Emergency Service Number (ESN) for the area of the incident
- g. Priority:
  1. HIGH (IN PROGRESS) – the event is occurring at the time the call is received or within five minutes. The perpetrator is present
  2. MEDIUM (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
  3. LOW (REPORT ONLY) – the event has occurred more than 30 minutes prior to receiving the call
- h. Initial Statement – The initial statement of the caller
- i. Call Type – Nature of complaint (be as specific as possible)
- j. Unit Assigned – Unit/s assigned to the call
- k. Status - CAD will automatically generate assignment time, en route time, arrival time, and return to service time. This procedure will also log times of change location, subject under arrest, and en route to jail

- l. Notes – Descriptive information: white house with green trim; blue truck; or paved driveway
- m. Data Retention Schedule – All data captured by the CAD system is currently maintained and stored through the use of archives.

## **VI. RADIO COMMUNICATIONS PROCEDURES**

The Telecommunicators should always be prepared to handle and interpret any and all radio traffic from field units. Communications shall utilize plain language and the Phonetic Alphabet

- A. Listed below are specific circumstances that will require communications between the Center and field units: dispatching calls for service and the units acknowledging receipt; units arriving on scene; units clearing from calls for service; units changing status; units requesting information via NCIC/VCIN; units relaying information reference to call; units requesting back up or assistance; Lookout (BOLO) Broadcasts; and units requesting other persons or departments be notified due to conditions that need special attention.
- B. All police, fire, and rescue units will relay changes in status to the Center immediately. This information will be logged on the CAD system to display if the unit is available or out of service for pending calls. Telecommunicators will check status of units.
- C. The Center will transmit radio traffic to units by giving the Center's call sign and then the unit's agency's name and/or designated unit number.
- D. The Center can communicate with Fire, Rescue, and other public safety agencies via municipal frequencies, pager (voice and alpha numeric) and telephone.
- E. In the case of any major incident, the Center will notify the patrol supervisor for response for the purpose of a more thorough assessment of manpower allocation and then, if required, notify the departmental Chain of Command via radio, telephone and/or pager.
- F. Do not request services, give elaborate dispositions, or transmit messages over the radio when they can be communicated by other means. Requests for listings, case numbers, the relaying of messages, etc., which are not of an emergency nature, should be handled from a secured phone. Remember, cellular phones are not a secure means of communications.
- G. Acknowledge messages but do not acknowledge a message until it is fully understood and necessary information is noted.
- H. When additional assistance is needed, the request shall be made as brief and clear as possible. Supervisors should be informed in the event of major crimes or other circumstances, which require the supervisor's presence on the scene i.e. serious injury and fatal accidents, major traffic problems, personal injury, or use of force.
- I. Generally, only one unit will be assigned to handle any one call; however, certain calls and situations may require the dispatching of an additional (backup) unit to ensure officer safety and adequately deal with the problem and include: an assault on an officer; on scene arrest for a felony or violent misdemeanor; resistance to an arrest; use of force; a crime in progress; domestic violence calls; or a fleeing suspect. At no time will more than two units be designated to go to the scene of an incident unless requested by a patrol supervisor. This does not include additional units, which may be assigned to cover escape routes, etc., as directed by Communications or a patrol supervisor.
- J. If additional units are required at the scene of an incident, Communications personnel shall assign the closest available unit.
- K. It shall be the responsibility of each unit of the department who uses the radio to keep the dispatcher advised of their status. To ensure proper command and control, each unit is responsible for advising their status and location when leaving their vehicle. Upon return

- to the vehicle, officers shall immediately update their status. Additionally, changes of location by mobile units assigned to events shall be relayed to the dispatcher.
- L. It shall be the responsibility of the Dispatcher to check the status of any officer out of their vehicle for more than five minutes. No response to the dispatcher or a negative response is given; the dispatcher shall immediately dispatch another officer to the location of this officer.
  - M. When contacting the dispatcher, units shall state their mobile unit designator and await dispatcher acknowledgment.
  - N. Points of law, policy, or procedural decisions, etc., will not be made by dispatchers regarding operations performed by mobile units. If an officer needs advice or assistance, a patrol supervisor is to be requested.
  - O. "Be On Lookout (BOLO) broadcasts will be transmitted as soon as radio traffic permits. Prior to issuance, broadcast a single alert tone for 1 to 2 seconds, wait 5 to 10 seconds for station to clear and give lookout.
  - P. Communications personnel will be advised of all Requests for Service received by mobile units. Information, such as name, address, phone numbers, and nature of complaint, will be relayed to Communications personnel soon as possible.
  - Q. All calls will be answered, if not our jurisdiction it will be turned over to appropriate agency. If jurisdiction can not be determined no IBR will be completed.
  - R. The 24-hour time system shall be used by Communications in all operational transmissions.
  - S. Records are accessible 24 hours a day.

## **VII. ACCESS TO DEPARTMENTAL RESOURCES**

Center personnel shall have immediate access to the following:

- A. Name of Officer in Charge.
- B. Officer Roster of all personnel with unit number, Name, residential telephone numbers and if applicable alpha numeric pager telephone numbers.
- C. Duty roster for incoming shifts.
- D. Visual maps detailing the agencies' service areas are stored electronically on the Geographic Information System (GIS). The Center also has Map books for back up.
- E. Officer Status information reference to training, sick leave and vacation.
- F. On-call schedules for departmental Investigators and Narcotics.
- G. External services are contacted by the Center during emergencies by telephone; the numbers are on card files and lists at each Telecommunicator's console and on 9-1-1 answering system's computer speed dial. On-call schedules for agencies providing support services.

## **VIII. COMMUNICATIONS CENTER SECURITY**

Security measures taken to protect the Center personnel and equipment include:

- A. Locked doors restricting public access to the dispatch area and communications equipment
- B. Access to Communications Center is limited to authorized personnel only and includes:
  - 1. Employees of the Center
  - 2. All persons exercising command authority over the Center
  - 3. Any Senior Staff officer of the department
  - 4. Supervisors on a need-to basis

5. Any person, when authorized by the Sheriff
  6. Other Law Enforcement personnel
- C. In the event of an evacuation of the Center, the Local Exchange Carrier (LEC)-Verizon, will forward 9-1-1 emergency calls to Russell County E-911. The Center can then set up the Mobile CML laptop computer at a site, utilizing two telephone land lines and tap into the CML Computer and Verizon's Data Base.

#### **IX. RECORDED TELEPHONE AND RADIO COMMUNICATIONS**

All radio and emergency telephone communications will be recorded on Digital Versatile Disc (DVD) and these recordings will be in accordance with the Code of Virginia. Additional directives are as follows:

- A. The recordings will be stored for a period of not less than four (4) years.
- B. The recordings shall be stored in a locked filing cabinet in the Director's office.
- C. These tapes will be used for "official business only". Playback will be reserved to investigate complaints and recall specific information to further the Center's mission. Access to tapes will be restricted to the Sheriff, Major, Director of Communications, Command Staff personnel and Investigators.
- D. Requests for duplicates for agency personnel and or other emergency service personnel will be forwarded to the Communications Director. Primarily duplicates are made as evidence for deputies and other officer's in criminal cases. The Sheriff must first approve other requests for duplicates for deputies.
- E. If a request is received for a copy of a recording, the requesting agency must provide in writing the date, time and incident. The Director of the Communications Center, upon approval, will make any copies of tapes.

#### **X. ALTERNATE SOURCE OF ELECTRICAL POWER**

In the event of an electrical power interruption, the Center has battery backup for the radio consoles, 9-1-1 and CAD computers, and the NCIC/VCIN terminals. The battery backups will temporarily power the pertinent communications equipment until the propane-powered generator automatically starts. The generator supplies power to the entire floor of the Center.

The generator automatically starts and runs for 15 minutes at 1500 hours on Friday to ensure proper start-up. This event shall be logged in the Dispatcher notes.

## 4-27 Incident Reporting/Records

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Incident Reporting/ Records</b>	<b>NUMBER: 4-27</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: ADM.25.01, ADM.25.03, ADM.25.06, ADM.25.07, ADM.25.10, OPR.02.03, OPR.13.01</b>	

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

### I. POLICY

Incident Reports are required when a crime is reported or observed.

### II. PURPOSE

To maintain Incident Based Reporting and Records Retention.

### III. PROCEDURES

#### A. Incident Reporting Requirements

1. Documentation of incidents, which come to the attention of any employee of the Sheriff's Office or any citizen report, complaint, or request for service, shall be required in the following:
  - a. Criminal or suspected criminal incidents, felony and misdemeanors;
  - b. All property damage traffic accidents.
  - c. Followup investigations;

#### B. Outside of office patrol

1. The Tazewell County Sheriff's Office utilizes the following pre-printed and computerized report formats for field operations:
  - a. Offense/IBR Report;
  - b. Supplement Report;
  - c. Virginia Uniform Summons
  - d. Notice of Vehicle Impoundment/Immobilization;
  - e. Accident form- FR-300p
2. Case Numbering
  - a. All incident reports initiated by the department shall be assigned a case number.
  - b. The report number 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 backup units with the same case number as the original call for service.
3. Review of Reports  
The supervisor receiving a report during his shift shall review the report for accuracy, completeness, legibility, etc., and, after his review and approval, shall sign off on the

report.

4. All IBR reports shall be computerized.

C. Offense/IBR Report

1. Every IBR Report shall include at a minimum the following information:
  - a. Date and time of the initial reporting
  - b. Name of victim(s) and address
  - c. Complainant's name and address
  - d. Incident type and location
  - e. Suspect information
  - f. Vehicles involved
  - g. Stolen/recovered/ found property
  - h. Witnesses name and address.

D. Supplement Report

The Supplement Report has been designed to accomplish the following:

1. To provide a means of adding investigative information to a preliminary report
2. To provide a means of recording followup investigative data in an ongoing investigation
3. To record the court disposition of a case and the disposition of any evidence
4. To record the status of incomplete investigations. These status reports are required every 30 days
5. To record field interviews and interrogations.

E. Distribution of Report

1. All original reports will be turned in to the Shift Supervisor for his review.
2. Reports are reviewed by the Shift Supervisor prior to the beginning of a shift and forwarded to the Records Section.
3. Records Section completes statistical analysis, etc., of reports and files reports accordingly.
4. Original reports are maintained in the Records Section.
5. Accident and offense reports pertaining to larcenies may be released for insurance purposes.

#### IV. OFFENSE AND SUPPLEMENT REPORTS

- A. If an arrest has occurred, the deputy must make an additional copy of the offense report for the Commonwealth Attorney. This copy, along with a copy of the witness list, shall be placed in the box marked "Commonwealth Attorney Reports" in the Sheriffs Office.
- B. An original offense report shall be placed in the Shift Supervisors box. If witnesses are to be subpoenaed, the original witness list shall be attached to the Offense Report with and a copy of the witness list shall be stapled to the back of the original Offense Report.
- C. The Deputy will actively work the case until such time they are notified that the case has been reassigned.
- D. The IBR report will be turned in within 24 hours of the initial report.

Supervisor's Responsibility

1. Ensure deputies complete IBR reports as required.
2. The supervisor will review all documents prior to the end of their shift for accuracy, detail, legibility, and thoroughness. The reporting deputy prior to ending tour of duty will correct any deficiencies.
3. The deputy will make a copy of the IBR report for his/her investigation. The supervisor will make suggestions regarding investigative strategies and techniques to be deployed.
4. Supervisors will check to see that supplements are being filed in a timely manner with professional investigations being conducted. Follow ups will always include re-contacting victims and complainants.

## **V. CASE DISPOSITION**

A supplement report will be submitted on all active cases, where an arrest is made, detailing the disposition of that case in court.

## **VI. RECORDS ADMINISTRATION**

A. Records function includes, but is not limited to:

1. File all reports in numerical order and maintain within the Records section.

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. Dispositions of criminal cases
5. 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. The investigating deputy or detectives maintains case files of active confidential investigations, such as undercover drug investigations. All other case files, when closed or inactivate are then submitted to the Records Section.

The Virginia State Police maintain traffic accident and enforcement analysis reports that are available to the Sheriff's Office. All records will be retained by the Code of Virginia.

## **VII. INCIDENT BASED REPORTING - PROCEDURES FOR COLLECTING AND SUBMITTING CRIME DATA**

Crimes are classified in accordance with guidelines established by Incident Based Reporting. All reports, citations, and arrests are entered into the records system during each calendar month. IBR data is transmitted via internet to the Virginia State Police in Richmond.

## **VIII. WARRANT/WANTED PERSONS FILE**

A. The Warrant/Wanted Persons File consists of:

1. Document file warrants, Capias, etc., are filed alphabetically by suspect's last name
2. 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 computer and placed on file with the original complaint.

**B. Procedures-VCIN/NCIC Entries**

1. Authority must be obtained from the Commonwealth Attorney before any wanted person is entered into VCIN/NCIC system.
2. Wanted persons are entered into VCIN/NCIC by communications 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 Sheriff's Office shall be made quarterly. Similarly, quarterly audits are made of the unserved warrants file. Three-year-old misdemeanor warrants and seven-year-old felony warrants are forwarded to the Commonwealth Attorney in compliance with State Statute for disposition.

**IX. PHYSICAL ACCESS**

The criminal history record information shall be collected, stored and or disseminated only by authorized personnel of the Sheriff's Office, and is available to such personnel 24-hours a day. The personnel are identified as the Sheriff, Detectives, or any other designee of the Sheriff. Each of these personnel shall be familiar with the policies set forth herein.

The physical repository of records shall be in the office of the Sheriff. The designated personnel shall have physical access to that repository.

The keeper of records for the Sheriff's Office is the Sheriff.

**X. DISSEMINATION OF INFORMATION**

A criminal history record may be disseminated to eleven categories of agencies or individuals: Officers or employees of criminal justice agencies at the local, state or federal level (police, court, magistrate, parole officer, FBI, commonwealth attorney, etc.) Dissemination must be for one of two purposes: Law enforcement purposes; and an agency performing a background investigation for purpose of employment.

**THERE ARE TEN OTHER CATEGORIES OF AGENCIES OR INDIVIDUALS WHO HAVE LIMITED ACCESS TO CRIMINAL HISTORY RECORDS. THESE ARE:**

1. An individual authorized by law or executive order. Primarily, federal agencies investigating the record of employment applicants.
2. Contractual data services.
3. Individuals or agencies for the purpose of research subject to approval of the Sheriff by terms of a written agreement.
4. Federal agents investigating individuals for security clearances.
5. Individual or agency that has obtained a specific court order to receive the information.
6. A political subdivision with a specific ordinance in effect which authorizes researching the records of persons applying for permit, license or employment. (Or public or private agencies as required by law to investigate prospective foster or adoptive parents may check the criminal history record of said applicants in emergency situations only.)
7. Public service companies may check the record of applicants for employment which

involves public contract (example: power company meter reader, telephone company repair person)

8. Federal agent investigating an applicant for citizenship or international travel.
9. An individual checking his/her own record. The employee releasing this record must first obtain positive identification from the person.
10. Any individual or agency that possesses a written request to release an individual's record which is signed by the named individual and the individual's signature is notarized.

#### **XI. RECORD OF DISSEMINATION**

The Sheriff's Office shall maintain a record of dissemination of criminal history records. The employee releasing the information shall enter into record of dissemination the following data:

- A. Date of dissemination
- B. Name of the person or agency receiving the information
- C. Name of the person whose record was disseminated
- D. Name of the person disseminating the information

Additionally the appointee releasing the information shall make a note of the date(s) of dissemination on the subject criminal history record. This will facilitate cross-referencing to the chronologically kept record of dissemination.

The record of dissemination shall be kept for a period of not less than three years after the date of dissemination.

#### **XII. CHALLENGE OF RECORDS**

Individuals may challenge their own criminal history by executing and delivering the appropriate form to this Office. A copy of the challenged record may be furnished to the individual. This copy must be marked "not to be disseminated further except as provided by law".

If a challenge is made of a record maintained by an agency, the manual and/or automated record shall be flagged with the message "Challenged Record". All disseminated records shall contain this message while under challenge.

If the challenged record pertains to the arrest information the agency shall examine all relevant files to determine the validity of the challenge. If no errors are found, the agency shall then notify the agency where the review and challenge occurred, which shall, in turn, notify the individual or his attorney of the action taken.

If the challenge record pertains to the disposition information the agency shall compare contents of challenge with the information supplied by the Clerk of Court. If no errors are found, the agency shall forward the challenge to the Clerk of the Court originating the disposition for examination of the court records pursuant to the Challenge. The arresting agency shall then notify the individual or his attorney of the action. The Clerk of the Court shall cause the court records to be compared with the contents of the challenge to determine if there are discrepancies in the disposition segment of the record maintained by

the arresting agency of those agencies that are party to the challenge, of the results and any corrective action. The agency in which the challenge occurred shall notify the individual or his attorney of action taken.

### **XIII. EXPUNGEMENT**

Pursuant to 19.2-392.2 Code of Virginia (1950) as amended, the Tazewell County Sheriff's Office upon receiving a court order directing expungement of a record shall:

- A. Remove that record from its repository, clear computer, and remove jail jacket from jail files.
- B. By date of expunged offense, research chronological records of arrests and removes the individual's name from that and all other records addressing the expunged offense.
- C. Seal and mark the file "Expunged record to be unsealed only by order of the Circuit Court of Tazewell County.
- D. Use of index number to identify it.
- E. Place it in a file to be kept separate from other files.
- F. Notify Criminal Justice Services Board of documented dissemination receipts of the expungement so they can notify them of expungement.
- G. Notify the Director of the Commonwealth of Virginia Criminal Justice Services Board of compliance to court orders.
- H. The Sheriff of Tazewell County, Virginia, or his specific designee only shall accomplish or supervise the expungement. The Major shall safely keep the expunged record files.

### **XIV. PENALTIES**

The VA Code 2.2-3714 addresses remedies and penalties for the improper dissemination of criminal history information record history. This disclosure of information could take many forms, even casual conversation, inadvertently leaving materials out that can be read in view of unauthorized persons, and releasing this information with good intentions to unauthorized person. All members of the Sheriff's Office shall familiarize themselves with all VA Codes pertaining to criminal history record information.

## 4-28 Evidence Room Management

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Evidence Room Management</b>	<b>NUMBER: 4-28</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, November 2010, March 2015</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:Adm.16.02</b>	

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

### I. POLICY

Establish accountability for all property and evidence. Ensure only authorized personnel have access to the evidence room. The evidence custodians are responsible for all property placed in their care.

### II. PURPOSE

Ensure all evidence collected by the officer is handled correctly.

### III. PROCEDURES

Listed below are the responsibilities of both the deputies and evidence custodians:

#### A. DEPUTY RESPONSIBILITY

The deputy shall be responsible for proper packaging and labeling of all items collected. An IBR must be completed before submitting the property to the evidence room.

1. All evidence gathered must be placed in the evidence lockers or the evidence room no later than the end of the shift. The item must be properly labeled, and packaged before submitting. ([see evidence labeling and packaging](#))
2. The officer will attach a copy of the IBR to the evidence when placing it into temporary evidence storage. The officer has the responsibility for ensuring that the evidence locker is properly locked.
3. Property or evidence that is too large to be held in the evidence lockers will have to be placed directly in the evidence room. In which case, the evidence custodian shall be called to place the item into the evidence room. If the evidence is too large and cannot be placed into the evidence room, a storage facility shall be rented upon approval.
4. Refrigerated evidence will be stored in the evidence refrigerator secured by a pad lock. The key will be in the pad lock. Once the evidence is placed into the refrigerator and locked the key will be placed into evidence. The refrigerator is located in the forensic room. The key to the forensic room is on the key board. The deputy will have to use his/her peg to retrieve the key to the room.

5. The officer has the responsibility of contacting the appropriate person for release of items. Arrangements must be made with the Evidence Custodian for time and date of release.

#### B. EVIDENCE CUSTODIAN RESPONSIBILITY

The Evidence Custodian is responsible for evidence management functions within the Sheriffs Office. The Evidence Custodian and the Secondary Evidence Custodian will retain the keys to the evidence lockers and evidence room. The Evidence Custodians will be supervised by the Major.

Custodial procedures are as follows:

1. Items such as jewelry, guns, and money will be stored in a safe located in the evidence room. Narcotics will be stored in a locked cabinet in the evidence room.
2. Locked refrigerated storage is available for perishable items.
3. Records maintained by the Evidence Custodians reflect the status of all evidence and found property held by the Sheriffs Office. A log will be kept in the evidence room reflecting the entrance and exit of all personnel into the evidence room.

The computer will reflect the entry, removal, return, or destruction of the evidence. The Evidence Custodian and the Secondary Evidence Custodian will maintain this computer.

#### C. DISPOSITION ORDERS

Disposition orders will be completed once all legal requirements are met. The proper disposition on the item will be checked. If the item is destroyed, destruction method will be annotated on the bottom of the order.

#### D. COURT ORDER DESTRUCTIONS

1. Court Order destructions can be done when the evidence is used in court, and is not returnable to the owner.
2. The order will be filled out by the officer, and taken to the appropriate court for the Judges signature.
3. The order will then be turned over to the evidence custodian for completion of dispositional status.
4. Once dispositional status is completed the evidence custodian will return the order to the appropriate court for notarization.
5. The order will then be placed on file by the evidence custodian.

#### E. RETURNED PROPERTY

1. When property is returned to the owner or family member, the appropriate return form

will be completed and signed by the returning officer along with the person receiving the item.

#### F. INVENTORIES/INSPECTIONS

Inventories and inspections of the evidence room will be performed as follows:

1. On a quarterly basis, the Major or his/her designee will conduct an inspection to ensure adherence to procedures for the control of property.
2. On a biannual basis unannounced inspections of property storage areas will be conducted as directed by the Sheriff.
3. On an annual basis, a documented annual audit of two pieces of high risk and three pieces of general evidence shall be conducted by a person not routinely or directly connected with the control of property. The person to conduct this inventory shall be appointed by the Sheriff.
4. In the event of a change of Evidence Custodian, a complete inventory will be done.

## 4-29 Rules of Conduct

TAZEWELL COUNTY SHERIFF'S OFFICE	ADMINISTRATION
SUBJECT: <b>Rules of Conduct</b>	NUMBER: 4-29
EFFECTIVE DATE: January 2006	REVISED: May 2008
AMENDS/SUPERSEDES:	APPROVED:  Brian Heatt, Sheriff
VLEPSC STANDARDS: PER.03.06, PER.04.02, PER.09.01	

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

### I. POLICY

Employees must at all times conduct himself/herself in a manner that does not bring discredit to the employee, the Office, or the county.

### II. PURPOSE

An appointee of this office is the most conspicuous representative of government, and to the majority of the people a symbol of stability and authority upon whom they can rely. The conduct of a member or an employee is closely scrutinized, and when actions are found to be excessive, unwarranted or unjustified they are criticized far more severely than comparable conduct of persons in other walks of life.

### III. PROCEDURE

#### GENERAL

1. CONFLICT OF ORDERS / LAWS To permit effective supervision, direction, and control, employees should promptly obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. In the event an employee is given two apparently lawful but different orders that may be in conflict, the last order given should be complied with unless the order is retracted or modified. In the event an employee receives conflicting orders, the employee should inform the person giving the last order of the conflict of orders. That person giving the conflicting order should then resolve the conflict by either retracting, modifying or requesting the employee to comply with the latest order. In the event the conflicting order is not altered or retracted, the employee will not be held responsible for disobedience of the order or directive previously issued. Employees of the Sheriff's Office are not required to obey any order which is contrary to the laws of the United States, Commonwealth of Virginia, or ordinances of the Tazewell County Sheriff's Office. However, such refusal to obey is the responsibility of the employee and he will be required to justify his action.
2. IMMORAL CONDUCT-Appointees shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Deputies shall not participate in any incident involving moral turpitude that impairs their ability to perform as law enforcement officers or causes the Office to be brought into disrepute. All sworn deputies shall sign and abide by the Law Enforcement Code of Ethics.

3. CONFORMANCE TO LAWS-Appointees shall obey all laws of the United States and of any State and local jurisdiction in which they are present. A conviction of any law shall be prima facie evidence of a violation of this action.
4. REPORTING FOR DUTY-Appointees shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this Section.
5. NEGLECT OF DUTY-Appointees shall not read, play games, watch television or movies or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They shall not engage in any activities or personal business that would cause them to neglect or be inattentive to duty.
6. FICTITIOUS ILLNESS OR INJURY REPORTS-Appointees shall not falsify illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Office as to the condition of their health.
7. SLEEPING ON DUTY-Appointees shall remain awake while on duty. If unable to do so, they shall so report to their Supervisor, who shall determine the proper course of action.
8. LEAVING DUTY AREA-Appointees shall not leave their assigned duty area during a tour of duty except when authorized by proper authority.
9. MEALS-Appointees shall be permitted to suspend assigned activity, subject to immediate call at all times, for the purpose of having meals during their tour of duty. Appointees are encouraged to take no longer than 30 minutes for meals, and no more than two (2) patrol deputies should eat at any given location at any given time. Patrol deputies will advise communications by radio when they are out of service for a meal on all shifts and give their location.
10. UNSATISFACTORY PERFORMANCE-Appointees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Appointees shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Office. Unsatisfactory performance may be demonstrated by:
  - a. a lack of knowledge concerning the application of laws required to be enforced;
  - b. an unwillingness or inability to perform assigned tasks;
  - c. the failure to conform to work standards established for the deputy's rank, grade, or position;
  - d. the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving law enforcement attention; or absence without leave.
  - e. In addition to other indicators or unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance; repeated poor evaluations or a written record of repeated infractions of rules, directive or orders of the Office.
11. ALCOHOLIC BEVERAGES AND DRUGS IN SHERIFF'S INSTALLATIONS-Appointees shall not store or bring into any Sheriff's Office facility or vehicle alcoholic beverages,

controlled substances, narcotics or hallucinogens. The exception shall include alcoholic beverages, controlled substances, narcotics or hallucinogens, which are held as evidence or meet an accepted, "property" criteria.

12. POSSESSION AND USE OF DRUGS-Appointees shall not possess or use any controlled substances, narcotics, or hallucinogens except when prescribed as treatment by a physician or dentist. When controlled substances, narcotics, or hallucinogens are provided, deputies shall notify their supervisor. All members of the Sheriff's Office are subject to drug testing upon reasonable suspicion being present. Testing may include urine testing, blood withdrawal, or breathalyzer examination
13. USE OF ALCOHOL ON DUTY OR WHILE IN UNIFORM-Appointees shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a supervisor. Appointees shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath. All members of the Sheriff's Office are subject to alcohol testing upon reasonable suspicion being present. Testing may include urine testing, blood withdrawal or breathalyzer.
14. USE OF ALCOHOL OFF DUTY-Appointees, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them to the Office, or renders the Deputies unfit to report to their next regular tour of duty.
15. USE OF TOBACCO-Appointees, when in uniform, may use tobacco as long as
  - a. they are not in formation;
  - b. they do not have to leave their assignment or area for the sole purpose of doing so; and
  - c. they are not engaged in traffic direction and control.
  - d. When in citizen's businesses, homes, or immediate presence, deputies should abstain from using all tobacco products.
  - e. Use common sense and discretion when using tobacco products in public. Do not smoke in areas designated as "no smoking areas". Spitting tobacco juice in waste containers is strictly forbidden. Tobacco stains on the interior or exterior of the Sheriff's Office vehicles will not be tolerated.
  - f. The Sheriff's Office, including the interior of both the main office and the Courthouse are designated "TOBACCO-FREE" and are, therefore, "non-smoking" areas.
16. GIFTS, GRATUITIES; BRIBES OR REWARDS-Appointees shall not solicit from any person, business, or organization any gift (including money, tangible or intangible, personal property, food, loan, promise, service, or entertainment) for the benefit of the deputies or the Office, if it may reasonably be inferred that the person, business, or organization:
  - a. Seeks to influence action of an official nature to affect the performance or nonperformance of an official duty, or
  - b. Has an interest, which may be substantially directly or indirectly by the performance of an official duty.
17. ABUSE OF POSITION-Use of Official Position or Identification. Appointees shall not use their official position, official identification cards or badges
  - a. for personal or financial gain;

- b. (2) for obtaining privileges not otherwise available to them except in the performance of duty; or
  - c. (3) for avoiding consequences of illegal acts.
  - d. Deputies shall not lend to another person their identification cards or badges, or permit them to be photographed or reproduced without the approval of the Sheriff. Abuse of Name, Photograph, or Title is prohibited.
  - e. Appointees shall not authorize the use of their names, photographs, or official titles, which identify them as deputies, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the written approval of the Sheriff.
  - f. Upon termination of employment with this Office, no appointee shall be entitled to use any form of identification, photograph, or badge in any manner. All official Sheriff's Office identification must be turned in upon termination of employment. Badges owned by the appointee may not be used following termination of employment.
18. ENDORSEMENTS AND REFERRALS- Appointees shall not recommend or suggest in any manner, except in the transaction of personal business the employment or procurement of a particular product, professional service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.) In dealing with a towing service, when service is necessary and the person needing the service is unwilling to procure it, deputies shall proceed in accordance with established Office procedures and secure the next service on the list.
19. INFORMATION-Employees of the Sheriff's Office will not communicate to the public concerning operations, activities, or matters of Sheriff business, the release of which is prohibited by law or which may have an adverse impact on the Sheriff's Office image, operations, or administration.
20. Employees of the Sheriff's Office will report promptly to a supervisor, information regarding tips on crimes or criminal activity or other relevant law enforcement which may come into their possession. After conferring with a supervisor, employee and supervisor will notify the Sheriff, if appropriate, of the information.
- SUGGESTIONS TO THE SHERIFF- Employees of the Sheriff's Office wishing to make suggestions for the improvement of the Office, or who feel injured or offended by the treatment, orders, or neglect of duty of a supervisor, may communicate either orally or in writing, through the proper channels such suggestion or complaint to the Sheriff; however, certain matters such as those of a personal or confidential nature may be brought directly to the Sheriff. If the Sheriff deems appropriate, he may refer the employee through the chain of command to ensure its proper and efficient functioning.
21. IDENTIFICATION- All deputies shall carry their badges and identification cards on their persons while on or off duty, except when impractical or dangerous to their safety or to an investigation.
22. Deputies shall furnish their name to any person requesting that information, when they are on duty or while holding themselves out as having an official capacity, except when with the withholding of such information is necessary for the performance of law enforcement duties or is authorized by proper authority.
23. CITIZENS COMPLAINTS - Employees shall courteously and promptly **record in writing any complaint made by a citizen against any deputy or this Office**. Employees may

attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any deputy or the Office. Employees shall follow established Office procedures for processing complaints. A copy of such report will be immediately forwarded to the Sheriff.

24. COURTESY - All Employees shall be courteous to the public. All Employees shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, deputies shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle, or similar personal characteristics.
25. REQUESTS FOR ASSISTANCE - When a person applies for assistance or advice, or makes a complaint or report, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Office Procedures.
26. ASSOCIATIONS - Employees shall avoid regular or continuous associations or dealings with persons whom they know are under criminal investigations or indictment. This includes persons who have a reputation in the community or the Office for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the deputies.
27. VISITING PROHIBITED ESTABLISHMENTS - Employees shall not knowingly visit, enter or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the State, or the County are regularly violated as documented by Office records. With the exception that it is in the performance of duty or while acting under proper and specific orders from a supervisor.
28. GAMBLING - Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper, legal, and specific orders from a supervisor. The purchase of lottery tickets while in uniform is prohibited.
29. PUBLIC STATEMENTS AND APPEARANCES - Employees shall not publicly criticize or ridicule this Office, its polices, or other employees by speech, writing, or other expression. Particularly when such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Office, interferes with the maintenance of discipline, or is made with reckless disregard for truth or factual basis.
30. While holding themselves out as representing the Office, employees shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the Office without proper authority. **Employees may lecture on "law enforcement" or other related subjects only with the prior approval of the Sheriff or the next in command.**
31. PERSONAL APPEARANCES - Deputies on duty shall wear uniforms or other clothing in accordance with established office procedures that are specifically stated in the dress

code. Except when acting under proper and specific orders from a supervisor, deputies on duty shall maintain a neat, well-groomed appearance.

32. POLITICAL ACTIVITY - Deputies shall be permitted to:

- a. Register and vote in any election.
- b. Express opinions as individuals privately and publicly on political issues and candidates.
- c. Attend political conventions, rallies, fund-raising functions, and similar activities.
- d. Actively engage in any nonpartisan political functions and sign political petitions as individuals.
- e. Make financial contributions to political organizations.
- f. Serve as election judges or clerks or in a similar position to perform nonpartisan duties as prescribed by State and local laws.
- g. Hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this section.
- h. Otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.
- i. Employees shall not engage in any negative, destructive, or in any other harmful activity directed toward a political candidate, party, or like function.

33. PAYMENTS OF DEBTS - Employee shall not undertake any financial obligations which they know or should know they will be unable to meet, and shall pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, if a good faith effort to settle all accounts is being taken.

34. DISSEMINATION OF INFORMATION - Employees shall treat the official business of the Office as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Office procedures. Deputies may remove or copy official records or reports for law enforcement purposes in accordance with established office procedures. Deputies shall not divulge the identity of persons giving confidential information except as authorized by proper authority. At no time shall originals or copies of DMV, VCIN, or NCIC documents be made available to anyone other than law enforcement, Commonwealth Attorney, Magistrates, Judges, or other authorized agency.

35. INTERVENTION - Employees shall not interfere with cases being handled by other deputies of this Office or by any other government agency unless: A) Ordered to intervene by a supervisor, or B) The intervening deputy believes beyond a reasonable doubt that a manifestation of injustice would result from failure to take immediate action. Employees shall not undertake any investigation to other official action not part of their regular duties without obtaining permission from their supervisor unless the exigencies of the situation requires immediate action.

36. OFFICE REPORTS - Deputies shall submit all necessary reports, such as activity reports, offense reports, complaints, etc., on time and in accordance with established office procedures. Reports submitted by deputies shall be truthful and complete, and no

officer shall knowingly enter or cause to be entered any inaccurate, false or improper information.

37. PROCESSING PROPERTY AND EVIDENCE - Property or evidence, which has been discovered, gathered, or received in connection with Office responsibilities, will be processed in accordance with established Office procedures. Deputies shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other law enforcement action, except in accordance with established Office procedures.
38. ABUSE OF PROCESS - Employees shall not make false accusations of a criminal or traffic charge.
39. USE OF OFFICE EQUIPMENT - Employees shall use Office equipment only for its intended purpose, in accordance with established Office procedures, and shall not abuse, damage, or lose Office equipment. All Office equipment issued to deputies shall be maintained in proper order.
40. OPERATING VEHICLES - Employees shall operate official vehicles in a careful and prudent manner and shall obey all laws and Office orders pertaining to such operation. Loss or suspension of any driving license shall be reported to this Office immediately.
41. TRUTHFULNESS - Upon the order of the Sheriff, his designee, or a supervisor, deputies shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of this Office, which may be asked of them.
42. USE OF POLYGRAPH, MEDICAL EXAMINATION, PHOTOGRAPHS AND LINEUPS –
  - a. Polygraph Examinations: Upon the order of the Sheriff, deputies shall submit to polygraph examinations when the examinations are specifically directed and narrowly related to a particular internal investigation being conducted by the Office. Whenever a complaint from a citizen is the basis for the investigation, the matter is non-criminal, and no corroborating information has been discovered, officers shall not be required to submit to polygraph examination, which is specifically directed and narrowly related to the complaint.
  - b. Medical examinations, Photographs, Lineups: Upon the order of the Sheriff or his designate, deputies shall submit to any medical, ballistics, chemical or other tests, photographs or lineups. All procedures carried out under this subsection shall be specifically directed and narrowly related to a particular internal investigation being conducted by this Office.
43. TREATMENT OF PERSONS IN CUSTODY - Employees shall not mistreat persons who are in their custody. Deputies shall handle such persons in accordance with law and Office procedures.
44. USE OF FORCE - Deputies shall not use more force in any situation than is reasonably necessary under the circumstances. Deputies shall use force in accordance with law and Office procedures.
45. USE OF WEAPONS - Deputies shall not use or handle weapons in a careless or imprudent manner.

46. ARREST, SEARCH AND SEIZURE - Deputies shall not make any arrest, search or seizure that they know or should know is not in accordance with law and Office procedures.
47. TELEPHONE USE - In order that personnel be available and subject to call for emergencies or other situations, it is the policy of the Tazewell County Sheriff's Office that all employees shall have telephones in their residences and the numbers shall be on file with the Sheriff's Office.
48. Personnel shall report any change of telephone number or address immediately to their supervisor, dispatch, and the Administrative Staff Specialist. Unlisted numbers and numbers of employees who request their number not to be released will not be disseminated to the public.
49. BONDSMAN - No sworn deputy sheriff may act as a bondsman for anyone.
50. DISCRIMINATION AND SEXUAL HARASSMENT Personnel of this Office shall not participate in any type of discrimination towards citizens of the county.
51. GENERAL HEALTH / PHYSICAL FITNESS - Employees are reminded and encouraged of the need to maintain themselves in a physical state which will help them perform the different aspects of the job in which they do as well as help them maintain good general health.
  - a. All employees are asked to become involved in self-initiated programs that promote physical fitness.
  - b. Any employee who maintains a state of poor health, considering the employee's age, or appears unfit to perform his/her job will be counseled by their immediate supervisor, in an attempted to correct the situation. If the situation is not corrected, the Sheriff may order that the employee take a physical examination to determine the physical state of the employee. Examinations will be provided at no cost to the employee.
52. MONEY EXPENDITURES - There will be no expenditures of money or financial obligations incurred in the name of the Sheriff's Office by any employee without permission from the Sheriff. No employee shall imply or accept financial liability of loss or damage on the behalf of the county. Any inquires concerning financial liability will be referred to the Commonwealth Attorney or County Administrator.
53. CONFLICT OF INTEREST - The General Assembly of Virginia, recognizes that our system of representative government is dependent in part upon its citizens maintaining the highest trust in their public officers and employees. Consequently, the General Assembly of Virginia finds and declares that the citizens are entitled to be assured that the judgment of public officials and employees will not be compromised or affected by inappropriate conflicts. For purposes of establishing a single body of law applicable to all state / local government officers and employees on the subject of conflict of interests so that the standards of conflict of such officers and employees may be uniform throughout the Commonwealth., the Tazewell County Sheriff's Office will adhere to, and be governed by, the State and Local Government Conflict of Interest Act
  - a. ownership in a business if the ownership interest exceeds three percent of the total equity of the business;
  - b. annual income that exceeds, or may reasonably be anticipated to exceed, \$10,000

- from ownership in real or personal property or a business;
  - c. salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business that exceeds, or may reasonably be anticipated to exceed, \$10,000 annually;
  - d. ownership of real or personal property if the interest exceeds \$10,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; or
  - e. personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business.
54. PERSONAL INTEREST IN A TRANSACTION: A personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his/her immediate family has a personal interest in property or a business, or represents any individual or business and such property, business or represented individual or business;
- a. is the subject of the transaction
  - b. may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.

### 4-30 Citizen Survey

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Citizen Survey</b>	<b>NUMBER: 4-30</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.20.03</b>	

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

#### I. POLICY

It is the goal of the Tazewell County Sheriff's Office to continually strive to better the quality of law enforcement services to the citizens of Tazewell County. As means of evaluation, Citizen Surveys will be conducted to provide feedback for the agency.

#### II. PURPOSE

To aide in the Sheriff's Office ability to better serve the citizen's of Tazewell County.

#### III. PROCEDURE

- A. The citizen survey will be completed at special functions within the county where the Sheriff's Office is present and providing service to the community.
- B. The survey will be available inside the Sheriff's Office for the public and will be available by website.
- C. The survey will be an overall performance of the Sheriff's Office and its employees.

#### IV. CITIZEN SURVEY

**Sheriff Brian Hieatt**  
*Because We Care*  
**Tazewell County Sheriff's Office**

**This citizen survey has been created in order to serve the citizens of Tazewell County with the highest quality of law enforcement.**

Date: \_\_\_\_\_

Please circle the rating below that best describes the question or statement to the left. 1 being the lowest and 5 being the greatest.

1. Rate the deputies Attitude and Behavior toward citizens. 1 2 3 4 5  
2. Please rate the deputies professionalism. 1 2 3 4 5  
3. Rate the overall competency of the Sheriff's Office Employees? 1 2 3 4 5  
4. Are you aware of all the community programs  
the Sheriffs Office provides? (A) Awareness of Scams: Yes No  
(B) Credit Card Fraud: Yes No  
(C) Home Security: Yes No  
(D) Neighborhood Watch: Yes No

5. What safety program would you like for the Sheriffs Office to provide for

- (A) You \_\_\_\_\_  
(B) Your Community \_\_\_\_\_  
(C) Our County \_\_\_\_\_

6. As a citizen do you feel you can assist the Sheriff's Office in anyway? (Explain)

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

7. List an area you think the Sheriffs Office needs to improve.

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

8. What areas of concern do you have and what can the Sheriffs Office do to help change them for a better community:

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

If you are returning this survey via mail, please mail it to the following address:

**Tazewell County Sheriff's Office  
315 School Street, Suite 3  
Tazewell, Virginia 24651**

## 4-31 Bias Based Policing

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>ADMINISTRATION</b>
<b>SUBJECT: Bias Based Policing</b>	<b>NUMBER: 4-31</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: ADM.02.05</b>	

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

### I. POLICY

Unbiased delivery of police services, which neither condones, nor will tolerate, bias based profiling or policing.

### II. PURPOSE

To clarify the appropriate basis to be used by officers when selecting individuals for law enforcement contact and action. Officers are expected to carry out their policing responsibilities in accordance with legal requirements or restrictions and in a professional manner.

#### DEFINITIONS

1. Bias- Prejudice or partiality, which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
2. 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.
3. Ethnicity- A cluster of characteristics, which may include race, cultural characteristics or traits, which are shared by a group with a common experience or history.
4. Gender- Unlike sex, a psychological classification based on cultural characteristics or traits.
5. Probable Cause- Facts or apparent facts and circumstances within an officer's knowledge and of which the officer has 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.
6. Profile- A legitimate profile, sanctioned by the Tazewell County Sheriff's Office, is a very specific attribute, or cluster of attributes or characteristics, that form the basis for reasonable suspicion of criminality.
7. 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.

8. Racial Profiling- The unlawful detention, interdiction, or other disparate treatment of any person on the basis of heir racial or ethnic status or characteristics.
9. Reasonable Suspicion- Objective facts, which lead an officer to suspect that a person has committed, is committing, or may commit a crime.
10. Sex- A biological classification, male or female, based on physical and genetic characteristics.
11. Stop- The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is an investigative detention.

### III. PROCEDURE

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.
2. Officers shall observe all constitutional rights of all citizens.
3. Officers will be required to receive initial and on-going training in proactive enforcement tactics, to include cultural diversity, courtesy and interpersonal communications skills.
4. Supervisors are responsible for identifying personnel demonstrating a need for additional or remedial training in any of the issues related to profiling or cultural sensitivity, and for contacting the Training Academy to secure appropriate training for the identified employee.
5. All complaints of Bias Based Policing shall be thoroughly investigated by the Sheriff or the next in command.



# Policy and Procedures Manual



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Tazewell County Sheriff's Office  
315 School Street- Suite 3  
Tazewell, VA 24651

## OPERATIONS

## **OPERATIONS**

[This section contains the following policies, procedures and information:](#)

[5-02 Response to Alarms](#)

[5-03 Routine & Emergency Operations](#)

[5-04 Canine Operations](#)

[5-05 Transportation of Prisoners](#)

[5-06 Vehicular Pursuits](#)

[5-07 Use of Force](#)

[5-08 Vehicle Stops/Traffic Enforcement](#)

[5-09 Traffic Inspection Details - DUI Checkpoint](#)

[5-10 Traffic Accidents - Operations](#)

[5-11 Towing & Impoundment](#)

[5-12 Recovery/Processing Stolen Vehicles](#)

[5-13 Juvenile Procedures](#)

[5-14 Unusual Occurrences - Emergency Operations](#)

[5-15 Civil Process](#)

[5-16 Arrest Procedures](#)

[5-17 Limits of Authority](#)

[5-18 Search Incident to Arrest](#)

[5-19 Criminal Investigations - Division of Operations](#)

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[5-21 Evidence Collection](#)

[5-22 Crime Scene Protection](#)

[5-23 Child Abuse/Neglect](#)

[5-24 Sex Crimes](#)

[5-25 Search Warrants](#)

[5-26 Asset Forfeiture](#)

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[5-28 VIP Security & Special Events](#)

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[5-32 In-Car Cameras](#)

[5-33 Criminal Investigations](#)

[5-34 Code Enforcement](#)

[5-35 Special Response Team](#)

[5-36 Mobile Video Recording](#)

## 5-01 Patrol Operations

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Patrol Operations</b>	<b>NUMBER: 5-01</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.01.07</b>	

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

### I. POLICY

Twenty four hour law enforcement to the citizens and business establishments.

### II. PURPOSE

Providing safety for citizens in their persons or property.

### III. PROCEDURES

#### A. PATROL OPERATIONS:

1. The primary function of the Patrol Division is;
  - a. preventive patrol oriented toward prevention of crimes and accidents, maintenance of order, and the discovery of hazards, and delinquency causing situations;
  - b. crime prevention activities;
  - c. response to calls-for-service;
  - d. investigations of crimes, offenses, incidents, and conditions affecting the welfare of the public, including arresting offenders;
  - e. traffic direction and control;
  - f. maintain public order;
  - g. development of relationships between citizens and the agency;
  - h. reporting of information; and,
  - i. service of civil process.
2. The Sheriff may, from time to time, issue directives in the form of memorandum detailing specific functions to be performed by the Patrol Division.
  - a. Each directive will include the overall goals and objectives for each program and specify the feedback required, if any, and the time period involved.
  - b. Examples of such programs would be:
    - 1) selective enforcement operations
    - 2) traffic surveys

#### B. PATROL SHIFTS

1. There are two patrol shifts, Day and Night. These shifts will overlap to provide continuous coverage for the county. Deputies will be assigned to Day or Night shift upon their completion of field training.

2. Schedules – Shift Supervisors will make schedules for each calendar month indicating the on duty hours for each deputy scheduled to work.
3. Patrol – At the start of each shift, the Shift Supervisor will make zone assignments. The county is divided into three zones, Zone 1 (Bluefield area), Zone 2 (Tazewell area), and Zone 3 (Richland's area).
4. Previous Shift Activities – Oncoming shifts are provided with previous shift reports to explain the calls answered and the nature of complaints.

## 5-02 Response to Alarms

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Response to Alarms</b>	<b>NUMBER: 5-02</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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

### I. POLICY

Respond to residential and business alarms.

### II. PURPOSE

Provide for the safety of the Deputy and employees or residents of a protected premises.

### III. PROCEDURE

#### PATROL RESPONSE

#### A. TO GENERAL ALARMS

1. Utilization of emergency equipment during response will be in compliance with state codes.
2. 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.
3. 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.
4. 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.
  - a. 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.
  - b. 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.

## B. BANK ALARMS

1. Upon receipt of a bank alarm, the "Closest Car" strategy will be applied; i.e. communication will inquire if a unit is in the vicinity of the bank in question and if so, that unit will be assigned along with a back-up unit. The first unit on the scene will take control of the situation and direct other units as to routes of approach.
2. All cars dispatched will be alert for suspicious persons and/or vehicles fleeing the scenes; all cars not dispatched will be on standby for possible fleeing vehicles in their respective areas.
3. In approaching the scene:
  - a. Emergency lights and siren will not be used unless traffic conditions or unusual circumstances dictate otherwise-based upon the discretion of the responding deputy and his assessment of the situation. If emergency lights and siren are necessary to expedite the approach to the bank, they will be turned off at a point where the siren cannot be heard nor the emergency lights seen from the bank's location.
  - b. Units will attempt to arrive at the same time, and if feasible, approach from different angles, and observe the scene for a short period of time for possible lookouts, getaway cars, or other suspicious circumstances.
  - c. Police vehicles will be parked at a reasonable distance from the scene and, if possible, out of view of the bank. The vehicle is to be secured prior to the officer's approach on foot. The distance the police vehicle should be parked from the bank will depend on the location of the bank and approach routes.
  - d. The first unit on the scene will not approach the bank on foot until the back-up units arrive, and then the approach will be conducted on a cautious, coordinated effort using all available cover to protect from high powered rifles and other weaponry. However, the first unit on the scene will observe the bank for unusual circumstances and provide additional information if necessary, in addition to direction routes of approach to assigned units.
4. If the responding unit does not observe a recognized bank employee standing outside the building, the supervisor will direct communications to telephone the bank. If there is no answer or communications detects unusual circumstances during the course of the telephone call, it will be assumed that a bank robbery is in progress and the following course of action will be followed:
  - a. The perimeter of the building will be secured, and the Shift Supervisor may request additional units for assistance.
  - b. If necessary, thoroughfares will be blocked and traffic detoured away from the bank. The local fire and rescue apparatus will be notified of the situation.
5. When all units have arrived at the scene:
  - a. Back-up units and/or supervisor will approach the bank with service weapons in hand and ready. The assigned unit will also utilize their service weapon (except where unusual circumstances warrant the use of the shotgun).

Note: If the Shift Supervisor determines that one unit should remain mobile for pursuit purposes, he shall appoint a unit for this purpose.

  - b. The bank will be approached on foot taking care to avoid a cross-fire situation.
  - c. Back-up units will be directed to cover the most likely escape routes.

- d. License numbers of suspicious or suspect vehicles along with a description of each will be relayed by radio to communications.
  - e. When approaching the bank, officers will observe if a crime is still in progress.
  - f. Under no circumstances (except to protect life) will the bank be entered by units on the scene.
6. If during the initial approach of the bank the unit observes the bank official standing outside the bank, caution and observation of the bank will continue until the unit verifies that a bank robbery is not in progress. The deputy is not to advance to the bank official's location. The deputy will motion for the bank official to come to him.
  7. If the unit observes a crime in progress as suspect(s) are exiting the bank, the following procedures are used:
    - a. If not seen by the suspect(s), the unit is to wait for the suspect(s) to clear the doorway and building, allowing the bank official to lock the doorway; and then attempt to contact suspect(s) and order them to surrender after all units are in position.
    - b. If the officer has been seen by the suspect(s), the unit should obtain cover; i.e. automobile, etc., and attempt to contact and order suspect(s) to surrender. The unit is to take no risks, which would endanger innocent persons or other deputies.
    - c. If the suspect(s) return to the interior of the bank before the doors can be locked, a hostage situation will exist and the Special Response Team and Negotiators will be needed.
    - d. If the suspect(s) are observed fleeing the scene in a vehicle after a confirmed bank robbery has occurred:
      - 1) At least one unit will continue to the scene of the bank robbery to:
        - a) Check for casualties
        - b) Preserve the crime scene
        - c) Detain witnesses
        - d) Obtain descriptions of the suspect(s) and suspect vehicle
        - e) Ascertain other pertinent information and complete the necessary report.
      - 2) Attempts will be made by other unit(s) to follow the suspect vehicle, obtaining the license number, vehicle description, and other valuable information. However, a single unit will not attempt to apprehend until a back-up unit has arrived or has been strategically located at a predetermined location for the stopping of the suspect vehicle.
      - 3) When at least two units are in close pursuit of the suspect vehicle, efforts will be made to stop the suspect vehicle in a relatively "safe" location, i.e. away from a congested area where traffic and pedestrians are prevalent.
      - 4) As each suspect exits the vehicle, he will be ordered to lie face-down on the ground until he can be searched for weapons, and handcuffs utilized. As each suspect is searched and handcuffed, he will be removed and placed in a police vehicle until all suspects have been searched and handcuffed.
      - 5) The arresting officer will retain all evidence and maintain the chain of evidence for court purposes.

## 5-03 Routine & Emergency Operations

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Routine &amp; Emergency Operations</b>	<b>NUMBER: 5-03</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, June 2013, March 2015</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.01.01, OPR.01.04</b>	

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

### I. POLICY

While operating county vehicles, employees shall exercise safe driving practices and obey the traffic laws of the Commonwealth of Virginia. Therefore, any employee operating a Sheriff's Office vehicle in any manner other than in accordance with normal safe driving practices shall do so only with the use of emergency equipment in accordance with State Code 46.2-920

**Safety belts are required to be in use at all times in Office vehicles when vehicle is in motion, unless the safe performance of duty is compromised, vehicle seat belts shall be worn by all occupants, EXCEPT AS ALLOWED BY VA CODE 46.2 -1094. Any exceptions are to be approved through the Sheriff.**

### II. PURPOSE

Ensuring the safe operation of Sheriff's Office vehicles with attention being given to the safe operation of Sheriff's Office vehicles when responding to calls for emergency service.

### III. PROCEDURE

#### GENERAL

#### A. VEHICLE SAFETY

1. Sheriff's Office vehicles are conspicuous symbols of authority on the streets, and many observe the actions of drivers. This places the responsibility on each employee of the Sheriff's Office to set a visible example of good driving behavior and habits.
2. Under emergency situations as defined herein, Section 46.2-920 of the Code of Virginia authorizes vehicle operators to disregard certain traffic regulations specified therein. However, neither the individual operator nor the Sheriff's Office is immune from Civil Liability for failure to use reasonable care.
3. A safety check of the vehicle assigned to the employee should be performed at the beginning of each shift (written or visual).

4. Employees shall not operate any Sheriff's Office vehicle that is operationally unsafe.
5. All employees will be required to wear a wired or wireless headset when operating a duty vehicle and talking on a cell phone.

#### B. VEHICLE OPERATIONS

1. Vehicles used for routine or general patrol service will be those that are conspicuously marked and equipped with the following:
  - a. Light bar equipped with blue lens,
  - b. Electronic siren,
  - c. Mobile radio transceiver
2. Any employee who causes any damage, either to the interior or exterior of a vehicle whether by traffic or other accident, shall immediately make a verbal report. The supervisor shall investigate the incident and submit a written report through proper channels to the Sheriff. Failure to report damage to a vehicle as prescribed will be grounds for disciplinary action.
3. Employees shall be held accountable for driving violations that result in accidents. Employees shall be strictly accountable for damage caused by abuse or careless handling. Failure to request necessary repairs shall be the liability and responsibility of the employee using the equipment.
4. If, at any point during a shift, an employee becomes aware of any mechanical or equipment failure, the employee shall notify the supervisor of the problem. The vehicle shall be removed from service for repairs. The employee shall obtain a spare vehicle for use while repairs are completed.

#### C. ROUTINE OPERATIONS

1. When responding to routine calls, all traffic laws shall be obeyed and the vehicle shall be operated in a safe manner.

#### D. EMERGENCY VEHICLE OPERATIONS

1. Emergency vehicle operation is authorized in situations that demand the immediate presence of the Sheriff's Office. Emergency vehicle operation is authorized, but not specifically limited to the following instances:
  - a. In response to accidents involving death, serious injury, or likelihood of such injury due to the location/condition of the accident scene,
  - b. In response to calls for emergency assistance from another officer or law enforcement agency,
  - c. In response to calls of violent act(s) in progress; i.e., civil unrest, demonstration, stabbing and shootings,
  - d. In response to felony in progress calls where serious injury or death is probable,
  - e. In response to hazardous materials calls where the likelihood of personal danger exists, i.e., dangerous chemical spills or railroad accidents involving dangerous gas.
2. When operating a law enforcement vehicle during emergency response, deputies must exercise extreme caution at all times and for the safe operation of the vehicle. The safety of the deputies and citizens are the primary concern.

- a. Siren and emergency lights shall be operating at all times when responding to an emergency, except when the tactical situation dictate otherwise.
- b. It is never mandatory for a employee to operate a police vehicle as an emergency vehicle when such factors as distance, traffic, and other safety conditions make an emergency response unsafe or impractical.
- c. Under no circumstances will undercover vehicles, those not equipment with lights and siren, be operated as an emergency vehicle.
- d. Drivers of emergency vehicles shall use extreme caution before approaching any intersection, even those displaying a green or caution light, yield sign, etc.
- e. When responding to emergency calls for service, employees should make every effort to park patrol units in a safe and proper parking location. When circumstances arise which require employees to park their patrol unit in a hazardous location, the use of emergency flashers and flashing emergency warning lights shall be used when possible.

## 5-04 Canine Operations

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Canine Operations</b>	<b>NUMBER: 5-04</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, May 2011, Feb. 2014</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.01.08, OPR.01.09</b>	

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### I. POLICY

The Department has a canine unit to assist in law enforcement operations.

### II. PURPOSE

To outline the correct procedures for the care, use and deployment of canine units.

### III. PROCEDURE

#### A. Training

1. The canine unit will not be authorized to conduct operations unless they have successfully completed an approved canine training school and achieved certification

#### B. Assignments of Canine Units

1. The following can be assignments of canine units;
  - a. Searching buildings and enclosed areas.
  - b. Tracking criminal suspects or escapees.
  - c. Searching for articles left by a suspect.
  - d. Searching for lost persons.
  - e. Searching for narcotics.
  - f. Searching for explosive materials
  - g. Crowd control.
  - h. Perform other duties as designated by a supervisor.

#### C. Responsibilities

1. The canine handler is responsible for the well being of the canine and will report to his/her supervisor, in writing, any illness or injury to the canine within 24-hours. A designated veterinarian will render all medical attention. An annual check-up will be conducted on the canine.
2. The handler will maintain all department equipment in a clean and serviceable condition.
3. When the canine is kenneled, the gate will be secured with a device.
4. When off duty, the canine may be let out of the kennel while under the direct control

the the handler.

5. Under the direct control of the handler, the canine may be permitted to socialize with the handler's family.
  6. The canine may be lodged at another location only after approval by the handler's supervisor.
  7. Canine handlers will be given 13 minutes per day, on and off shift, to feed, water, and kennel maintenance. It is the handler's responsibility to document on their time sheet each day of canine and kennel maintenance. The 13 minutes is included as part of your work shift time and not to be an addition to your daily time. The 13 minutes will also be given for the days off to do feeding, watering, and kennel maintenance.
  8. The canine handler will conduct their training and grooming during their scheduled work shift.
  9. Canine handlers will permit department supervisors to conduct unannounced on-site inspections of the canine and kennel to verify that living conditions and equipment conform to policy.
  10. Any changes in the living status of the handler that could affect the lodging or environment of the canine will be reported to his/her supervisor as soon as possible.
  11. When a handler takes a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine or have another member of the department conduct the canine and kennel maintenance. In those situations, the handler will give reasonable notice to his/her supervisor so that appropriate arrangement can be made.
  12. The canine handler is issued a canine vehicle which is equipped with a cage. The canine handler is responsible for maintenance and upkeep of the vehicle. The canines equipment will be stored in the trunk of the vehicle.
  13. When the canine is left unattended in the vehicle, all windows and doors will be secured.
  14. The canine supervisor will:
    - a. Assign training to the canine unit, monitor their progress, and maintain training files. The timely scheduling of all canine re-certifications will be the responsibility of the handler and supervisor.
    - b. Monitor the activities of the canine unit and conduct periodic inspections of the canine unit, vehicle and equipment.
    - c. Make recommendations to the Sheriff for the acquisition and disposal of canine units and equipment.
    - d. Maintain the medical records of department canines.
- D. Guidelines for the use of Canine Units
1. When a canine unit responds to an assignment, it shall be the handler's determination whether or not to utilize the canine.
  2. The canine should not be deployed to search areas that contain substances that are potentially harmful to the canine, unless overriding risk to human life is present.
  3. Requests for canine assistance during the handler's off duty hours will be directed to a shift supervisor or next in command to approve or reject the response of the canine unit.
  4. Special assignment requests for canine units should be made in advance to allow for proper shift scheduling.
- E. Building Searches
1. Upon arrival at the building to be searched, the canine handler will consult with Deputies on the scene to assess the situation.

2. The canine handler will make every effort to verify that no innocent or unauthorized person(s) are in the building before conducting the search.
  3. Canine units may conduct building searches on or off lead.
  4. Before any search, the handler will call the suspect out by issuing a verbal warning ("Sheriff Canine, come out or I will release the canine"). When possible, the cruiser public address system should be used.
  5. No person shall enter the building except the handler or persons that the handler requests.
- F. Tracking, Article Searches, and Lost Persons
1. The canine unit will conduct tracking on lead.
  2. The area where the subject was last seen will be preserved to avoid scent contamination. Personal should refrain from entering this area and touching articles or evidence dropped or left by a suspect unless circumstances dictated otherwise.
  3. During tracking operations, a second person may be asked to assist the canine unit.
- G. Narcotics and Explosive Material Searches
1. Canine units may search for narcotics and explosive materials in vehicles, buildings, bags and other articles deemed necessary to obtain probable cause for a search warrant or during the service of a search warrant.
  2. Canine handlers should be aware that many narcotics and explosive substances are dangerous to the canine unit and should not be handled unless they are properly trained to do so.
- H. Crowd Control
1. The handler will continually evaluate the situation to determine if the continued use of the canine remains feasible.
- I. Injury of a canine handler
1. In the event that a canine handler is injured during a deployment to the extent that the handler cannot exercise control over the dog, a Deputy on the scene should:
    - a. Notify the canine supervisor or another canine handler to respond to the secure the canine.
    - b. If the time required for response by another canine handler may jeopardize the injured handler's life, the a Deputy will attempt to divert the dog's attention in order to reach the injured handler and move them to safety.
- J. Actions in the presence of canine units
1. Canines will not be agitated by anyone, whether the canine is with the handler or in a vehicle.
  2. Use caution when approaching a handler with a canine
    - a. Before approaching the canine unit, the handler should acknowledge the officer's presence and authorize them to approach.
  3. Physical contact or horseplay around the canine shall be avoided at all times.
  4. Officers should not attempt to touch or search the prisoner until directed to do so by the handler.
- K. Canine Special Purpose Vehicles
1. The Canine handlers will be provided with a patrol vehicle suited for the transportation and use of the canine. This vehicle will be equipped with an appropriate kennel installed in the vehicle. The canine vehicle will also be marked as a canine specific

- vehicle with appropriate markings to alert the public that this is a canine vehicle.
2. The canine vehicle will be supplied with the appropriate equipment the canine handler will need and use. This equipment will be annotated on the canine specific monthly line inspection form and inspected by the supervisor.

## 5-05 Transportation of Prisoners

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Transportation of Prisoners</b>	<b>NUMBER: 5-05</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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### I. POLICY

When doing transports, that all persons being transported, will be restrained at all times.

### II. PURPOSE

To ensure that prisoners are transported safely and for the protection of the officers and the public.

### III. PROCEDURE

#### A. General

1. Juveniles will not be transported with adults.
2. Dispatch will document information relayed by the officer, including times, odometer readings, destination, and any special description of transported person, such as juvenile female or mental illness.
3. Prisoners with mental instability or violent tendencies will always be transported in a vehicle that is equipped with a cage.
4. Prisoners will be transported in the rear seat of the vehicle and on the passenger side.
5. Under no circumstances shall an officer transporting a prisoner engage in a vehicle pursuit.

#### B. Searching the police vehicles

1. At the beginning of each shift, the officer shall examine closely the interior of his/her assigned vehicle in order to ensure that no weapons or dangerous items such as bottles, combs, knives, contraband, etc. are contained therein. This shall be completed before and after each transport / arrest.

#### C. Prisoner Identification

1. When transporting a prisoner from a detention facility, the transporting officer should ensure that he has the correct person by using the following methods.
  - a. Officer's personal knowledge of the prisoner.
  - b. Photo's

- c. Asking the prisoner to ID themselves by social security number , date of birth, or by any other means and by requesting verification from the detention centers shift supervisor or his designee.
- D. Searching the prisoner
  1. All prisoners transported in police vehicles shall be thoroughly searched prior to being placed in the vehicle.
  2. An officer should never assume that a prisoner does not possess a weapon, contraband or that someone else has already searched the prisoner.
- E. Restraints

The transporting officer will use the following methods.

  1. Handcuffs with body belt, ankle shackles or leg braces.
- F. Prisoner Communications

The transporting officer will not allow prisoners to communicate with other people while in transit unless the situation requires it.
- G. Control of prisoners while transporting
  1. Observation : While transporting or stopping with a prisoner, the officer will observe the prisoner at all times.
  2. In a situation where observation is not possible the transporting officer should insure that they have control of the situation as much as possible.
  3. Under no circumstances shall a prisoner be permitted to smoke.
- H. Arrival at destinations
  1. The transporting officer upon arriving at his destination with the prisoner will follow these procedures.
    - a. Firearms, other weapons and ammunition, will be secured in the designated place at the facility being entered.
    - b. Restraining devices will be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
- I. Escape

In the event a prisoner escapes while being transported, the transporting officer will use the following procedures.

  1. The officer will notify dispatch immediately by radio or phone. If outside TCSO jurisdictional boundaries, dispatch will attempt to contact area authorities within the district of the officer's location.
  2. The transporting officer will offer his services in order to recapture the escapee as soon as possible. ( See also – Virginia Code Section 19.2-77 )
  3. The transporting officer will submit a written report to the sheriff or his designee as soon as he returns to the TCSO explaining the circumstances of the escape.
- J. Medical facilities
  1. When a prisoner is transported to a medical facility, prior to being taken to the jail or other facility, the transporting officer will notify the shift supervisor immediately.

2. While at the medical facility, all officers involved, will be courteous and assist medical personnel when needed and comply with the hospital / medical facility protocols.
  3. If the attending physician admits the prisoner to the hospital, the officer will immediately notify the shift supervisor. The supervisor will, in turn, use the following procedures to ensure control of the prisoner.
    - a. The medical facility will be requested to put the prisoner in a secure private room.
    - b. The prisoner shall be kept under observation at all times and restraining devices (handcuffs, ankle shackles, belt or leg braces) will be used unless the injuries prohibit it. Officers will consult with medical personnel concerning use of restraining devices.
    - c. The Sheriff or his designee shall be notified of the situation as soon as practicable.
    - d. The shift supervisor will brief every officer on restrictions and duties of guarding the
    - e. Prisoner.
    - f. The shift supervisor will ensure that the officer guarding the prisoner is checked periodically and relieved as necessary.
- K. Special transport problems
1. Transport of prisoner by officer of different sex:
    - a. Every effort will be made to have an officer of the same sex transport prisoners.
    - b. When transporting a prisoner who is the opposite sex than the transporting officer, an additional officer must be requested to accompany the transport whenever possible.
  2. Handicapped prisoner:
    - a. The transporting officer will request assistance in order that the transport may be completed in a matter that is the most convenient, comfortable and safe for both the prisoner and the officer.
    - b. A EMS (ambulance service) may be used.
- L. Prisoners with a communicable disease
1. All protective equipment will be worn by the transport officer and other personnel involved.
  2. Notify shift supervisor.
  3. Should be transported by EMS.
  4. Notify other support personnel or law enforcement officers.
- M. Meals
- If necessary for the transporting officer to stop enroute for a meal while transporting a prisoner, the officer should choose a food facility that has not been pre-planned. This minimizes the chance of any prearranged plans for someone to attempt a release of the prisoner.
- N. Transportation documentation
- All transport documentation will be filled out and turned in to the TCSO at the completion of the transport.

NOTE : Nothing in this policy will condemn the use of multiple restraints, as needed.

Multiple restraints or substitute restraints may be used for the safety of the prisoner, society, and the transporting officer.

## 5-06 Vehicular Pursuits

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Vehicular Pursuits</b>	<b>NUMBER: 5-06</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, 8/29/09</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.01.10</b>	

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### I. POLICY

To pursue known and wanted criminals and traffic violators who fail to stop after being given proper, sufficient notice.

### II. PURPOSE

Ensure the safest operation of pursuit vehicles during the vehicular pursuit.

### III. PROCEDURE

- A. All Sheriff's Office vehicles will be driven in a safe and proper manner, with the driver remaining in control of the vehicle at all times, and acting in full compliance with all traffic laws and regulations.
- B. Under emergency situations as defined herein, Section 46.2-920 of the Code of Virginia authorizes vehicle operators to disregard certain traffic regulations specified therein. However, neither the individual operator nor the Sheriff's Office is immune from Civil Liability for failure to use reasonable care. The Sheriff's Office and the individual operator may be liable for civil damages for the inflictions of personal or property damage to the other drivers, other law enforcement personnel or bystanders and their property if reasonable care is not exercised.
- C. The decision to initiate or to terminate a pursuit is based on the sound professional judgment of the officer. Before reaching the decision to pursue, many factors must be considered and carefully weighed. These factors include, but are not limited to:
  - a. Time of day
  - b. Day of week
  - c. Weather
  - d. Severity of offense
  - e. The chance of apprehending the suspect at a later time
  - f. Traffic conditions.
- D. In initiating a pursuit, the Officer shall:
  - a. Activate emergency warning lights and siren

- b. Transmit the following information to communications:
  - 1) Officer's radio number and that he is in pursuit,
  - 2) All available information on vehicle and occupants being pursued,
  - 3) Location and direction of travel,
  - 4) Reason for pursuit,
  - 5) Estimated speed of pursuit,
  - 6) Continual status/positional updates.
- E. During pursuit, a safe distance must be maintained between vehicles. Unmarked vehicles should not be used in pursuit situations unless this is unavoidable. In the event an unmarked patrol vehicle initiates the pursuit, this vehicle shall remain in the lead position until a marked vehicle can take over the lead position. After the lead position has been relinquished, the unmarked vehicle shall follow the pursuit.
- F. The officer initiating the pursuit shall be responsible for filing all reports detailing the events of the pursuit.
- G. Officers shall not pursue violators against the flow of traffic on divided highways. In these situations, parallel pursuit shall be allowed after considering the potential risks involved.
- H. Secondary Unit's Responsibilities:
  1. When a secondary unit becomes involved in a pursuit, the secondary unit will continually maintain radio contact with the communication center so that the primary unit can concentrate on the pursuit.
  2. No more than two Sheriff's Office vehicles should be direct, close pursuit. Close pursuits can be defined as being in visual contact with the offender and matching the offenders speed. However, the supervisor shall have the authority to assign additional units if necessary.
  3. Other units in the vicinity should position themselves to provide assistance if needed.
- I. Supervisory Responsibility
  1. Supervisors must continually evaluate the justification for the pursuit. If the hazards become too great or conditions in termination section have been achieved, the supervisor shall terminate the pursuit.
  2. The supervisor shall review all pursuits after completion and prepare a pursuit report detailing the events. This report shall contain the details of the event and any hazards to the public and the officer that may have occurred. This report will be forwarded through the chain of command and any violation of policy or procedures shall be addressed immediately. This detailed report shall be completed by the end of the shift and forwarded to the Major for review. It will be the Major's duty to inform the Sheriff of the details and handling of the pursuit. If this policy was to be found violated, the officer may face disciplinary actions.
- J. Communications Officer's Responsibility
  1. Immediately upon receiving notification that a deputy is in pursuit, the communications officer shall:
    - a. Activate the alert tones
    - b. Dispatch Officer's Unit Number
    - c. Location of pursuit with direction of travel
    - d. A brief description of the vehicle (color, make and model only)
    - e. Ascertain if the Patrol Supervisor is direct.

2. Query DMV, VCIN and NCIC for license data and wanted information. Units are to be notified immediately of positive responses of wanted or stolen.
3. Place all radio traffic on emergency traffic only.
4. The unit in pursuit, along with the Patrol Supervisor, shall "control" all radio traffic. The Communications Officer shall document all radio traffic of the pursuit incident, and not repeat any radio traffic unless asked.
5. If a Patrol Supervisor cannot be located, the Communications Officer advises the Acting Supervisor.
6. Alert all other nearby law enforcement agencies of the pursuit, based on the direction of travel, relaying all available information regarding the vehicle and occupants given by pursuing deputy, when continuing beyond the county limits.
7. Upon notification of the pursuit ending, (vehicle stopped, auto accident, etc.) the Communications Officer shall inform all deputies to resume normal radio traffic.

K. In Situations Involving Other Agencies

1. If another agency or jurisdiction requests assistance for officers engaged in a pursuit entering Tazewell County the supervisor shall have the authority to assign officers to the pursuit. The following information should be relayed to the supervisor:
  - a. The number of units engaged in the pursuits
  - b. The location of the pursuit
  - c. The reason for the pursuit
2. Communication shall be maintained with the pursuing agency. If radio communication is not possible, then the officers involved in the pursuit should direct the Communications Center to maintain telephone contact with the agency involved in the pursuit.
3. If the pursuit continues outside the territorial limits of Tazewell County, the supervisor shall terminate the pursuit. However, if terminating the pursuit will place the other agencies officer(s) in danger, the supervisor shall authorize the pursuit to continue until additional units arrive to assist the pursuing officer(s).

L. Termination of Pursuit

1. A pursuit shall be discontinued when any of the following conditions exist:
  - a. Hazards of exposing the officer or the public to injury or serious property damage is high, and the known offense is not serious enough to warrant the safety risk involved in continuing the pursuit,
  - b. Environmental, weather or road conditions indicate that a successful apprehension is unlikely,
  - c. Identity of the violator can be or has been established.
2. An officer who makes the determination to terminate the pursuit based upon his evaluation of the risks associated with the pursuit shall not be subjected to disciplinary action for making the decision to terminate.

**IV. TIRE DEFLATION DEVICE POLICY**

- A. The use of tire deflation devices (herein referred to as "Spike Strips") will be governed by sound, professional judgment and the procedures herein:
  1. Usage
    - a. Circumstances permitting, backup units will normally attempt to establish at least one location where a visible presence of a law enforcement officer, or officers, is apparent to the suspect to ensure that the suspect is fully aware of the command to stop. If the suspect continues and the continued movement of the fleeing

vehicle will place the driver and others in imminent danger of serious injury or death, officers shall be authorized to deploy spike strips.

- b. Only officers trained in the use of spike strips shall be authorized to deploy them.

## 2. Placement Locations

1. Deployment should not occur on:

- a. Bridges
- b. Curves
- c. Locations where reasonable judgment under the circumstances would dictate non-usage.

2. The officer deploying the spike strips should choose a location with barriers such as roadway overpasses, guard rails, or other barriers to conceal and protect the deploying officer.

3. Areas with high traffic, construction or special events/activities should be avoided.

4. Deployment positions should be done with consideration to the vulnerability of public/ private property and other units assisting.

## 3. Deployment

1. Pursuing units should coordinate with the officers deploying the tire deflation devices in order to ensure the safe and effective use of the devices.
2. The officer deploying the device shall be in position at a location in sufficient time for deployment.
3. The device will be deployed in accordance with the manufacturer's recommendations and within training guidelines.
  - a. Do not have physical contact with the rope or device while they are being run over.
  - b. After deploying the spike strips everyone in the vicinity should seek cover.
  - c. Officer(s) deploying the spike strips are responsible for securing them immediately after their use to include searching the area for any spike points which may have become detached.

## 4. Unacceptable use of the Spike Strips

1. Do not use the spike strips to stop the following vehicles unless continued movement would result in an increased hazard to others:
  - a. Vehicles carrying hazardous materials
  - b. Passenger buses or school buses carrying passengers
  - c. Any two wheeled vehicle

## V. RESTRICTIONS

Sheriff Office vehicles involved in a pursuit shall **NOT** be used in any manner that would constitute deadly force such as pit maneuvers, ramming, rolling road blocks, or any other intentional vehicle to vehicle contact, unless the action is a last resort in protecting the life of the pursuing officer or others.

## 5-07 Use of Force

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Use of Force</b>	<b>NUMBER: 5-07</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, 8/29/09, 9/2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: ADM.05.01, ADM.05.02, ADM.05.03</b>	

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### I. POLICY

Only the amount of force necessary will be used to control each circumstance.

### II. PURPOSE

To ensure that officers have a clear understanding in regards to the use of force and its limitations.

### III. DEFINITIONS

#### A. Deadly force includes

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

#### B. Non-deadly force

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

#### C. Non-Lethal Weapons

1. Baton- ASP baton
2. Oleoresin Capsicum Spray- OC or pepper spray
3. Hollow Spike Strip/Stop Sticks- Stinger spike strips
  - a. All sworn personnel will who carry any of these will receive refresher training/qualification for these weapons at least biennially.

#### D. Prohibited Non-Lethal Weapons- Only department issued weapons are authorized. The carrying of any others are prohibited. (slapjacks, blackjacks, saps, etc.)

- E. Firearms- A firearm is considered to be any weapon from which a projectile is forcibly ejected by an explosive force.
- F. Reasonable belief- When facts or circumstances the deputy knows, or should know, are such as to cause an ordinary and prudent person to act or think reasonably in a similar way under similar circumstances.
- G. Serious physical injury- A physical injury that creates a substantial risk of death, or which causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.
- H. 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. Conner*, recently set forth guidelines for determining whether force has been excessively applied: the primary concern is whether **reasonableness** in its application, as judged by the on-scene officer. Based on the reasonableness standard, excessive force may be determined based on:
1. The severity of the crime.
  2. The nature and extent of the threat posed by the suspect.
  3. The degree to which the suspect resists arrest or detention.
  4. Any attempts by the suspect to evade arrest by flight or fight.

In evaluating the reasonable application of force, deputies must consider their own size, strength, age, state of health and skill level with issued weapons as well the number of deputies opposing the suspect(s).

#### IV. PROCEDURES

Application of non-deadly force (Force Continuum) Virginia Criminal Justice Training Academies and the Tazewell County Sheriff's Office trains personnel in the use-of-force continuum, which emphasizes the response to increasing levels of threat. In most cases, the use of force is considered non-deadly. All sworn personnel with the exception of communications and office will receive training and demonstrate proficiency in the use of all authorized weapons. All sworn personnel will receive annual training on use of force.

The Force Continuum is:

A. Officer Presence

Mere presence of an officer is all that is needed to control a situation.

B. Verbal control

Managing a situation through verbal communication. The volume and tone of voice, advice, persuasion and orders are examples. Body language also is in the category. The Tazewell County Sheriff's Office urges the use of verbal commands without the use of profanity, disrespectful or argumentative statement.

C. Soft Hand Contact and Attempted Restraint (Handcuffs)

A combination of strength, leverage, takedown's, control holds, or come-along's with

sufficient force to make the lawful arrest or gain control of someone, may be required when lesser levels of force are ineffective. This shall include the use of hands, fists, feet, and knees, elbows and so on in striking someone in order to gain control.

D. Oleoresin Capsicum Spray

The use of OC spray is restricted to situations where higher levels of force are unnecessary and lesser levels are ineffective or inappropriate. .

1. OC spray shall not be used to threaten, to elicit information or persuade people to comply with orders.
2. The application of OC should be kept to a minimum to effectively gain control.
3. Only officers that have received certification training may use OC spray.

E. Baton

The next level of force is the baton/impact weapon. The ASP baton should be used only to the extent necessary to overcome resistance of the subject, and within the training standard.

G. Hollow Spike Strip/Stop Sticks

1. The stinger spike strips shall be deployed by a sworn employee who has received training in their use. This training includes policy review, agency instruction in their use, and practice deploying the spike strips using the manufacturer's recommendations.
2. The spike strips will not be used to stop motorcycles, buses transporting passengers, or vehicles transporting hazardous materials unless authorized by a supervisor and continue travel by the suspect vehicle creates a hazard to the safety of the public and officers.
3. Immediately after the vehicle passes over the spike strips, the device will be removed from the roadway, and the deploying officer should be available to continue in the pursuit.
4. Each Sheriff's Office vehicle assigned to sworn personnel shall be equipped with the spike strips, to include the detective division and the spare vehicles used by the patrol division.

**V. LIMITATIONS ON FORCE**

The following acts associated with the use of non-lethal force are prohibited.

- A. Application of choke hold or carotid control holds, except in the severe cases in which an officer reasonably believes such maneuvers are the only means of protecting him/herself or others from an imminent threat of serious injury or death.
- B. Use of Streamlites or Kel-lites or other flashlights as batons/impact weapons may only be used if other department approved methods of control are impractical or not available. The use of a flashlight under these circumstances shall be deemed an application of deadly force.
- C. Any use of force not reasonably necessary in the light of the circumstances confronting the deputy.
- D. Any forcible enforcement action when off duty except in situations which seriously threatens life, valuable property, or public order.

## VI. DEADLY FORCE

### A. Firearms may be used:

1. In defense of any person from what is reasonably believed to be an immediate threat of death or serious bodily harm.
2. To apprehend a fleeing felon when all other means have been used to include an audible warning and probable cause exists that the escape of the person will present an immediate and significant threat of death or serious physical injury to the officer or others. The officer must have knowledge that the felony was in fact committed by the person fleeing arrest. In addition, the offense for which the apprehension is sought must be an offense involving the infliction or threatened infliction of serious physical harm to warrant the use of deadly force. In evaluating a "significant threat," the officer must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the officer or others if apprehension is delayed.
3. To kill seriously wounded or dangerous animals when no other disposition is reasonably practical. The on-duty supervisor shall be notified prior to discharge of the weapon.

## VII. LIMITATIONS ON FORCE

The following acts associated with the use of force are **prohibited**.

A. Firing into crowds.

B. Firing "warning" shots.

C. Firing at or from a moving vehicle, **except** where the officer reasonably believes that:

1. An occupant of the other vehicle is using, or threatening to use, the vehicle as a form of deadly force; OR
2. A vehicle is operated in a manner deliberately intended to strike an officer or a citizen and all other means of defense have been exhausted to include moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the officers action.

D. Firing into a building or through doors when the person fired at is not clearly visible unless officers are being fired upon from such building or doorway.

E. Firing at a suspect when lesser force could be used and the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or when there is any substantial danger to others.

***(When in doubt, DO NOT shoot!)***

F. Carrying or use of a second back-up firearm **UNLESS** the deputy has requested prior approval from the Sheriff, and successfully qualified on an approved range with the requested weapon.

G. Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanor's, or traffic offenders.

H. Any use of force not reasonably necessary in the light of the circumstances confronting

the officer.

- I. Any forcible enforcement action when off duty except in circumstances which seriously threatens life, valuable property, or public order.

#### **VIII. 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 person. All instances of deadly force which result in death or serious bodily injury will be investigated by the Virginia State Police, however, in accordance with this policy, the Sheriff's Office will conduct a simultaneous internal investigation.

- A. The Sheriff, Major, and Chief of Operations shall be promptly notified of the use of deadly force by either an on-duty officer or off-duty officer.
- B. The Sheriff or his designee shall designate a Detective 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 Detective Division has investigative responsibility, the detective 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 officer 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 the outcome of the investigation.

#### **IV. THE UNINTENTIONAL DISCHARGE OF FIREARMS**

The officer's supervisor shall investigate the unintentional discharge of a firearm not resulting in the death or injury of any person. 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 Sheriff.

#### **X. REPORTING USE OF FORCE**

- A. Deputies shall document any application of force except for those arising in training or office demonstrations.
- B. Immediately notify the supervisor in charge of any use of physical and/or deadly force.
- C. Submit a Use of Force report to the Major or his designee within 24 hours describing the incident and any medical services rendered.

#### **XI. OFFICE RESPONSE**

- A. Review
  1. The Sheriff and Major shall review all reported uses of force to determine whether:

- a. Office policy was violated.
- b. Relevant Office policy was clearly understandable and effective to cover the situation.
- c. Office training was adequate.

**B. Internal investigations**

Internal investigations of serious applications of force (usually of compliance techniques and more severe incidents) shall be of two types conducted simultaneously: First, an administrative investigation to determine whether office standards were adhered to; Second, a criminal investigation to determine if there was a violation of law. A criminal investigation shall be discontinued whenever the Office is satisfied that no misconduct occurred. Dual internal investigations shall be conducted on all officer-involved shootings.

**C. Psychological services**

Psychological follow-up of post-shooting trauma along with a psychological evaluation shall be mandatory for all Sheriff's Office employees. During an internal investigation, the Office will do all within its power to avoid placement of a stigma on the officer who discharges a firearm in performance of their duty. Following a shooting resulting in a death, the officer shall not return to duty until a psychological evaluation has been conducted, and the officer has received any necessary counseling.

## 5-08 Vehicle Stops/Traffic Enforcement

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Vehicle Stops/Traffic Enforcement</b>	<b>NUMBER: 5-08</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.07.01, OPR.07.03, OPR.07.04</b>	

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### I. POLICY

To define violator types, traffic violations, and uniform enforcement procedures.

### II. PURPOSE

Procedures for stopping and approaching the traffic violator and to provide safety for all in handling these violators.

### III. PROCEDURE

#### A. Stopping The Violator

1. In Ideal Conditions: When possible select an ideal place to make the stop. Select areas that are well lit, have ample space, and provide visibility.
2. *These procedures are to be followed when possible, and are presented from the perspective that ideal conditions exists.*
  - a. The deputy shall notify the communications center of the intended location of the stop, the vehicle license number, description of the vehicle, and the number of occupants in the vehicle.
  - b. Do not exit your patrol car until dispatch confirms your location, vehicle license number, and any other information you gave to them.
  - c. The deputy should avoid stops on hills, curves, intersections, private drives, and business locations that have limited parking.
  - d. The deputy should signal the violator to stop. This signal should be with emergency lights, hand signals, sounding the horn, or the siren. The spotlight should be directed to the stopped vehicle inside rear view mirror, to obtain maximum illumination.
  - e. The vehicle should be directed to the right side of the roadway close to the curb, or onto the shoulder, if engineering design permits.
  - f. On multi-lane roadways, the deputy should insure the safety of the violator during lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
  - g. Should the vehicle stop abruptly in the wrong lane or in another undesirable location, the driver should be promptly directed to move to a safer location. The deputy should use the public address system, when so equipped, to give such instructions.

B. Approaching the Vehicle

1. The deputy should position his vehicle approximately two car lengths behind the stopped vehicle. The patrol vehicle should be positioned in such a manner as to form a "protective pocket" for the deputy. This can be accomplished by positioning the patrol vehicle parallel to the position of the stopped vehicle, approximately two feet to the left, or positioned at a slight angle so that the left front of the patrol vehicle is offset.
2. The deputy should exit the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the driver or occupants of the stopped vehicle.
3. The deputy should approach from the rear of the stopped vehicle, touch the trunk lid to ensure that it is closed, latched and to leave prints, look into the rear seat area, and stop at a point to the rear of the trailing edge of the left front door. This position should be maintained if there are only occupants in the front seat of the vehicle.
4. In cases where the stopped vehicle has occupants in both the front and rear seats, the deputy should approach to a point near the leading edge of the left rear door. The deputy should be especially alert for any unusual actions on the part of the occupants and choose a path so that the door cannot be used as a weapon against the deputy. From this position, the deputy can communicate with the driver and keep all occupants in view.
5. The deputy should address the driver in a courteous manner and advise the reason for making the stop. Items such as operator's license, registration cards, etc., should be *requested* and not demanded. **Do not ask the driver do you know why I stopped you!!!**
6. Should the deputy order the driver or occupants from the vehicle, no more than can be controlled should be allowed to exit. When ordering or requesting the driver or occupants from the vehicle, the deputy should open the door to allow their hands to remain in sight. The deputy should move back with the swing of the door and order or request the driver/occupants to a position where conversation/questioning can safely occur, whether in a neutral position or in the patrol vehicle. The deputy should constantly be aware of suspicious movements when questioning, regardless of the demeanor of those being questioned and pay attention to on coming traffic.

C. When Special Conditions Exist:

1. In those stops made by two-man patrol vehicles, or where two deputies are present, the passenger deputy or assisting deputy should be responsible for all radio communications, writing all notes and messages relayed from the communications center. During the stop he should act as an observer and cover for his fellow deputy. At no time should the two deputies approach the driver together. If approach is necessary, the passenger deputy or assisting deputy should approach the right side of the stopped vehicle in the same manner as the primary deputy.
2. In hours of darkness, the deputy should insure that the patrol vehicle headlights are on low beam.
3. The same precautions exercised in the initial approach should be re-employed upon return the stopped vehicle.
4. The patrol vehicle radio and portable radio should be audible to the deputy during the stop and should be readily accessible to send or receive transmissions.
5. When foot pursuit of the driver or occupants is deemed necessary, communications to that effect should be transmitted for support. The patrol vehicle and weapons therein should be secured before foot pursuit.
6. When approaching or questioning drivers and occupants, items such as flashlights,

driver's licenses, etc., should be held in the hand opposite the deputy's weapon. The deputy should attempt to have his weapon readily accessible personally, and non-accessible to others. It is left to the deputy's discretion whether to have the driver or occupants enter the patrol vehicle for the purpose of questioning, executing a summons, etc. A frisk or pat-down is appropriate, when deemed necessary, for persons entering the patrol vehicle. The same precautions exercised in the initial approach should be re-employed upon return to the stopped vehicle to deliver a summons, etc.

7. When approaching the suspect vehicle, the deputy, as a precautionary measure, shall discretely place his right hand print on the left rear of the suspect vehicle while walking up to the driver's door. This handprint may be used as a means of identification at a later date should the need arise.

## V. ENFORCEMENT ACTIONS

### A. Different Types

1. WARNINGS: A verbal warning may be issued to a violator whenever there is a minor infraction committed in those areas where the offense is minimal. A properly given warning can build rapport with drivers and can be just as effective as other types of enforcement actions.
2. VIRGINIA UNIFORM SUMMONS: A Virginia Uniform Summons should be issued for a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or unsafe and improperly equipped vehicles. The deputy shall use the Virginia Uniform Summons for all traffic offenses.
3. PHYSICAL ARREST: In compliance with Code of Virginia 46.2-940, deputies shall make a physical arrest:
  - a. Of violators of traffic laws pertaining to driving under the influence of alcohol or other intoxicants;
  - b. When a felony has been committed involving a vehicle;
  - c. When the operator refuses to sign the "promise to appear" printed on the traffic summons;
  - d. When the operator is licensed by a non-reciprocal state.

### B. Violations

Deputies should take appropriate action with the following violations for adults and juveniles:

1. Driving under the influence of alcohol/drugs;
2. Driving suspended or revoked;
3. Speeding;
4. Off-road violations;
5. Defective Equipment;
6. Public carrier/commercial vehicle violations;
7. Traffic accidents;
8. Pedestrian/Bicycle violations;
9. Seatbelt/Child safety seat violations; and
10. Other hazardous violations.

### C. New Traffic Laws

Deputies shall be aware of new laws and penalties.

D. Charging a Motorist with a Violation

When charging a motorist with a violation, the agency will provide information relative to the specific charge to include:

1. Court appearance schedule.
2. Whether court appearance by motorist is mandatory.
3. Whether the motorist may be allowed to enter a plea and/or pay the fine by mail.

**VI. SPECIAL CATEGORIES OF VIOLATORS**

A. Non-Residents

If the violator is from a non-reciprocal state, they must be taken directly to the magistrate.

B. Juveniles

Make sure the juvenile understands that a parent or guardian must accompany them in Juvenile and Domestic Relations Court.

C. DUI / DUID Procedures

As soon as a deputy collects reasonable suspicion that a motorist is under the influence, the deputy shall stop the violator (observations should be noted for future reference).

1. Sobriety Testing

- a. Deputies should administer a minimum of three field sobriety tests, if possible. Following are some commonly used tests:
  - 1) Horizontal Gaze Nystagmus (if certified);
  - 2) Walk and turn
  - 3) One-leg stand;
  - 4) Finger-to-nose
- b. Deputies may use; i.e. reciting the alphabet, 10 count, but they should be performed in the same order and manner every time.
- c. If the operator fails the roadside tests, an alco-sensor shall be administered (Code of Virginia 18.2-267). The operator may refuse the alco-sensor test, and must be advised of his/her right to refuse, by reading the following from the DUI check sheet, prior to the preliminary test.

Advice of Rights to a Preliminary Test:

If I suspect you of operating a motor vehicle while under the influence of an alcoholic beverage or (if under 21) after illegally consuming alcohol. In accordance with law, you are entitled to have your breath analyzed to determine the probable alcoholic content of your blood, and upon request, to observe the process of analysis and the reading on the equipment used to perform the test. You have the right to refuse to permit your breath to be so analyzed, and failure to permit such analysis shall not be used as evidence against you in a court of law. Should you elect to submit to such breath analysis, the results shall not be admitted into evidence in any prosecution for violation of Code of Virginia 18.2-266, 18.2-266.1, or any similar ordinances.

- d. Every patrol deputy is given an "Implied Consent" card along with the "Right's to a Preliminary Test" listed on the back. This card should be assessable to the deputy during DUI stops
- e. Ask the violator when he/she took their last drink of alcohol; make sure to wait at least 20 minutes from the time of the last drink before administering the

alco-sensor.

- f. If the violator fails the tests given, he/she shall be mirandized, arrested, and taken for blood and/or breath testing.
- g. If a deputy suspects that the vehicle operator is under the influence of both, alcohol and drugs, or drugs alone, he shall require the operator to have a blood test performed in addition to testing for alcohol.
- h. The Tazewell County Sheriff's Office DUI Checklist must be completed for all DUI/DUID arrests.

## 2. Arrests of DUI

- a. DUI arrests on private property: If the arrest occurs on private property, Implied Consent
3. Refusals if the arrestee refuses the available test, advise him/her that a separate charge shall be placed. If the arrestee refuses to sign a declaration of refusal the magistrate may sign the form certifying the refusal.
4. Blood testing procedures: Take the arrested person to a technician designated by order of the Circuit Court (18.2-268.5 of the Code of Virginia, as amended, 1950) acting upon recommendation of a licensed physician, who will withdraw blood for the purpose of determining the alcoholic and/or drug content.
  - a. The arresting deputy shall also witness the technician taking the blood sample and ensure that an alcohol solvent is not used to cleanse the withdrawal location. The deputy shall initial the two vial labels before the technician seals the vials in their containers. The initial shall be placed on the label where it will not interfere with the date written by the doctor or technician who took the sample.
  - b. The arresting deputy shall take possession of the two vials and seal them in the container designed to hold it.
    - 1) The deputy shall, before the end of duty, write the name of the arrested person, deputy's name, date and time of arrest on the container.
    - 2) The deputy shall prepare an evidence form, for the blood vials.
5. Breath Analysis Procedures
  - a. Chemical analysis of a person's breath shall be performed by anyone possessing a valid breath operator's license, issued by the Virginia State Division of Consolidated Laboratory Services.
  - b. The tester shall issue a certificate of breath alcohol analysis. This is a three copy form and should be distributed as follows:
    - 1) White copy, the original shall be given to the magistrate, which is forwarded to the General District Court with the summons and warrant;
    - 2) Green copy, the second copy will be given to the arrested person;
    - 3) Yellow copy, the third copy is for departmental use and is to be forwarded to records for filing.
6. DUI involving accidents: Deputies should try to obtain the following information:
  - a. Identification of any witnesses who saw the suspect operating the motor vehicle.
  - b. Questioning the witnesses, as to the suspect's condition, actions, and statements immediately after the accident.
  - c. Establish the time of the accident. A DUI arrest may be made up to 3 hours after the time of the accident.

## 3. The Magistrate

After the breath/blood test, the violator shall be taken before the magistrate, to obtain the warrant for Driving under the Influence, or a similar ordinance. The signed Notice of

Administrative Suspension form, any driver's licenses, DUI summons, breath test results, criminal and traffic history, etc., shall be given to the magistrate.

4. Notice of Administrative Suspension of Driver's License/Driving Privilege
  - a. The Administrative Suspension form shall be completed, upon the issuance of petition, summons, or warrant for 18.2-51.4, 18.2-266, or similar local ordinance. Make sure the notice is executed and is signed by the violator. If the violator has a current license, it shall be taken and given to the magistrate with the suspension notice. Three copies should be made of the administrative suspension form.
    - 1) The original, signed by the accused, shall be given to the magistrate and forwarded to the court. Make sure the accused signs the original.
    - 2) One copy shall be given to the accused, serving him/her of the suspension.
    - 3) The last copy is for the deputy. The deputy must give the form as soon as possible to dispatch to enter the information in to the system.
5. DUI's involving underage persons  
Under-age persons fall into two categories, under 21 but over 18, and under 18, which are considered juveniles. Violator's that are under twenty-one can be charged under 18.2-266.1, with a blood alcohol level of .02%, or more. If the BAC is over .08%, the underage person can be charged with 18.2-266.
6. Lieutenant Governor and Members of Virginia Legislature:  
Under Title 30-6 Code of Virginia, for five (5) days before and after the session, the Lieutenant Governor, a member of the General Assembly, or the clerks thereof, and their assistants, shall be privileged from being taken into custody or imprisoned except for treason, a felony, or breach of peace. Officers may issue traffic summonses for a moving offense or for a DUI physical offense.
7. Members of Congress
  - a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.
  - b. If a member of Congress is stopped for a traffic infraction, he/she shall upon presentation of valid credentials, be immediately released if Congress is in session. 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 is not in transit to or from Congress, or on official business.
8. Military Personnel  
Deputies have the discretion in dealing with military personnel. Military personnel and families who live in the area shall be treated as residents. Military personnel not assigned to local installations should be dealt in accordance with provisions of the "non-residents violator compact."

## **VI. TRAFFIC CONTROL AND RELATED SERVICES**

This Office performs functions such as traffic control, parking control, school-crossing guards, emergency assistance, and provides traffic safety information. The Office expects deputies to perform these services diligently and responsibly, with safety of the citizens in mind.

### **A. Methods of Manual Traffic Direction**

1. Deputies directing traffic for any reason shall wear the issued reflective vest to enhance visibility to motorists.
  2. When a deputy is directing traffic, he/she knows and uses standardized, appropriate gestures and audible signals to stop, start, and turn traffic.
  3. To indicate that the deputy is present for the purpose of directing traffic, he/she shall:
    - a. Have the emergency lights of the vehicle on, if available;
    - b. Position self to be seen clearly by all, usually in the center of the intersection or street;
    - c. Stand straight with weight distributed equally on both feet;
    - d. Hands and arms at his/her sides, except when gesturing;
    - e. Stand facing or with back to traffic that has stopped and with sides to traffic he/she has directed to move.
  4. How to stop on coming traffic:
    - a. To stop traffic, the deputy shall first extend an arm and index finger toward and look directly at the motorist to be stopped until he/she is aware of the deputy's gesture.
    - b. The pointing hand is raised at the wrist so that its palm is toward the person to be stopped, and the palm is held in this position until the person is observed to stop. To stop traffic in both directions on a two-way street, the procedures are repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the previously stopped traffic.
  5. How to start traffic:
    - a. The deputy shall first stand with shoulder and side towards the traffic to be started, extend the arm and index finger toward and look directly at the appropriate driver until he/she is aware of the deputy's gesture.
    - b. With the palm up, the pointing arm is swung from the elbow only, through a vertical semi-circle until the hand is adjacent to the chin. If necessary, this gesture is repeated until traffic begins to move. To start traffic from both directions on a two-way street, the procedure is repeated for traffic coming from the opposite direction.
- B. Signaling Aids:
1. The **voice** can be used in traffic direction. Occasionally, a driver or pedestrian will not understand the deputy's directions. If this occurs, the deputy shall try to explain the directions safely, politely, and briefly.
  2. Use of a **flashlight**:
    - a. To STOP a driver with a flashlight, the deputy shall face on-coming traffic, hold the flashlight in the right hand, and bend the right elbow, hold the flashlight vertically, then swing the flashlight from left to right through an arc of approximately 45 degrees.
    - b. The GO and LEFT TURN direction are the same directions as those previously described except that the flashlight acts as an extension of the hand and index fingers. Signals and directions given with the aid of the flashlight shall be exaggerated and often need to be repeated because of nighttime and/or poor visibility.
  3. Use of **Flares**: Flares shall be used in areas of low visibility. They may be used at night in an appropriate pattern helping the motorist understand the correct detour

route. Flares may also be used during the day to aid the flow of traffic.

C. Manual Control of Traffic Devices:

1. Tazewell County Sheriff's Office does not manually operate traffic control signal lights.
2. We will assist the Highway Department with traffic control to alleviate congestion while the Highway Department fixes broken signal lights.

D. Accident Traffic Control:

Deputies shall try to keep traffic moving, by diverting traffic forward in a safe and efficient manner. If an accident is blocking the roadway, a wrecker should be immediately called. Follow the TCSO wrecker policy. Flares may also be used during the day to aid the flow of traffic. If the roadway is completely blocked, have dispatch advise the wrecker to expedite. If needed, ask for additional law enforcement assistance for traffic control. See [Vehicle Accidents](#).

E. Special Event Traffic Control:

For any special event, the Sheriff, or his designee shall ensure the preparation and implementation of a special traffic plan. The plan should address: ingress and regress of vehicles and pedestrians; provisions for parking; spectator control; public transportation; assignment of point control duties and relief; alternate traffic routing; temporary traffic controls and parking prohibitions; emergency vehicle access; and appropriate media control of such plans.

F. Traffic Control at a Fire Scene:

1. Deputies responding to the scene of a fire call shall observe the following rules regarding traffic control:
  - a. No vehicles shall be allowed to drive into the area in which the fire vehicle is parked and operating.
  - b. No vehicles shall be allowed to cross fire hoses without approval of the fire chief.
  - c. In cases of fires at a facility such as the hospital, jail, etc, no vehicles shall be allowed on the grounds.
  - d. The exception to the rules above shall be life saving vehicles on actual calls for services and under the specific direction of the fire chief.
  - e. Parked vehicles interfering with fire operations can be towed.
  - f. Deputies shall observe the fire chief as the person in-charge of the scene.

G. Traffic Control During Adverse Weather Conditions:

1. The Sheriff or his designee shall notify the local radio stations, highway department, and the fire department of adverse road conditions that affect the motoring public.
2. The Sheriff or his designee may close a street if, in his opinion, the surface conditions and terrain are unusually hazardous. He shall request the VDOT Highway Department's assistance in alleviating hazardous road conditions.
3. The Sheriff or his designee shall request dispatchers to notify the proper utility companies and assign deputies to direct traffic and safeguard movement at the scene of: downed power lines; broken gas or water lines; downed or broken traffic lights, etc, when the situation endangers safe movement of traffic.

## VII. ESCORTS

A. Emergency Escorts:

1. Deputies shall not provide escort for other emergency vehicles. They may direct traffic

- at intersections to expedite the movement of other emergency vehicles.
- 2. Deputies will not escort emergency vehicles or civilian vehicles in medical emergencies.

**B. Law Enforcement Escort Services**

- 1. Funeral Processions: The Sheriff's Office shall provide funeral escorts, within the county.
- 2. Non-Emergency: Deputies may be directed to escort lost motorists, in non-emergency situations.

**VIII. ROAD HAZARDS AND DEBRIS:**

- A. A deputy locating hazardous debris in the road shall remove it or request the dispatcher to notify VDOT to have it removed.
- B. Deputies shall report all highway defects to the dispatcher and, in turn, they shall contact VDOT as soon as possible.

**IX. DISABLED VEHICLES:**

A deputy should help a stranded and disabled motorist to obtain fuel, repairs, a wrecker, or other assistance. Deputies shall not push or pull any vehicle with a police vehicle, unless life-threatening situations occur.

**X. HIGHWAY EMERGENCIES:**

Deputies arriving upon the scene of any highway emergency shall request the dispatcher to obtain the necessary services and then provide emergency first-aid, fire suppression, reduce hazards, until the arrival of emergency services.

**5-09 Traffic Inspection Details - DUI Checkpoint**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Traffic Inspection Details - DUI Checkpoint</b>	<b>NUMBER: 5-09</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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**I. POLICY**

Establish periodic traffic inspections details/DUI checkpoints.

**II. PURPOSE**

Apprehension of persons Driving While Under the Influence of Alcohol or Drugs and violations of state motor vehicle laws, or county ordinances.

**III. PROCEDURES****A. DOCUMENTATION**

1. Site plans will be developed, approved by the Sheriff and filed with the Circuit Court and the Sheriff's Office.
2. Supervisors will review and approve the selective enforcement time sheet form and activity sheet.
3. Area operational plans will be submitted by supervisors for approval, prior to any enforcement activity.
4. All enforcement data will be turned into the supervisor of selective enforcement.
5. The supervisor will prepare a post report at the end of the enforcement activity and submit the report to the sheriff and the selective enforcement supervisor, the report should include;
  - a. Number of vehicles that passed through the check site,
  - b. Number of arrests and citations issued,
  - c. Any problems that were encountered,
  - d. Other information deemed important by the supervisor.

**B. GENERAL****1. Site Location**

- a. The Sergeant will prepare a list of inspection detail sites for the County.
- b. All Inspection Detail Sites will be selected using the following criteria:
  - 1) Site locations should be distributed throughout the county to ensure a non-biased sampling of the motorists using the highways.
  - 2) The site should have adequate visibility to provide safety to approaching

- motorists and sworn employees conducting the detail.
- 3) The site should have adequate space available to park police vehicles off the pavement and to allow vehicles to be pulled out of the traffic stream for additional examination without creating a traffic hazard.
  - 4) The site should be designated as approved for daylight or night operations, or both.
  - 5) The site should have no particular characteristics, which would create a hazard to motorists or sworn employees.

## 2. Safety

Checkpoint locations will have been selected with safety as a prime objective. In addition, the following procedures will apply:

- a. Sufficient personnel will be available to relieve deputies who may be called upon to perform additional questioning or to make arrests.
- b. Sufficient personnel to serve as back-up deputies and to man pursuit vehicles will be detailed to the checkpoint.
- c. All deputies assigned to Traffic and/or DUI checkpoints will be fully uniformed and wear a traffic safety vest.
- d. Occasional traffic congestion may be handled by allowing all stopped vehicles to pass through the checkpoint to prevent a traffic hazard, then resuming the specified screening method.
- e. The number of sworn employees assigned should be in proportion to the volume of traffic
- f. Patrol vehicles should be parked to provide protection to the sworn employees and to be highly visible to approaching motorists. They should be situated to allow for pursuit if necessary.
- g. Traffic control measures will be implemented to provide adequate warning to motorists, i.e. use of flares, emergency lights, and using lighted areas at night when other safety measures are inadequate. One sworn employee of the team will be designated as the Traffic Control Officer responsible for directing traffic into the checkpoint.
- h. A safe place should be designated for those vehicles that require additional inspection. This should be out of the general flow of traffic, preferably off the roadway.

## C. CHECKPOINT OPERATION:

1. If Traffic Inspection Details must be conducted at various times of the day and week and at various locations.
2. Sworn employees will conduct traffic inspection details when assigned and approved by a supervisor. Sites will be selected from the approved list and chosen prior to beginning the detail.
3. The sworn employee setting up the inspection detail shall be responsible to see that all precautions are taken to afford the highest degree of safety to motorists and sworn employees
4. An alternate location should be used in the event safety considerations prevent checkpoint operations at the intended location. Safety considerations may include circumstances such as extremely heavy traffic due to some unforeseen event or a major accident at or near the checkpoint location. Supervisors, in preparing the operational plan to be used for such traffic inspection detail site shall specify the screening method to be used at that particular location. Safety concerns such as sight distance and traffic volume should be considered in determining the proper screening

method to be used at that particular location. Sworn employees conducting traffic inspection details shall immediately change to the designated alternate screening method, i.e. every third, fifth, or tenth vehicle as may be specified in the operational plan, once a traffic back-up occurs beyond the specified number of vehicles or measurable distance. Participating sworn employees should not deviate from the operational plan. Vehicles will not be stopped on a discretionary basis. All vehicles, regardless of type, shall be checked. This includes commercial vehicles, buses and large trucks

#### D. DUI SOBRIETY CHECKPOINTS

1. A DUI Sobriety Checkpoint is to identify and reduce the number of intoxicated drivers on the highways, thereby reducing the number of alcohol or drug related automobile accidents.
2. DUI Sobriety Checkpoint Site selection: Checkpoint site selections are to be based on high DUI related accident experience and/or past DUI arrest activity. Accident and arrest statistics coupled with sworn employee safety and motorist safety factors are considered in selecting sites for sobriety checkpoints. Sobriety checkpoints are not to be situated on highways where traffic speeds or other conditions would pose a threat to motorists or sworn employees of the Checkpoint team. Additional considerations include the presence of adequate lighting to illuminate the checkpoint and an area adjacent to the checkpoint to allow for the parking of suspected DUI driver's vehicles and administration of field sobriety tests. The location must also allow for ample warning to motorists approaching the checkpoint.
3. An Area Operational Plan shall be submitted for approval by supervisors. Area Operational Plans shall address the following points:
  - a. The date, hours of operation, and location of each checkpoint.
  - b. Contingency plans for each checkpoint, which shall include:
    - 1) An alternate location for use in the event safety considerations prevent checkpoint operations at the intended location
    - 2) Safety considerations may include circumstances such as exceptionally heavy traffic due to some unforeseen event or a major accident at or near the checkpoint location.
  - c. In preparing the operational plan to be used for each sobriety checkpoint site, supervisors shall specify the screening method to be used at that particular location. Safety concerns such as sight distance and traffic volume should be considered in determining the proper screening method. The screening procedure shall identify the number of vehicles or a specific distance measure requiring a change to an alternate screening method. Once traffic congestion occurs beyond the specified number of vehicles or measurable distance. Occasional traffic congestion may be handled by allowing all stopped vehicles to pass through the checkpoint to prevent a traffic hazard, then resuming the specified screening method. Participating deputies should not deviate from the operational plan. All vehicles, regardless of type, shall be checked. This includes commercial vehicles, such as buses and large trucks.
  - d. A diagram will be provided of each checkpoint location depicting the roadway, placement of traffic control devices, and secondary testing location for administering the field sobriety tests.
  - e. Sobriety checkpoint teams should be composed of a sergeant or lieutenant and sufficient personnel.
  - f. Sobriety checkpoint teams should normally operate for periods of four hours at

the same location. However, the supervisor may discontinue operations at any time for safety or operational reasons. Traffic volumes and general operating conditions permitting, the supervisor may extend the operating period to a maximum of six hours.

- g. Adequate space should be available away from the checkpoint for the parking of suspected DUI driver's vehicles and the administration of field sobriety tests. This space may be a coned traffic lane, a wide shoulder area, or other suitable location. Provisions shall also be made for the vehicles of arrested parties in keeping with departmental policy. Vehicles will not be stopped on a discretionary basis, i.e. due to the "Looks" of the vehicle. However, this does not preclude stopping a vehicle when the driver exhibits obvious signs of intoxication.
- h. Depending upon the configuration of the checkpoint, sufficient personnel should be used as screening officers. When approaching a vehicle, screening deputies shall scan the interior and occupants for weapons and/or other contraband. Upon determining that no hazard exists, deputies shall advise the driver of the purpose of the stop. Delays of motorists shall be kept to a minimum.
- i. In the event the motorist shows signs or behavior normally associated with DUI, further investigation will be conducted in the testing area to further investigate for DUI. Arrestee's should be transported as expeditiously as possible. The deputy who originally screens the driver shall conduct the field sobriety tests and arrest the subject if appropriate. The arresting deputy should normally handle transportation. As a screening officer removes himself from a checkpoint location with a suspected DUI, a standby officer shall rotate into position and assume screening duties. Drivers who are not arrested after completing the field sobriety test shall be directed back into traffic.
- j. The supervisor is responsible for the overall operation of the checkpoint. He is also responsible for assuring that the above procedures are adhered to, and that a record is kept of the number of vehicles that pass through the checkpoint, number of arrests made, and any problems encountered.
- k. Deputies not involved in traffic control or screening duties should position themselves to observe traffic from a position of safety and be immediately available to provide any further assistance. Duties should be rotated periodically to prevent undue fatigue.
- l. DURING ANY CHECKPOINT OPERATIONS, DEPUTIES WILL CONDUCT THEMSELVES IN A PROFESSIONAL MANNER AT ALL TIMES.

#### E. TRAINING

All deputies are trained in DUI detection, screening, and apprehension methods.

**5-10 Traffic Accidents - Operations**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Traffic Accidents - Operations</b>	<b>NUMBER: 5-10</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.07.05</b>	

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**I. POLICY**

Investigation of motor vehicle accidents involving death and serious injury, hit and run, driver impairment due to alcohol or drugs, damage to public vehicles or property, hazardous materials, disturbances between principals, major traffic congestion due to the accident, property damage and occurrences on private property, and complete all required departmental and state reports within 24 hours of the incident following the guidelines set forth below

**II. PURPOSE**

Follow uniform procedures for working traffic accidents.

**III. PROCEDURES****A. Upon Arrival at Scene of Accident:**

1. Upon arrival, the deputy must take control of the scene by:
  - a. Positioning the Sheriff's unit in a manner that provides the best protection from oncoming traffic 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, 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
2. The first arriving deputy shall be in charge of the accident scene throughout the investigation unless otherwise instructed by supervisory personnel.

**B. On scene investigations**

1. Accidents resulting in personal injury/fatality, damage in excess of \$1,500, hit and run, DUI/DUID and/or reckless driving shall be completed on the standard Commonwealth

of Virginia Police Accident Report form regardless of the location of the accident. If violations of law are determined by the Deputy, the appropriate summons or arrest will be attached to this report.

2. Initiate contact with the operators involved, and obtain operators' license/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 contact them to conclude the investigation.
3. Record the operators' account of what occurred.
4. Written statements will be taken from all witnesses.
5. 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.

#### C. Removal of Vehicles and Debris

1. As soon as possible the Deputy should provide for the resumption of the orderly flow of traffic. 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. The wrecker service or State or County agency shall clear all debris from the accident and the roadway.
2. The fire department will be notified in the event of any hazardous Material spills and will be responsible for any necessary clean-up activities.

#### D. Reports

It is the responsibility of the investigating deputy to turn in all related reports concerning the accident within 24 hours of the incident to include:

1. The accident investigation report for review by the Shift Supervisor and in his absence, the Major.
2. Summons and/or warrants submitted with the report
3. Reports of defects of the roadway, signs or signals which contributed to the accident shall be noted on proper forms and turned in to a supervisor on duty to be forwarded to the appropriate County or State agency. Defects or hazards, which present an immediate danger to safety, shall be reported to Communications, which shall notify the appropriate agency.

#### E. Accidents Involving Death or Serious Injury

1. The Deputy dispatched to the scene will take control of the accident scene.
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. In all cases where foul play is suspected, the body shall not be covered.

#### F. Hazardous Material or Chemical Spill Accidents

The Virginia State Police will 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:

1. 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.
2. Notify Communications of the situation and request fire department assistance, giving as much information as possible regarding the hazardous material or chemical spill.

3. Isolate the accident area of non-essential personnel.
4. Avoid contact with any unidentified liquids or vapors leaking or escaping from the accident vehicle(s).

G. Accidents Occurring on Private Property

1. Deputies shall respond to accident occurring on private property.
2. The deputy shall eliminate any existing traffic hazards and request additional traffic units and medical/fire assistance if necessary.
3. Accidents on private property shall be deemed to be workable if they involve personal injury/fatality, damage in excess of \$1500.00, DUI/DUID, hit and run, or if the Deputy's initial investigation indicates obvious reckless driving was the cause for the accident. The Virginia State Police will be notified in the event of a fatality.
4. In those accidents deemed by the deputy to meet the criteria for a workable accident, he shall complete the Standard State Accident Report Form.
5. In all other instances the Deputy should ensure that the parties involved exchange the proper information for insurance purposes.

H. Report Review

It is the responsibility of the supervisor on duty to review and initial the reports of all accidents when turned in by the investigating deputy.

I. 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.

## 5-11 Towing & Impoundment

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Towing &amp; Impoundment</b>	<b>NUMBER: 5-11</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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### I. POLICY

Deputies may tow any vehicles, which are abandoned, illegally parked, hazardous to the public, and/or used in the commission of certain acts.

### II. PURPOSE

Circumstances under which a motor vehicle may be towed to protect the citizens traveling the roadways and the protection of property.

### III. PROCEDURE

#### 1. TOWING

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. General

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, who is physically, mentally, and legally able to take responsibility of the vehicle.
    - 2) 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. The vehicle Constitutes evidence of a crime, in and of itself.
  - c. The vehicle is abandoned or unattended in violation of Tazewell County Ordinances and/or Section 46.2-1200.1 or the Code of Virginia
  - d. The vehicle is disabled, 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. The 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 Section 46.2-1219.1 of the Code of Virginia.
  - f. The vehicle is illegally parked in violation of County Ordinances or State Statute.
  - g. The 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, Section 46.2-301.1 and shall be impounded for 30 days.

- h. A person whose license is currently under a seven-day suspension related to a DUI refusal operates the vehicle. The vehicle may be impounded pursuant to the Code of Virginia, Section 46.2-391.2.
  - i. The vehicle is a traffic hazard.
2. Deputies may seize for forfeiture and tow vehicles for the following reasons:
    - a. The vehicle in question is engaged in racing on the highway, and the owner is present in the vehicle at the time of the offense, in violation of Section 46.2-865 of the Code of Virginia.
    - b. The vehicle is engaged in the transportation of alcoholic beverages or illegal alcohol in violation of Section 4-56 of the Code of Virginia.:
    - c. The vehicle is used to transport stolen goods valued at \$200.00 or more, in violation of Section 18.2-110 of the Code of Virginia.
    - d. The vehicle is used in connection with, or derived from the illegal manufacture, sale and/or distribution of controlled substances, in violation of Section 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.

#### B. Abandoned Vehicles: Special Considerations

Deputies encountering motor vehicles believed to be abandoned shall follow the below procedures:

1. Effect a Division of Motor Vehicle (DMV), National Criminal Information Center (NCIC), and Virginia Criminal Information Network (VCIN) check on the vehicle to determine if it was stolen, and obtain information on the registered owner.
2. If impoundment and towing is effected, the proper forms and documentation are required.

#### 2. DOCUMENTATION AND FOLLOW-UP

1. Deputies shall ensure that the proper case number is included on each report prior to submission in order to facilitate proper handling by Records and Communications personnel.
2. It is imperative that the reason for the impoundment be indicated in the appropriate section. If the action is taken subsequent to an arrest, the reason for the arrest must be indicated.
  - a. Notification of owner:
    - 1) Deputies shall indicate on the form whether the owner has been notified and the method of notification.
    - 2) 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 appropriate court box.
- 2) Dispatcher's Copy - Kept in folder in communications room
- 3) Operator of Vehicle – Given to operator of Vehicle
- 4) Deputy Copy – Attached to original Offense Report
- 5) Copy to stay with Seized Vehicle – Taped to driver's door glass if possible, information facing out.

### 3. REQUEST FOR TOWING SERVICE

1. Requests for a 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 to which the vehicle is being towed.
  - d. Whether the vehicle is abandoned and/or unattended and is being towed under authority of the Code of Virginia or Tazewell County Ordinances.
  - e. If an accident vehicle is towed, a tow sheet will be completed and the vehicle will be towed at the owner's expense and by the owner's choice of tow service. If the owner does not have a preference, the Communications Center will request the next tow service on the list at the deputy's request. The owner will be notified of the name and location of the tow service. The owner or owner's designee will secure all personal property from the vehicle.
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 which wrecker to use, 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 a wrecker service, the citizen decides to cancel, for whatever reason, it is up to the deputy's discretion to cancel the wrecker. This pertains only in situations where the wrecker service has not actually arrived on the scene. Factors which should be considered are:
    - 1) The time of day or night
    - 2) The time elapsed since the initial request
    - 3) The distance the responding service may have already traveled.
  - 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.

**5-12 Recovery/Processing Stolen Vehicles**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Recovery/Processing Stolen Vehicles</b>	<b>NUMBER: 5-12</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>

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**I. POLICY**

It shall be the responsibility of the officer that recovers an alleged stolen vehicle to have dispatch notify the agency or owner who reported it stolen. The officer will follow the procedure in the processing of the vehicle.

**II. PURPOSE**

To set guidelines and procedures for the recovery and processing of stolen vehicles.

**III. PROCEDURE****A. General**

1. Once located, Dispatch shall inform the owner or agency of the telephone number, address and location of the person holding the property. In addition, the following procedures will apply:
  - a. The reporting officer will notify the Shift Supervisor of the recovery of a vehicle.
  - b. The vehicle constitutes evidence of a crime, in and of itself.
  - c. If the vehicle recovered is from an outside agency, one of two things can happen:
    1. They can request our agency process the vehicle;
    2. Have it stored till they can take possession.
  - d. If assistance is needed, a Detective may be available at the request of a Shift Supervisor..
  - e. The reporting officer may determine that processing the vehicle at the scene of recovery would be difficult for various reasons, i.e. extreme cold, darkness or unsafe conditions. In this case, the vehicle will be taken to a location where further processing can take place.

### 5-13 Juvenile Procedures

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Juvenile Procedures</b>	<b>NUMBER: 5-13</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: ADM.25.03, OPR.04.02, OPR.04.03</b>	

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#### I. POLICY

Deputies shall cooperate with and support parents, guardians, school systems, Social Services, Court Services, and the Juvenile Justice Court System to facilitate the best services for the child.

#### II. PURPOSE

Identify arrest procedures and alternative methods in handling juveniles.

#### III. JUVENILE CUSTODY PROCEDURES

##### A. Situations Permitting Immediate Custody (16.1-246 Code of Virginia)

1. Petitions and Detention orders
2. When child is in need of services;
  - a. there is a clear and substantial danger to the child's life or health, or
  - b. the assumption of custody is necessary to ensure the child's appearance before the court; or
3. When a child has committed an act designated a crime under the law of this Commonwealth; or shoplifting 18.2-103, assault and battery, or carrying a weapon on school property 18.2-308.1, not committed in the officer's presence; or
4. When there is probable cause that a child has committed an offense that if committed by an adult would be a felony; or
5. When an officer has probable cause that a child has escaped from a detention home or jail; or
6. When an officer has probable cause that a child has run away from a residential, child-caring or home in which he/she had been placed by the court, social services, welfare agency; or
7. When an officer reasonably concludes that there is a clear and substantial danger to the child's welfare, or
8. When a child is believed to be in need of inpatient treatment for mental illness.

##### B. Options on Handling Juvenile Offenders

1. Verbal Warning: Release the child to such child's parents, guardian, custodian, or other suitable person able and willing to provide supervision and care for such child and issue oral counsel and warning as may be appropriate; or

2. Summons and release to parents or guardians: Release the child to such child's parents, guardian, legal custodian or other person standing in loco parents upon their promise to bring the child before the court when requested; or
  3. Referral to the Court: In this case, the juvenile is released to a parent or guardian after the offense and the deputy should speak with an intake officer to decide to defer charges or to file charges with the court. Deferring the charges is the unofficial handling of the case.
  4. Arrest: Take the juvenile into custody, under probable cause that he/she has committed a crime, and take the juvenile forthwith to an intake officer.
- C. Guidelines Involving Custody of Juveniles; 16.1-247 VA CODE
- When taking a child into custody, parents/ guardians shall be notified forthwith. According to the above provisions, the child shall be taken without delay before the judge or intake officer of the court, unless the juvenile is in need of medical attention. The deputy taking custody shall;
1. If the court is open:
    - a. If not released, and it is during working hours, bring the child to the judge or intake officer of the court, and give notice of the action taken, together with a statement of the reasons for taking the child into custody.
    - b. The officer shall give notice to the parent, guardian, or other legal custodian
  2. If the court is not open, below is a list of options available to the deputy:
    - a. Release the child taken into custody of the parents or guardian pursuant to 19.2-119.
    - b. The Officer shall contact the on-call Juvenile Intake Officer if the offense committed is not releasable by summons.
    - c. If an intake officer determines that a petition should NOT be filed, the deputy shall as soon as practicable:
      - 1) Return the child home;
      - 2) Release the child to such child's parent.
- D. Considerations in Handling The Offense
- In making the decision, whether to handle the situation formally or informally, the deputy may consider:
1. The seriousness of offenses, criminal offense v. status offense;
  2. A prior record of the child;
  3. The age of the child.
  4. Cooperation of all parties (child, parent, guardian, victim) and the possibility of repeated offense;
  5. The degree of wrongful intent, violence, premeditation, knowledge of violation;
  6. The likelihood that the child, parent, or guardian can be referred to a helping agency.
- E. Transportation of Juveniles
- Code of Virginia 16.1-254 states that no juvenile under the age of 15 shall be transported or conveyed in a patrol wagon. No person under 18 shall be transported in the same vehicle with adults suspected of or charged with criminal acts, but they will otherwise be treated the same as any other prisoner in regards to the use of restraints.
- F. Confinement of Juveniles
- Code of Virginia 16.1-249, puts certain restrictions on the place of confinement of juveniles in custody. No person known to be under the age of 18 shall be confined in any jail or other facility with adults.

#### IV. PROTECTION OF THE JUVENILES RIGHTS

##### A. Interviewing and Interrogation of Juveniles

1. Whenever possible the parents' or guardians' permission should be obtained before interrogating a juvenile, unless an unusual situation exists. A reasonable attempt should be made to contact the parent or guardian. Exceptions to this rule would be if the juvenile stated that he/she wishes for the parent or guardian not to be present during the interrogation. The deputy may interview without guardians' approval, but must 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 will apply. Juveniles are entitled to the full Miranda warnings and these rights must be explained and understood by the juvenile. Deputies are reminded that the rules governing searches, frisks or pat-downs, reasonable suspicion, and probable cause all apply to juveniles.
3. Deputies shall note in their IBR the duration of the interview, how many deputies are present, and who may have been contacted.

##### B. Juvenile: Fingerprints and Photographs

1. Code of Virginia 16.1-299 provides that fingerprints be taken and filed under the following circumstances:
2. A child fifteen years of age or older who is charged with a delinquent act that would be a felony if committed by an adult.
3. A child thirteen years of age or older who is charged with the following offenses;
  - a. malicious wounding;
  - b. use of a firearm in committing a felony;
  - c. attempted poisoning;
  - d. extortion;
  - e. robbery;
  - f. rape;
  - g. arson;
  - h. murder
4. A child regardless of age or offense, if he/she is charged with a violation of law, and a deputy has determined there is probable cause to believe that latent fingerprints found during the investigations of an offense are those of the child.
5. Other physical samples may be taken from a juvenile for identification purposes only after the deputy has conferred with the juvenile court or the commonwealth's attorney for advice and assistance as to the legalities and proper procedure for obtaining such samples. Samples include, but are not limited to hair, blood, urine, and breath, stomach contents, and handwriting.

##### C. Handling of Juvenile Records

1. The Sheriff, or his designee, is responsible for the Office's compliance with 16.1-299-16.1-309.1 Code of Virginia, requirements on dissemination, retention, and separation of juvenile records, including fingerprints and photographs.
2. Fingerprint cards and photographs will be destroyed when:
  - a. No petition is filed against the juvenile, but fingerprints were originally taken
  - b. A juvenile is found not guilty by a juvenile court or circuit court
  - c. A juvenile thirteen years of age and under, who was found guilty
3. Fingerprint cards and photographs may be retained when the court finds a juvenile guilty, who is thirteen years or older.

4. Fingerprint and photographs may be retained and copies sent to CCRE when:
    - a. Section 16.1-301 requires that all agencies take special precautions to ensure that law enforcement records concerning a child are protected against disclosure to any unauthorized person.
  5. Juvenile records shall only be released according to Code of Virginia 16.1-301.
- D. Guidelines for Release of Juvenile Information:
1. Criminal offenses: juvenile name, addresses, or other unique information, shall NOT be released. In some instances, a judge may authorize release of identity information.
  2. Traffic infractions: Except when a misdemeanor, any information can be released.
  3. Accidents: If traffic charges are or may be placed as a result of an accident, juvenile information will be withheld.
  4. There are eight traffic offenses for which court appearance is mandatory and information shall NOT be released:
    - a. Indictable offenses;
    - b. Infractions involving an accident;
    - c. DUI or permitting another who is DUI to operate vehicle owned by the accused;
    - d. Exceeding 20 mph over speed limit;
    - e. Reckless driving;
    - f. Driving suspended or revoked;
    - g. Leaving the scene of an accident;
    - h. Driving without a license.

## 5-14 Unusual Occurrences - Emergency Operations

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Unusual Occurrences-Emergency Operations</b>	<b>NUMBER: 5-14</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, Feb 2014</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.05.01</b>	

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

### I. POLICY

Provide for the prompt and uniform recall of Deputies and civilian employees in emergency situations. Those situations subject to recall of personnel shall be, but not limited to the following: possible riot situations, active shooter(s), search of missing or endangered persons, major disasters (commercial plane crash, weather emergencies, etc.), or large gatherings where crowd control is mandatory.

### II. PURPOSE

Establish procedures for response to disasters and other unusual occurrences.

### III. DEFINITIONS

- A. Unusual Occurrence: Situations, generally of an emergency nature, that result from disasters both natural and manmade 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 Sheriff or his designee will conduct planning and response to unusual occurrences.

#### 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.

The following policy's outline special operations for specific unusual occurrences:

1. Hostage/barricade situations;
2. Bomb/Bomb Threats;

### 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. **Assembly Areas:** The Sheriff, or his designee prior to the execution of the emergency recall plan will designate assembly areas. The person executing the emergency recall shall advise recalled personnel of the locations.
2. **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.
3. **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.
4. **Transportation Requirements:** Transportation requirements above the use of sheriff's vehicles will be determined at the earliest possible time.
5. **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.
6. The Tazewell County Sheriff's Office has acquired the use of two military HUMVEE's. The acronym HUMVEE stands for High Mobility Multipurpose Wheeled Vehicle.
  - a. These vehicles offer the Sheriff's Office a vehicle capable of traversing very rough terrain and over obstacles that a normal truck or SUV will not navigate. The HUMVEE has 16 inches of ground clearance, and is in 4 wheel drive mode at all times. The transmission is automatic, and the differential has a low range setting. The differential setting should be in "H" position at all times when operating the HUMVEE. The HUMVEE's should only be used when conditions require the use of the HUMVEE's capabilities. They Shall NOT be used for operations where normal agency issued vehicles would be sufficient. An appropriate use for the HUMVEE'S would be the need for travel in an off-road area, such as the national forest roads or gas well roads, into known areas where normal Sheriff's Office vehicle cannot travel, or in inclement weather conditions that would prohibit normal vehicular travel. In the event the HUMVEE's are needed, a supervisor must approve the use of the the HUMVEE's. Personnel operating these special purpose vehicles should be aware that although these vehicles posses a great ability to navigate in extreme off road conditions, safety considerations still apply. The HUMVEE, if operated unsafely, will still roll over, get stuck, or crash. If in doubt of the vehicles ability, or your own ability, do not drive the HUMVEE there! Further, the HUMVEE will not have any more ability on ice covered roadways than any other four wheel drive vehicle. Extreme caution should be applied when driving on icy roadways. The HUMVEE does NOT have anti-locking brake systems. All policy and procedures pertaining to routine and emergency operations apply to the use and operation of the HUMVEE.The HUMVEE's are stored in the secured lot at the county garage. The key to the lot is on the keyboard in the Deputy's Office. .
  - b. There is an instructional video on the operation of the HUMVEE's located on the server. It is required that anyone who operates the HUMVEE's watch this instructional video prior to using the vehicles. Annual refresher training will be conducted on the use and operation of the HUMVEE's for all Deputies, and annotated on a signup sheet.
  - c. The fleet manager shall assign a supervisor to conduct a monthly line inspection on

the HUMVEE's. This line inspection will include an equipment list, if the HUMVEE is equipped with any equipment. Any equipment required for the mission will be transferred by the Deputy from his patrol vehicle to the HUMVEE. Anytime the HUMVEE's are to be used, the communications center will be notified by the operating Deputy.

7. The Tazewell County Sheriff's Office possesses for its use ATV's and utility trailers to transport the ATV's to areas where needed for use.
  - a. These vehicles offer the Sheriff's Office and its Deputies the ability to navigate in terrain that other vehicles cannot. These vehicles will only be used when conditions require the use of these vehicles and their capabilities. The ATV's will not be used for operations where normal agency issued vehicles would be sufficient.

**Polaris Ranger** The Ranger is a 4 wheel ATV, but does not have 4 wheel drive capability. The Ranger will navigate most terrain. The Ranger is of a 2 seat configuration. The Ranger has a gasoline engine. Extreme caution should be used when operating the ATV's. These ATV's do not have canopies attached that would eliminate the threat of the driver and passengers from being hit by tree limbs, brush or other obstacles. Also, these vehicle could be susceptible to rollovers if driven improperly.

**Utility Trailer** The utility trailers will be used to transport the ATV's to the needed locations. The utility trailers may only be pulled by vehicles equipped with the appropriate receiver and hitch and the appropriate 12-volt hook up for the trailer's lights.

- b. Deputies and supervisors must notify the communications center when these vehicles will be in use. Also, as these vehicle do not have on-board added equipment, any equipment needed will need to be transferred from the Deputy's patrol vehicle to the ATV. As with any agency issued vehicle, the fleet manager shall assign a supervisor to conduct a monthly line inspection of these special purpose vehicle. This line inspection shall document the equipment readiness, and address any maintenance needs to the fleet manager. All personnel who operate the ATV's must be trained on their use. There is an instructional video on the operation of the ATV's and the utility trailers on the TCSO server that must be viewed before operation. Training will be afforded to anyone who may potentially operate these vehicles. There is a sign off sheet once the instructional video has been viewed that must be signed by the deputy and supervisor. Annual refresher training will be conducted by the on duty shift supervisor.

#### 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 15.21724; 15.2-1727; 15.2-1726; 15.2-1729; 15.2-1730, and
2. Title 44146.13 through 44146.29:2.

#### E. Liaison with the Department of Emergency Services

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.

#### F. Reviews and Inspections

1. All unusual occurrence plans and emergency operations plans shall be reviewed and updated at least annually. This review shall be at a time specified by the Sheriff and performed by him or his designee.
2. Emergency Operations Plans shall be distributed to command personnel so that they may initiate correct procedures upon arrival at incident scenes. 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 once each month for operational readiness by the personnel assigned as custodian of the equipment. All inspections shall be documented in a log and shall be made available, upon request, to the Sheriff, or his designee.

#### V. EMERGENCY OPERATIONS PLAN (EOP)

- A. The EOP is activated through a series of progressive alerts. The Sheriff or Major authorizes each alert or, in their absence, the on-duty supervisor. The alert stages are listed below.
  1. Alert Stage- One requires the on-duty supervisor to retain all on-duty and support personnel until the threat ends.
  2. Alert Stage- Two requires more personnel than those on duty. The on-duty supervisor shall request the communications supervisor to summon additional personnel as described in the EOP.
  3. Alert Stage- Three requires maximum staffing and all off-duty personnel and any other law enforcement agencies.

#### VI. EMERGENCY RECALL

- A. Authorization to recall manpower for emergency duty shall be as follows:
  1. Sheriff
  2. Major or his designee.
  3. On-Duty Supervisors shall have the authority to initiate a recall, but shall notify in descending order either the Sheriff or Major as soon as possible.
- B. Order of recall shall be as follows:
  1. Stage Two
    - Off going shift shall remain on-duty.
    - Oncoming personnel due to report for next tour of duty and any additional off duty personnel.
  2. Stage Three
    - All personnel and any additional agencies.

## 5-15 Civil Process

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Civil Process</b>	<b>NUMBER: 5-15</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.12.01, OPR.12.02, OPR.12.03</b>	

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

### I. POLICY

To serve civil process in a timely manner and make proper returns in accordance with state guidelines.

### II. PURPOSE

To provide the officers legal understanding for proper execution of civil papers.

## SERVICE AND RETURN OF LEGAL PROCESSES

### A. General

1. The RETURN is to show the Court evidence of the officers means of service
2. The validity of the service is dependent upon the mode and return made. Civil process can only be served on Sunday when a person is removing goods, fleeing their domain and the courts allow the service.
3. Three kinds of service to resident:
  - a. In person;
  - b. family member over the age of 16;
  - c. posting on the main entrance.
4. The return **must** show:
  - a. that the service was made at the defendant's usual place of abode;
  - b. that the defendant was not found at the defendant's usual place of abode;
  - c. the relationship of the person served to the defendant;
  - d. that the purpose of the paper was explained to the person served;
  - e. that the person served was over sixteen years of age; and
  - f. the date on which service was made.
5. The stamps used for proof of service provide for all legal requirements mentioned above.
6. A record is created in the Civil Process Computer System that provides for:
  - a. Date received.
  - b. Agency tracking method.
  - c. Type of process; Civil/Criminal.
  - d. Nature of document.
  - e. Source of document.
  - f. Name and address of defendant, respondent, plaintiff, and complainant, as

- available.
- g. Deputy assigned for service / served.
- h. Date of assignment of deputy.
- i. Method of service.
- j. Name of person to whom process was served / attempted.
- k. Date of service or attempted service / return if required.
- l. Location of service / attempted service.
- m. Reason for non-service.

## B. PROCESSES REQUIRING PERSONAL SERVICE

1. Out-of-State Processes. These papers should be served in person to the individual named unless it is a non-support (reciprocal) case originating out-of-state.
2. Restraining Orders. An order, which is issued by a court forbidding the defendant to do certain acts until a hearing on the application is heard.
3. Injunctions. A prohibitive writ issued by a court of equity forbidding a defendant in an action to do some act, which the defendant is threatening or attempting to do and which, if committed, would be unjust or injurious to the plaintiff and which cannot as such be adequately redressed by an action at law.
4. Garnishments and Attachments on Co-Defendants. The service to the co-defendant should be served in person to an officer of the corporation or the individual who pays the defendant or controls payment to the defendant. This is usually the payroll officer, comptroller, or treasurer, but service to any officer or managing employee of the business or corporation is valid. The co-defendant named should always be served regardless of information offered that the defendant is not employed by the co-defendant or that no monies are due. It is up to the co-defendant to include such information in the notarized statement as is required to make to the court by the trial date. On garnishments there are certain wages and property that are exempt. These exemptions are set forth in a schedule which is attached to the process being served upon the co-defendant. An attachment, however, is applicable to all the wages, funds, or personal property of the defendant that are under the control of the co-defendant at the time of service. Always serve the co-defendant first.

NOTE: After having served the co-defendant in a garnishment or attachment action and a copy mailed to the judgment debtor, the defendant, if within the Sheriff's jurisdiction, can be served in person or by substituted service at the defendant's usual place of abode.

5. Corporations, Companies, Partnerships, and Registered Agents. A corporation cannot be served with a process in any other way than by making an actual service on a natural person who is an officer or agent of the corporation. Service on the spouse, as such, of an agent or officer of the corporation is not valid unless the spouse is an officer of the corporation. The persons upon whom service may be made in order to serve a corporation or partnership are set forth below:
  - a. Municipal Corporations: Service may be made on the mayor, recorder, attorney, manager, or any alderman, councilman, or trustee of the city or town.
  - b. Private Corporations: On the president or chief officer, vice-president, cashier, treasurer, secretary, general superintendent, general agent, or registered agent.
  - c. Foreign Corporations: A foreign corporation is one which has been granted a charter by a state other than Virginia. Service of process is made on the registered agent of the corporation. In making the return, the registered agent's name should be followed by "Registered Agent for (name of corporation)." The

service should be made to the individual named as the registered agent, even if the individual advises he/she is no longer the registered agent for the corporation involved. If service cannot be made to a registered agent in a reasonable period of time, alternate procedure of service through the Clerk of the State Corporation Commission is valid.

- d. Partnership: On any partner, provided that the suit is a partnership matter. In Tazewell County it is permissible in the case of a law firm, for the service to be made to the secretary of one of the partners as a personal service to such partner provided the secretary has been granted such authority by the partner involved. This authority will have to be in writing, signed by the partners, indicating that they will consider such as personal service when delivered to the secretary.
- e. Unincorporated Associations, Orders, or Common Carriers: On any of its officers or trustees. Service on an agent of an unincorporated association is not sufficient. However, when the unincorporated association is a common carrier, service may be made to any agent of the carrier or a driver, captain, or conductor of any vehicle of such carrier. If none of these can be found, service may be made by publication.

#### 6. Protective Orders

- a. A Protective Order contains provisions requiring compliance on the part of the allegedly abusing family member. Protective Orders are not warrants of arrest and will not be treated as such.
- b. There are two types of Protective Orders:
  - 1) Preliminary Protective Order
  - 2) Final Protective Order
  - 3) Immediately upon service all Protective Orders must be entered into VCIN.
- c. Both orders are effective with personal service of the order upon the allegedly abusing spouse.
- d. Service of Protective Orders
  - 1) All protective orders will be personal service.
  - 2) The service of the orders will receive priority attention and should be made on the same date the order is received if possible.
  - 3) Deputies will provide the respondent with a copy of the order.
  - 4) The original order will be returned to the Civil Office.
  - 5) When attempting to serve a protective order at a residence shared by the petitioner and respondent, no fewer than two (2) deputies will attempt service.
- e. Protective Orders Which Grant Possession of the Residence to the Petitioner.
  - 1) When deputies serve a protective order at the residence shared by the petitioner and respondent and the order requires the respondent to grant the petitioner possession of the residence (to the exclusion of the respondent), the deputies shall escort the respondent off the resident property.
  - 2) Deputies may, at their discretion and if there is no immediate threat of violence, allow the respondent to gather personal belongings within a reasonable time.

#### C. SUMMONS

- 1. General Summons. A summons brings a person under the jurisdiction of the court.
- 2. Jury Summons. Summonses to individuals for jury duty.
- 3. Witness Summons. A summons for a witness.
- 4. Juvenile and Domestic Relations Summons are as follows:
  - a. The juvenile summons type, that summonses the juvenile involved and the parents or guardians of the juvenile.

- b. The non-support.
- c. The out-of-state or foreign process for non-support.
- d. Protective Order.
- e. The witness subpoena.

#### 5. Interrogatory Summons

A summons to bring a defendant into court for the purpose of finding out from the defendant, under oath, what property or estate he/she owns to satisfy a money judgment

#### 6. Garnishment Summons

The garnishment summons, a part of the fieri facias process, consists of the original copy, accompanied by a Fi Fa form; a copy of the summons for the co-defendant to which is attached a schedule of exempt wages; and a copy of the summons for service on the defendant.

#### 7. Detinue Summons/Warrant

Detinue is an action, which seeks the recovery of personal property from one who has acquired the property legally, but who retains it without right. The action of detinue is proper in every case where the owner prefers recovering the specific property rather than sue for damages. It is an action taken by the plaintiff. The case has to be heard in court.

#### 8. Attachment Summons/Order

An attachment action is taken before the matter has come to court or is an attachment before judgment. As compared to a garnishment action, an attachment served on a co-defendant is effective only against property which the co-defendant is holding for or owes the defendant at the time service is made. The attachment order can be effective against either personal property or real estate. An attachment order can be used as an attachment (as a levy) and as seizure of personal property. When personal property is seized under an attachment order, its possession is normally taken over by the Sheriff and held pending its disposition as ordered by the court.

Its application must be carefully executed and carried out only as prescribed.

Is a foreign corporation, or is not a resident of this state, and has estate or debts owing to said defendant within Tazewell County, or that said defendant, is entitled to the benefit.

Is removing, or is about to remove property.

Intends to remove, or is removing, or has removed the specific property.

Is converting property.

Has assigned or disposed of the estate.

Has absconded, or is about to abscond.

The attachment order has three main actions:

- a. A command that specific property be attached;
- b. Upon execution of a bond, possession be taken of personal property; and
- c. The defendant and co-defendant be summoned.

**NOTE:** It is policy of the Sheriff's Office to require a bond.

#### 9. Subpoena Duces Tecum

Documentary evidence is needed as well as the testimony of an individual witness. A subpoena is issued to summons the person holding the documents, records, or books into court to present the documents for court examination and to testify. This is called a "Subpoena Duces Tecum." It is served in accordance with the rules, since it is usually served at a place of business, it is served there either to the individual named or his/her supervisor.

10. Summons for Unlawful Detainer can be personal, family member or posted.

### D. CIRCUIT COURT ACTIONS

1. The two most commonly used processes for circuit court actions are:
  - a. Notice of Motion for Judgment; and
  - b. Subpoena in Chancery.

Affixed to each action, as a separate piece of paper, will be a "Proof of Service" form on which the return is made by the deputy sheriff making the service. The "Notice of Motion for Judgment" will have attached to it a statement or affidavit which sets forth the specifics of the motion for judgment by the plaintiff, and the "Subpoena in Chancery" will have attached to it a "Bill of Complaint" which contains the details of the complaint (usually an action involving a pendente lite, divorce, or separation) being made by the complainant. A "Subpoena in Chancery" is in the nature of a summons to a defendant rather than a witness summons. It requires the person named to appear before the court to answer the complaint of the petitioner or to show cause why he/she should not be required to give the relief demanded.

## 2. Petitions

A petition is an application in writing to the court stating the circumstances upon which it is founded and requesting an order of the court or such other relief as is desired by the petitioner.

## 3. Mechanics Lien

This is a lien of a contractor, subcontractor, laborer, or material man who has performed labor or furnished material of the value of \$50.00 or more. A mechanics lien can also apply to repairs.

A mechanics lien has to be recorded before the expiration of sixty (60) days from the time the structure is completed or the work thereon terminated; suit to enforce this lien must be brought before the expiration of six (6) months. Petitions may be made to the appropriate court for sale of the property. A court order is issued authorizing the Sheriff to sell the property. Before making the sale, petitioner shall advertise the time, place, and terms thereof and give owner notice by service as prescribed under Virginia code or, if the owner is a non-resident or if owner's address is unknown, it may be served by posting a copy of the sale notice in three public places in the city wherein the property is located. If such property is a motor vehicle registered in Virginia, the Commissioner of the Division of Motor Vehicles should be requested to advise if there are any liens thereon; if so, the lien holder must be notified by certified mail at the address given in the title certificate of the time and place of the proper sale ten (10) days prior thereto.

## E. RENT ACTIONS

### 1. Eviction Notices

- a. Five-Day Notice – if the tenant is in arrears in rent
- b. Thirty-Day Notice – if tenant rents on a monthly basis and the landlord desires to evict the tenant for reasons other than delinquency
- c. Summons for Unlawful Detainer – summons the defendant to appear in court
- d. Writ of Possession - the original writ is retained by the deputy sheriff as authority for the action and upon which to make a return when the eviction is completed. The writ is served to the defendant in person, or by substituted service or by posting. This notice is made out by the Civil Process Division to show the name and address of the defendant, and the date and time the premises must be vacated (minimum of seventy-two (72) hours as required by law).

The deputy sheriff's action on the Writ of Possession is as follows:

Fill out the Writ of Possession to the tenant after coordinating with owner or manager of premises. Make sure owner/manager understands it is their responsibility--not that of the Sheriff--to move the defendant's furniture and personal property out of and off the premises (if the defendant has not done so voluntarily by the time set for eviction). The furniture and personal property of the defendant have to be moved to the nearest public right-of-way. If the defendants move out before being physically evicted, the eviction action is considered completed and the writ of possession noted accordingly. In the event of inclement weather at the scheduled time for the eviction, it is the practice of the Sheriff's Office to postpone the eviction until, such time as the eviction can be carried out. ( see attached Code 55.237.1 for lockout procedures. )

## 2. Mobile Home

Upon receipt of a court-ordered Writ of Possession involving a mobile home, the deputy shall:

a. Give Notice:

- 1) Notify the lienholder (if known) of the impending eviction status.
- 2) Notify the landlord/lot owner of available options:
  - a) The mobile home can be stored on the existing lot for ninety (90) days; or
  - b) The mobile home can be moved to an unimproved lot of the same mobile home park at the owner's expense.

b. Eviction Execution:

- 1) If the mobile home has been removed or is in the process of being removed by the owner, the deputy may extend the allotted time necessary to complete the removal and then give possession of the lot to the lot owner. The executed Writ of Possession is then returned to court.
- 2) If the mobile home has not been removed by its owner at the end of seventy-two hours the deputy shall evict any occupant(s) and possession of the lot is then given to the landlord/lot owner, who then chooses option (a) or (b) for the ninety-day storage of the mobile home. The executed Writ of Possession is returned to court.

## F. LEVIES, SEIZURES, AND SALES

Two basic kinds of levies/seizures:

1. A distress warrant is an attachment of the property before judgment is rendered. A seizure of the property, however, made under a distress levy is effected only after the prescribed time of appeal of the distress levy has elapsed.
2. An execution carries out a judgment or decree. The two main types of executions are: (1) a writ of fieri facias (fi-fa), which is the means to enforce a money judgment by levy and sale of the property of the defendant; and (2) the writ of possession, which enables the plaintiff to obtain possession of specific property. The defendant has the option of retaining the specific property or paying the amount of the judgment. The type of levy, seizure, and sale covered in the balance of this section will be restricted to executions carried out under a fi-fa. In considering the relationship between a fi-fa and a levy carried out under a fi-fa, the following points are relevant:
3. A lien on the personal estate of the judgment debtor is established dating from the exact time that the writ of fi-fa is received in the Sheriff's Office for execution and is endorsed with year, month, day, and time of day the writ is received. This procedure is followed so that the Sheriff's Office can control the priority on levies when more than one is received for execution against the same individual.
4. This lien covers leviable property as well as non-leviable property, such as bonds,

- notes, stocks, etc., which the judgment debtor has or may acquire "on or before the return date of such writ," except such property as is exempt under provisions of Title 34. The lien extends only to non-leviable property located within the Commonwealth and leviable property within the Sheriff's bailiwick.
5. In Virginia the fi-fa is returnable ninety (90) days after its issuance in district court, and on term day in Circuit Court (sixty days). A lien on tangible property automatically ceases if an actual levy has not been made on or before the return date.
  6. The lien acquired by placing a writ of fi-fa in the hands of the Sheriff is so imperfect in nature and unspecific as to the goods of the debtor that an actual levy is always advisable for establishment of a solid lien and security for the debt. The levy, in effect, specifies the goods and chattels levied upon and is necessary as a basis for advertising the property and selling it (within six (6) months after execution).
  7. A levy can be made only upon specific tangible property. Actual seizure of the property recovered is not necessary if the deputy has the property in his/her view and power to seize it if he/she so chooses, and notes on his/her writ the facts of the levy.

Specific points to keep in mind in effecting a levy under a fi-fa are as follows:

- a. After receipt and endorsement of the fi-fa in the Sheriff's Office, the actual levy is the next step necessary before a sale can be made.
- b. Although the fi-fa authorizes seizure of property, the practice in Virginia has been on the premises of the debtor until the day of sale in order to save expenses.
- c. A valid levy can be made on household goods in the owner's absence; no formal notice is necessary. However, a copy of the levy should be left on the items levied upon.
- d. In making a levy, the Sheriff is acting as agent for the plaintiff. The plaintiff or his/her attorney has authority to control the execution and to say whether the levy should be modified or canceled. (The plaintiff retains the right to sue out a new execution.)
- e. A deputy making the levy may, if need be, break open (or cause to be opened by a locksmith) the outer doors of a dwelling house in the daytime after first having demanded admittance of the occupant and may also levy on property in the personal possession of the debtor if the same be open to observation. The deputy should first check to insure that the defendant does live at the address. The deputy should then check with neighbors, mailman, paperboy, etc., to determine whether defendant is: (1) on vacation; (2) in the hospital; (3) in jail. Only as a last resort should entry be forced to complete a levy, and then only after the deputy's supervisor has been notified and briefed.
- f. Levy on any personal property in the possession of the defendant, regardless of his/her claim that it does not belong to him/her, etc. The claimant (or third party involved) has a right to claim ownership by filing the necessary affidavit with the Clerk of court (8-266, 8-227).
- g. When listing property, IDENTIFY it--use make, model, serial number, etc. If none of these are available, some definite description should be used so that, if necessary, it can be identified at a later date.
- h. Levy on property that would be equal in value to the amount claimed in the warrant. Place a fair market value on items and bear in mind not to over-levy (unless circumstances alter the above, such as property that has been abandoned, and it is necessary to attach all property in order to dispose of it).
- i. If the plaintiff requests seizure of the property prior to sale (sometimes desirable as in the case of mobile vehicles), a bond is provided the Sheriff by the plaintiff for an amount equal to the value of the vehicle. Identification, including license number

- and registration information, is also furnished by the plaintiff. The vehicle or property is moved at the plaintiff's expense to an area of safe storage pending the sale.
- j. When the execution is in favor of the Commonwealth, a levy can be made on realty, but normally a levy is made only on personality. It is still necessary, however, to attempt to satisfy the debt out of the personal property before selling the realty.
  - k. Property and articles exempt from a levy made under a fi-fa are set forth in Virginia Code 34-26 and 34-27. The articles most commonly found and which are exempt include the following: necessary wearing apparel of the debtor and his/her family; sufficient bed, bedding, tables and chairs needed for the size of the family; plus a refrigerator, washing machine, cooking utensils, one sewing machine and, in the case of a mechanic, tools of his/her trade. A detailed list, as set forth in 34-26- and 34-27, is provided each deputy making levies. In addition, each householder has a basic exemption of property, either realty or personality, not exceeding five thousand dollars as provided in 34-4. This householder's exemption is usually waived at the time the debtor signs or executes a promissory note or other obligation of indebtedness.
  - l. A levy cannot be made on intangible personal property, but a lien attaches to it by court order within a year after the return date of the execution. The lien in this case continues as long as judgment can be enforced and it does not matter whether the return date of the writ has passed or not.
  - m. Personal property belonging to a spouse may not be levied upon under an execution for the debt of his or her spouse.
  - n. At the time the levy is made the deputy making the levy estimates the value of the property levied upon and makes a notation on the levy sheet on the amount of the indemnifying bond required. The amount of the bond is set at the estimated value of the property in the case of a fi-fa (or a warrant of distress). In Tazewell County this bond is usually not required unless the property is to be seized and sold.
  - o. One exception to be noted to the general rule that a levy can only be made on specific tangible property is that a levy on shares of stock is valid provided the shares are actually seized by the deputy executing the writ and are surrendered to the corporation, or their transfer by the debtor is enjoined (13.1-413).
  - p. Real estate cannot be levied upon and sold under an execution; however, if the judgment on which the execution issues is a lien on real estate, the lien can be enforced after all personal property of the debtor has been exhausted. This lien is enforced as a fill of equity. The chancery court can order the amount of the judgment unless such rents and profits will not satisfy the judgment within five (5) years, in which case the court may direct the property sold (8-764).
  - q. A levy cannot be made on the contents of a locked safe deposit box since the contents are not within view or power of a seizure (unless the renter opens it voluntarily); however, in any case where a bank or trust company having for rent safe deposit boxes, is served with a notice of a lien of fi-fa or a summons in garnishment in which a renter or lessee of a safe deposit box is named defendant or judgment debtor, it shall be the duty of such bank or trust company to deny such renter or lessee access to the safe deposit box rented or leased in the name of the defendant or judgment debtor, unless otherwise directed by a court of competent jurisdiction or by the judgment creditor (6.1-333).

## 8. Sales

The sale is the final action taken under a writ of fi-fa. The following considerations apply to such actions.

- a. Only property subject to levy and which has been levied upon can be sold.
- b. It is required that notices of the time and place of the sale be posted at least ten (10) days prior to the day of the sale.
- c. The notice of sale is posted at some place near the residence of the owner, if he/she resides in the city, and at two other public places in the city.
- d. If the property is expensive to keep or perishable, the court or authority issuing the fi-fa can order that the sale be made without waiting for the ten day period to elapse.
- e. At the time and place so established, the property shall be sold to the highest bidder, for cash, as may be necessary to make the amount of the fi-fa. When property remains unsold because of no bidders or because of an insufficient bid, the sale may be postponed and the property again advertised, stating the fact of no bidders or of insufficient bid, and that the property will be sold peremptory under a writ of venditioni exponas (8-418).
- f. No Sheriff or any employee shall directly or indirectly purchase effects sold under a writ by such officer.
- g. No such officer or deputy shall act as auctioneer, except when selling under a writ, unless he/she first obtains a license to conduct the business of an auctioneer or common crier (8-428).
- h. The deputy must collect for each item sold even if the plaintiff buys it and wants to pay only costs.
- i. As each item is sold, list the buyer, amount and item number on the copy of sale notice. If the number of items for sale is extensive, it is advisable for the deputy making the sale to have clerical assistance in marking the items for identification, keeping track of the buyers and selling prices, collecting the cash and giving receipts for same to the buyers.
- j. The day before the sale it is wise to check with the plaintiff to make sure there has been no settlement and that the plaintiff or his/her attorney will be present at the sale.
- k. It is the policy of the Tazewell County Sheriff's Office that prior to the sale, the attorney takes the following actions:
  - 1) Obtain a Sheriff's Indemnifying Bond (unless sale is ordered by the court).
  - 2) Provide the Sheriff's Office with a written statement advising whether or not liens exist on items to be sold, a letter or teletype from the Department of Motor Vehicles regarding any liens on vehicles. The plaintiff also submits an itemized list of court costs, bond premium, and total amount required to settle the claim.
- l. When there is not time on the date appointed for the sale to complete same, the sale may be adjourned from day to day until completed.
- m. Each sale is made on an "as is" basis with no warranties implied as to the quality or soundness of the goods sold. If an item has a lien on it, however, it is sold subject to the lien as advised by the auctioneer (based on information supplied by plaintiff). If the sale price is not in excess of the lien (plus costs), no sale should be made.
- n. In each sale scheduled, a sale folder is prepared in which background papers are kept. A sale check list is maintained in this folder to insure that the required steps are taken prior to the sale. In addition, copies of the levy and the sale notice are filed in the folder. The procedure as described above is set forth. At the actual sale, the sale is started by reading the sale notice which, subsequent to the levy, will have been adjusted or noted, if necessary, to reflect liens or other information supplied by the plaintiff.
- o. If property which has been levied upon is also to be seized preceding the sale thereof, the owner may retain possession of such property until the date of sale

provided he/she gives the Sheriff a bond with sufficient surety payable to the creditor which states the property shall be forthcoming at the day and place of sale. The bond would specifically state the amount due, including the officer's fee for taking the bond, commissions, and other lawful charges, if any, and that service of the writ has been made. The law relating to forthcoming bonds was passed for the benefit of the owner of the goods taken, to enable him/her at his/her own risk to retain possession and use of the goods and to avoid the expense of their safekeeping until the day of sale (8-450).

## 5-16 Arrest Procedures

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Arrest Procedures</b>	<b>NUMBER: 5-16</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: ADM.02.02, ADM.25.08, OPR.12.04, OPR.12.05</b>	

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

### I. POLICY

To serve legal processes of a criminal nature and affect arrests as necessary, both with or without warrants, in accordance with the Code of Virginia. Only sworn deputies of the Sheriff's Office in accordance with the law shall perform all such arrests and services.

### II. PURPOSE

To unify arrest procedures.

### III. DEFINITIONS

#### A. Arrest

When a person is taken into custody in order that he/she 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 affected:

- a. The offense is observed by the arresting deputy.
- b. Probable cause exists.
- c. With a valid arrest warrant.
- d. Upon knowledge of the existence of a warrant.

2. A misdemeanor arrest may be affected:

- a. If the offense is observed by the arresting deputy.
- b. With a valid arrest warrant.
- c. Under the provisions of Section § 19.281 of the Code of Virginia.

Subsection §19.281. Arrest without warrant authorized in certain cases. – Members of

the State Police force of the Commonwealth, the sheriffs of the various counties and cities, and their deputies, the members of any county police force, regular game wardens appointed pursuant to §29.1-200, the members of any duly constituted police force of any city or town of the Commonwealth and the special policemen of the counties as provided by Subsection §15.21737, provided such officers are in uniform, or displaying a badge of office, may arrest, without a warrant, any person who commits any crime in the presence of such officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a felony not in his presence. Any such officer may arrest without a warrant any person whom the officer has probable cause to suspect of operating a watercraft or motor boat (i) while intoxicated in violation of subsection B of §29.1-738 or (ii) in violation of an order issued pursuant to §29.1-738.4, in his presence, and may thereafter transfer custody of the person suspected of the violation to another office, who may obtain a warrant based upon statements made to him by the arresting officer. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in §29.1-712 or motorboat, or at any hospital or medical facility to which any person involved in such accident has been transported, or in the apprehension of any person charged with the theft of any motor vehicle on any of the highways of waters of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest. 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 Subsections §18.296 or §18.2103 or a similar local ordinance, (ii) carrying a weapon on school property in violation of §18.2-308.1, (iii) assault and battery, (iv) under the circumstances of VA Code Section 52-20; if you think the subject is likely to flee the Commonwealth in a gas drive off situation (v) brandishing a firearm in violation of §18.2-282, or (vi) 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.

## B. Warrants

### 1. Warrant Service

- a. Whenever possible, arrests will be made after issuance of a warrant. Unless such action is likely to cause the defendant to flee or otherwise avoid arrest, it shall be the policy of the Agency that the assigned deputy shall request, by telephone, defendants named in arrest warrants to report to the appropriate police facility for service of the warrant. Whenever feasible, this approach is preferred over effecting

- the physical arrest of the defendant at his residence or place of employment.
- 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:
    - 1) A deputy is in hot pursuit of a suspect.
    - 2) Consent of the owner or person occupying the premises to be searched.
    - 3) There exists a justifiable fear of injury to people or property if the arrest is delayed.
    - 4) 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.

These criteria do not apply to a property owned or leased by the person named in the warrant. Probable cause to believe the person named in the warrant is present on his own premises is sufficient reason to conduct the search.

2. Warrant Control Procedures:

a. Office of the Sheriff Responsibility:

- 1) All warrants, summons, *capias*, detention orders, etc., of a criminal nature, shall be routed through the Office of the Sheriff for proper recording and issuance, prior to service. This includes criminal processes originating in Tazewell 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 Office of the Sheriff. In these instances the serving deputy and ranking supervisor is responsible to ensure that a copy of the executed warrant is forwarded to the Office of the Sheriff so that it may be entered in the computer as a permanent record of its issuance and of the subsequent arrest.
- 2) Upon receipt of a criminal process, the Office of the Sheriff shall ensure the following steps are taken:
  - a) Assign the document a Warrant Control Number.
  - b) Enter the warrant, *capias*, etc, in the warrants file of the Sheriff's Office Warrant computer system, including the following information:
    - Date/time received
    - Type of legal process (warrant, *capias*, summons, etc.)
    - Charge/nature of document
    - Name and full info. on person named in document
    - Under "remarks", any pertinent info. on subject
    - Originating/issuing jurisdiction (court)
    - Deputy assigned for service
    - Date assigned
    - Date service due
  - c) Enter the individual named in the document in the wanted files of NCIC and VCIN, if appropriate.
  - d) The warrant is then placed in the assigned deputies box.
- 3) Warrants and other criminal processes originating/issued in Tazewell 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) A form letter requesting service will be executed and attached.
  - b) Said warrant, capias, etc., will be forwarded to the appropriate jurisdiction for service.
  - c) Entries in the Sheriff's Office computer wants/warrants file will be the same, except where the deputy assigned is normally listed, the agency name to whom the document is forwarded will appear.
- 4) Upon return of the tracking sheet and/or form letter requesting service, indicating service was made, the Office of the Sheriff will make the following computer entries:
- a) Date/time of service
  - b) Location of service
  - c) Executing Deputy/Officer
  - d) Method of service (arrest, summons, etc.)

The Tracking Sheet and/or the form letter requesting service will be retained on file as proof of service for two (2) years. The Office of the Sheriff shall forward a copy of all executed warrants to dispatch so a query of the NCIC/VCIN wanted person files can be done to ensure that the subject has been removed after service.

- 5) Upon return of a criminal process indicating nonservice, the Office of the Sheriff shall make an entry in the wants/warrants computer file indicating the deputy assigned as "file". Said document, along with the tracking sheet will be placed in the active warrant file pending service.
- 6) Wants/Warrant inquiries may be made by deputies on a twenty-four hour a day basis. These inquiries can be made by contacting the communications center via telephone or radio.
- 7) The Office of the Sheriff shall constantly review the status of onfile 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 Section §19.276.1 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, completeness, and applying the appropriate incident number. It is the responsibility of the deputy attempting service to ensure that the warrant, capias, etc., is valid and properly executed, in accordance with Section §19.272 of the Code of Virginia. (See below)

Subsection §19.272. When it may issue; what to recite and require. On complaint of a criminal offense to any officer authorized to issue criminal warrants he shall examine on oath the complainant and any other witnesses, or when such officer shall suspect that an offense punishable otherwise than by a fine has been committed he may, without formal complaint, issue a summons for witnesses and shall examine such witnesses. If upon such examination such officer finds that there is probable cause to believe the accused has committed an offense, such officer shall issue a warrant for his arrest. The warrant shall (i) be directed to an appropriate officer or officers, (ii) name the accused or, if his name is unknown, set forth a description by which he can be identified with reasonable certainty, (iii) describe the offense charged with reasonable certainty, (iv) command that the accused be arrested and brought before a court of appropriate jurisdiction in the county, city or town in which the offense was allegedly committed, and (v) be signed by the issuing officer. The warrant shall

require the officer to whom it is directed to summon such witnesses as shall be therein named to appear and give evidence on the examination. But in a city or town having a police force, the warrant shall be directed "To any policeman, sheriff or his deputy sheriff of such city (or town)," and shall be executed by the policeman, sheriff or his deputy sheriff into whose hands it shall come or be delivered. (Code 1950, Subsection §19.191; 1960, c. 366; 1975, c.495; 1991, c.420.)

- 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 send a copy of the executed document to the Communications Center for processing. The Communications Center will complete the tracking sheet. The Communications Center is responsible for documenting the warrant as served in the Sheriff's Office computer system and returning the original to the proper court.
- 4) In the event that service is attempted and not made before the end of the shift, the assigned deputy shall return the document to the Sheriff's Office. Under no circumstances shall a deputy retain a legal process past his tour of duty.
- 5) Felony arrests and misdemeanor arrests reportable to the CCRE in which the person arrested is not released on a summons:
  - a) Each arrest will be documented on an IBR report.
  - b) The criminal history will be run at the jail before they are taken before a magistrate.
  - c) The fingerprinting is done at the jail.
  - d) The photograph is taken at the jail.
  - e) The IBR is then updated in the Sheriff Pak system.

#### C. Use of Force Injuries in Arrest Situations

Malicious assaults committed by deputies constitute criminal misconduct. Only that amount of force necessary to affect 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 follows:

1. The use of any force or accidental injury to a prisoner or other person involved in an arrest situation which results in injury requiring medical treatment by rescue or hospital personnel or an injury for which medical treatment is refused shall be reported via the Use of Force Form (which is typed not hand written) by the deputy to the Patrol Division Supervisor within twenty-four hours of the incident. The deputy must complete an incident report and the supervisor in charge made aware of the situation. The immediate supervisor shall conduct an investigation and report the findings in writing to the Major prior to the conclusion of the tour of duty.
2. Whenever a nonlethal weapon is used to make an arrest or overcome resistance to arrest and without injury resulting, the deputy who used force shall inform his immediate supervisor of the incident. A complete description of the use of force shall be included in the deputy's offense report and a Use of Force Form shall be completed. The report shall be forwarded to the shift supervisor for review and then forwarded to the Major at the conclusion of the tour of duty.

In either instance a deputy of higher rank shall conduct the investigation. If a person of higher rank is not on duty then one will be called out to conduct the investigation.

#### D. Domestic Violence

1. Whenever a deputy is investigating a domestic assault, an arrest shall be made, provided:
  - a. There are visible signs that an assault has occurred;
  - b. There is probable cause to believe the suspect has committed the crime.

In all domestic cases, information shall be given to the victim concerning the services offered through various county liaisons, i.e. Victim/Witness Program, 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.

2. 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 Communication Central to arrange for NCIC removal of the arrested person's name or notification of the arrest to the jurisdiction that made the NCIC entry.

## 5-17 Limits of Authority

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Limits of Authority</b>	<b>NUMBER: 5-17</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, 12/1/10, 3/20/2013</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: ADM.02.01, ADM.02.02, ADM.02.03, OPR.02.03, OPR.02.07, OPR. 02.08, OPR.14.01</b>	

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

### I. POLICY

Observe constitutional safeguards knowledgeably and that Deputies understand the limits of their authority.

### II. PURPOSE

Mandated authority for the enforcement of laws, 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 officers') knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

#### 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. 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.

#### C. Elements of probable cause

Probable cause may be established through investigation and observation, witnesses, confidential informants, or through anonymous sources provided that the information is corroborated by investigation.

#### IV. PROCEDURES

##### A. Law-enforcement authority

1. Code of Virginia § 15.2-1609 gives Sheriff's deputies the authority to enforce the criminal laws of the Commonwealth and ordinances and regulations of the county in which they are appointed.
2. § 49-1 requires that all deputies, 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.

##### B. Limitations on law enforcement authority

These are derived from statutes, federal, state, and local judicial interpretation of laws, opinions of the attorney general, Sheriff's office policies/rules and regulations.

##### Statutory limitations

These limitations include, but are not limited to:

1. Enforcement of laws outside of the county limits. § 19.2-249 thru 19.2-250 grants authority to enforce state laws beyond the boundaries of the county.
2. § 15.2-1725 grants the county authority to enforce laws and local ordinances on county-owned property located outside of its boundaries.

#### 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 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 them that they are under arrest or being detained.

##### Rights admonition

- a. In order to achieve uniformity in administering Miranda warnings, Deputies shall have access to a standardized Miranda Form or card. If the subject is deaf or unable to speak English, the Deputy shall notify a supervisor and shall immediately arrange to obtain an interpreter. If the subject is a Juvenile, Deputies will take care when advising rights to ensure that the rights are understood before obtaining a waiver of rights. If the Juvenile requests to speak to a parent or guardian before waiving their rights, this request should be honored. 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, anything you say can be used against you in a court. You have the right to talk to a lawyer for advice before we ask you any questions, and to have him/her with you during questioning. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish. If you decide to answer questions now, without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at

- any time until you talk to a lawyer.”
- c. After the warning, in order to secure a waiver, the officer shall ask and receive affirmative replies to the following question and receive waiver of rights:
  - d. “Do you understand each of these rights I have explained to you?”
  - e. “I have read or been read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made and no pressure or coercion of any kind has been used against me.”
4. 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 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 has invoked his or her right to silence, deputies may interrogate the suspect if the suspect initiates communication with officers. Before questioning, however, deputies shall again administer Miranda warnings and shall obtain a written waiver.
- B. Exemptions or special cases
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.
    - 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.)
    - d. Brief investigative detention or stop/frisk.
    - e. Roadside questioning during routine traffic stops
    - f. 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.
- C. Documentation requirements
- 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:
1. Location, date, time, duration of the interrogation.
  2. Identities of all persons present.
  3. Miranda warnings given, the suspect's responses, and any waivers provided.
  4. The nature and duration of any breaks or lapses during the interrogation and the reasons for them.
- D. Interview Room

The interview room will be used for its purpose. A secured place to interrogate, interview and question.

1. Purpose

Having a room to gather information privately, securely, and being able to record the audio and video statement.

2. Procedures

A. Monitoring will take place in the monitoring room adjacent to the interview room.

Monitoring is possible through one way mirror and or audio and video equipment.

Monitoring will take place when a person is being interviewed or left alone in the interview room.

B. A second person will be needed for monitoring and recording. This is only required when used by the Tazewell County Sheriff's Office Personnel.

C. A search of the interview room is required. A search of the person being interviewed will be required before entering the interview room, if deemed appropriate.

D. Law enforcement officers carrying of weapons in the interview room is optional

E. A key to the monitoring room is secured on the peg board in the deputies office.

F. Only trained personnel of the Tazewell County Sheriff's Office may operate the recording equipment in the interview room.

## VI. SEARCH AND SEIZURE - Warrantless Searches

### A. Definition

A search occurs where (1) there is a "prying into hidden places by the deputy" 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.

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
8. Pat-downs of suspicious persons

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

A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search. If the person grants permission, the search may take place. The sole justification for a consent search is the existence of knowing, intelligent, and voluntary consent.

D. Plain View and Plain Feel

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 officer 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 as weapons may always be removed during frisks. Non-threatening items may be removed only if their contraband or evidentiary nature is immediately apparent (the so-called "plain-feel" rule).

F. Abandoned property and open fields

1. To constitute abandoned property, two conditions must apply:  
Property was voluntarily abandoned the property was discarded outside the area in which someone has a reasonable expectation of privacy.
2. 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.

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 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 office procedure, which requires an inventory of the entire contents; including closed containers (provided they can be opened without breakage).
2. Closed containers may be examined if they are likely to contain valuable property. If closed containers are locked or sealed, they shall not be forced open but simply logged on the inventory form.
3. The vehicle and its closed containers shall not be damaged.

H. When executing arrest warrants

1. General guidance

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 officers.
- 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.
- 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. STOP AND FRISK

Section 19.2-81.2 of the Code of Virginia states a law enforcement officer may temporarily detain a person in a public place, if reasonable suspicion exists that a crime has been committed, is being committed, or is about to be committed; or the deputy reasonably suspects that a person is illegally carrying a concealed weapon in violation of Section 18.2-308 of the Code of Virginia.

## VIII. EYEWITNESSES

- A. Department personnel shall strictly adhere to established procedures for conducting suspect lineups in order to avoid the possibility of error or of undue suggestiveness to witnesses.
- B. Department personnel shall receive initial and refresher training in lineup procedures to establish uniformity and consistency of such procedures and to establish a high level of competence in carrying out this important aspect of a criminal investigation. Refresher training will be conducted annually by all personnel.
- C. 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 agency will confer with the CWA 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 CWA.

Procedures:

Prior to a photo or live lineup, the investigation office should record as complete a description as possible to the suspect provided by the eyewitness and in the eyewitnesses own words. This statement should also include information regarding conditions under which the eyewitness observed the suspect 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 she/he wears glasses or contact lenses and whether or not they were being worn 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. Investigators should not conduct a show-up with a single photograph; if investigators want to determine if a 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 the following instructions:
  1. The suspect may or may not be the person that is presented to the eyewitness;
  2. The eyewitness should not feel compelled to make an identification;
  3. The investigation will continue regardless of whether an identification is made;
  4. The procedure requires the investigator to ask the eyewitness to state, in his or her own words, how certain she/he is of the identification she/he has made; and
  5. The eyewitness should not discuss the identification procedure with other eyewitnesses involved in the case and should not speak to the media.
- E. If there are multiple eyewitnesses, only one eyewitness at a time should participate in the show-up procedure, independent of the others. If a positive identification is made, and an arrest is justified, additional eyewitnesses should be shown live or photo lineups.
- F. If identification is made, the investigator should seek and document a clear statement from the eyewitness at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified is the suspect.
- G. Investigators should photograph the suspect at the time and place of the show-up to preserve a record of his or her appearance at the time of the show-up.

#### Folder Shuffle Method

The "Folder System" was devised to address concerns surrounding limited personnel resources while allowing for blind administration. Should the investigating officer of a particular case be the only law enforcement personnel available to conduct a photo lineup, the following instructions are recommended:

- a. Obtain one (1) suspect photograph that resembles the description of the suspect provided by the witness.
- b. Obtain five (5) filler photographs that match the description of the suspect, but do not cause the suspect photograph to unduly stand out.
- c. Obtain ten (10) file folders, (four of the folders will not contain any photos and will serve as "dummy folders")
  1. Number the outside of each folder #1 thru #10.
  2. Affix one (1) Filler photograph to the inside of folder #1.
  3. The officer administering the lineup should affix the suspect photograph and the other four (4) filler photographs into folders #2 thru #6 and shuffle the folders so that the administrator is unaware of which folder the suspect is in.
  4. The remaining folders #7 thru #10 will contain a page with the following text: " THIS FOLDER INTENTIONALLY LEFT BLANK." ( This is done so that the witness does

- not know when she/ he has seen the last photo. Agencies may choose to include up the eight (8) photographs instead of the recommended six (6). When increasing the number of photographs, it is necessary to increase the number of blank folders. The intent is that the witness is not aware of when the last photo is being presented)
5. The administrator should provide these instructions to the witness. The witness would be informed that the suspect may or may not be contained in the photos she/he is about to see and that the administrator does not know which folder contains the suspect's photo.
  6. 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 photos should be preserved, in a facedown position, in order to document in STEP 7 . ( The witness may be permitted to review the folders a second time, but it is imperative that all folders are provided in the same order as the original presentation.)
  7. Instruct the witness that if identification is made, the procedure requires the investigator to ask the witness to state, in his/her own words, how certain he/she is of any identification at the time that the identification is made.
  8. The administrator should then document and record the results of the procedure. This should include;
    - a. Date, time and location of the lineup procedure
    - b. The name of the administrator
    - c. The names of all individuals present during the lineup
    - d. The number of photos shown
    - e. Copies of the photographs themselves
    - f. The order in which the folders were presented
    - g. The sources of all the photos that were used
    - h. A statement of confidence *In the witness's own words as to the certainty of his/her identification taken immediately upon reaction to viewing. NO NUMERICAL RATING OF THEIR CONFIDENCE LEVEL IS ALLOWED!*
    - i. Any additional information the administrator deems pertinent to the procedure.

### Photo Lineup Procedure

- 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 lineup are being viewed by the eyewitness. This can be accomplished, for instance, through the use of the folder shuffle method or by laptop technology.)
- 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 lineup should be composed so the fillers generally resemble the eyewitness's description of the suspect, 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 lineup members. If the eyewitness has previously viewed a photo lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup should be different from the fillers used in prior lineups.
- D. When there are multiple suspects, each identification procedure would include only one suspect.
  - E. Avoid mixing color and black and white photos. Photos should either be all black and white or all color.
  - F. Cover any portions of mugshots or other photographs that provide identifying information. Ensure that no writings of information concerning previous arrests will be visible to the witness. If it is necessary to block out or cover a notation, such as a name on one photo, then similar blocking out or covering marks should be placed on all photos so that they will appear alike.
  - G. Use photos of the same size and basic composition, and never mix mugshots with other snapshots or include more than one photo of the same suspect.
  - H. Select fillers who generally fit the witness's description of the suspect. When there is a limited or inadequate description of the offender provided by the witness, or when the description of the offender differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.
  - I. Select a photo that resembles the suspect's description or appearance at the time of the incident, if multiple photos of the suspect are reasonably available to the investigator.
  - J. Ensure that the photos are reasonably contemporary.
  - K. Include a minimum of five (5) fillers (non-suspects) per photo identification procedure.
  - 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 witness should view the lineup independently and separately and the suspect should be placed in a different position in the photo lineup for each eyewitness.
  - N. Review the array, once completed, to ensure that the suspect does not unduly stand out.
  - O. Assign each photo a lineup identification number. Record the identification number on the back of each photo. Refer to that photo 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. (For example: Case number plus #01, #02, #03, #04, #05, #06, etc)
  - P. After each photo 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:
    - a. All identification and non-identification results obtained during the procedure and signed by the eyewitness, including the eyewitness's confidence statement
    - b. The names of all the persons present at the identification procedure
    - c. The date and time of the identification procedure
    - d. The sources of all photos used in the identification procedure
    - e. The photos themselves should be preserved in their original condition

#### 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's 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 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 investigation will continue.
- E. Instruct the witness that if the offender is seen in the lineup, he/she might not appear exactly the same as on the date of the incident because features such as clothing head or facial hair could change, and additionally, photos do not always depict the true complexion of a person, which may be lighter or darker than shown in the photo. Be careful not to imply or lead the witness to believe that the suspect's appearance has actually changed in any way.
- F. Provide the following additional viewing instructions to the witness:
  - a. Individual photos will be viewed one at a time.
  - b. Photos are in random order.
  - c. Take as much time as needed in making a decision about each photo
  - d. All photos will be shown, even if identification is made prior to viewing all photos.
  - e. The administrator does not know who the suspect is.
- G. Confirm that the witness understands the nature of the sequential procedure.
- H. Instruct the witness that the procedure, **ONLY IF IDENTIFICATION IS MADE**, requires the investigator to ask the witness to state in his/her own words how certain he/she is of any identification at the time that the identification is made.
- I. Present each photo to the witness separately, in a previously determined order, as documented on the lineup worksheet, removing those previously shown.
- J. Care should be taken to avoid the witness turning over the photo and reading the identification number recorded on the back.
- K. Avoid saying anything to the witness that may influence the witness's selection.
- L. If identification is made, avoid reporting or confirming to the witness any information regarding the individual she/he selected until the entire process (including obtaining a confidence statement and obtaining required signatures and paperwork has been completed.
- M. If the witness requests to view the photo sequence again, (or specific photos again), they may be shown a second time, but must be shown again the same sequence in its entirety even if the witness makes an identification during the second showing.
- N. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

#### Procedures for 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 works (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. (The administrator will not ask for a numerical rating for the 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's 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 suspect.
- 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 pervious 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.

#### IX. VEHICLES

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.

##### Definitions

- A. 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.
- B. 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.

#### X. 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 deputies

1. Deputies, by the nature of their job, are required to exercise discretion in the performance of their duties. The office provides deputies with written policies, rules, office orders, directed 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/pre-arraignment confinement

1. Under certain circumstances, deputies are faced with situations where an arrest and pre-arraignment 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.
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. Additionally, § 19.2-74 authorizes the use of summonses when enforcing county ordinances.
  - 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. 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.

## 5-18 Search Incident to Arrest

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Search Incident to Arrest</b>	<b>NUMBER: 5-18</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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

### I. POLICY

The Deputy's authority to search without a warrant comes automatically from a lawful arrest.

### II. PURPOSE

Guidelines for the search of person(s) who are placed under arrest and taken into custody and to ensure that Deputies adhere to Constitutional Guidelines.

#### A. DEFINITIONS

##### 1. Strip search

A search of a person requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces and the undergarments. A strip search shall only be conducted at the jail or lock-up and shall be witnessed only by deputies or jail personnel of the same sex.

##### 2. 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 medically qualified person under sanitary conditions shall only perform a body-cavity search. A body-cavity search may take place at a jail or lock-up if these criteria are satisfied.

### III. 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 that 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

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:

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

C. When a search before an arrest is valid

A search incident to an arrest is mandatory following the arrest.

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

The 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.

E. Scope of Search

The 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 defendant might reach to grab a weapon or an item of evidence.
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.

F. Strip searches

Strip and body cavity searches are governed by § 19.2-59.1.

1. Strip searches shall **not** be conducted of persons arrested for traffic violations, Class 3 or 4 misdemeanors, or violations of city, county, or town ordinances, which are punishable by less than 30 days in jail, unless the 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 suspect's clothing during a search incident to an arrest.

2. Strip searches shall be performed by persons of the same sex as the person arrested and at the jail or lock-up where the search cannot be observed by persons not physically conducting the search. In any event, the on-duty supervisor must expressly authorize the strip search.
    - a. A strip search in the field shall only be conducted under exigent circumstances where the life of the deputy or others is at risk and the on-duty supervisor has expressly authorized it.
    - b. When authorized, the strip search shall be performed in a room designed for the purpose, by the least number of same-sex personnel present as necessary, in conformance with approved hygienic practices, and under circumstances that provide privacy from all but those authorized to conduct the search.
- G. Body-cavity searches
1. Body-cavity searches other than the mouth shall be conducted only when there is probable cause to believe a particular prisoner may be concealing contraband within a body cavity or otherwise on the suspect's person. Body-cavity searches shall only be conducted under the express direction of the Chief Deputy/Sheriff.
  2. If appropriate, upon authority of the Sheriff, or a divisional commander, 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.
  5. Body-cavity search procedures.
    - a. The deputy shall inform the prisoner of his or her intention to conduct a body-cavity search thus giving the prisoner the opportunity to voluntarily surrender the suspected contraband.
    - b. The prisoner shall remove every article of clothing including wigs and dentures and shall give them to the deputy for inspection.
    - c. Should the prisoner resist the cavity search and become violent, additional deputies of the same sex as the prisoner shall restrain the prisoner and assist in stripping. Only sufficient force, necessary under the circumstances, shall be applied to complete the search.
    - d. Should a prisoner resist a cavity search and an insufficient number of same-sex deputies are available to restrain the prisoner, the following procedures shall be followed:
      - 1) Deputies of the opposite sex may assist in subduing the prisoner before the prisoner is stripped.
      - 2) Deputies shall subdue the prisoner and apply the necessary restraints (handcuffs, shackles, etc.), then leave the room.
- H. What may be seized
1. During a search incident to an arrest, the 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 that 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.

## V. SEARCHES OF PRISONERS - PROCEDURES

The Office advocates the following method of searching arrested persons:

### A. Wall search

1. When feasible, have another deputy present before conducting the search, to act as a cover.
2. Place the suspect with hands high on a wall or other vertical surfaces.
3. Do not allow the suspect to place palms flat on the wall: have the suspect extend the fingers.
4. The feet should be positioned one of two ways. The first method is to separate the feet wide apart; the other is to make the suspect cross his or her legs. The suspect's legs should be far enough away from the wall so that the suspect would not have significant balance to push away from the wall with any force.
5. The suspect's back should be in a straight line with the legs and not be arched.
6. When searching the suspect's left side, the deputies left leg should be placed aligned with the middle of the suspect's back. With proper hand and foot location, the deputy maintains complete control. With this approach, the deputy searches with one hand.

### B. Search the following

When searching a suspect incident to an arrest, search all of the following places:

1. Hair
2. Open mouth (have suspect open mouth; deputy checks visually)
3. Collar
4. Back of neck, the ears, and behind the ears
5. Both arms
6. Armpits
7. Chest
8. Back
9. Waistline
10. Inside belt
11. Crotch
12. Down both legs
13. Cuffs
14. Socks
15. Inside shoes

## 5-19 Criminal Investigations - Division of Operations

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Criminal Investigations- Division of Operations</b>	<b>NUMBER: 5-19</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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### I. POLICY

The position of Detective denotes a duty assignment and not a rank. Detectives are equivalent in the chain of command to uniformed patrol and court deputies and as such are governed by the same rules, regulations, policies, and procedures.

### II. PURPOSE

Criminal Investigation Division Operations is intended as a supplement to those orders governing the entire Sheriff's Office.

### III. PROCEDURES

#### 1. Work Assignment

- a. All detectives will be appropriately assigned at the discretion of the Captain of Detectives.
- b. Follow up on cases by keeping in contact with victims (if nothing more than phone calls to let them know you have not forgotten about them or their case).
- c. Detectives will work independently or jointly as circumstances and or supervisors dictates.

#### 2. Reporting Procedure

- a. Detectives opening a new case will give the information to dispatch for assigned incident numbers and will complete the Preliminary Investigation form and forward it to the Captain of Detectives immediately.
- b. All reports should be complete as soon as possible and no later than the end of the month in which the incident occurred.
- c. Cases submitted to the Commonwealth's Attorney must include all documents from the case file.

#### 3. Hours of work:

- a. Detectives will work the shift assigned to them by the Captain of Detectives.
- b. Even when not on call Detectives will be subject to respond in case of emergencies.

#### 4. Dress Code and Grooming: The dress code for Detectives will be appropriate business

- dress as to reflect a professional image to the Office. No blue jeans shall be worn while on duty unless authorized by the Captain of Detectives. Grooming shall be the same as prescribed for uniform personnel unless authorized by the Captain of Detectives.
- a. Detectives will carry assigned equipment while on duty (badge, duty weapon, identification, pager and cell phone).
  - b. Pager will be accessible at all times.
5. All holidays will be observed and taken off unless you are called out or required to work by the Captain of Detectives.
6. If the shift supervisor determines that a Detective is to be called then the following system will be used:
- a. During normal working hours contact any Detective on duty. After normal working hours contact the ON CALL detective.
  - b. The assigned pager shall be carried and accessible at all times, even when the Detective is NOT on call to assure contact can be made in times of emergency.
  - c. If there is a case on the midnight shift where the patrol deputy feels that a Detective is essential, then the shift supervisor will make the final determinations as to whether or not to call the on call Detective. In events where the Detective is not needed to respond initially and Patrol Deputy completes an Investigation Request Form, the incident will be reviewed, and if required assigned to a Detective for follow-up investigation.

## 5-20 Criminal Investigations - Detective Division

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Criminal Investigations- Detective Division</b>	<b>NUMBER: 5-20</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.02.03, OPR.02.04, OPR.03.01, OPR.03.04</b>	

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### I. POLICY

Personnel shall conduct preliminary and follow-up investigations in all categories of crimes, including organized crime, vice, and narcotics.

### II. PURPOSE

Work in unison by utilizing manpower and maintaining communication between all investigative components and bring closure to the case.

### III. GENERAL PROCEDURE

#### A. On-Call Detective

A detective will be on-call 24-hours a day. Shift Supervisor shall approve the call out before the on-call detective is called.

#### B. Receiving and Processing Complaints

1. Deputies who receive information or complaints on narcotics, vice, organized crime, or other criminal activities shall submit a detailed report.
  - a. All hard copy files regarding active investigations are maintained separate and secure from regular IBR reports.
  - b. Information shall be purged when the Criminal Investigations Division feels that the information is no longer needed.
2. When detectives receive substantial information concerning a vice, drug, or organized crime case, etc., they shall review the information within the division. The Detectives shall advise the Captain of Detectives of the status of any substantial investigation on a regular basis. The Captain of Detectives shall advise the Sheriff of any essential information or activities on a routine basis.
3. Detectives shall use the following criteria to evaluate the investigative worth of any information received:
  - a. Does it relate to an ongoing investigation?
  - b. Is it new information of significant value that should be followed up with a

preliminary investigation?

- c. Is it new information that should, because of its jurisdiction or degree of activity, be coordinated with or relayed to other law enforcement agencies?
- d. Is it new information that should be heard pending accumulation of additional information in order to warrant the expenditure of further investigative resources?

#### C. Maintenance of Records

1. Every case assigned to a detective including, criminal, narcotics, vice, and organized crime complaints received and substantiated by investigation shall be maintained in a secured file.
2. The Criminal Investigations Division will ensure that all intelligence files are maintained in a secure file. All hard copies will be maintained within the divisions unit.
  - a. Investigation files shall be secure at all times. Only the investigative personnel, Captain of Detectives, and Sheriff shall have access to the Investigations files.
  - b. Inactive intelligence files shall be maintained in hard copy form according to the Virginia Records Retention Schedule.
  - c. Hard copies may be destroyed at the discretion of the Captain of Detectives, at any time after the end of the first year.
  - d. Intelligence files shall be maintained separately from the Office central records system.
  - e. After a case has been assigned to a Detective, the Detective shall maintain a case file.
  - f. The Detective shall make a master file which may contain the following:
    - 1) IBR report
    - 2) Supplemental reports
    - 3) Statements
    - 4) Other forms or documents.

#### D. Follow-Up Investigations

1. The follow-up investigation is an extension of the preliminary investigation of a reported crime. The purpose of the follow-up is to provide additional information to assist in the apprehension and arrest of suspected offenders and/or recovery of stolen property.
2. Deputies will conduct and complete the investigation of all routine non-criminal calls and for all misdemeanor or felony cases assigned to them for investigation.
3. Detectives will conduct the follow-up investigation when one or more of the following conditions exist:
  - a. The offense appears to be part of a pattern of like or serialized offenses,
  - b. When the follow-up requires an extensive amount of time for investigation,
  - c. The reported crime is of a serious nature and/or in the opinion of the Captain of Detectives, the case requires the attention of a detective
  - d. The offense is of a nature that requires the immediate assignment of a detective to assume responsibility for the completion of the preliminary investigation and to begin follow-up investigation.
4. The Captain of Detectives shall assign cases to Detectives.
5. The case Detective assigned to conduct the follow-up investigation shall be

responsible for the following:

- a. Reviewing of all incident reports and any other materials related to the case under investigation,
- b. Identification and apprehension of the offender(s),
- c. Collection and preservation of additional evidence and arrangement for the analysis and evaluation of same; review of laboratory results of any evidence that was sent to the state laboratory,
- d. Recovery and return of stolen property,
- e. Conduct additional interviews of victim(s) and witness(s), as required,
- f. Prepare case file,
- g. Conduct any additional interrogation of the suspect(s), as required,
- h. Seek other information from deputy's and informant(s),
- i. Review Office records pertaining to other similar offenses to determine if any other crimes may have been committed by the suspect(s),
- j. Check the suspect's local police record and criminal history,
- k. Recording of any information obtained and the preparing of any additional reports, as required,
- l. Disseminate information as appropriate and in conformity with Office policy,
- m. If necessary; plan, organize, and conduct searches and/or arrests,
- n. Arrange for polygraph examinations through the VSP or other agencies,
- o. Prepare a case file and review all information contained in the file pertaining to the offense(s) prior to court,
- p. Submit completed case file to the Commonwealth's Attorney and provide assistance in prosecution of the offender, as required.

#### E. Case Management Systems

All active cases shall be reviewed every 30 days. This review shall involve a meeting of the case Detective and the Captain of Detectives. The case shall be discussed and the status of the case shall be decided. If the Captain of Detectives decides the case should continue because of solvability factors, then the case shall be assigned for an additional 30 days. This process shall continue until closed. If there are any leads left to follow the case shall remain open, if all leads have been pursued then the case shall be inactive.

#### F. Surveillance Operations

1. Reason for Surveillance: The secretive observation of a person, place, or vehicle is a basic law enforcement technique that can be used by all Sheriff Office personnel. Surveillance can be used effectively to gather evidence of illegal activity or in the case of stakeout's, to gather information for search warrants and to apprehend criminals after a pattern of their criminal activity has been identified.
2. At any time surveillance is being conducted and the need for complete secrecy is not so great the operation must be withheld from law enforcement personnel, deputies and or the shift supervisor will be notified (area must be given, not specifics). If the need for secrecy is great the Captain of Detectives will be notified.
3. No one will use any surveillance equipment except for lawful Sheriff's Office purposes.
4. No member of the Sheriff Office will violate any provision of **19.2-61 through 19.2-70.3 Code of Virginia, (Chapter 6 titled Interception of Wire, Electronic or Oral Communications)** and will act in accordance with the provisions therein.

### G. Surveillance Equipment

Detective personnel shall be responsible for the care, custody, and security of all equipment assigned to the division. All equipment shall be utilized and operated according to manufacturer's instructions.

1. Only those personnel trained in the use of surveillance and undercover equipment shall be authorized to use the equipment.
2. Members of the Office shall not use surveillance equipment in any unauthorized manner. Any misuse, which is in violation of state and federal law, could be grounds for disciplinary action.
3. Surveillance equipment is assigned to the unit. Equipment assigned to the unit includes, but is not limited to:
  - a. body transmitters
  - b. tape recorders
  - c. cameras
  - d. video recorders
4. Detectives and other members of the department are required to sign out equipment. Surveillance equipment shall not be loaned out to another agency without the approval of the Captain of Detectives. When not in use, all surveillance equipment shall be secured in the Investigations Office.
5. All surveillance evidence or potential evidence must be properly marked and secured.
6. Surveillance evidence, to include audio/video tapes only related to an ongoing investigation, may be stored in the Investigations Office. All other evidence shall be submitted to the Evidence Technician and stored in the Evidence Room.

### H. Undercover Operations

1. Planning is necessary for safe and productive undercover operations. Undercover operation plans shall include, at a minimum:
  - a. identifying and analyzing suspects;
  - b. making contacts with suspects;
  - c. analyzing neighboring or target area where deputies shall work;
  - d. supplying deputies with false identities and necessary credentials;
  - e. maintaining confidentiality of deputies false identities and necessary credentials;
  - f. supplying personnel with equipment;
  - g. establishing a means of routine and emergency communication between the undercover personnel, CI, and surveillance/back-up teams, both verbal and non-verbal, to include, at a minimum, signals for:
    - 1) officers in distress;
    - 1) cautionary warnings
    - 2) termination of operation
    - 3) completion of criminal acts
    - 4) arrest initiation
  - h. determining legal ramifications
  - i. providing guidelines for arrest
  - j. providing back-up security for deputies, when deemed necessary;
    - 1) Detectives shall be cognizant of the potential of a undercover officer or CI being taken hostage.

- 2) Detectives must be prepared to initiate an immediate rescue attempt should it become necessary.
  - 3) Back-up deputies shall be issued equipment as deemed appropriate under the circumstances by the detective or supervisor.
    - k. providing for close supervision.
2. Decoy operation plans shall include, at a minimum:
- a. analyzing victims, crimes, and crime locations;
  - b. disguising personnel to resemble victims;
  - c. determine the number of back-up deputies for security protection;
  - d. developing operational procedures, such as observation and arrest;
  - e. determining legal ramifications;
  - f. establishing communication;
  - g. identification of participating personnel;
  - h. notifying the patrol supervisor responsible for target area; and
  - i. providing close supervision.

**5-21 Evidence Collection**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Evidence Collection</b>	<b>NUMBER: 5-21</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.02.03</b>	

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**I. POLICY**

The integrity of the evidence should be the primary goal of all officers collecting evidence and falling into the chain of custody. To assure that the personnel collecting and handling evidence are following the necessary guidelines and standards.

**II. PURPOSE**

The success or failure of a criminal investigation largely depends on the manner in which evidence is collected and preserved for courtroom presentation.

**III. PROCEDURE****A. GENERAL****Basic Overview of Procedural Steps**

1. Evidence will be considered to be any article coming into the control of an officer through the normal performance of his/her duties. Evidence can either be the fruit of the crime (stolen property), element of the crime (fingerprints, tool marks, etc.) or contraband material (any object which is illegal to possess, drugs, etc.). All evidence will be afforded the same attention, unless the situation warrants otherwise:
2. All evidence will be properly identified as to its relationship to the crime.
3. The article will be either tagged or placed inside an evidence envelope or bag, with a complete description of the article i.e. the date, place of recovery, deputy's name, case number, and item number will be noted on the tag, envelope, or bag.
4. The deputy collecting the evidence will maintain strict control of the evidence until such time he/she is authorized to relinquish custody. The deputy in possession of the evidence will limit the number of people coming into possession of the evidence.
5. If the evidence is to be kept for safe-keeping or needs to be placed into the evidence room, it shall be given to the person in charge of the evidence room.
6. The evidence room technician will allow only authorized personnel to have access to evidentiary property.
7. During hours when the person in charge of the evidence room is not available, the evidence should be placed into the evidence locker. If the property is to be submitted to the lab for analysis, a completed Request for Laboratory Examination Form will be attached.
8. All property and evidence in custody will be stored within a designated, secure area.

9. No evidence will be left unattended with unauthorized persons for forwarding to the evidence locker.
10. The office shall follow the established procedures for final release of property accordance with the Virginia Records Retention and Disposition Schedule.

Exceptions:

From time to time articles may come into your possession in which no guidelines are established. In these events, contact the shift supervisor for instructions. The evidence custodian or person in charge of the evidence room may have to be notified to assist with proper disposition.

## B. LABELING EVIDENCE

### Labeling and Packaging Procedures

#### 1. LABELING

The deputy shall record on each item:

- a. Date item was taken into custody;
- b. Location or person item was taken from;
- c. Case number;
- d. Item number;
- e. Name of the deputy taking custody; and
- f. Complete description of item.

#### 2. PACKAGING

The collecting deputy shall use a container suitable to the type of evidence.

Considerations in choosing the proper container include:

- a. The size and weight of the evidence;
- b. Whether the item is moist or dry;
- c. Avoiding any contamination of evidence by packaging separately;
- d. Fluid or stained evidence should be carefully rolled in paper;
- e. Pack the item to minimize interior movement within the package;
- f. Seal the package with tape;
- g. The collecting deputy shall initial across the sealed tape;
- h. Make sure not to damage evidence when labeling the package; (Label package prior to inserting item)
- i. If evidence cannot be packaged, make sure a label is securely attached;
- j. Rapidly deteriorating evidence shall be transported to the lab, as soon as possible
- k. In cases where immediate transport to the lab is not possible;
  - 1) Refrigerate and transport (no more than one week) or;
  - 2) Air-dry and transport (no more than one week).

**5-22 Crime Scene Protection**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Crime Scene Protection</b>	<b>NUMBER: 5-22</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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**I. POLICY**

Protection and preservation of the scene to prevent the destruction or contamination of any evidence.

**II. PURPOSE**

Enter the scene with the expectation of preserving and gathering evidence.

**III. PROCEDURE****1. The deputy responding to the scene of a crime will:**

- a. Respond to and enter the scene with the expectation of preserving and gathering evidence.
- b. Secure the initial point of the incident and extend the area of protection out towards the perimeter. Preserve the crime scene to keep the site of the crime in the same physical condition as it is found.
- c. Use Crime Scene Tape to secure the entire perimeter of the crime scene.
- d. All unauthorized persons including unauthorized law enforcement personnel will be kept from entering the area.
- e. Log all entries of authorized personnel into the scene on a Crime Scene Entry Log.
- f. Note conditions of the scene and remarks made by witnesses, victims and/or suspects.
- g. Yield responsibility of the crime scene to detectives upon their arrival and follow their instructions and assist them in any manner directed.

## 5-23 Child Abuse/Neglect

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Child Abuse Neglect</b>	<b>NUMBER: 5-23</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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### I. POLICY

Deputies will investigate and collect information leading to identification, arrest, and conviction of offenders against children, subsequently organizing and presenting case information for successful prosecution.

### II. PURPOSE

Deputies take initial responsibility in cases, and work cooperatively with social services and other agencies concerned with the welfare of children.

### III. PROCEDURE

#### A. General Responsibilities

1. "Child" refers to any person under the age of 18 years. Any coerced or forced sexual contact is criminal in child abuse cases.
2. Deputies will be aware of Virginia Child Abuse Codes and may contact Child Protective Services (CPS) and Juvenile and Domestic Relations Court as needed. Dispatch has a list of on-call workers to contact upon request. Where no imminent danger exists to a child, Deputies shall complete a report, contact CPS and jointly decide proper actions. When imminent danger exists to the child's health or life, Deputies may take the child into custody without parental permission if a court order is not immediately available (VA. Code 63.1-248.9). The court may grant Deputies an emergency removal order (VA. Code 16.1-251).

#### B. Dispatcher (communication center) responsibilities:

When a child is in imminent danger dispatchers send Deputies immediately. If circumstances do not involve imminent danger, a referral to CPS will be made as soon as possible with joint follow-up.

#### C. Patrol Responsibilities

1. Arrival at scene: Obtain all pertinent information from the communications officer.
2. Initial Contact includes explaining role, gaining entry into the home and interviews.
3. Dispatchers shall obtain all pertinent information and relay it to Deputy or Detective assigned to the case.
4. Support and reassurance regarding the appropriateness of the report and its confidentiality are provided to the victims and families.

## 5-24 Sex Crimes

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Sex Crimes</b>	<b>NUMBER: 5-24</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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### I. POLICY

Deputies will sensitively collect facts leading to identification, arrest, and prosecution of sexual offenders.

### II. PURPOSE

To properly investigate sex crimes and the function of the Deputies in these high priority cases.

### III. PROCEDURE

#### A. General Responsibilities

1. "Sexual assault" means those offenses involving sexual penetration or sexual contact with any person by force or threat of force, fear, intimidation, ruse, or through the use of a person's mental incapacity, or physical helplessness, or any other attempts to force sexual penetration/contact on any person.
2. Deputies of the Office shall be aware of community services available to victims of sexual assault, including sexual assault crisis/hotlines, mental health centers, forensic nurse programs, and a victim assistance program.
3. Deputies of the Office shall be trained and knowledgeable about sexual assault investigation and its impact on victims.
4. Deputies of the Office shall use appropriate communication skills when interacting with sexual assault victims.

#### B. Dispatcher (Communication Center) Responsibilities

1. If hospital personnel call in the sexual assault report, the dispatcher shall obtain initial information only (name and location of victim, reporter's name and job title, victim's condition). Confirm that a Victim/ Witness Advocate or sexual assault crisis center support person has been contacted for the victim.

2. If the victim calls to make a report, she or he may or may not want police intervention. If the victim is a child, this does not apply, because all crimes against children must be investigated.
    - a. If the victim wants no department response, the dispatcher shall observe the following procedures.
      - 1) Try to obtain as much information as possible concerning the crime details. Do not insist on the victim's identity, unless a victim is a child.
      - 2) Encourage the victim to go to the hospital for treatment and evidence collection. Advise the victim that a Deputy will meet with them there. (The Commonwealth of Virginia pays expenses related to the PERK exam whether or not the victim cooperates with law enforcement. The Criminal Justice Compensation Fund applies, per Virginia Code 19.2-368.18.)
      - 3) Even if no report is made, refer the victim to a sexual assault crisis center, hospital and victim/witness program for further assistance.
    - b. If the victim wants The Sheriff's Office, the dispatcher shall observe the following:
      - 1) Obtain initial information only such as name, present location, telephone number, victim's condition, and basic incident details.
      - 2) Ensure the victim's safety. A Deputy shall be dispatched immediately. Ask for name of the assailant, if known, description, possible location or direction and means of flight from the scene, and the time elapsed since the crime. 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 ninety six (96) hours, explain to the victim the necessity of not performing the following activities: washing self or clothes, brushing teeth, eating, drinking,
      - 4) smoking, douching, combing hair or putting on make-up, going to the toilet, and touching or moving anything at the crime scene. If the victim has already done any of these things, reassure the victim, but ask not to do any more "cleanup". There is some possibility that evidence can be recovered even after ninety six (96) hours. Detective should consult with a Forensic Nurse Examiner or Medical Doctor.
      - 5) If the assault occurred more than ninety six (96) hours earlier, recommend that the victim seek medical attention anyway and dispatch a Deputy.
      - 6) Ask the victim if he or she wishes the presence of a sexual assault crisis center advocate, family member or friend for further support (as the hospital or department), and offer to contact that person.
      - 7) Ask if the victim has transportation or not. Have Deputy go to wherever the victim is, if possible. Facilitate the transportation of the victim to the hospital or department or explain that a Deputy will meet the victim at the specific location.
  3. Give a complete report of information obtained to the Deputy assigned to the case before he or she initially contacts the victim.
  4. See [Victim Services](#), dispatcher responsibilities for additional procedures.
- C. Patrol Responsibilities
1. Deputies of the Sheriff's Office who arrived on the scene of a sex crime are responsible for the preliminary investigation and should immediately request notification of Detectives for assistance

2. The Deputy has certain immediate responsibilities, as follows.
    - a. The primary concern is the victim's physical well being. Give attention to the victim's emergency medical needs. Ensure safety.
    - b. Preserve the crime scene.
    - c. The Deputy shall be alert to any suspect in the vicinity. Give crime broadcast, if applicable.
    - d. The Deputy shall explain his or her role to the victim and what will be done at the scene and through follow-up.
  3. The Deputy shall obtain detailed 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 Sheriff's Office response in carrying out the arrest of any suspect.
  4. Obtain preliminary statements from 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.
  5. The Deputy shall inform the victim, preferably in writing, of counseling services available in the area. (Inform the victim that the Criminal Injuries Compensation Fund pays counseling and other crime-related fees, if needed.) Ask whether the victim would prefer to have a support person (sexual assault crisis center advocate, family member, or friend) present if this has not already been done by a dispatcher. Offer to contact this person.
  6. The Deputy shall arrange for transportation or transport the victim to the hospital for a sexual assault examination, if appropriate (if the assault occurred within the last ninety six (96) hours). Explain the medical and legal advantages of this exam. Inform the victim to take a change of clothing along. The Deputy may provide transportation back home following the exam. If the assault occurred more than ninety six (96) hours before, the Deputy shall still encourage the victim to seek medical help.
- D. Detective Responsibilities
1. The Detective 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 Detective shall establish rapport with the victim, transport the victim to the hospital, and begin the preliminary investigation. If victim has their own transportation we allow them to meet a Detective at the hospital.
    - b. At the hospital: arrange for the collection of evidence needed for prosecution. Explain sexual assault exam procedures, and establish rapport for further interviews. The Detective shall not be in the room during the sexual assault exam but shall have the victim sign a consent form in order to obtain a copy of the hospital report.
    - c. At the Sheriff's Office or hospital: Before interviewing, review the Deputy's report and establish rapport with the victim by allowing her or him to ask preliminary question or voice initial concerns.
  3. The Detective shall be trained in sexual assault procedures.

- a. The Detective shall allow the sexual assault crisis center advocate to be with the victim for support if the victim desires. (Establishing rapport and good working relationships with crisis center advocates as collaborating partners in advance of actually working an incident will promote more effective interactions with a victim when a crime does occur.)
  - b. Prepare the victim for each phase of the investigation. By explaining what must be done and the reasons why, the Deputy and Detective will encourage the victim's cooperation.
  - c. The earliest possible PERK exam must be done 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 interviews if possible, and regardless of their current willingness to prosecute or cooperate with the Deputy's investigation.
4. Follow-up interviews by the Detective
- a. Privacy is a necessity for follow-up interviews. Choose a quiet room free of distractions and interruptions at the 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.
    - 1) It is not appropriate to submit a victim to a polygraph exam. The Detective should anticipate some confusion, memory suppression or reluctance to discuss fear-inducing or humiliating details of the incident. This information should be obtained by patient, supportive rapport building, not by questioning a victim's truthfulness or motives.
    - 2) A false report should never be brought against a victim on grounds that the victim is hesitant or fearful to cooperate with the investigation.
    - 3) Avoid asking "why questions" that sound accusatory or judgmental about the victim's actions or behavior prior to the assault.
    - 4) Ask "how questions" instead.
  - b. Questions which must be addressed include the following:
    - 1) Assault circumstances: Where approached? How? Where occurred? When?
    - 2) Assailant: Name, if known? Age? Race? Color of hair? Clothing? Height? Weight? Identifying marks? Relationship to victim, if any?
    - 3) Multiple assaults occur? Other crimes committed?
    - 4) What happened during the assault? Were weapons used? Describe them. Were threats made? What were they? Was there a fight or struggle? Injuries sustained? Drugs/alcohol involved? Was the victim incapacitated in any way? Sexual detail- what did he do? Did he ejaculate? What was said?
    - 5) How long was assailant with victim?
    - 6) What did victim or the assailant do immediately after the attack?
    - 7) Concerns about prosecuting?
  - c. At the conclusion of the interview, the Detective shall ask about any additional assistance needed. Counseling services are always recommended. Refer the victim to the local sexual assault crisis center advocate and victim assistance program.
  - d. Inform the victim that it is common to remember additional details later. Encourage the victim to call if that happens or to ask questions. Give a number.

- e. As soon as practical, alert the Victim/Witness Assistance Program that a sexual assault has occurred. Provide the information necessary for staff to contact the victim.

#### E. Third Party Reports for Sex Crimes

Certain other agencies, such as Social Services, provide counseling and other services to victims of sexual assaults. Such agencies will encourage victims to make reports to the Sheriff's Office so that prompt and complete investigative follow up action may be taken.

#### F. Evidence Collection- Sexual Assaults

##### 1. General Rules

- a. Safeguard crime scene and evidence that is collected.
- b. Use caution not to damage, mark, or contaminate evidence.
- c. Initial and date all items seized.
- d. Document chain of evidence in report.
- e. Place all evidence in appropriate containers, seal, and initial.

##### 2. At the crime scene

- a. Remember that evidence collection is intended not only to identify the criminal, but also to discover the exact manner in which the crime was committed, influencing preparation before and actions taken afterward to avoid detection. Evidence can also corroborate the victim's account of the assault. During evidence collection, keep in mind that you know from the victim about the manner in which the crime occurred. Also be alert to evidence that can tell you details that the victim does not know or remember.
- b. DNA evidence is now one of the most important and reliable forms of physical evidence establishing the presence of a suspect at a crime scene. Any form of bodily fluid or other trace evidence may be used to identify the suspect's genetic identifiers (hair, skin, saliva, semen, etc.). Even when the identity of the suspect is not in questions, as in acquaintance rape cases, the presence of DNA and of trace evidence may be important to corroborating the victim's account of the incident.
- c. Collect undergarments, clothing, bedding, rugs, smoking materials, or other appropriate items that may contain semen, blood, saliva, hairs, fibers, or other pieces of trace evidence, or items that might be damaged.
- d. Collect washcloths or towels that may have been used.
- e. Collect bottles, glasses, or other objects that may contain latent prints.
- f. Search scene for foreign objects (buttons, hair, pieces of torn clothing).
- g. If crime occurred outdoors, take soil samples from several areas and sketch the location of each sample taken. Look for footprints or tire tracks or other physical signs that may be tied to a specific shoe, car, or other object.
- h. If crime occurred in a car, gather sweeping from seats and floors, search floor mats and seat covers for stains. It is often advisable to seize the vehicle so that a thorough search for evidence may be conducted by an evidence technician in a controlled environment.
- i. If entry was forced into the victim's residence, gather samples of broken glass, paint samples, and note any pry marks or other signs of forced entry.
- j. Photograph crime scene and physical evidence before collecting it.
- k. Photograph bite marks, scratch marks, or other signs of brutality or injury to victim. Only female officers or medical personnel should photograph private sexual areas of female victims and children.



## 5-25 Search Warrants

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Search Warrants</b>	<b>NUMBER: 5-25</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:ADM.02.02</b>	

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

### I. POLICY

Deputies shall 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 Deputy's safety, and to the Department image in the community, Deputies shall have a thorough knowledge of the legal requirements in obtaining search warrants.

### II. PURPOSE

To set guidelines and procedures, which police officers must follow when conducting searches and seizures.

### III. DEFINITIONS

#### A. Search warrant

A written order, signed by a judicial authority, directing a police officer to search for specified personal (or business) property and bring it before the judicial officer.

#### B. Curtilage

Curtilage usually refers to the yard, garden, or piece of ground which adjoins a private residence. While the term has no absolute definition that applies under all circumstances, the curtilage of a private residence, for instance, is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation.

### IV. PROCEDURES - GENERAL

#### A. Legal authorities

1. *Virginia Code* § 19.2-52 states that a Judge or Magistrate may issue a Search Warrant if the following circumstances exist:

- a. There is a reasonable and probable cause to do so.
- b. There is a complaint on oath supported by an affidavit.

2. § 19.2-53 states that Search Warrants may be issued for the search of or for

specified places, things or persons, and seizure 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.

### 3. Supreme Court decisions

The Supreme Court of the United States issues decisions which must be used as guidelines in conducting searches. Because the Fourth Amendment to the Constitution prohibits unreasonable searches and seizures, officers bear the burden of proving that the search was reasonable. The court will examine reasonableness according to the answers to these questions:

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

### 4. Exceptions to search warrant requirements

(Refer to Limits of Authority Policy/ Search and Seizure)

## V. PROCEDURES – OBTAINING A SEARCH WARRANT

### A. Essential legal requirements

1. To obtain a Search Warrant, an officer must show probable cause to believe that specific evidence, contraband, or fruits of a crime may be found at a particular place.
2. The officer shall carefully document specific facts that constitute probable cause. Two kinds of facts must be considered:
  - a. The **facts** from which the officer concluded that the person or thing is probably located at the place to be searched.
  - b. The **facts** which address the reliability of the source of the officer's information.
3. The court considers only those facts presented in the warrant and affidavit.
4. Conclusions and suspicions are not facts.
5. Facts must be recent.
6. Apart from the officer's personal knowledge or observations, facts may derive from a reliable informant.
7. Reliability of facts is established by:
  - a. Personal observation or knowledge by an officer.
  - b. Eyewitnesses who have first-hand knowledge.
  - c. Informants

### B. Where to obtain a search warrant

A Search Warrant may be obtained from any of the following three sources, according to § 19.2-52:

1. Any Judge.

2. Any Magistrate.
3. Any other person having the authority to issue criminal warrants.

C. Affidavits

1. The accuracy of the affidavit is vital to the validity of the Search Warrant. On the designated form, officers shall provide the information listed below. § 19.2-54 requires officers to swear to the facts of the affidavit before a Judge or Magistrate. Note that the Search Warrant must be obtained in the jurisdiction where the place or person to be searched is located.
2. The affidavit shall include the following elements:
  - a. A detailed description of the place, thing, or person to be searched, including map coordinates or distances from given reference points, if necessary.
  - b. A description of the things or persons to be searched for.
  - c. A substantial allegation of the offense in relation to which the search is to be made.
  - d. An allegation that the object, thing, or person to be searched constitutes evidence of the commission of the offense.
  - e. Material facts which would show that there is probable cause for issuing the search warrant.

3. Language of the warrant

Only the things specified in the Search Warrant can be seized (exceptions to this, such as plain-view seizures and searches incident to arrest. The warrant shall specify the following.

- a. The areas to be searched shall be precisely stated. If officers wish to search a home and its surroundings, the affidavit must specify a “premises” search and its curtilage and must identify outbuildings, garages, as appropriate.
- b. If motor vehicles to be searched are on the premises, the warrant shall so specify.
- c. 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.
- d. 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.
- e. If officers anticipate searching for and seizing computers or similar, complex technology, then experts must be consulted to determine the appropriate language to list in the affidavit and for outlining appropriate guidelines in the warrant for seizure of hardware and software.

VI. PROCEDURES – EXECUTING A SEARCH WARRANT

A. When a search warrant must be executed

1. An officer is required by § 19.2-56 to execute a warrant within 15 days of the date it was issued. If it has not been executed during that time, the officer shall void the warrant and return it to the magistrate who issued it.
2. A copy of the affidavit must be attached to the warrant and served with it.

3. An officer may execute a search warrant either during the day or at night.

#### B. Preparing to execute the warrant

Before executing the warrant, the on-duty supervisor shall review the warrant and the affidavit, brief the search team officers on the procedures to be followed. The supervisor shall ensure that the entire warrant process is documented. Written reports shall be supplemented with photographs or videotape, if available and appropriate.

#### C. Gaining entrance to premises

1. The search team shall first deploy around the premises to be searched, ensuring that all exits are covered. Uniformed officers shall be the most visible members of the search team and shall conduct the entry.
2. In most cases the officer shall do all of the following before entering the premises to be searched:
  - a. He or she must announce his presence as a law-enforcement officer.
  - b. The officer must announce that his purpose is to execute a search warrant.
  - c. The officer must wait a reasonable time either to be admitted or refused admission to the premises.

#### 3. When entrance is refused

If the officer is refused entrance after a reasonable time, he may force his way into the premises using force applicable to the circumstances. "Reasonable time" in this context depends on the circumstances. A refusal may be expressed or implied. A refusal can be implied in two circumstances:

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

#### 4. No-knock or exigent entry

In some circumstances a police officer may enter the premises to be searched without announcing his or her presence and purpose before entering. The judicial authority issuing the warrant may add a no-knock entry provision to the warrant. If not, the decision to make a no-knock entry shall be made by the on-scene supervisor based on facts that would lead him or her to believe that an announcement would result in:

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

5. If circumstances require a no-knock or exigent entry, then the first officer to cross the threshold into the premises shall announce that law-enforcement officers are executing a warrant. Officers shall also command the occupants to take the appropriate action to ensure their safety. Sample commands:

- a. "Deputy Sheriff, search warrant, get down."
- b. "Deputy Sheriff, search warrant, stay where you are."
- c. "Deputy Sheriff, search warrant, put your hands up."

6. In executing any warrants, officers 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. Officers shall not use a search warrant to conduct a fishing expedition, i.e., if the search warrant is for a television, or large item, small places such as jewelry boxes may not be searched.
  3. An officer may seize **only the property listed in the warrant with two exceptions:**
    - a. The other evidence is reasonably related to the offense for which the search warrant was issued.
    - b. It is property which the officer knows or has probable cause to believe is evidence of another crime.
- E. Searches of persons found on premises
1. A person's presence on the premises to be searched with a warrant does not, without more, give rise to probable cause to search that person beyond a frisk for officers' safety.
  2. A warrant to search the premises for contraband does carry with it the authority to detain the occupants of the premises while a search is being conducted. If the search of the premises gives rise to probable cause to arrest the detainee, he or she may be arrested and his or her person searched incident to arrest.
  3. A person on the premises may be searched if the officer has probable cause to believe that items listed in the warrant are concealed on the person. Mere presence on premises does not constitute probable cause.

## VII. PROCEDURES – RETURN OF THE SEARCH WARRANT

- A. Per § 19.2-57, after an officer has finished a search, he or she shall perform the following:
1. Note the date of execution on the search warrant.
  2. Under oath, the officer must make an inventory of all the property seized.
  3. Within three days of the date of the search (excluding Saturdays, Sundays, or legal holidays) file the following in the Circuit Court Clerk's Office (of the jurisdiction wherein the search was made):
    - a. The Search Warrant.
    - b. Either the inventory of articles seized (which must be notarized or sworn) 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.

2. Officers shall place evidence in the locker reserved for the purpose or relinquished to the Department evidence custodian to be placed into the evidence room.
3. Observe the property and evidence procedures

## 5-26 Asset Forfeiture

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Asset Forfeiture</b>	<b>NUMBER: 5-26</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.03.05</b>	

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### I. POLICY

Any assets recovered through the forfeiture process, whether money or property, will be applied to legitimate enforcement needs, primarily to carry out other drug enforcement strategies. Under no circumstances will personnel select enforcement targets because of the expected financial gain accruing to the department: enforcement strategies are not dictated by profit.

### II. PURPOSE

To outline the Department's participation in Asset Forfeitures from drug enforcement cases, and to state responsibilities of the Asset Forfeiture Coordinator.

### 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, §§ 19.2386.1 through .14), to identify assets in case records, and begin the legal process to appropriate these assets for Department use. The AFC also performs as liaison to other state and federal agencies, and the courts as needed.

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 inkind property and proceeds. Inkind 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. It should be determined that the asset was purchased or substantially used in the connection of a drug trafficking crime.

#### IV. PROCEDURES

##### A. Responsibilities of the asset forfeiture coordinator (AFC)

1. Reviews all offense reports related to drug offenses to identify property subject to forfeiture.
2. Ensures that all seizures for forfeitures are reported to DCJS.
3. Reports to the immediate supervisor and the chain of command 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. If the seized item was the part of an investigation jointly conducted with the Tazewell County Narcotics Task Force or another agency; the Coordinator shall work with the appropriate joint participating agencies to agree on which agency will become the designated seizing agency for purposes of forfeiture proceedings. Negotiate with participating law enforcement agencies for a suitable division of assets.
  - a. Where agencies seize property pursuant to membership in a regional task force, the AFC shall forward to DCJS a copy of the interagency agreement or contract that authorizes the task force.
  - b. The AFC shall assist inter-jurisdictional coordination to ensure that localities maintain separate forfeitures, accounts, and auditing procedures. Similarly, the AFC shall track cases in which the department is involved but is not the primary seizing agency.
  - c. Where the Department participates in federal investigations that seizures are made, the AFC shall submit the appropriate DAG-71 form and information to make the Department eligible for proceeds from the seizure.
10. Ensure that the Department'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 Sheriff and the County Administrator.

11. Ensure that seized money is forwarded to DCJS in check form. Coordinate with the Department finance officer and County Treasurer, as necessary.
- B. The agency finance officer shall:
1. Prepare checks to DCJS as soon as possible upon receipt by the Department of forfeited funds from drug transactions.
  2. Prepare and maintain records on all property accruing to the Department through drug forfeitures and retain these records for a minimum of three 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 includes 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).

**5-27 Narcotics Enforcement**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Narcotics Enforcement</b>	<b>NUMBER: 5-27</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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**I. POLICY**

To investigate and enforce narcotics and dangerous drug violations at all levels.

**II. PURPOSE**

To provide investigative guidelines regarding narcotics and dangerous drug cases.

**III. PROCEDURES****A. General**

Deputies shall be especially mindful of narcotics offenses commonly observed during patrol activities and narcotics violations.

**B. Elements of successful investigations**

1. Specific offenders are targeted, and their habits, associates, vehicles, property thoroughly investigated with surveillance as necessary.
2. A thorough incident report, not only for cases involving illegal narcotics, but also those involving the seizure of contraband without an arrest being made shall be completed.

**C. Directed patrol**

The Sheriff's Office practices directed patrol as a method of narcotics-control strategy. The Sheriff's Office shall deploy the use of the Interdiction Team to execute directed patrols.

**D. Intelligence gathering**

Intelligence is gathered chiefly by observing and talking. Deputies shall employ the use of informants, citizens, and other police officers as sources of intelligence gathering.

Patrol personnel and Detectives shall diligently document the intelligence they have gathered, investigations undertaken, informants developed, and any other information of relevance. When compiling intelligence reports, officers shall at least record the following information:

1. The frequency of occurrence by type of crime;
2. Geographic factors;

3. When targeted activities occur;
4. Descriptions of targets, their associates, and their methods of operation;
5. Descriptions of vehicles.

These reports are to be given to a member of the Narcotics Enforcement Unit. The reports will then be filed for follow-up investigations.

#### E. Surveillance and arrest

The Sheriff's Office encourages surveillance of locations where narcotics trafficking has been severe, particularly where open-air transactions are conducted. Controlling trafficking may mean making arrests for even minor misdemeanors committed in the officer's presence (such as littering) in order to disperse possible criminal activities and to learn identities of people.

#### F. Indicators

The Tazewell County Sheriff's Office expects Deputies to detect criminality by deploying all legal investigative strategies, but Deputies are cautioned not to borrow a third-hand indicator of a drug courier to substitute for good judgment. Reasonable suspicion that criminality has occurred or is occurring depends on facts known to the Deputy at the time of the stop or arrest. A legitimate indicator, sanctioned by the Department, is a very specific attribute that is only valid for a limited time and under limited circumstances. These attributes or indicators can only be established based on considerable training and experience about drug trafficking. In any event, **Deputies shall not consider race or national origin only in determining whether or not to stop a person for a field interview.**

#### G. Street strategies

The Department encourages all legal means of reducing drug trafficking. Deputies shall remain mindful of the following strategies during patrol. The following street strategies shall be used:

1. Use non-coercive conversations with possible suspects to create investigative opportunities. Without a show of authority or application of force, no constitutional issues arise that requires the use of Miranda rights or search warrants.
2. Employ consent searches where and when appropriate.
3. Formulate reasonable suspicion, rely on observations of people and things that are exposed to public view or are in public places. A reasonable suspicion that drug trafficking has taken or is taking place may include flight or panic at the sight of a law enforcement officer, lying while being questioned, or a display of extreme or unusual nervousness in the presence of the officer. Use traffic stops to gather intelligence and develop reasonable suspicion or probable cause.
4. Employ drug-sniffing dogs to establish probable cause.
5. Inspect property abandoned by the suspect: no warrant requirements exist for this kind of search. Also, search adjacent areas thoroughly near the suspect.

6. Deputies will engage in consensual conversation, photographing, or records checks when appropriate, to identify unfamiliar persons. Deputies will attempt to identify that person by providing that person's descriptive information to the Communications Center. The information provided back from the Communications Center can then be used to corroborate that person's identity. Dealers from other jurisdictions thrive on anonymity.

#### H. Disclosure of information obtained by authorized means

Deputies shall strictly adhere to the provisions of § 19.2-67 of the Code of Virginia. Deputies shall not disclose information obtained by wire, electronic or oral communications outside of authorized law-enforcement personnel.

#### I. Raid

Raid planning will include outlining procedures for warrant procurement, tactical team use, deployment of personnel, officer safety, communications procedures, and collection of evidence. Special planning must be done for raids involving suspected drug-producing laboratories because of the dangers posed by hazardous chemicals. Raid planning may include participation by other governmental agencies such as fire, social services, and health authorities.

#### J. Handling narcotics evidence

1. To the extent practicable, all drugs/narcotics shall be stored in clear plastic bags, bottles, or other containers to allow the contraband to be visible, thus reducing the need to break seals to examine or verify the evidence and thereby damage the chain of custody. The original containers of drugs/narcotics (such as film containers, prescription bottles) shall be packaged separately. Plant type material will be placed in paper evidence containers to allow the package to breathe, which allows the plant material to dry.
2. For recovered drugs, other than those in a tablet or capsule format, the recovering officer will obtain a gross weight. The Deputy will document that gross weight in his/her report, and the deputy will also document the street value of the narcotic.
  - a. Scales for weighing are provided at the Narcotics Enforcement Unit office and the Sheriff's Office Deputy's Office. Before using the scales, officers shall check to ensure that the scale reads a zero balance and is correctly set.
  - b. If the drug is a tablet or capsule, a count will be substituted for gross weight.
  - c. Seized drugs should be field tested if possible before packaging.
  - d. The deputy will refer to the Street Value Chart for all drugs seized and will list that value in the IBR.
3. Deputies seizing drugs for prosecution shall fill out a Request for Laboratory Examination and attach it to the evidence bags prior to the evidence being relinquished to the evidence custodian.

## 5-28 VIP Security & Special Events

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: VIP Security &amp; Special Events</b>	<b>NUMBER: 5-28</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.05.03</b>	

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### I. POLICY

To provide adequate security and assistance to dignitaries and special events when requested and in doing so to cooperate and coordinate such efforts with any other agencies involved.

### II. PURPOSE

To establish guidelines for the provision of security for visiting dignitaries or special events within the jurisdiction of the Tazewell County Sheriff's Office.

### III. PROCEDURE

- A. Notification of requests for dignitary or special event security shall be forwarded to the Sheriff who has direct responsibility to assign the task to an Event Supervisor.
- B. The Event Supervisor shall be responsible for coordinating security operations within the Tazewell County Sheriff's Office and with any outside agencies involved. This task will include the following:
  1. Gathering intelligence information pertinent to the operation.
  2. Planning and reconnaissance travel routes, and alternates.
  3. Advance inspection of sites and facilities to be visited by the dignitaries.
  4. Notification and identification of emergency rescue, fire and medical facilities that may be needed.
  5. Coordination with dispatch as to any special communications procedures that may be necessary.
  6. Identifying public or other places where VIP could be taken in case of emergency.

**5-29 Informants**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Informants</b>	<b>NUMBER: 5-29</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, April 2013</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.02.06</b>	

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**I. POLICY**

An informant is a non-sworn person that is used to gather information and evidence about a case or a person who is used during a vice, narcotics, and organized crime operation.

**II. PURPOSE**

The informant should be able to obtain information that would otherwise not be available to an officer.

**III. PROCEDURE**

1. An informant's confidentiality (adult or juvenile) shall be maintained. Deputies will not discuss cases involving informants with anyone not participating in the case.
2. Informants, adults and juveniles, when used in any investigation must complete a "Cooperating Individual Agreement" forms that are to be completed and signed by the individual. Recording of their name, date of birth, and social security number shall be a minimum. A photograph of the informant shall also be required.
3. The information received from informants will be included in the master file that is located in the Captain of Detectives office.
4. The informant file kept in the Captain of Detective's office will include the following information: information identity, background information, and verification that the criminal history has been checked, and the informant code number assigned to each informant. The informant's photo will also be maintained in this file.
5. As with any investigation, any information is to be weighed against known facts to determine the credibility of such information as well as the credibility of the informant. Use caution and common sense.
6. Sheriff deputies will not use a juvenile in an undercover operation where there is any risk

of being hurt or injured. However, a juvenile's verbal or written statement and identification of suspects of any crime will be used.

7. The informant files shall be updated by the Captain of Detective and the patrol Lieutenants.
8. Each informant will be issued a unique number to identify the witness or informant. This informant number will be issued to the informant by the Captain of Detectives, and this number will be used in all investigations that the informant participates in.
9. At no time will any Sheriff's Office informant be paid for providing information or assistance in any investigation.

**5-30 Wireless Communication**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Wireless Communication</b>	<b>NUMBER: 5-30</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008, January 2012</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.01.06</b>	

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**I. POLICY**

Personnel issued any wireless communication devices will observe guidelines contained within this policy. Personnel who carry any personal wireless communication devices while on duty shall abide by the same guidelines.

**II. PURPOSE**

To establish guidelines for the proper use of wireless communication devices.

**III. PROCEDURE****A. General**

1. Any devices issued shall be utilized primarily for business only.
2. Private calls or calls of a personal nature should be kept at a minimum.
3. Regular telephone (landline) service shall be used in lieu of cellular service when accessible or readily available.
4. If an officer uses an excessive amount of minutes per month, the officer will be warned the first time and the second time the phone will be cut off.
5. Cellular phones are not to be used as an alternative to or substitute for the Tazewell Sheriff's Office radio system.
6. Personnel issued mobile data terminals will use equipment only for criminal justice purposes while on duty.

**B. Safety**

1. Confidential or sensitive material should be exchanged over land lines for security reasons.
2. When operating wireless devices, the vehicle must be stationary, unless the employee is using a phone with a hands free device.

### 5-31 Crime Scene Vehicle

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Crime Scene Vehicle</b>	<b>NUMBER: 5-31</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.01.08</b>	

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#### I. POLICY

To provide assistance to the Detective Division and all other law enforcement personnel.

#### II. PURPOSE

To establish guidelines and correct procedures in the use of the Crime Scene/Mobile Command Center. The vehicle shall be used for processing crime scenes and in the event that a command center is needed.

#### III. PROCEDURE

1. Training of personnel authorized to operate the vehicle, equipment, and maintaining the vehicle will be the responsibility of the Criminal Investigative Division.
2. The Crime Scene/Mobile Command Center will be utilized in all major incidents.
3. A list of equipment utilized on the vehicle is stationed above the communication console in the vehicle.

**5-32 In-Car Cameras**

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: In-Car Cameras</b>	<b>NUMBER: 5-32</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.01.11</b>	

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**I. POLICY**

In-car cameras will be used when installed in Sheriff's Office equipment.

**II. PURPOSE**

In-car cameras in vehicles are used as an evidentiary aid to document any situation where the video recording of conduct or a crime scene may be useful in court, civil litigation, and citizen complaints.

**III. PROCEDURE****A. Operation of Mobile Video Recording Equipment**

1. Only deputies who have received instruction on the operation of in-car cameras and have demonstrated a satisfactory level of efficiency in its use and knowledge of this policy may operate the in-car cameras.
2. At the beginning of each shift, the deputy will power up the in-car camera to determine whether the equipment is functioning satisfactorily and that the time and date are correct. Any problem with the equipment shall immediately be brought to the attention of a supervisor.

**B. Use of the Camera System**

1. The in-car camera system will remain in the "power on" position until the deputy goes off duty. The system shall remain in the stand-by mode and ready for recording until:
  - A. Emergency lights are activated, or
  - B. Manually activated by the deputy
2. Deputies using the in-car cameras shall also activate the wireless microphone every time the system is in the record mode in order to provide narration with the recording.
3. The deputy will ensure that the video camera is positioned and adjusted properly to maximize the scene and the area to be recorded.
4. The deputy will ensure that the in-car camera equipment is operating correctly and recording at the time of:
  - A. Emergency responses (lights or lights/siren);

- B. Traffic stops - beginning at the point that the deputy first observes a violation and continuing for the duration of the stop;
  - C. Vehicle Pursuits;
  - D. Vehicle Searches;
  - E. Suspected DUI - Beginning at the point when the deputy first observes erratic driving and continuing for the duration of the stop. If field sobriety tests are administered, where safety permits, the performance of the sobriety test shall be within view of the camera: and
  - F. Other enforcement actions.
5. Once the system is recording, it must continue to record until the completion of the incident. The deputy will manually stop the recording at the completion of each incident.
6. Deputies shall not cease the video/audio recording of an incident unless one of the following conditions exist:
- A. The deputy receives an order from a supervisor to stop recording;
  - B. The deputy is directing traffic or assisting in some other type of traffic control;
  - C. The deputy is parked behind a disabled vehicle or waiting for a wrecker following an accident investigation;
  - D. The deputy is providing a funeral escort;
  - E. The deputy who initiated the recording (when lights not activated) and no longer sees a legitimate purpose for documenting the activity.
7. In addition to the above, whenever possible, deputy should utilize their in-car camera equipment to record:
- A. Acts of hostility or violence when feasible;
  - B. Any confrontational citizen or violator contact;
  - C. The circumstances at the crime scene, accident scenes, or other events, such as the confiscation and documentation of evidence or contraband;
  - D. During the transportation of combative prisoners, juveniles, or members of the opposite sex of the deputy, the in-car microphone should be activated and, in the event that the deputy's vehicle is not equipped with a backseat camera, the video camera should be turned in order that the person(s) in the backseat of the vehicle can be recorded. The camera should not be turned back to the front until the subject(s) are removed from the vehicle at the point of incarceration.
8. Deputies are prohibited from tampering with or opening the recording deck or attempting to erase or alter the video recordings.
9. Unauthorized use of in-car camera equipment may result in disciplinary action.
- C. Care of Video Equipment
- 1. Maintenance and repair of the video equipment will be the responsibility of the fleet manager.
  - 2. Deputies will report all malfunctions of the video equipment to a supervisor. The supervisor will notify the fleet manager of malfunctions or damage to the in-car camera system.

D. Storage of recordable media that will be used as **evidence**

1. A deputy that has recorded any activity that they feel may be needed in court, as evidence, shall log the recorded media into evidence.
2. The recorded media will be marked as **evidence** and will also be marked with the deputy's case number.
3. The recorded media will be retained for a period of 60 days after the case for which it was used has been adjudicated and all appeals have been exhausted. Once the 60-day period has elapsed, the recordable media can be destroyed pursuant to department policy.

E. Storage of recordable media **when its value as evidence is not known**

1. Once the recordable media is full, the deputy will remove the media from the recorder and, as soon thereafter, mark the media as **administrative**.
2. The media will also be marked with the date that it was placed in the recorder and the date that it was removed.
3. The recordable media will be stored in a secured area for a period of sixty (60) days. At the end of the sixty (60) days the recordable media will be destroyed. In during this time period it is determined that the recordable media may be used as evidence it will be removed and placed into evidence.

## 5-33 Criminal Investigations

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Criminal Investigations</b>	<b>NUMBER: 5-33</b>
<b>EFFECTIVE DATE: January 2006</b>	<b>REVISED: May 2008</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Hieatt, Sheriff</b>
<b>VLEPSC STANDARDS: OPR.02.01, OPR.02.03</b>	

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### I. POLICY

The crime scene is the location where a crime is committed. It is where any act relating to an offense took place. Swift, positive, and thorough investigative action is an important factor in determining the outcome of a case in the courtroom. It is most important to prevent destruction or contamination of physical evidence at the crime scene.

### II. PURPOSE

Is to set guidelines pertaining to the basic responsibilities of various members at the scene of a crime or police incident.

### III. PROCEDURE

#### A. Deputy Responsibility

1. The primary responsibility of the deputy, upon receiving notice of a crime or police incident, is to proceed to the scene promptly and safely. The type of incident will indicate the speed of response as outlined in the Office manual of Policy & Procedures.
2. The first member to arrive at the scene of a crime or other police incident is responsible for the following actions as may apply to the situation, according to their importance:
  - a. Summoning of medical assistance and administration of first aid as may be required to prevent further injury or loss of life.
  - b. Arrest of suspect(s) if still at the scene.
  - c. Protection of the crime scene for preservation of evidence.
  - d. Request assistance and proper notification of superior officers, if applicable.
  - e. Completion of the incident by taking the necessary information for a report.
3. Responsibility of deputy to conduct the preliminary investigation. Unless otherwise directed, the deputy's investigation will consist of the following duties and responsibilities:
  - a. Locate the victim, complainant, and identify witnesses.
  - b. Interview the victim, complainant and witnesses. Establish the fact that a crime has been committed and classify the crime properly. The deputy must be observant and must recognize discrepancies or unusual behavior on the part of those

present. He or she will act with tact but must positively perform this duty.

- c. He will conduct a search of the immediate area for the possibility that the suspect(s) are still present. However, care should be taken not to disturb the scene anymore than necessary. He will arrest the suspect(s) if still present and probable cause exists.
- d. He will take action to assure the arrest of the suspect who has fled by obtaining concise information about the suspect's physical appearance and vehicle, and will broadcast a "B. O. L.", if applicable. The deputy assigned will not leave the crime scene unattended unless an emergency or unusual situation develops; in such a situation, he/she will notify the communications operator of his intentions.
- e. Interrogation of the suspect(s) if the suspect(s) are apprehended. All the legal and Office guidelines pertaining to interrogation will be complied with.
- f. Make notification of all conditions, events, and remarks as may apply. Locate and preserve points of entry and departure.
- g. Collect the evidence or arrange for the collection of evidence and the processing of the scene by a detective.
- h. Report the crime or incident fully and accurately on the proper Office forms. First Deputy on the scene will handle the preliminary investigation and make the offense report, unless otherwise directed.

#### B. Patrol Supervisor Responsibility

1. The primary responsibility of the supervisor at the scene of a police incident is to direct the overall operation, and to assure compliance with Office policy. It shall be the duty of a supervisor to contact communications and then communications shall contact the Sheriff, Major, and Captain of Detectives on all major incidents or any event calling out a detective.
2. In the event the deputy assigned to the case needs the immediate assistance of a detective, the supervisor will be so advised. The supervisor has the authority to call a detective to the scene.
3. When a detective has been called and arrives at the scene, they shall then be in charge of the scene. Should additional assistance be required the detective shall contact or have communications contact other detective personnel. The detective shall request immediate assistance from the shift supervisor. The supervisor will be responsible for obtaining additional assistance if required.
4. The supervisor will make certain that the Sheriff, Major, and Detective Captain is notified of any criminal investigation assistance that is needed from the Department of State Police or any other agency.

#### C. Crime Scene Protection

Regardless of who handles a particular incident, the member in charge shall preserve the crime scene and control entry. See "[Crime Scene Protection](#)" policy.

### 5-34 Code Enforcement

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Code Enforcement</b>	<b>NUMBER: 5-34</b>
<b>EFFECTIVE DATE: January 1, 2013</b>	<b>REVISED Feb 2014:</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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#### I. POLICY

It is the policy of the Tazewell County Sheriff's Office to handle complaints of Code violations and to respond to animal complaints within Tazewell County

#### II. PURPOSE

The purpose of this policy is to establish procedures for responding to animal complaints and code enforcement violations.

#### III. PROCEDURE

##### A. Vehicles

The Sheriff's Office has special purpose vehicles for assignment to and for use in the Code Enforcement Division. These vehicles are 4x4 extended cab or quad cab half ton pickup trucks. These trucks are equipped and assigned to the Code Enforcement/Animal Control Officers with equipment and accessories specific for the mission and function of the Code Enforcement Division. Deputies assigned to this division shall be trained in the use of the specific equipment assigned to these special purpose vehicles, and shall also be responsible for the maintenance and care of the vehicle and assigned equipment. Any deputy operating these vehicles with the expressed purpose of performing code enforcement/animal control functions must be properly trained in the use of the vehicle and all equipment. These special purpose vehicles shall be equipped with radios, emergency lighting and sirens, and shall contain all equipment necessary for the code enforcement officers. This equipment shall be inspected by the supervisor on the monthly line inspection form specific to the code enforcement division. This list of equipment will be annotated on this line inspection sheet. All policy and procedures pertaining to routine and emergency operations apply to the use and operation of the Code Enforcement/Animal Control vehicles.

##### B. Transporting Animals

This vehicle may be used for routine patrol, but the equipment assigned for animal control will only be operated by trained code enforcement deputies. The deputy assigned to code enforcement shall maintain the required equipment in the vehicle which includes-animal food, water, catch poles, blanket, leash, .22 rifle (only to be used by the Code Enforcement Deputy and when dealing with euthanasia), and proper forms needed for dealing with animals.

### C. Injured/Mistreated/Dead Animals

1. When a deputy arrives on a complaint of an injured or mistreated animal and upon the complaint being confirmed, the Code Enforcement Deputy will be notified, if not dispatched.
2. If the Code Enforcement Deputy chooses to investigate the crime and a finding of abuse or neglect is made, charges should be made.

### D. Vicious Animals

1. Complaints of vicious animals, especially running at large, need immediate attention and shall be handled immediately, by dispatching a deputy to the scene.
2. The deputy responding to this complaint should take appropriate action as soon as possible to diminish the chance of injury.
  - a. Contact Code Enforcement Deputy, if time permits.
  - b. Verify the animal is vicious. Gather all information about the incident or animal, and seek medical attention for anyone who may be injured.
  - c. IF the owner of the animal is known, verify rabies vaccination (refer to section D).
  - d. If a violation has occurred, investigate and obtain charges, if needed.
  - e. If owner of animal is unknown, proceed as in section D, if an attack/bite has occurred.
  - f. If the situation is such that injury or death may likely occur, destruction of the animal may be necessary. The supervisor will be contacted before the animal is destroyed.
3. When a complaint is received alleging that dogs are attacking livestock a deputy will be dispatched and determine if the Code Enforcement Deputy should be contacted. Upon investigation and the dog is found to be in the process of the attack, it shall be the duty of any deputy to kill such dog, whether the dog bears a tag or not. (VA State Code 3.1-796-116). IF this incident occurs a full detailed report is to be submitted to the supervisor. If the owner is known, contact is to be made by the deputy.

### E. Suspected Rabid Animals

1. The deputy responding should attempt to identify the owner (domestic animals) to determine vaccination status. If the status is unknown or the animal is wildlife, treat the animal as if rabid.
2. If a domestic animal bites a human, the deputy will contact the Health Department to report the bite. The animal must be placed in quarantine. This can be done at the owner's residence if feasible, otherwise the animal is to be taken to the Tazewell County Animal Shelter.
3. If wildlife is suspected of rabies or a bite occurs (human or other domestic animal) the animal must be euthanized and the Health Department must be contacted for rabies testing. The animal is not to be shot in the head, otherwise the rabies testing cannot be performed, If this occurs outside of Health Department's regular business hours, the animal should be taken to the Tazewell County Animal Shelter to be refrigerated (not frozen)

### F. Dogs Running at Large

1. A dog off the property of its owner or custodian, not under the owner's control is considered to be running at large.
2. Under control: secured by leash or lead; or penned up; or in the immediate vicinity of a responsible owner, obedient to that person's command and not engaged in destructive/dangerous activity.

3. A dog observed running at large by a deputy may pursue charges against the owner (if known).
- G. Code Enforcement Violations:
1. The deputy should refer to the Tazewell County Code. The appointed Code Enforcement Deputy receives the following training; general code enforcement training as well as complete basic animal control school. The Code Enforcement Deputy will be knowledgeable of Tazewell County Code.
- H. Litter
- Deputies assigned to Code Enforcement shall also include conducting litter enforcement throughout the county. They will seek out and investigate areas where large amounts of litter are being discarded and areas that have accumulated into dump sites. They will attempt to gather information on who has illegally littered and pursue charges. This will be done through investigating discarded items and through video surveillance. The officers shall coordinate dump site clean ups. It shall be the duty of all officers to report areas that they find large amounts of litter or dump sites.

## 5-35 Special Response Team

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Special Response Team</b>	<b>NUMBER: 5-35</b>
<b>EFFECTIVE DATE: April 2013</b>	<b>REVISED: Feb 2014</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>  <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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### I. POLICY

To maintain a unit of selected, trained and equipped personnel to contain, stabilize and/or bring to a conclusion situations including, but not limited to: armed and/or barricaded persons, (criminal or emotionally disturbed); hostage/abduction incidents; high risk search warrants and arrest warrants; and any known or perceived threat to citizens or officers with the ultimate goal of protecting the lives of citizens and officers and resolving the unusual situation at hand.

### II. PURPOSE

To establish the Special Response Teams (SRT) policies and to describe procedures to be followed by the team. The purpose of SRT is to deploy and use special weapons and tactics when necessary to contend with any "unusual situation" that cannot be effectively handled routinely by patrol operations.

### III. PROCEDURE

#### A. Staffing

1. The SRT Team should be made up of a single team consisting of up to 10 members, including 1 team commander, 1 team leader, and an assistant team leader. Alternates may also
  - .be selected, upon approval of the Sheriff.
2. The following selection criteria will be used in the selection process for SRT positions:
  - a. Volunteers with a minimum of 2 years law enforcement experience, unless waived by the Sheriff.
  - b. Be in good physical condition; possess the ability to cope with and fulfill responsibilities with confidence and integrity.
  - c. Possess ability to respond well under pressure with flexibility in changing situations.
  - d. Possess ability to work with team members and respond to the close discipline of the group.
  - e. Be emotionally mature, with the capacity to absorb verbal abuse without reacting unprofessionally.
  - f. Possess the ability to exercise good judgment under situations of great stress and remain calm and composed, with the ability to conceal and control emotions.
  - g. All candidates for the SRT positions will be required to participate in and pass a

physical fitness test. This test will be determined by the Sheriff and will consist of tests of

strength as well as physical conditioning. All portions of the physical fitness test must be passed for consideration for the SRT, unless all or part of the test is waived by the

Sheriff. The physical fitness standard may be tested periodically at the direction of the Team Commander, and at a minimum annually. Upon selection to the SRT, the member

will be expected to maintain a physical fitness program on their own.

1. Law Fit course: this course must be completed in 1 minute 15 seconds.

2. 1 and 1/2 Mile Run: Must be completed in 15 minutes or less.

3. Bench Press: candidate must be able to bench press 80% of their total body weight.

4. Tests may be conducted with the candidate wearing appropriate physical fitness attire.

h. Candidates for selection to the SRT must qualify with a 90% or greater score on their individual weapon qualification. This standard will also apply to any specialized weapons

the SRT may be issued for use.

i. Final selection will be determined by the Sheriff.

3. When the SRT Team is called into service for a hostage/barricaded situation, the team will be under the supervision of the on scene commander.

## B. Responsibilities

### 1. Team Commander

The Team Commander shall be responsible for organizing, equipping, training, maintaining and planning for tactical operations within the Sheriff's Office. In order to distribute

the responsibility and address each of these considerations, the team commander and team leader shall designate specific positions within the team and assign specific responsibilities to each team member.

### 2. Team Leader

a. Ensures that all weapons, equipment and munitions are in good working order, maintained in adequate supply and inspected once per month.

b. Ensures that a current emergency call list is maintained and distributed to the Communications Center and all members of the SRT team.

c. Is responsible for coordinating training for the team and its members.

d. Ensures that all SRT members receive the amount of training necessary to accomplish the goals and objectives of the team.

e. Informs the team of specialized schools and training available and informs the Sheriff of such.

f. Maintains records of all training and instruction received by the team to include the name of the instructor.

g. Prepares after action reports of all call outs and training of the team.

h. Evaluating the mental and physical condition of all team members during training and call outs, and normal day to day duties as well.

i. Assigns a team training officer and a team equipment officer.

## C. SRT Training

1. The team commander and team leader should keep informed of appropriate training seminars and schools available to team members. It will be the team training officer's

- responsibility to coordinate and schedule training thru the team commander and team leader. Training will be constant and intense.
2. The nature of the training will be recorded by the team training officer and training records will be maintained by the team leader and a copy forwarded to the Major for inclusion in the members personnel file.
  3. The team leader shall schedule periodic team meetings to provide informal training and to take care of administrative matters. In additions, the team shall conduct simulated tactical exercises so that all team members become proficient in the various tasks performed by the team. In training, each member shall learn the responsibilities of each member of the team. Training shall be coordinated by the team commander and team leader, as needed, to ensure optimum performance of the team. There shall be a minimum of 4 hours of training per month. [This training should also involve interaction with other law enforcement agencies within the county and adjacent counties to ensure cohesion in the event of a multi-jurisdictional incident requiring deployment of the SRT.](#)
  4. Tactical team leaders should meet with the Captain of Detectives and the Hostage team leader to coordinate the preparedness of all units.

#### D. Equipment

The Tazewell County Sheriff's Office shall provide the specialized equipment needs of the SRT.

1. It shall be the responsibility of the team equipment officer to maintain an up to date list of all equipment issued to each team member and furnish the team commander and team leader a copy of this list. Regular inspection of the equipment will be held by the team equipment officer to ensure they are in proper working order/condition. Furthermore, it shall be the responsibility of each member to maintain the functionality of their issued equipment. **Take care of what you own!** Failure to inform the team equipment officer of damaged/ unserviceable equipment may be grounds for dismissal from the team. [Abuse or horseplay with issued equipment will not be tolerated.](#)
2. Only equipment approved by the Sheriff shall be used or carried by the team members. In the event a team member is issued specialized weapons that will be available for call outs, it shall be that team member's responsibility to ensure that weapon is reassigned to another team member with the approval and knowledge of the team leader and team commander if the team member it is assigned to will be out of service for any reason. (I.E. vacation, sick leave, etc.)
3. The team leader will collect any and all equipment issued to a member when the member leaves the team. No equipment of any kind will be issued to any team member without the permission of the team leader or commander following all pertinent training and/or certification is completed.

#### E. Response Procedure

[The SRT may ONLY be activated/deployed by the Sheriff, Major, Chief of Operations or the SRT Commander.](#)

1. SRT Commander
  - a. SRT Commander determines if other team members shall be called out.
  - b. SRT Commander notifies the Sheriff and Major of the situation/incident.
  - c. The SRT Commander is advised of further actions to take and coordinates the SRT Team efforts until the arrival of the Sheriff, Major, or other Command personnel tasked with being the on scene commander.
  - d. If the SRT Commander is the highest ranking deputy on the scene, the SRT Commander and the Team Leader will assume command of the SRT.
  - e. The SRT Commander is responsible for planning tactical assaults, rescue attempts, and contingency plans which may arise.
  
2. SRT Team Leader
  - a. In the absence of the SRT Commander, the Team Leader assumes the responsibilities of the SRT Commander.
  - b. The Team Leader shall assist the SRT Commander in formulating tactical plans and deployment of personnel.
  - c. The Team Leader is responsible for team briefings regarding location; suspect(s) information, hostage(s), team deployment, preparing after action reports, and evaluating the physical and mental condition of all team members during call outs.
  
3. Logistics
  - a. All SRT members who are contacted will be responsible to make call backs and will be held responsible for any failure to respond once notification attempts are made.
  - b. Upon SRT activation, the Sheriff, Major, Chief of Operations or his designee shall designate a rallying point or meeting place and shall notify the Communications Center of this location.
  - c. SRT team leaders and members shall report to the location specified in the notification.
  - d. Members of the SRT shall be responsible for having all issued equipment available and operational at all times.
  - e. All SRT members shall be responsible for notifying the Team Leader or Commander of any change of address or phone number immediately, and shall also make notifications of any reason for inability to respond for a call out.

## 5-36 Mobile Video Recording

<b>TAZEWELL COUNTY SHERIFF'S OFFICE</b>	<b>OPERATIONS</b>
<b>SUBJECT: Mobile Video Recording</b>	<b>NUMBER: 5-36</b>
<b>EFFECTIVE DATE: March 2015</b>	<b>REVISED:</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b> <i>Brian L. Heatt</i> <b>Brian Heatt, Sheriff</b>
<b>VLEPSC STANDARDS:</b>	

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

### I. POLICY

In order to maximize the effectiveness of Mobile Video Recording (MVR), also known as the Taser Axon body camera equipment, Sheriff's Office personnel shall follow the guidelines as set forth in this policy. All recorded information generated on the Departments MVR's is the exclusive property of the Tazewell County Sheriff's Office. MVR's shall not be used for non-official business. Copying or use of video or data for personal use is prohibited.

### II. PURPOSE

To establish the Mobile Video Recording (MVR) policies, maintenance and to describe procedures to be followed.

### III. PROCEDURE

#### A. Events that shall be recorded, but are not limited to:

1. Emergency response
2. Traffic Stops (or anytime the MVR operator backs up another deputy on a traffic stop)
3. Vehicle pursuits
4. Observation of DUI suspects prior to stop, during performance of field sobriety tests and during transport if arrested.
5. Transportation of all prisoners that are being violent or claiming assault by deputy.
6. Vehicle searches and/ or inventories.
7. Acts of hostility or physical violence (whenever possible).
8. All domestic situations regardless of physical contact.
9. Any confrontational contact with a citizen/violator.
10. Any other incident that the deputy feels may become an issue of some importance at a later date.
11. Major Crimes Incident/ Crime Scene.

#### B. Recording Guidelines

1. Deputies may inform the person that the MVR equipment is in use if they feel it will be beneficial to do so.
2. Deputies will not discontinue videotaping at the request of anyone other than a supervisor and the reason for that request shall be documented in the IBR.
3. Deputies may only stop audio/video recording in situations where its use may compromise police operations (i.e. conversations with confidential informants, private conversations between deputy and/ or command personnel) or when entering a hospital

or other medical facility where HIPPA laws are in force. However, once the suspect is in their room, private area the deputy will again turn on the MVR.

Deputies will indicate in their incident and related reports when MVR videotaped recordings are made. Deputies will indicate the date and the start and end time of the incident. Deputies will classify each video recorded according to the categories set in the MVR system.

4. Once the recording of an incident has been initiated, the recording of both audio and video portions shall continue until the incident is concluded. If for any reason the recording is discontinued, the reason will be audibly documented on the videotape.

5. Deputies will not attempt to erase or, on any manner alter MVR recordings.

6. Failure to utilize MVR or record events will result in administrative action being taken against the deputy.

#### C. Viewing Videos

1. IF the supervisor determines that a recorded event may be of value as a training aid, the supervisors(s) will contact the Chief of Operations, who, in turn may provide a DVD copy of the video to the Chain of Command for approval to use as a training aid.

2. Deputies may view recorded videos for the purpose of critiquing their own performance, assist writing their incident and related reports, as well as preparing themselves to testify in cases where such recordings may be used as evidence.

3. Supervisors should periodically review recorded videos of their subordinates to:

a. Determine if departmental rules, regulations, and procedures are being followed.

b. Ensure deputy safety is not being compromised.

c. Evaluate the Department's operational procedures and recommend changes when necessary.

d. Investigate allegations of misconduct.

e. Evaluate incidents for the purpose of correcting improper or inefficient actions.

4. The Command Staff may review, recorded video at their discretion.

5. Sworn personnel assigned to investigate an internal affairs matter shall have the authority to view any MVR recorded video/copy whenever a recorded event may pertain to an administrative investigation.

6. Recorded video relevant to a pending or contemplated criminal and/ or civil action may not be viewed by defendants and defense attorney's, without the permission of the Sheriff or his designee or prosecutor.

a. Dissemination of video information is subject to the same laws and policy as any other departmental record.

b. Copies of the video DVD's will be requested through FOIA, or Subpoena Duces Tecum.

7. Any viewing of MVR recorded video not covered in this policy will be conducted as specifically authorized by the Sheriff or his designee.

#### D. Duplication of Recorded Video Footage

1. The primary deputy or deputy's supervisor shall be responsible for downloading and burning any DVD of the recorded video. The Commonwealth Attorney's office will be able to view and download any recorded video.

2. The MVR System Administrators shall assist deputies with the necessary equipment and instruction in order to burn a DVD as requested in accordance with this policy and approved by the Sheriff or his designee.

3. Requests from other law enforcement agencies shall be made on official departmental letterhead and signed by the agency head. Such requests are considered a Freedom of Information Act (FOIA) requests and must follow all request guidelines.

4. Requests for recorded videos from other media or other non-law enforcement agencies or individuals under the Freedom of Information Act will be charged a fee equal to actual costs associated with duplication (i.e., cost of DVD(s), packaging and shipping costs and employee salary and benefits).

Note: Active cases and evidence are exempt from being released to the public under current F.O.I.A. guidelines.

#### IV. Axon Body Camera Procedure

##### A. Definitions

1. *Agency Administrator*: Evidence.com system administrator(s) with full access to user rights. The Department's system administrator is a member of the Tazewell County Sheriff's Office or as designated by the Sheriff.
2. *End User*: Axon user with individual account access rights to Evidence.com.
3. *Taser Axons®*: An on-deputy audio-video system currently authorized as the sole means of overt on-deputy audio-video recording.
4. *Evidence Transfer Machine (ETM)*: A server with built-in docking stations physically installed at the sheriff's office. The ETM simultaneously recharges the device while uploading all digitally encrypted data. The ETM then transfers the data to Evidence.com.
5. *Evidence.com*: Online Web-based digital media storage facility. The virtual warehouse stores digitally encrypted data in a highly secure environment accessible to personnel based on security clearance. The Tazewell County Sheriff's Office account is accessed at: <https://tazewellcountysheriffva.evidence.com>
6. *Media/Data*: Includes photographs, audio recordings and video footage. The media is stored digitally.
7. *Normal (Buffering) Mode*: The on-deputy body camera continuously loops video recording for up to 30 seconds before recording is stated by deputy. Records video only (no audio) while buffering.
8. *Event Mode*: In the Event Mode, the Axon Body Camera saves the buffered video, and continues recording audio and video for up the eight hours. Continuously pressing the event button turns the recording off and on and also placed markers on the media segment for later viewing.
9. *Armorer*: A level of user within Evidence.com with permissions granted by the System Administrator.
10. *Investigator*: A level of user within Evidence.com with permissions granted by the System Administrator.

##### B. Axon Policy- Generally

1. Deputies are only authorized to audio and video record investigative and/or enforcement activities using departmentally assigned body camera equipment and following the procedures prescribed within this order.
2. Axon equipment shall only be utilized by deputies who have received the Department's training in its use.
3. In general, deputies should not activate the Axon device or shall use caution when entering a public locker room, changing room, restroom, doctor's office or other place (s) where an individual- unrelated to the investigation- would have a reasonable expectation of privacy.
  - a. Use of the Axon device in a hospital setting shall be limited to investigative use only. Deputies will not record a patient's medical interaction and procedures with hospital personnel unless it directly relates to the investigation and hospital staff is made aware prior to the recording taking place. Deputies will remain cognizant of HIPPA laws and guidelines.

4. Deputies shall not intentionally record confidential informants or undercover deputies unless the recording is conducted specifically for the purpose of documenting a sting, drug purchase/sale or other undercover operation in furtherance of a criminal investigation.
5. Deputies will not make surreptitious recordings of conversations with other department members except when necessary in the course of a criminal investigation and/ or for departmental administrative investigations without the express consent of the Sheriff.
6. Whenever a deputy believes that a recorded contact may lead to a citizen complaint, he should bring the recording to the attention of his supervisor as soon as possible. If no incident report or supplementary report is prepared as a result, details of the contact will be documented via an email to the Chain of Command.
7. Deputies are responsible for the proper care of the Axon equipment assigned to them and will immediately report any loss of, or damage to, any part of the Axon camera equipment to their immediate supervisor.
8. Deputies will download the footage from assigned Axon equipment daily and categorize each video, unless circumstances prevent it.
9. All Axon recordings shall be considered property of the Tazewell County Sheriff's Office. Accessing, copying or releasing any media- for other than official law enforcement purposes and as described elsewhere in this policy- is strictly prohibited and subject to disciplinary action.

#### C. Procedures

1. The assigned Axon shall be worn at all times by the deputy on duty.
  - a. When engaged in secondary employment, deputies who are assigned Axon devices shall wear them as part of their issued equipment.
2. At the beginning of each shift, the deputy shall determine whether their recording equipment is working satisfactorily. If a problem is found, the deputy shall arrange for repair or adjustment and immediately report this to his supervisor.

Note: If the Axon malfunctions or becomes inoperable, the deputy shall report to a supervisor immediately. This shall be noted in all written reports so that there is a contemporaneous record. Deputy should not utilize other Deputies' assigned Axon equipment at any time.

Exception: A scene where the Deputy does not have an assigned Axon and needs an audio and video recording for criminal investigative purposes. This equipment use is temporary, and upon conclusion of the video, the Axon will be returned to the assigned deputy.
3. The Axon shall be utilized during all investigative or enforcement contacts. (e.g., pedestrian and vehicle stops, consensual encounters, calls for service, on-view events, et cetera).
  - a. Deputies shall place the Axon in the "Event Mode" as soon as practical at the onset of a given situation, if at all possible the Axon should be placed in Event Mode upon being dispatched.
    1. When engaged in secondary employment, during a circumstance requiring police action, deputies shall utilize the Axon device as set out in this policy.
  - b. Once in the Event Mode, deputies shall continue to record until the completion of the event or until they have left the scene. This is to include the recording of associated statements.
  - c. Additional arriving units to a scene shall place their Axon cameras in the Event Mode as soon detailed in a, above.

NOTE: If circumstances prevent a deputy from recording a contact, then this must be

- noted- along with the explanation- in any subsequent report or memorandum
4. Once activated, a recording should not be intentionally terminated until the conclusion of the encounter unless tactical, safety or practical reasons dictate otherwise.
    - a. In instances of response to an ongoing crime scene where extended waiting time takes place, recording may be terminated early with supervisor approval.
    - b. Anytime a recording is terminated early, the reasons shall be documented in any subsequent report or memorandum.
  5. Nothing in this policy shall prohibit a deputy from activating their Axon whenever they deem the use of the camera appropriate. (Section 2.B.3,4,5,6 &2.C.3 above.)

#### D. Axon Video Storage

1. The Axon unit will be placed in the Evidence Transfer Machine (ETM) prior to, or at the end of shift for charging and uploading to Evidence.com, unless there are articulable circumstances preventing it.
2. Each event must be categorized according to event type so that proper retention periods will be applied.
3. Deputies may use media captured via the AXON to assist with investigations or to assist with completing reports, as a matter of fact it is recommended.
4. Deputies involved in any significant use of force incidents or accidents causing injuries will be permitted, but will not be required, to review their own video and/or audio recordings prior to providing a recorded statement or completing reports.
5. Deputies may use media captured via the Axon for training purposes, with proper authorization from the Sheriff or his designee.  
NOTE: Field Training Deputies may use media captured via the Axon to provide immediate training to recruits and to assist with the completion of the Daily Observation Report.
6. If an Axon video contains evidence, the video must be uploaded no later than the end of the deputy's workday.
7. Deputies shall note in all IBR, Arrest and other reports when an Axon recording was made associated with that incident.
8. The Axon identifier name shall be noted on the report for any incident where a report is taken.
9. No person shall tamper with, or in any other manner alter the Axon data except as authorized elsewhere within this policy.

#### E. Supervisory Responsibilities

1. Supervisors will insure that all established procedures for the use and maintenance of the Axon devices are followed and all related documentation associated with an Axon activation is completed, as required elsewhere within this policy.
2. Supervisors shall ensure that all personnel assigned to their unit have placed their Axon devices in the ETM unit for charging and uploading to Evidence.com prior to the deputies securing from duty, or that any circumstances preventing this from taking place are articulated by the user and approved by them.
3. Supervisors will review all Axon video files related to:
  - a. injury to prisoners;
  - b. use of force by a department member;
  - c. injury to deputies;
  - d. vehicle pursuits;
  - e. "Deputy Needs Assistance" calls; or
  - f. Known citizen complaints.

4. Each Lieutenant will ensure that a Sergeant on that shift shall randomly select and review at least four Axon videos during each month.
  - a. Supervisors will not review incidents known to have been previously reviewed.
  - b. Supervisors conducting these reviews will document and forward their findings, in the form of an email, to the Sheriff or his designee along with a copy to the recording deputy.

NOTE: These reviews will be conducted for training and integrity purposes.
5. Supervisors will conduct inspections of the issued Axon equipment to insure it is in proper working order as part of regular line inspections. Supervisors may conduct random inspections at any time, and will ensure that all Axon units are accounted for and/or immediately report any discrepancies to the Sheriff or his designee.

#### F. Review of Videos

1. Recordings may be reviewed as follows:
  - a. By any deputy, at any time, who may wish to view those recordings made by him.
    - 1) Any deputy wishing to create a DVD of an Axon recording made by him shall articulate the purpose and secure permission from his supervisor.
    - 2) Footage burned to a DVD shall be original and unaltered.
    - 3) Any DVDs burned by the recording deputy shall remain the property of the Tazewell County Sheriff's office and shall not be used for any purpose other than set out for Axon video recordings.
  - b. By any supervisor investigating a specific incident.
  - c. By any detective or other law enforcement agent, as sanctioned by a supervisor, if they are participating in an official investigation (e.g., a criminal investigation, a personnel complaint or an administrative inquiry) or for other official reasons.
  - d. By any assigned personnel.
  - e. By the Sheriff or his designee for possible release to media representatives in accordance with the law and with permission of the Sheriff.
    - 1) Due to the heightened privacy concerns associated with a video recording, any Axon video recording disclosed to the media may be edited/redacted to preserve the privacy of individuals unrelated to the case who were captured on a recording.
    - 2) When appropriate, court orders preventing or limiting the dissemination of an Axon video recording shall be secured prior to distribution.

NOTE: Axon recordings shall be treated as other forms of direct evidence and subject to discovery and disclosure in accordance with the law.

#### G. Deletion of Unintentional Recordings

1. In the event of an activation of an Axon system during non-enforcement or non-investigative activities (e.g., restroom or meal breaks, personal and/or private conversations of a deputy unrelated to any ongoing criminal or internal affairs investigation, a situation that otherwise has no valid official purpose or no apparent evidentiary or investigatory value), the recording deputy may request for the deletion of the accidentally recorded video file by emailing his supervisor. If the supervisor concurs that the video has no valid official purpose and/or no apparent evidentiary or investigatory value, he shall denote his approval on the email and forward it to the system administrator for subsequent deletion of the video.

NOTE: The system administrator shall keep a copy of the email authorizing the deletion

should any future issues arise regarding the deleted recording.

#### H. Video Retention

1. The retention period for any Axon recordings shall be no less than that required by the Virginia Records Retention Act (See also: Virginia Records Retention Schedule, General Schedule Virginia Localities, GS-17, series 100796 and 100797).
2. For retention purposes, Axon recordings relating to incidents where criminal charges are filed are considered part of the case file associated with the case and are retained in accordance with Virginia Retention Schedule guidelines for that case.
3. Axon recordings relating to potential criminal charges that are not filed shall be retained for at least one years after the stature of limitations has expired.

#### I. Court and Evidentiary Video files

1. When Axon video files are to be held for court and/or evidentiary purposes, the deputy will include that information in the Evidence.com submission and will denoted that a video was taken in the "Narrative" portion of his associated IBR report.
2. Anytime an Axon unit is involved in an auto accident where the unit is recording or when an Axon unit records a police vehicle involved in an auto accident, the involved deputy's supervisor shall insure that the appropriate reports have a notation in the "Narrative" section(s) indicating that an Axon video was taken.

NOTE: The Commonwealth's Attorney shall have access to these Axon video files as needed for any action on behalf of the Commonwealth of Virginia.

- a. The agency's Fleet Coordinator will maintain a computer database of these files and act as a liaison with the Commonwealth Attorney.
- b. The Fleet Coordinator is responsible for final disposition of these Axon video files as part of an auto accident file that is not needed after the sate mandated records retention period has expired. When this criterion is met, the Fleet Coordinator will notify the System Administrator that a particular Axon file(s) can be deleted.
3. Anytime an Axon unit has recorded an arrest of an individual, the arrest report shall indicate that an A/V recorded file of the arrest exists and the prosecutor's office shall be so notified.

#### J. Request for Copies and/or Access to Axon Video Files

1. Any request for an Axon file should be made prior to the end of the 30-day retention period. All lawful requests for any copy of an existing Axon file will be honored according to department approved protocol for the release of information and in compliance with state law governing Freedom of Information Act (FOIA) requests.
2. Requests from outside the agency must be accepted by any member of the organization and forwarded to the Axon System administrator.
  - a. All Axon video files held as evidence will only be released wit the written approval of the Commonwealth's Attorney's Office. All other files will be released according to department procedure and in compliance with sate law governing freedom of information requests.
  - b. When a request for an Axon file is made from outside of the department, a notation will be completed and the original file will be maintained in Evidence.com for the period of one year.
  - c. All files requested by the Commonwealth's Attorney's Office will be honored in accordance with state and federal laws governing same.
  - d. All media request for Axon video files will be referred to and processed by the Chief Deputy. These requests will be processed in accordance with departmental policy and in compliance with state law governing freedom of information requests.

NOTE: This policy will not affect the release of recordings pursuant to a court order or subpoena.

3. The release of any Axon video recording to the general public will be subject to the approval of the Sheriff or his designee.

4. Recordings that contain audio or video of a legitimate confidential nature will be redacted or obscured from downloaded copies of the original data file in Evidence.com. The original data file will remain complete and cannot be manipulated by system administrators or obscured from downloaded copies of the original data file in Evidence.com. The original data file will remain complete and cannot be manipulated by system administrators or users. Following arrest or initiation of prosecution for felony or misdemeanor crimes, either the arresting deputy, detective or, (for follow up disclosure requests) system administrator, will download a segmented copy of the original data file from Evidence.com. Markers will be created to identify redacted sections and will include a brief description of the reason the information is excluded. The redacted video file and maker descriptions will then be written to DVD or other portable media and provided to the Commonwealth's Attorney's Office.

a. Upon release to the defense, challenges to redacted information will be handled by the Commonwealth's Attorney. The Defense will communicate their intent to challenge and legal justification(s) to the Commonwealth's Attorney's Office in writing.

b. If the Commonwealth's Attorney's Office agrees that the challenge is justified, the section may be released following consultation with the Sheriff or his designee. If the Commonwealth's Attorney's Office disagrees with the justification for the challenge and/or if the Sheriff requests further review, the Commonwealth's Attorney's Office will advise the Defense that a motion for an "In Camera" hearing before a judge of appropriate jurisdiction will be required if the Defense wishes to challenge the redaction further.

NOTE: Examples of legitimate confidential information include, but are not limited to; confidential informants or undercover deputies revealed; tactical plans discussed; audible or visible information from investigative criminal history checks or criminal intelligence files; victim/witness personal identifiers, addresses, phones, et cetera.

# Policy and Procedures Manual



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Tazewell County Sheriff's Office  
315 School Street- Suite 3  
Tazewell, VA 24651

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## POLICY INDEX BY NAME

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