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To: Kingsmill Police Department Staff
From: James R. West
Subject: Policy & Procedure Manual
Date: May 8, 2023


Welcome to the Kingsmill Police Department Team.

An important aspect of your role with the Kingsmill Police Department is knowing what to do when presented with the many different types of situations, requests, questions, and issues that face us on a daily basis in the community we serve – both Resort and Residential.

To help you perform your role more effectively; the Kingsmill Police Department has established a Policy & Procedure manual. This manual will guide you through the many issues you will encounter every day. This manual is not intended to cover every single event that may occur at Kingsmill, but rather provide direction and guidance on the most common, and the majority of situations in which you may find yourself involved.

As a member of the Kingsmill Police Department, you are required to know and understand each policy and procedure. When in doubt, or when you find yourself in situations not covered by established policy or procedure, or when you need clarification on an issue, policy, or procedure, always seek the assistance of your supervisor. It is better to take the time and seek clarification on how to handle a situation than to make a preventable error or miscalculation.

By being a part of the Kingsmill Police Department Team, you are encouraged to present any ideas or suggestions that may create a new, or enhance an existing policy or procedure.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Department Philosophy	Number: 101
Effective Date: 12/8/2003	Review Date: 01/01/2021
Location: I:\KMPD Groups\Policies & Procedures & General Orders\P&P\101 Department Philosophy	

I. PURPOSE:

The purpose of this procedure is to establish philosophies for the KMPD.

II. POLICY:

It is the policy of the KMPD to instill in its employees sound and fundamental philosophies that can be applied in any situation or circumstance.

III. PROCEDURE:

Mission Statement

The Kingsmill Police Department provides professional law enforcement and security services promoting the preservation and enhancement of the quality of life of its residents, employees, visitors and guests of Kingsmill.

Values

Successful Departments and companies remain competitive when their resources are directed toward meaningful goals, and when driven by shared values. The most valuable resource to this Department and Company is the people. High standards and

personal responsibility are the foundation of our values. The degree to which we reflect these values play an important role in our continued success.

Declaration of Values

1. We seek to attract and retain the very best people available.
2. We respect the integrity of the individual and recognize each unique contribution.
3. We govern ourselves from principles rather than from rules.
4. We motivate by appreciating exceptional performance, even in routine situations.
5. In whatever we do, there is no substitute for consistently exceptional service.
6. We do not punish. Together we identify desired performance and together we work to achieve it.
7. We do not sacrifice long-term objectives for short-term expediency.

Standards of Excellence

Simply stated, we are a value driven Department and we are motivated to be the best at whatever we do. Accordingly, as you approach your job, keep in mind that to the public, you are the critical factor in determining whether or not we, and Kingsmill, meet the standards of excellence we have set. Join us to be the best; help us to remain the best.


The Team Approach

The entire Department shares in making Kingsmill a successful place to live, work, and play. The sharing of this success comes about by sharing duties. All employees should work together to ensure that the Department provides the services our residents, guests, and employees expect. This includes all Department shifts working as a team,

and our Department, as a whole, working as a team with other Companies. It is through the team approach that we all share in the success of our efforts and support each other when necessary.

Communications

An essential foundation for a team working relationship is a professional atmosphere that fosters the free exchange of information. We believe the best run enterprises are those with healthy communications. Never hesitate to bring forward any concern or idea that may assist the Department and Kingsmill in becoming the best place to live, work, and visit.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Ethics and Rules	Number: 102
Effective Date: 03/10/2004	Review Date: 12/31/2021
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\102 Ethics and Rules	

I. PURPOSE:

The purpose of this procedure is to provide a Code of Ethics, and acceptable rules of conduct, to help KMPD personnel set a standard of excellence in performing their duties.

II. POLICY:

It is the policy of the KMPD that all KMPD personnel will conduct themselves morally and ethically in the performance of their duties.

III. PROCEDURE:

A. Code of Ethics, Private Security Officers

Code of Ethics
For
Private Security Officers

In recognition of the significant contribution of private security to public safety and welfare, as a private security officer, I pledge:

To accept the responsibilities and fulfill the obligations of my role: protecting life and property; preventing and reducing crimes against my employer's business, or other organizations and institutions to which I am assigned; upholding the law; and respecting the constitutional rights and civil liberties of all persons.

To conduct myself with honesty and integrity and to adhere to the highest moral principles in the performance of my security duties.

To be faithful, diligent, and dependable in discharging my duties, and to uphold at all times the laws, policies, and procedures that protect the rights of others.

To observe the precepts of truth, accuracy and prudence, without allowing personal feelings, prejudices, animosities or friendships to influence my judgments.

To report to my superiors, without hesitation, any violation of the law or of my employer's or client's regulations.

To respect and protect the confidential and privileged information of employee or client beyond the term of my employment, except where their interests are contrary to law or to this Code of Ethics.

To cooperate with all recognized and responsible law enforcement and government agencies in matters within their jurisdiction.

To accept no compensation, commission, gratuity, or other advantage without the knowledge and consent of my employer.

To conduct myself professionally at all times, and to perform my duties in a manner that reflects credit upon myself, my employer, and private security.

To strive to continually improve my performance by seeking training and educational opportunities that will better prepare me for my private security duties.

B. Code of Ethics, Law Enforcement Officers

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

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to my agency or me. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is lawfully confided to me in my official capacity will be kept secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

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

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

C. Ethical Standards and Rules of Conduct

We rely on each of our employees to exercise good judgment and common sense in their personal presentation, in the performance of their jobs, and in their interactions with each other. Any action that damages the image or reputation of the Department will be dealt with firmly.


It is not possible to list every conceivable instance that would cause damage to the Department, disrupt morale, or be disruptive to the well-being of the Department. However, the following examples are representative of the kinds of conduct, which violate our ethical standards, and rules of conduct. Violation may result in corrective action up to, and including, termination of employment.

1. Theft of any kind or for any value, pilfering or misappropriation of any Department property, found property, or recovered stolen property.

2. Malicious or deliberate destruction of Department property or any damage to such property resulting from gross negligence or sabotage.
3. Unauthorized possession of any Department keys or duplication of such keys without prior authorization.
4. The unauthorized entry into Department, resort or resident property.
5. Unauthorized use of Department facilities, materials, vehicles, or equipment for personal reasons. This includes the use of telephone, photocopying, postage, and other equipment for non-incidental purposes, as well as the use of Department facilities, materials, vehicles, or equipment to conduct non-Department business for personal gain.
6. Disclosure without prior approval from the Chief of Police of personnel data, statistics, case information, resident, visitor or guest information, and other information confidential or otherwise to the media, 3rd party, or any other person not authorized to receive such information.
7. Accepting any forms of compensation, gift, reward, gratuity, or favor from anyone other than the Kingsmill Police Department for the work you do as an employee of KMPD.
8. Accepting employment from a competitor of the Kingsmill Police Department, or from a business providing goods or services to Kingsmill, without the prior approval of the Chief of Police.
9. Falsification of or omission of pertinent information on employment applications, personnel records, official reports, time reports, or payroll records.

10. Abusive conduct or language, disrespectful conduct, or insulting action toward guests, residents, supervisors, fellow workers, or any of the people coming into contact with Kingsmill.
11. Fighting or any kind of aggravated conduct at any time toward supervisors, co-workers, residents, or guests. Fighting or any kind of aggravated conduct toward anyone on Kingsmill property, or while in uniform, unless in self-defense or in the line of duty.
12. Any action that casts doubt or reflects negatively on your integrity or the integrity of the Department and/or Kingsmill.
13. Acts which reflect a lack of concern or commitment to quality in your work such as neglect of duty, sleeping on duty, leaving your assignment without prior approval, failing to clock in or out, clocking another employee in or out, excessive absenteeism, tardiness, etc.
14. Insubordination or failure to carry out or complete assigned duties and responsibilities.
15. Failure to report to management any crimes, violations of these ethical standards, or other serious incidents relating to the Kingsmill Police Department or its employees.
16. Failure to report for duty in a neat and appropriately groomed condition; wearing a proper uniform, carrying of unauthorized items, or wearing of unauthorized insignia.
17. Smoking in unauthorized areas or in view of the public.
18. Allowing unauthorized persons into Kingsmill. Allowing unauthorized persons to operate or ride as passengers in Department-owned vehicles.

19. Being under the influence of alcoholic beverage or drugs (controlled substances) while on Kingsmill property.
20. Unauthorized possession of firearms or other weapons on Kingsmill property.
21. Failure to report a conviction of any crime or failure to report an arrest or summons for a misdemeanor, a felony, or a serious traffic infraction such as reckless driving or driving while under the influence, or failing to report the suspension of your license when notified by the appropriate authority such as the Department of Motor Vehicles.
22. Acts involving moral turpitude such as an intentional act or behavior displayed in words or actions which violates public morals or the common sense of the community involving but not limited to intent to defraud, intentional dishonesty, lying, perjury, cheating, bribery, sexual harassment, unlawful sexual conduct, or excessive use of force.
23. Engaging in criminal or other inappropriate activity.
24. Engaging in biased policing including, but not limited to, use of race, creed, color, sex, gender, or other protected status as the basis for a detention, arrest, search, monitoring, or other potentially invasive use of police powers.
25. If I observe another a person, including another law enforcement officer, engaging in unlawful or abusive conduct, I will intervene to stop that conduct and make appropriate report of the matter to by supervisor.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Department Organization	Number: 103
Effective Date: 1/28/2004	Review Date: 01/01/2021
Location: I:\KMPD Groups\Policies & Procedures & General Orders\P&P\103 Department Organization	

I. PURPOSE:

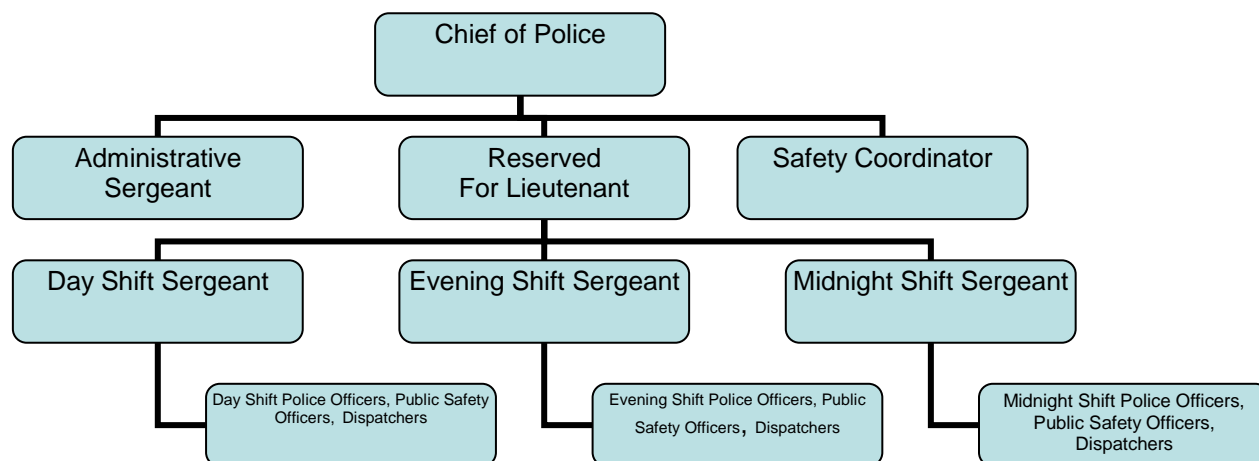
The purpose of this procedure is to establish an organizational chart and position functions for the KMPD.

II. POLICY:

It is the policy of the KMPD to establish a clearly defined description of the various positions within the KMPD and their reporting relationships.

III. PROCEDURE:

Organizational Chart



Position Descriptions

The following are brief, general descriptions of the various positions within the KMPD. Human Resources has complete position descriptions for each position within the KMPD.

Chief of Police

Responsible for the overall operation of the KMPD. Responsible for establishment of policy, relationships with other agencies and Departments, state and federal compliance, budget, and development of personnel. Responsible for setting the goals and long-term direction of the KMPD. This position is also responsible for the safety program for all KMPD and KCSA employees.

Lieutenant (VACANT)

Responsible for the day-to-day operation of the KMPD. Assists in setting the goals and long-term direction of the KMPD.

Sergeant

Responsible for ensuring quality operations of his or her shift. Coordinates and monitors activity on their shift. May assist in administrative or other duties as assigned.

Administrative Assistant

Responsible for the administration of the KMPD. Designated purchaser, maintains the personnel folders, processes new employees, and prepares statistical reports for the department.

PSO/Safety Coordinator

Responsible for the fire extinguisher program and assists with the Company safety program. Assists the three shifts with filling in for PSO vacancies due to call-outs, training, and paid time off.

Public Safety Officer

Primarily responsible for ensuring proper access to Kingsmill. May assist in patrol operations but only on an observe and report basis or as otherwise allowed by policy. Assists in the dispatch function as necessary.

Police Officer

Primarily responsible for patrol operations and calls for service. Assists as necessary with access control to Kingsmill and with Dispatch.

Dispatcher

Primarily responsible for the dispatch operations of the KMPD, interacting with other agencies as required, maintaining the Dispatch Log, and relaying information as required. May assist with access control to Kingsmill.

Chain of Command


Employees, regardless of rank or position, should attempt to handle Departmental questions or concerns with their immediate supervisor. This way the questions or concerns can be handled at the lowest possible level. Your supervisor will know what remedies will be available for the question or concern you are presenting. If they do not, they will go to their supervisor to seek help and guidance on resolving the issue.

By following this chain of command, it helps to ensure that there is an orderly flow for handling questions or concerns as they arise.

An employee may at any time report a question or concern to any position in the chain of command without fear of retribution. However, if the situation dictates, the person who is receiving the report/question may move the issue down, or up, the chain of command.

When reporting concerns or issues that may be sensitive in nature, every attempt will be made to ensure that only those individuals that have an absolute need to know the information will be made aware of the issue.

In the absence of a shift supervisor, officers that are temporarily appointed to fill in as the role of supervisor for a shift will have the same authority as the normal shift supervisor in operating the shift for that day as it relates to assignments, handling calls for service, controlling the flow of the shift, etc. Officers will not however, have the authority to handle disciplinary matters. Disciplinary concerns need to be relayed to the shift supervisor.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Development and Review of Policies, Procedures, and General Orders	Number: 104
Effective Date: 1/28/2004	Review Date: 01/01/2021
Location: I:\KMPD Groups\Policies & Procedures & General Orders\P&P\104 Development and Review of Policies, Procedures, and General Orders	

I. **PURPOSE:**

The purpose of this procedure is to establish a guideline for the development and review of Department policies and procedures.

II. **POLICY:**

It is the policy of the KMPD that Department policy and procedures will be sound and well-developed, helping to govern the activities of KMPD personnel.

III. **PROCEDURE:**

A. Definitions

Policy

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

Only the Chief of Police determines policy.

Rule

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

Rules permit little if any deviation there from. Violations of rules normally result in administrative discipline.

Rules appear in both Policies and Procedures, and General or Special Orders.

Procedure

A procedure defines a method of performing an operation or a manner of proceeding on a course of action. It differs from policy in that it directs employees' actions in performing specific tasks within the guidelines of policy.

Unlike rules, a failure to follow a procedure may result in administrative discipline. Procedures constitute the agency-approved guide to performing tasks. Employees may depart from procedures only when, in their professional judgment, the situation warrants. Employees must be prepared to justify their actions.

General Order

A general order provides useful, specific information to employees that will either be later incorporated into policy and procedure, provide clarification of a policy and procedure, or deal with a specific event or period of time that self-cancels.

Training Order

When employees are assigned training, they will receive a Training Order specifying the training to be received, dates, locations, and any special directions. Training Orders require mandatory attendance for the training.

Within the context of any policy and procedure, general or training order, the use of the words ***shall***, ***must***, or ***will*** denotes an action or behavior that is mandatory and unequivocal. The words ***may***, ***can***, or ***should*** denote an action or behavior that is discretionary.

Any member of the department may suggest or recommend changes to the policies and procedure manual.

B. Development of policies and procedures and general orders

Development

Policies and Procedures and General Orders shall be drafted with the following considerations:


- Determine the employee's objective in performing tasks or activities covered by the order.
- Identify the problems the employee is likely to encounter when making decisions to reach the objective.
- Ensure that the order is positive, definitive, clear, and readily understood by all employees.
- Aim for permanency while promoting flexibility.
- Endeavor to address all *reasonably foreseeable* conditions.
- Ensure that orders are founded upon facts and sound judgment.
- Ensure that orders are compatible with the public interest and conform to the law.
- Ensure that employees understand that all Policies and Procedures, or orders provide a guide to action in recurring situations. Policies and Procedure, and orders cannot possibly address every circumstance.

Policy Committee

The Chief of Police is the Department's policymaker and approver of all policies, procedures, and general orders.

The Chief of Police may at any time elect a Policy Committee that would operate according to the following guidelines.

1. The Policy Committee shall be composed of a cross-section of ranks and functions including: one or more non-sworn members; one or more sworn non-supervisory members; and one or more sworn supervisors.
2. The Policy Committee shall meet, as deemed appropriate by the Chief of Police, to create or develop a new General Order or Policies and Procedure, review older orders or policies and procedures according to a schedule or evaluate new ones. The Policy Committee shall make appropriate recommendations to the Chief of Police about retaining, revising, or developing new or existing policy and procedures and general orders.
3. The Policy Committee, upon determination of necessity by the Chief of Police, shall conduct an immediate audit following any critical incident to review the applicability of Department Policies and Procedures and orders to the incident, to analyze how applicable those policies and procedures or orders helped or hindered the resolution of the incident, and to recommend changes to existing orders, if any. The audit shall include an examination of how policy is enforced through training and supervision.
4. Upon drafting a new or revised order, the Policy Committee shall afford every Department member an opportunity to review it and comment by a given deadline prior to submitting to the Chief of Police for approval.
5. In consultation with the Chief of Police, the Policy Committee shall set a schedule of orders annually for review and evaluation. All orders shall be reviewed periodically.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: 105 Release of Department, or Resident Information and News Media Requests	Number: 105
Effective Date: 12/30/2003	Review Date: 6/30/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\105 Release of Department, Company, or Resident Information and News Media Requests	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for the issuance or release of Department or resident information.

II. POLICY:

It is the policy of the KMPD that the release of Department or resident information will only be permissible as outlined in this procedure.

III. PROCEDURE:

The release of information, reports, statistics, procedures, policies, personnel information, etc. is not to be released to any outside parties without the permission of the Chief of Police. If an officer or supervisor receives such a request, either review the request with the Chief of Police or direct the requestor to the Chief of Police. When reviewing the request with the Chief of Police, it is important to know whom the requestor is, items requested, and reason for the request. Requests by a law enforcement agency, Commonwealth Attorney, or court system are exempt from this requirement if the requests relate to a report, case file, or other matter normally handled by the requesting agency.

The release of reports to KCSA or the Resort is authorized if there is a direct relation to the report contents (i.e. an employee/guest injury), and the basis of the report does not surround a criminal matter. All other requests for information from the KMPD will be reviewed with the Chief of Police.


The release of resident information to any party is prohibited without authorization from the resident or the Chief of Police.

KMPD personnel are not authorized to speak to the media regarding, or on the behalf of, the Department, KCSA, or the Kingsmill Resort. Refer all media inquiries to the Chief of Police, President of the KCSA Board of Directors, or the General Manager of the Resort.

Should media attempt to access the property; the media will be asked with whom they have an appointment. If they have an appointment, the appointment will be verified prior to allowing access. If no previous appointment was made, then the gate officer will contact the road officer to escort the media to the KCSA lobby while the appropriate contacts are made. If the media request is denied, the road officer will inform the media of such and request they leave the property. Visually verify the media leaving the property. The gate officers should be observant for repeated attempts of the media trying to gain access to the property. If the media request is approved, the media will be issued the appropriate pass and escorted, when possible, requested or required, to the location where the interview will be conducted.

Always remember that when dealing with the media, the media may have their cameras on and recording their encounter with the KMPD. As with any encounter, an officer is expected and required to be professional at all times.

Report any concerns or discrepancies to the Chief of Police.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Social Media	Number: 106
Effective Date: 3/24/2014	Review Date: 12/31/2021
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\106 Social Media	

I. PURPOSE:

To prescribe Department employees' use of Social Networking Technology, as defined herein, to protect employees' civil rights and liberties, as required by law, and to simultaneously protect the Department's legitimate security, personnel, and public safety mission.

II. POLICY AND DEFINITION:

It is the policy of the Kingsmill Police Department that all personnel will adhere to the procedures and directives outlined in this policy while both in an on-duty and off-duty status.

"Social Networking Technology" or "SNT" shall mean communication by and between Department employees using any of a variety of communication devices including, but not limited to, social networks like Facebook, SnapChat, Instagram, WhatsApp, Twitter, TikTok, YouTube, and similar technologies, internet blogs or listservs, electronic mail, other written correspondence, and other oral and digital communications. New technologies facilitating communication emerge regularly. Social Networking Technology is intended to include new and emerging communication technologies not identified by name in this policy but nevertheless performing similar functions to communication means described here.

III. PROCEDURE:

- A. SNT can enhance officer safety, improve investigation techniques, allow citizens to better understand crime and policing issues, and improve overall police efficiency.
- B. Department employees may use SNT, including but not limited to, regarding matters of public concern. This general rule is subject to the

following limitations set out below. The limitations set out here describe communications and circumstances which may **not** be the subject of an SNT communication without the express permission of the Employee's chain of command:

1. Information related to and ongoing or complete investigation of a criminal offense, a subject or victim of, or a potential witness related to, a criminal investigation.
2. Personal information related to Department employees or persons who interact with the Department incident to the Department's work which information shall include unauthorized disclosure of such persons' names, date of birth, social security number, other official identifying information, addresses, terms of employment.
3. Information related to security procedures adopted by the Department including procedures related to law enforcement techniques, applications for search or arrest warrants, training procedures and guidelines for conducting arrests or investigations, and protocols for responding to emergencies or other public safety requirements.
4. Audio or video depictions of Department uniforms, insignia, or communications other than in the context of an official ceremony (e.g., a promotion ceremony) or in furtherance of Department approved public outreach or communication.
5. Communications by an employee of the Department that purport or imply to be on behalf of the Department or otherwise suggesting that the Department endorses or approves of the communication.
6. False statements about the Department, its leadership, or its work.
7. Communications while an employee is on duty.
8. Information that reasonably calls into question the ability of an employee to perform work for the Department in a lawful, non-discriminatory, and appropriate fashion. By way of example, but not limitation, communications indicating an employee believes improper force used in police work may nevertheless be appropriate, or that persons of a particular ethnicity or religion may be prone to criminal activity are the sort of communications that fall within the scope of this limitation.

C. Digital Technology

1. Digital technology defined: Digital technology is defined in this policy as all photographs, audio, and video recordings.

2. The Kingsmill Police Department utilizes a variety of applications to collect digital technology and officers often own personal equipment that has this same ability to collect and/or store digital technology.

3. All digital technology collected, captured, or stored by an officer and relating to the Department or its work or work within the scope of the Department's or employee's mission and duties during an officer's tour of duty is the property of the Kingsmill Police Department whether the employee utilizes departmental equipment or equipment owned by the officer or another person. The Officer shall ensure that digital technology collected as evidence or digital technology that has or may have evidentiary value is treated, collected, stored, and documented as evidence. The storing of digital technology that was collected as evidence shall not be saved on personally owned digital equipment or in any other manner, even to their assigned server folder, once it has been properly saved and logged as evidence.

4. Digital technology collected or captured by any employee during their tour of duty and relating to any Kingsmill Police Department matter shall not be forwarded or provided in any manner to any person without the approval of the employee's chain of command. The release or forwarding of pictures or audio or video recordings to the Commonwealth Attorney's Office is permissible.

5. All personnel must be aware that the use of personally owned equipment to collect digital technology may be considered evidence and the equipment or its contents may be inspected, seized, or held as evidence as necessary.

D. Off Duty Conduct


1. Social Networking Sites- Employees of the Kingsmill Police Department are held to a high ethical standard which is an inherent part of the law enforcement profession. An officer's conduct, both on and off duty, is the means by which the officer and the police department's reputation are measured. Officers must maintain high standards of professional and personal conduct at all times. Employees utilizing, posting pictures/audio/video, commenting, or creating a social networking site(s), blogs, and comment oriented websites, must conduct themselves at all times in a manner so as to not bring embarrassment, disgrace, or doubt as to their credibility as an impartial police officer or employee of the Kingsmill Police Department.

2. Digital Technology- Kingsmill Police Department employees will often find that their status as an employee or their duty to act as a police officer

while off duty enables them to view, assist, or become involved in law enforcement-related incidents. When this occurs, employees shall conduct themselves in accordance with this policy regardless of whether they are, at the time “on duty” or “off duty.”

E. Working Environment

1. Employees of the Kingsmill Police Department while on or off duty shall not utilize digital technology or SNT to harass or otherwise unlawfully belittle or criticize an employee or another person in any manner.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Officer Liability	Number: 108
Effective Date: 01/30/2004	Review Date: 12/30/2020
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\108 Officer Liability	

I. PURPOSE:

The purpose of this procedure is to provide information for potential liability situations an employee may face.

II. POLICY:

It is the policy of the KMPD that each Department employee has an affirmative duty to uphold the law and preserve the constitutional guarantees afforded all persons.

III. PROCEDURE:

A. Notification of Suit or Claims

Any Department employee who receives notice in any form of actual or impending work-related legal suit or claim, shall, as rapidly as possible, explain the circumstances through command channels to the Chief of Police. The Chief of Police shall, in turn, provide appropriate notification to the Kingsmill Community Services Association Executive Director, the Vice-President of Human Resources, and corporate legal as appropriate.

B. Financial Liability

No employee shall imply or accept financial liability for loss or damage on behalf of KCSA or KMPD. Any inquiries concerning financial liability will be referred to the Chief of Police. Whether the Company or the Department agrees to indemnify or otherwise accept any financial liability for an employee is a matter that will be considered on a case-by-case basis.

C. Acts Generally Defended

The Company and the Department will, generally, defend employees of the Department who operate within established Company and Department Policies, Procedures, and General Orders, and applicable law, against claims of misconduct or other inappropriate or unlawful activity ("Misconduct"). "Defend" means that the employee may enjoy the assistance of the Company and Department when responding to allegations of Misconduct. The Company and the Department reserve the right to investigate claims of Misconduct and to determine the extent to which they will defend an employee accused of Misconduct which determinations by the Company and the Department may change in light of changing circumstances including the results of ongoing investigation.

D. Acts Not Covered

Generally, the Company or Department will not defend an employee against a claim that the employee violated a duty, by commission of a prohibited act or failure to perform a required act, which violation constitutes gross negligence or intentional misconduct.

Employees are expected to use good judgment in their work. The Department can and will limit its risk of civil liability by demanding strict adherence to the provisions of this policy and procedure manual and compliance by all employees with the law.

Employees are reminded that litigation against them or the Department may focus on the degree to which officers followed a policy or custom (the latter defined as "a persistent, widespread practice"), which, in itself, was either unconstitutional, illegal,

or the cause of an unjustifiable injury. If the court finds such a custom or policy, the Department may be held liable. Consequently, employees should take caution in assuming that a particular practice, even a long-standing one, is lawful and should, instead, assess the lawfulness of such practices and consult with supervisors appropriately if questions about the propriety of a practice or custom should arise.

E. Types of Liability

Department employees may be held liable for misconduct in no fewer than five ways:

1. Violation of Virginia criminal law
2. Violation of departmental orders
3. Tort (i.e., a civil, as opposed to criminal, wrongful act against a person)
4. Violation of federal criminal civil rights statutes, 18 United States Code §§ 241 and 242
5. Violation of federal civil rights law, 42 United States Code § 1983

F. Federal Civil Rights Liability

42 U.S.C. § 1983 is among the most important statutes governing federal civil rights liability. For purposes of federal civil liability per § 1983, an officer is a person acting under color of law. An officer may be held personally liable for violating citizens' constitutional rights under some conditions.

42 United States Code § 1983 reads:

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

G. State Liability - Generally

Claims of negligence in the state courts pose liability in a different way than § 1983 above. While federal claims frequently allege a violation of a federal constitutional right, in state courts claims may be also predicated on a claim that a law enforcement agency owed some other duty to the plaintiff and that a breach of the duty caused an injury.

H. Supervisory Liability

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

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

I. High-risk Incidents - Defined

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

H. Response to High-risk Incidents

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

1. Secure the scene and all evidence.


2. Supervisors shall ensure that timely medical attention is provided to any injured persons at the scene, and shall document the condition of the suspect, what kind of medical help was required, and the apparent health of the suspect before the incident. Similarly, supervisors shall assess the suspect's apparent mental health; document it as well as any signs of overt, aggressive, or even suicidal behavior.
3. Obtain names, addresses, and telephone numbers of all witnesses at the scene, and obtain statements from witnesses, if possible.
4. Supervisors shall respond to the scene and direct actions as necessary.
5. If a pursuit has occurred, the supervisor shall document the weather conditions, lighting and visibility, route of the chase, duration of the chase, number of participating vehicles and the names of the officers, and any other relevant information.
6. If an arrest is made, the supervisor may, before booking, independently evaluate the arrest and document its probable cause.
7. Supervisors shall ensure that adequate photographs or videotape shall be taken of the scene, including of witnesses. The suspect shall be photographed at booking.
8. Supervisors shall coordinate and collect reports from all participating officers to a high-risk incident, including reports from personnel of other participating agencies.

I. Responsibilities of Employees

Any employee in receipt of a subpoena to testify concerning official business shall immediately notify the Chief of Police through the chain of command.

Any employee named as a party in a civil action for acts or omissions of duty shall immediately notify the Chief of Police through the chain of command.

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

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: 110 Jurisdiction and Mutual Aid	Number: 110
Effective Date: 5/10/2016	Review Date: 12/31/2021
Location: \\kmvwmweb01\Policy & Procedure\110 Jurisdiction and Mutual Aid	

I. PURPOSE:

The purpose of this procedure is to establish the jurisdiction of the Department and guidelines for mutual aid with other law enforcement agencies.

II. POLICY:

It is the policy of KMPD that all Department employees shall operate within the established jurisdiction of KMPD or through mutual aid situations with other agencies as outlined in this procedure.

III. PROCEDURE:

Jurisdiction

Jurisdiction for the Department is limited to all property owned, leased, and/or otherwise controlled in any manner either in whole or in part by Kingsmill Community Services Association, including streets and sidewalks adjacent to the grounds thereof.

Mutual Aid

Mutual aid is addressed in §15.2-1724. For the purpose of this procedure, mutual aid is defined as the short-term assistance given or asked for between the Department and neighboring law enforcement agencies during emergencies. The circumstances that require mutual aid, per §15.2-1724, can include one or more of the following situations:


- a. Enforcement of laws which control or prohibit the use or sale of controlled drugs (see §18.2-344 and §54.1-3401)
- b. Any law enforcement emergency involving an immediate threat to public safety;

- c. When executing orders for the temporary detention or emergency custody of people for mental health evaluation (see §37.1-67.01 or 67.1);
- d. Any public disaster, fire, flood, epidemic, war, civil disorder (per §15.2-1724)

Mutual aid may be requested from or provided to another law enforcement agency by the Department at the discretion of the on-duty shift supervisor. The shift supervisor must determine whether the request requires sworn Department personnel respond, non-sworn, or both.

Any request lasting longer than 4 hours in duration, or any request that is out of the ordinary (i.e. traffic control), shall result in the shift supervisor contacting the Chief or Police for notification and request review purposes.

Any long-term assistance, such as special events, should be coordinated amongst agencies with a written operations plan to include: type of event, duration, agencies involved, assistance required and provided, etc.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Off-Duty Employment	Number: 112
Effective Date: 1/05/04	Review Date: 6/30/2022
Location: I:\KMPD Groups\Policies & Procedures & General Orders\P&P\112 Off-Duty Employment	

I. PURPOSE:

The purpose of this procedure is to establish guidelines for off-duty employment of Department personnel.

II. POLICY:

It is the policy of the KMPD that all Department employees adhere to the off-duty employment guidelines to ensure conflicts of interest with other employers do not exist, or that any secondary employment does not reflect negatively on the Department.

III. PROCEDURE:

Department personnel are required to report any secondary employment to the Chief of Police. This includes existing employment upon hiring and during the duration of employment with the Department. Should secondary employment change in scope, or in employer, during the duration of employment with the Department, it must be approved by the Chief of Police.

Department issued uniforms and equipment shall not be used with any other employer, or in any other form of employment with any other employer, without authorization from the Chief of Police.


Other employment shall not constitute a conflict of interest. A conflict of interest, as determined by the Chief of Police, is any activity inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of employment with the Department and Kingsmill.

Other or secondary employment shall not produce a hardship, nor dictate availability of the employee to the Department in meeting its personnel staffing needs.

Any other employment shall not present a poor or sullied image upon the Department or Kingsmill.

When working other employment, the Department employee will not represent the KMPD, KCSA, or the Resort. Any authority or powers authorized by the Department do not transfer to the other employment.

Accepting employment from a competitor of KMPD or from a business providing goods or services to KMPD, KCSA, or the Resort, without the prior approval of the Chief of Police is prohibited.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Firearms	Number: 114
Effective Date: 03/10/2004	Review Date: 12/30/2020
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\114 Firearms	

I. PURPOSE

This policy establishes the guidelines for the issuance of firearms, the safe handling of all firearms, the carrying of firearms while on and off duty, the use of ammunition and the care, and the maintenance of Department-issued firearms.

II. POLICY

It is the policy of KMPD that only sworn personnel shall be authorized to carry Department-issued firearms. Authorized officers shall handle all firearms in a safe manner. Officers shall only carry Department-issued firearms while on duty. Officers may choose to carry a firearm off duty. Officers shall maintain Department-issued firearms in a state of operational readiness. Only Department-approved ammunition shall be used in Department-issued/approved firearms.

“On duty” in this policy means an officer is working for the Department on Department business. “Off duty” in this policy means an officer is working in a private security capacity but is nevertheless wearing a Department uniform, wearing the Department’s badge of authority, and acting as a law enforcement officer. “Off duty” work is permitted in accordance with Department policy only.

III. PROCEDURE

Refer also to Policy & Procedure 118, *Use of Force*

A. Firearm Safety

1. If any member is unfamiliar with or uncertain of the operation of any firearm, he or she shall not carry or otherwise handle that firearm while it is loaded.
2. All firearms shall be treated as if they were loaded.
3. No loaded firearm shall be pointed at, or discharged towards, a person unless doing so is justified under the *Use of Force* policy, PPO# 118.
4. No loaded firearm shall be handed to another person. When handing a firearm to another person, the firing mechanism of the firearm shall be disengaged, and any chambered round and magazine removed.
5. Prior to cleaning any firearm, the firearm shall be unloaded safely.
6. Should any officer be required to discharge his or her weapon on- or off-duty, it is imperative that the officer is aware of his or her surroundings and environment. The officer must be aware of the projectile's trajectory once fired so as not create a situation of accidental injury to any person involved. An officer should not discharge his weapon without taking due account of, and appropriate precaution related to, objects and persons in front of and behind the intended target. An officer should not discharge his weapon unless the officer can see the intended target.

B. Approved Firearms

1. On-Duty
 - a. Officers shall carry on their person the Department-issued firearm while on duty.

- b. The Department-issued firearm is the Glock, Model 19, Generation 5, 9mm pistol.
- c. Only the Department-issued firearm may be carried on the belt or in the Department-issued holster.
- d. The Department-issued firearm may be carried off-duty in a Department-approved holster.
- e. If a sworn officer's duty assignment is at a gate house for access control or at Dispatch, he or she may use an alternate holster for their issued duty weapon. Only holsters approved by the Firearms Instructor or Chief of Police may be used. Any such holster should provide the same retention level as the duty holster.

2. Off-Duty

- a. It shall be the option of the individual officer whether he or she carries a firearm off-duty.
- b. Firearms that are carried off-duty may be any lawful firearm of the officer's choosing subject to the limitations of this policy. However, only those firearms that are approved by the Department, and with which the officer is presently qualified, may be used in a law enforcement capacity.
- c. If an officer determines to carry a firearm while working off-duty, the firearm must be capable of chambering .38 spc, .327 magnum, .380 ACP, .357 magnum, .357 sig, .45 caliber, .40 caliber, 10 mm, 44 spc or 9mm ammunition. The firearm may be either a semi-automatic pistol or a revolver.
- d. Off-duty firearms, ammunition, and holsters shall be purchased by the officer.

- e. An officer may carry a firearm off-duty, other than a Department issued firearm, only after the firearm is approved for such purpose by the Department which approval shall include review of the firearm by a Department Firearms Instructor for inspection who shall then make a recommendation regarding approval to the Chief of Police. The Chief shall make the approval determination.

C. Ammunition

1. Only Department-issued ammunition shall be carried in any Department-issued firearm.
2. All ammunition carried in Department-approved off-duty firearms shall be factory hollow point ammunition from a reputable manufacturer and shall be approved by a Department Firearms Instructor before being carried. No reloaded ammunition shall be used.
3. The Department shall provide 9mm ammunition for the carrying of and qualification with Department-issued firearms. All other ammunition shall be provided by the officer.
4. Patrol Officers shall carry three fully loaded magazines, one in the firearm and two in the magazine pouch, while on duty.

D. Training and Qualification

1. No officer shall be issued a firearm without having first read, and demonstrated his or her comprehension of, this policy.
2. No officer shall carry a Department-issued firearm until he or she has successfully completed Department-approved training regarding the proper use of the firearm.

3. No officer shall carry a Department-issued firearm while on duty until he or she has successfully qualified with the firearm.
4. All officers shall qualify annually with their Department-issued firearms on both a daytime and a low-light course and at least once on a daytime course with any off-duty firearm.
 - a. Qualification courses shall only be those approved by the Virginia Department of Criminal Justice Services.
 - b. A minimum score of 70 out of 100 for all firearms must be attained in order to qualify. The qualifying score may change for this policy if the qualification course uses a different scoring scale than 70 out of 100 representing a satisfactory score.
 - c. An officer who fails to qualify after three attempts during one qualification session shall immediately surrender the Department-issued firearm. Once a qualification session has begun, barring successful attainment of the minimum score or injury or other circumstance that would physically prohibit completion of the session, the session may not be aborted prior to completion of the third attempt.
 - d. If an officer fails to qualify with the Department-issued firearm, the officer shall immediately be assigned to remedial firearms training under the supervision of the Training Officer.
 - 1) This training shall continue until the officer has demonstrated that he or she is capable of qualifying with the firearm whereby another attempt at qualification shall be made.
 - 2) After a reasonable period of remedial training without qualifying, the Chief of Police shall make a determination as to whether to continue with

remedial training or whether other action, including termination of the employee from the Department, is appropriate.

3) Failure to qualify with the Department-issued firearm is grounds for termination.

e. If an officer fails to qualify with an off-duty firearm, he or she shall attend remedial training regarding the firearm before being permitted to re-attempt to qualify with that firearm. This training requirement will not normally preclude an officer from remaining in full-duty status. An officer who has not qualified with an off-duty firearm may not carry that firearm while off-duty.

5. Officers found to have been negligent in the handling of any firearm shall promptly undergo remedial firearm safety training. This training requirement will not normally preclude an officer from remaining in full-duty status although negligent handling of any firearm may be cause for discipline including termination from the Department.

6. Officers assigned to remedial firearms training may work in an alternate-duty status, i.e., PSO or Dispatch.

7. Sworn officers are encouraged to maintain their proficiency with the Department-issued firearm through continuous training and practice.

E. Firearms Inspection, Security, and Maintenance

1. Each officer is responsible for maintaining Department-issued firearms in a state of operational readiness. All damage to and malfunctions of any Department-issued firearm shall be immediately reported to the officer's supervisor and/or a Department Firearms Instructor.

2. Each officer is responsible for the care, cleaning and security of departmental firearms issued to them.

3. Although Department-issued firearms will be inspected at each qualification, sergeants shall periodically inspect subordinate officers' issued firearms to ensure they are maintained in a clean and serviceable condition.
 - a. Inspections shall include the firearm, magazines, magazine pouches, and ammunition.
 - b. Inspections will be recorded on the firearm inspection form. Completed forms will be forwarded to the Firearms Instructor who will forward them to the administrative assistant. Inspection forms will remain on file for the life of the firearm.
4. Department-issued firearms shall not be modified or altered without approval of the Chief of Police. Items such as grip tape or grip sleeves may be used if approved by the Department Firearms Instructor or the Chief of Police.
5. It is the responsibility of the officer to maintain and arrange repairs for off-duty firearms.

F. Firearms Instructor or Chief's Designee Responsibilities

1. Maintain un-issued Departmental weapons and associated equipment.
2. Inspect all weapons being returned to inventory to ensure they are clean and serviceable.
3. Ensure prompt repair of any malfunctioning weapons.
4. Maintain records of issuance, care, and maintenance of Departmental weapons and associated items.
5. Issue Departmental ammunition.

6. Ensure inspection of each officer's weapon at each qualification.
7. Maintain a record of all firearms that have been certified as safe and with which officers have qualified. This record shall include the following:
 - a. Officer's name and identification number.
 - b. Make and model of weapon.
 - c. Serial number of weapon.
8. The Firearms Instructor or Chief's Designee shall be a firearms instructor certified by the Virginia Department of Criminal Justice Services and an armorer for the manufacturer of the Department-issued firearm.
9. Establish and maintain a working relationship with appropriate arms dealers for procurement of firearms and ammunition as well as providing the Department with an armorer service if the Firearms Instructor or Chief's Designee is not trained to perform that function.

G. Discharge of Firearm

Refer to Policy & Procedure 118, *Use of Force*

1. A supervisor shall be contacted, and a report made, any time the Department-issued firearm has been discharged while on- or off-duty with the exception of qualifications or other range or sanctioned shooting events authorized by the Chief of Police.
2. Authorization may be given for the discharging of the Department-issued firearm, while on duty, to destroy wild animals in crisis or that pose an immediate threat to an individual or domestic animal. An animal in crisis may include apparent rabid

animals or animals that appear critically injured and in pain. Prior to discharging the firearm the officer shall:

- a. Attempt to contact James City County Animal Control for assistance. Stand by the animal until they arrive. If Animal Control is unable or unwilling to handle the animal, or the animal will not remain in the area, or is an immediate threat to individuals or other domestic animals, proceed to the next step.
- b. Advise the supervisor of the situation and ask for permission to destroy the animal.
- c. If permission is given, ensure the direction of fire will not endanger the life or property of others.
- d. Destroy the animal.
- e. Coordinate the removal and disposal of the animal.
- f. Complete a report.
- g. Domestic animals may not be destroyed by officers unless the domestic animal poses an immediate threat to an individual or other domestic animal and there are no other immediate, practical means to reduce the threat. If an officer does destroy a domestic animal, this incident must be reported to James City County Animal Control.

H. Authority

1. Non-sworn officers

- a. Non-sworn personnel are prohibited from carrying a firearm on- or off-duty, as those terms are defined in this policy. This policy does not

affect any persons' right to carry a firearm, when not on-duty or off-duty as those terms are defined in this policy, in accordance with applicable law. This policy does not limit any person's right to self-defense as provided by applicable law. Note that Kingsmill Community Services Association and Kingsmill Resort policies prohibit employees, other than sworn KMPD officers, from possessing weapons on Kingsmill property. As such, a concealed firearm permit would be invalid on Kingsmill property or at a company event by any employee other than an on-duty or off-duty officer, as those terms are defined in this policy.

2. Sworn officers

- a. When off-duty, officers will act only within jurisdictional limits, and shall exercise good judgement and discretion. An off-duty firearm approval does not confer upon the officer any extra jurisdictional right or duty to engage in law enforcement action.
- b. When an off-duty officer is involved in any matter requiring the display of his or her firearm or police credentials, or takes any other action to which their department affiliation is revealed or implicated, he or she shall immediately contact the on duty supervisor.
- c. If an off-duty officer is involved in a serious-natured action, the officer will communicate with the on-duty supervisor, briefing them on the circumstances and the action taken. The on-duty supervisor will then determine the level of documentation and the notifications that are to be made.
- d. The Chief of Police shall be notified about any incident involving the discharge of a firearm, any incident where the direct threat of employing a firearm occurred, any incident involving the use of force where injuries have occurred, or any incident where a KMPD officer took action as a law

enforcement officer on behalf of a mutual aid agreement or at the direction of another agency.

- e. Officers who have been temporarily relieved of their law enforcement authority pursuant to a relief of duty action for any reason shall not carry a firearm except while on-duty or off-duty as those terms are defined in this policy. Officers who have been relieved of law enforcement authority may not display or use their Department-issued identification in order to avoid concealed weapons laws.

*All officers are to consult other KMPD policies, including without limitation, policies concerning use of force, and participation in off-duty work assignments, in association with this policy.

KMPD Off-Duty Firearm Authorization

Officer _____ Date _____

To: Chief of Police, Kingsmill Police Department,

In accordance with the KMPD Policy pertaining to Off Duty Firearms, I hereby request authorization to carry an authorized firearm while in an off-duty status. The carry of this firearm will be in full compliance of Federal and State Laws as well as in accordance with the policies of the Kingsmill Police Department. I do hereby request to be granted authorization for the following listed firearms:

Make: _____ Model: _____

Serial #: _____ Caliber: _____

Action: _____ Inspected by: _____

Make: _____ Model: _____

Serial #: _____ Caliber: _____

Action: _____ Inspected by: _____

Make: _____ Model: _____

Serial #: _____ Caliber: _____

Action: _____ Inspected by: _____

Make: _____ Model: _____

Serial #: _____ Caliber: _____

Action: _____ Inspected by: _____


I fully understand that this authorization is contingent upon maintaining current qualifications with each firearm authorized. I understand that a separate request will have to be approved prior to my carrying of a firearm that is not listed above under the provisions of the authorization.

Respectfully, X _____

----- Administrative Use -----

Approved: _____ Date: _____

Remarks:

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Police Officer Limits of Authority	Number: 115
Effective Date: 01/28/2004	Review Date: 12/30/2020
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\P&P\ 115 Police Officer Limits of Authority	

I. PURPOSE

- A. The purpose of this procedure is to describe the legally mandated authority for the enforcement of laws, to establish procedures for ensuring compliance with constitutional requirements during criminal investigations, to set forth guidelines concerning the use of discretion by officers, and to define the authority, guidelines, and circumstances when officers should exercise alternatives to arrests and pretrial confinement.
- B. This procedure is not intended to describe all of the laws and regulations that apply to police work. Officers should ensure that they remain educated about the state of the law governing police authority. This procedure highlights some of the most frequently encountered police authority questions. Ongoing education and training is essential to professional police work.

II. POLICY

- A. It is the policy of the KMPD that sworn officers will operate within this procedure, within the established guidelines, protections, or laws afforded by the United States Constitution, the Code of Virginia and James City County, and the rules and regulations of Kingsmill on the James.

III. PROCEDURE SCOPE AND RATIONALE

- A. This procedure applies to sworn Kingsmill Police Department personnel only.

Refer also to Policy & Procedure 116, *Dispatcher and Public Safety Officer Limits of Authority for Dispatcher and Public Safety Officer Limits of Authority*

1. Of all the actions an officer might take in an official capacity, the ones with the most severe consequences concern the constitutional rights of the people in the community the officer serves. The use of deadly force might result in injury or death and almost certainly judicial or administrative review of the constitutionality of the act. Similarly, the arrest of a person for a misdemeanor shoplifting implicates the law of arrest and search and seizure issues that are controlled by the Constitution. The U.S. Constitution and the Bill of Rights guarantee and protect the civil rights and liberties of our community members. These safeguards have become the cornerstone for the application of criminal justice in America. Consequently, these safeguards have placed necessary and appropriate limitations on the scope of police authority. The Department expects officers to observe constitutional safeguards scrupulously and knowledgeably. The Department further expects that officers understand the limits and prerogatives of their authority to act. Respect for the civil liberties of citizens shall be the paramount concern in all enforcement matters.

IV. PROBABLE CAUSE AND REASONABLE SUSPICION

- A. Unless an exception applies, searches and seizures must be supported by probable cause. Also, unless an exception applies, they must first be preceded by a warrant issued by a neutral judicial officer.
1. "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." This standard is less than proof beyond a reasonable doubt, required to find guilt

of an offense in a criminal case. It is higher, though, than “reasonable articulable suspicion.”

a. Probable cause is necessary before an arrest can be made.

2. Reasonable suspicion, by contrast, is often described as a circumstance or collection of circumstances that would lead a trained, experienced officer to believe that criminal activity may be afoot.

a. An officer who has a reasonable, articulable, suspicion of criminal activity may generally make a brief investigative detention to:

i. Determine the suspect’s identity

ii. Quickly confirm or dispel the suspicion.

3. Reasonable suspicion and probable cause cannot be based on racial, ethnic, religious, or sex-based stereotypes or discrimination. In both cases, officers must be able to articulate the basis for suspecting criminal activity. A mere hunch is insufficient basis to detain a suspect.

V. GENERAL SOURCE OF KMPD POLICE AUTHORITY

A. Law-enforcement authority

1. Va. Code §§9.1-101 Provide the definitions for Police Officers and Private Police Departments. This code section provides the information necessary for sworn officers to perform their duties with the authority as a private police department and as police officers. **Department personnel do not have arrest, or other law enforcement authority, until they are sworn in through the James City Circuit Court Clerk’s Office.**

VI. QUESTIONING INDIVIDUALS

- A. Generally, police may engage in consensual encounters and have voluntary conversations with individuals. That is permissible even if the purpose of the conversation is to gain information about possible criminal conduct.
1. Voluntary, consensual encounters cannot be the product of police intimidation or coercion. Display of firearms, the presence of numerous officers, physical detention, aggressive verbal commands or other indicators to a person that their compliance is mandatory tend to negate the voluntariness of the encounter.
 2. If a person is in custody for an offense, any conversation with them about the offense is an interrogation and must be preceded by the warnings required by the US Supreme Court in *Miranda v. Arizona*:
 3. You have the right to remain silent.
 4. Anything you say can and will be used against you in a court of law.
 5. You have the right to an attorney and to have the attorney present while you are questioned.
 6. If you cannot afford an attorney, one will be appointed to represent you.
 7. You can stop talking at any time.
- B. To ensure the voluntariness of any statements made in a custodial interrogation, officers should confirm that the suspect understands the rights as they've been explained to them.
- C. As soon as a suspect invokes the right to silence or to counsel, any interrogation must cease immediately.

D. Special care should be taken when questioning juveniles, including honoring any request to speak to a parent or guardian before waiving any rights.

1. Generally, the requirement to administer *Miranda* warnings does not apply to brief, on-scene questioning (before a suspect is taken into custody), identification procedures, spontaneous or voluntary statements by a suspect, brief reasonable-suspicion detentions, roadside questioning during traffic stops, or questioning by private persons (i.e., not officers).

2. A copy of the KMPD Police Department Rights Waiver form is attached to this Procedure.

VII. SEARCHES

A. A search, within the meaning of the Fourth Amendment, occurs when a government official examines the person or property of an individual.

B. Generally, searches must be accompanied by a warrant for the search.

C. There are, however, many exceptions to the warrant requirement. Among these are:

1. Consensual searches

a. The person giving consent must have authority to give consent.

b. Consent must be voluntary

c. Consent may be withdrawn by the person giving consent at any time. Continued searching after consent is withdrawn is only permissible if police have obtained a warrant or some other exception permitting a warrantless search then exists.

- d. Refusal to consent is not a factor that arouses reasonable suspicion of crime or gives rise to probable cause.
 - e. The consentor determines the scope of the consensual search.
- 2. Searches of items in plain view from a place of permissible observation or view.
- 3. Searches of abandoned property or open fields.
- 4. Inventory searches of vehicles incident to taking the vehicles into custody.
 - a. Note that containers in a vehicle may generally be searched if probable cause exists to search the vehicle.
 - b. Searches of a person incident to an arrest can include searches of the passenger compartment of the vehicle from which the driver or passenger was arrested.
 - c. Locked containers in a vehicle should generally be searched only after obtaining a warrant. Consult with a supervisor or James City County police or a Commonwealth's Attorney before opening a locked container in a vehicle without a warrant.
- 5. When executing arrest warrants.
- 6. Incident to arrest.
- 7. Pat downs of an individual's outer clothing if the officer has a reasonable, articulable suspicion that their safety is in jeopardy and is searching for weapons and if there is also reasonable suspicion that the person is engaged in criminal activity.

8. Emergency or “exigent circumstances” searches.

- D. Evidence obtained during an unauthorized search may be excluded from evidence in a criminal prosecution. Information learned as a result of excluded evidence may also be kept out of evidence at trial. Thus, it is important that officers understand why they are beginning a search and carefully document the basis for any search.
- E. A copy of the KMPD Police Department Rights Waiver form is attached to this Procedure.

VIII. SEIZURES

- A. A person is seized within the meaning of the Fourth Amendment to the United States Constitution when the facts or circumstances of the encounter would lead a reasonable person to believe they were not free to leave without the government official’s permission.
- B. Officers should make clear to persons that they intend to seize that they are being detained for investigative purposes, or that they are being arrested for an offense, or that they are free, or not, to leave.
- C. By the same token, officers should take care not to inadvertently communicate that a person is seized if the officer does not intend to seize that person. Display of firearms, the presence of numerous officers, tone of voice and nature of commands, use of restraints, or physical interposition of the officer between a person and a means of exit are all factors that contribute to a reasonable person’s belief that they are seized.
- D. Seizures that are not supported by reasonable suspicion, or probable cause, or a warrant, and that lead to the discovery of evidence, may result in that evidence being excluded from court proceedings.

IX. EYEWITNESSES

- A. Eyewitness testimony can be important in a criminal investigation or prosecution.
- B. Nevertheless, eyewitness testimony is vulnerable for a number of reasons. Individuals who make observations during times of stress tend to have less reliable memories for purposes of identification. Identification of strangers, people who a witness has observed for only a short time, and inter-racial identifications are all at risk of being unreliable.
- C. For these reasons, police should take care that any eyewitness identification procedure is not suggestive to the witness.
- D. On-scene identification may be permissible. Officers should take care the scene does not create the impression for the witness that the person being identified is guilty. For example, a subject being observed by a witness ought not be surrounded by numerous officers or cuffed. Lighting should be favorable to a dispassionate identification. The longer the time between the witness's observation and the identification procedure, the more likely it is that the procedure will be suggestive and impermissible.
- E. Line-ups of possible suspects. KMPD does not conduct lineups.
- F. Photo arrays (i.e., pictures of 6-8 people one of whom may be the suspect). Photographs should not contain identifying information, the persons in the photos should be of similar features, and the photo of the suspect should not be distinctive.
 - 1. Use James City County police to assist in any photo array.
- G. In any identification procedure, police should take care not to intimate or suggest to the witness that the guilty person is present or in a photo array. The witness's

observation of the procedure should not be suggestive to the witness of any desired or appropriate answer.

X. LIMITATIONS ON AUTHORITY

- A. Limitations on KMPD authority may be issued by local courts, the Commonwealth's Attorney, the Company, or the Chief of the KMPD.
- B. KMPD will maintain records of those limitations. Officers should orient themselves to those limitations and abide by them.

XI. USE OF DISCRETION

- A. Within the broad limitations of police authority, individual officers have considerable discretion in their roles as police officers.
- B. That discretion should be exercised with important principles in mind including:
 - 1. Respect for members of the community.
 - 2. Protecting the community's safety.
 - 3. General orders are to be followed unless unusual or extreme circumstances dictate another course of action. In those cases, officers should make reasoned decisions based on good judgment, experience, and training.
 - 4. In the ordinary course of police work, officers must exercise good judgment. Not all circumstances that permit an arrest, for example, require one. Similarly, some circumstances, to protect the community or enforce the law, will require more intervention.

C. For example, officers should consider alternatives to arrest and instead issuance of a summons or a warning or referral to an appropriate social services agency when engaging with:

1. Mentally or emotionally disturbed persons.
2. Domestic disturbances; except when discretion is limited by a legal requirement to make an arrest upon determining probable cause exists to do so.
3. Juvenile offenders.
4. Transient persons who need shelter or food.
5. Certain misdemeanor cases.


D. In determining whether to issue a summons, instead of placing a person under arrest, consider the seriousness of the offense involved, the likelihood of the person to be a fugitive from justice if a court appearance is required, and the danger to the person or the community if the person were not arrested.

E. Officers should consider informal dispute resolutions, social services agency referrals, and warnings as alternatives to arrest when the circumstances permit. Factors to consider when assessing when that exists include:

1. The seriousness of the offense.
2. The likelihood that non-arrest intervention is more or less effective in resolution than an arrest and prosecution.

XII. LIMITATIONS ON INTELLIGENCE ACTIVITY

- A. Departmental intelligence gathering activities shall be limited to that information concerning criminal conduct that presents a threat to the community.
- B. Departmental personnel and equipment shall only be used in conjunction with intelligence gathering activities, as defined above, in full compliance with all law, and only with the advance approval of the chief of police.
- C. Intelligence information shall be collected, used, and processed in full compliance with all laws.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Public Safety Officer and Dispatcher Limits of Authority	Number: 116
Effective Date: 3/10/04	Review Date: 6/30/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\Public Safety Officer and Dispatcher Limits of Authority	

I. PURPOSE:

The purpose of this procedure is to establish the guidelines for the limits of authority for Public Safety Officers and Dispatchers.

II. POLICY:

It is the policy of Kingsmill Police Department that Public Safety Officers and Dispatchers will operate within their limits of authority.

III. PROCEDURE:

Public Safety Officers and Dispatchers have ***no law enforcement authority***. As such, each group has no more authority than that of a normal citizen. Only in very rare instances, and only as a last resort, may a Public Safety Officer or Dispatcher ever perform a detention, search, or seizure. Always consult a supervisor with any questions as it relates to detention, search, and seizure.

The rule of thumb for Public Safety Officers and Dispatchers is to observe and report situations that may or do require a law enforcement response, taking no action related to a detention, search, or seizure unless there is no other recourse, and only as this procedure allows.

A. Detention

Citizen's Arrest

As provided by common law and court decisions, Public Safety Officers and Dispatchers, as normal citizens, have the right to detain an individual for felony, assault situations, or destruction of Company property, in which the officer or Dispatcher **directly observes** occurring on Company property, whereby the individual is immediately turned over to the police upon their arrival for handling the matter and for the identification of the individual involved. A Department report will be completed in any matter resulting in the Public Safety Officer or Dispatcher affecting a citizen's arrest.

Public Safety Officers or Dispatchers however should only attempt these detentions as a last resort when police presence or response is not readily available, and the incident requires immediate action in the form of a detention to protect the safety of the officer, Dispatcher, or other individuals, and to protect property.

In making this type of citizen's arrest, the Public Safety Officer or Dispatcher must first directly observe the felony, assault, or destruction of Company property situation on Company property, identify himself as a Kingsmill Public Safety Officer or Dispatcher, must clearly state to the alleged suspect that they are under a citizen's arrest, is being detained until a sworn Kingsmill Police Department officer or James City County Police Department officer responds to handle the matter, and the reason for the detainment. The Public Safety Officer or Dispatcher must ensure that "I am placing you under citizen's arrest for" is stated. Otherwise the detainment could result in the alleged suspect having the Public Safety Officer or Dispatcher charged with false detainment or abduction.

Traffic stops are a form of detention. Public Safety Officers and Dispatchers are not authorized to conduct traffic stops.

As agents of the owner, Public Safety Officers and Dispatchers are authorized to stop individuals at the gates and other approved checkpoints to validate an individual's request to enter upon the property.

B. Search and Seizure

Search - An examination of a person's house or other buildings or premises, or of the person, or of the vehicle, aircraft, etc. belonging to the person, with a view to the discovery of contraband or illicit or stolen property, or some evidence of guilt to be used in the prosecution of a criminal action for some crime or offense with which he is charged.

Seizure – To “seize” means to take possession of forcibly, to grasp, to snatch or to put in possession.

Public Safety Officers and Dispatchers cannot be considered as qualified to conduct the same level of search and seizure as a law enforcement officer. Public Safety Officers and Dispatchers are not sworn to uphold a citizen's constitutional guarantees. Therefore, Public Safety Officers and Dispatchers are not “empowered” in the same sense as a law enforcement officer.

In exercising this authority, a Public Safety Officer or Dispatcher may only search a suspect for weapons that may be used to injure the Public Safety Officer or Dispatcher and only when there is reason to believe that the suspect may potentially have a weapon in their possession. Each has the right to protect himself from an act, or potential act, of violence.

As a Public Safety Officer or Dispatcher not empowered in the same sense as a law enforcement officer, the methods of search and the materials to be seized are different. A Public Safety Officer or Dispatcher, in the normal performance of his/her duties and/or for a lawful detention, may conduct the following types of searches:

Plain View - This type of search is conducted to discover contraband which has been left in the open for all to see. The word “see” does not restrict a plain view search to visible searching, but includes the senses of hearing and smell. Care must be taken by the Public Safety Officer or Dispatcher to ensure that a suspect’s reasonable right to privacy is maintained.

Consent -This type of search is done with the expressed or implied approval of the person being searched.

Pat-down - A frisk of a suspect and the immediate surrounding area for weapons when the Public Safety Officer or Dispatcher has a reasonable suspicion that the suspect may possess in, or around, him a weapon.

The only time a Public Safety Officer or Dispatcher may seize an item from a suspect is when that item is, or can be reasonably inferred to be used as a weapon that may potentially harm the Public Safety Officer, Dispatcher, or other individual or property that is readily identifiable as belonging to the Company. This item will be immediately turned over to a sworn law enforcement member upon their arrival.

C. Field Interviews

A field interview for the purposes of non-sworn Department personnel is an attempt to gain voluntary information from victims, witnesses, or other parties having knowledge of a particular incident.

Non-sworn Department personnel only have the authority to conduct field interviews from **voluntary** parties from victims, witnesses, or other parties having knowledge of a particular incident.

Non-sworn Department personnel shall not detain an individual in an attempt to conduct a field interview.

Non-sworn Department personnel cannot conduct a field interview of a potential suspect in a criminal matter.

All field interviews will be recorded on a field interview card and submitted at the end of the shift. The field interview will be entered into Alliance, and the hardcopy will be kept in the field interview file located at Dispatch.

Individuals wishing access to Kingsmill that do not provide the required information to Department personnel working the gates will not be allowed access into Kingsmill. This is not considered an example of a field interview.

D. Use of Force

Non-sworn Department personnel will not engage in physical confrontations except in circumstances of self-defense or in the defense of others.

Communication skills are an integral part of an individual's tactics system. Almost all incidents of violence, or escalation of force, can be avoided with good tactical communication skills.

Always be firm, courteous, and tactful. Never be argumentative.

Never take sides in a dispute.

Utilize other parties or a supervisor as necessary to assist when able and whenever an encounter will appear to result in some type of physical force, challenge, or other escalation.


Never appear to threaten or intimidate. Using quiet tones in speaking with an agitated subject can lower that subject's resistance. Overbearing actions by the officer can easily aggravate any situation.

Always maintain a reactionary gap of 4 to 6 feet.

If a physical confrontation appears imminent, ensure appropriate backup is summoned either through the Department or James City County Police Department.

Always keep Dispatch informed of what is occurring.

Non-sworn Department personnel are not to be dispatched or respond to situations where there is a great likelihood of a physical confrontation with another individual or group, weapons involvement, or felonies in progress. These types of calls must be dispatched to sworn law enforcement personnel only.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Use of Force	Number: 118
Effective Date: 03/10/2004	Review Date: 06/02/2020
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\118 Use of Force	

I. PURPOSE:

The purpose of this procedure is to establish the guidelines for the use of force by sworn Department personnel.

II. POLICY:

It is the policy of the KMPD that sworn Department personnel will only use that force that is necessary and reasonable to affect an arrest, ensure public safety, on in defense of the officer or other individual.

III. PROCEDURE:

This procedure applies to sworn Department personnel only. Non-sworn Department personnel will refer to Policy & Procedure 116 Public Safety Officer – Dispatcher Limits of Authority.

Officers are confronted daily with situations requiring the use of force to affect an arrest or ensure public safety. The degree of force used depends on what the officer perceives as reasonable and necessary under the circumstances at the time he or she decides to use force. Except for deadly force, the application of any reasonable force is justified only when the officer reasonably believes that it is necessary and to the extent permitted by law:

- A. To prevent the escape from custody, make an arrest or an investigative detention of a person the officer believes has committed a crime.

- B. To defend him or herself or another from what the officer believes is the use of force while trying to arrest another, prevent the suspect's escape, or otherwise lawfully take the person into custody.
- C. To disperse persons participating in an unlawful assembly. Utilize JCCPD to assist.

Facts or circumstances unknown to the officer, and not reasonably ascertainable by the officer, shall not be considered in later determining whether the force was justified. The Department expects officers to observe the following two guidelines in all applications of force:

- A. Employ the minimum force reasonably necessary to accomplish a legal purpose.
- B. Officers may resort to a higher level of force, within reason, to overcome either increasing resistance or an increasingly dangerous threat to public safety.

When applying deadly force, the officer's objective shall be to stop or incapacitate the suspect. The objective of the use of any force is to overcome the suspect's resistance to an officer's lawful purpose; officers shall avoid unnecessary or excessive applications of force. Officers shall not unreasonably or unnecessarily endanger themselves or the public when applying this policy.

DEFINITIONS

A. Deadly force

1. The firing of a firearm, even though no intent exists to kill or inflict bodily harm.
2. Any force applied in any manner by any means that could reasonably be expected to cause death or serious physical injury.

“Serious physical injury” means bodily injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss, or extended impairment of the function of any body, member, or organ.

B. Non Deadly Force

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

C. Firearms

Defined as any weapon from which a projectile is forcibly ejected by an explosive.

D. Reasonable belief

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

E. Serious physical injury

Any 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.

F. Excessive force

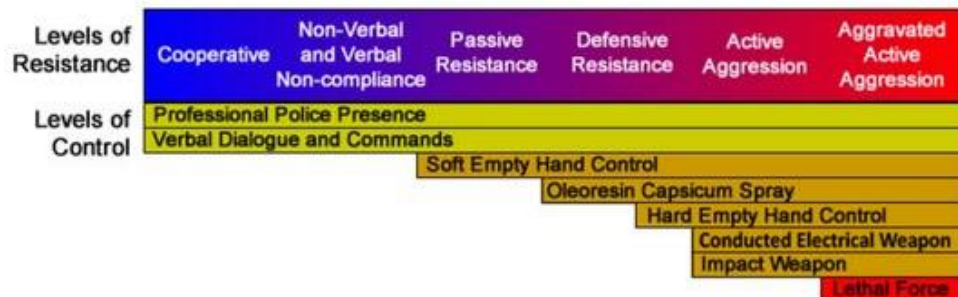
Force is excessive when its application is unreasonable to the circumstances. Whether a particular use of force is reasonable is assessed by considering whether a reasonable officer in the same circumstances as the officer who used force would have concluded that a threat existed justifying the particular use of force. Based on the reasonableness standard, excessive force may be determined based on:

1. The severity of the crime the officer is investigating.

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.
5. In evaluating the reasonable application of force, officers must consider their own age, size, strength, and skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

Use of Force Continuum

The Department trains officers in the use-of-force continuum that emphasizes the recognition of and response to increasing levels of threat. Most instances in which force is applied are non-deadly. Officers shall assess the incident to determine which technique will best bring the situation under control. Following the application of any method of force, once the situation is contained, officers shall provide or arrange to provide medical help as necessary.



Non-Deadly Force

Officer Presence

Officer presence is the first level in the use-of-force continuum. An officer's presence, posturing, and display of authority make up this first level. Identify yourself and your authority when making contact with individuals.

Verbal Control/Dialogue/Commands

Verbal control refers to the manner in which the officer speaks to a person, which alone can manage a situation. Verbal control includes advice, persuasion, admonitions, or orders. The volume and tone of the officer's speech may also contribute to control without having to resort to another method of force. Officers should not use verbal commands with profanity or disrespectful or argumentative behavior.

Compliance Techniques – Soft, Empty Hand

Soft, empty hand techniques include standing escorts, joint maneuvering, touch pressure points, standing handcuffing techniques in order to gain and maintain compliance and control. The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to officers, bystanders, or the person being placed in custody.

Chemical agents

The use of chemical agents is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The only chemical weapon authorized for sworn personnel is Department-issued chemical agent. Chemical agents shall be used only to the extent necessary to overcome the resistance of the suspect. Chemical agents should not be used in a manner outside training standards.

- A. Chemical sprays shall not be used to threaten to elicit information or persuade people to comply with orders, nor shall they be used on people who are handcuffed, secured, and properly in custody.
- B. Keep the application of chemical agents to the absolute minimum required to effectively control the subject.
- C. You should not use on persons who are visibly sick or who are not in possession of their normal protective reflexes (such as being able to turn

away from the applied spray). NOTE: Applying a chemical agent to such persons can result in injury out of proportion to the threat they may present.

- D. When using chemical agents, consider the possibility, based on the proximity of other persons, weather conditions, and the nature of the chemical agent being used, that chemical agents when deployed may affect persons other than the intended targets. If the risk of inadvertently affecting other persons is substantial, avoid using chemical agents.

Takedowns/Empty Hand Counter-Strikes

The usage of the officer's personal weapons (hand, foot, knee, etc.) to intentionally target non-lethal areas in order to gain and maintain compliance and control.

Intermediary Weapon – Impact Weapons

The Department authorizes the carrying and use of the ASP as the only striking weapon for officers: all other forms of striking or punching weapons are prohibited for carrying or use, including but not limited to PR-24's, blackjacks, slapjacks, and similar sticks, and brass knuckles. Officers who carry the ASP shall be trained in its use. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate and lesser levels are inappropriate or ineffective.

- A. The ASP shall not be used to strike handcuffed individuals or to threaten or intimidate people.
- B. The ASP is mainly useful as an instrument to manage various control holds, not as a club or prod. Officers shall not raise the ASP above the head to strike a blow to a person's head. Officers shall not intentionally strike a person's head or groin area unless the officer is authorized in the use of deadly force as provided in this procedure.

Deadly Force

Deadly force may be used when it is unreasonable to use any other means and to protect the life of a civilian or an officer, including self-defense, when the officer has probable cause to believe that the suspect poses a significant and immediate threat of death or serious physical injury to the officer or others and, where feasible, some warning shall be given. Deadly Force is the use of a firearm or the intentional use of weapons, tactics, or maneuvers targeting lethal areas that is likely to result in death or serious physical injury.

Firearms - general

Officers must be aware of how their firearm operates, whether it is loaded, where it is pointed, where and what the target is, where the bullet will go and where it will stop when considering the implementation of their firearm.

A. Firearms may be drawn and pointed:

1. During the immediate execution of a warrant, where information states that deadly weapons are present.
 - a. During the execution of high risk vehicle stops.
 - b. During the search of a building for a suspected felon.
 - c. Reasonable suspicion that a substantial risk of death or serious physical injury exists.
2. Firearms may be used:
 - a. In defense of the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily harm.
 - b. To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant, immediate threat to

human life should escape occur. No other reasonable means of capture must be available to the officer in this case without endangering the officer's life or the life of another person.

- 1.) In evaluating a "significant threat," the officer must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the officer or others if apprehension is delayed.
- 2.) Where feasible, officers shall identify themselves and give a warning before shooting.
 - c. To kill seriously injured or dangerous animals when no other disposition is reasonably practical. A supervisor's approval should be sought when possible. *Refer to Policy & Procedure 710, Animal Complaints.*
 - d. In routine firearm training or practice at an approved range.
3. Before using a firearm under circumstances 1.a and 1.b above, officers shall identify themselves and state their intent to shoot, where feasible.

This Use of Force policy should be read in conjunction with KMPD Firearms Policy 114.

LIMITATIONS ON FORCE

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

- A. Firing into crowds.
- B. Firing a warning shot.
- C. Firing when there is probable cause that an innocent bystander may be injured, i.e., in a crowd.

- D. Firing from or at a moving vehicle. Firing from or at a moving vehicle is prohibited except where the officer reasonably believes that:
1. An occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle; OR
 2. A vehicle is operated in a manner deliberately intended to strike an officer or a citizen and all other reasonable means of defense have been exhausted (or are not present), including moving out of the path of the vehicle and the safety of innocent persons would not be unduly jeopardized by the officer's action.
 3. Officers shall not fire at or in the direction of a vehicle that no longer poses an immediate threat.
- E. Firing into a building or through doors when the person fired at is not clearly visible unless officers are being fired upon from such building or through such door and reasonably believe that firing at non-visible targets is likely to stop the threats from those targets and that the risk to persons other than the target is outweighed by the urgent need and likely success of firing at non-visible targets.
- F. Firing at a suspect when lesser force could be used and the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or when there is any substantial danger to innocent bystanders. (When in doubt, don't shoot.)
- G. Application of choke hold or carotid control holds, except when the officer reasonably believes such holds are the only means of protecting him/herself or another person from an imminent threat of serious physical injury or death.
- H. Use flashlights as batons. An officer may use a flashlight or other object designed for a use other than as a weapon only to defend himself or herself

or another from imminent serious physical injury or death and then only if departmentally sanctioned methods are not available or are impractical. The use of a flashlight under such circumstances shall be deemed an application of deadly force.

- I. Carrying or use of a second back-up firearm.
- J. The carrying or use of saps, blackjacks, slapjacks.
- K. Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.
- L. Any use of force not reasonably necessary in the light of the circumstances confronting the officer.
- M. Any forcible enforcement action when off duty except in circumstances which seriously threaten life, valuable property, or public order.

REPORTING USE OF FORCE

- A. Officers shall document any application of force except for those arising in training or departmental demonstrations.
- B. If officers have employed chemical weapons or any higher degree of force, they shall first render, or obtain, medical aid and then:
 - 1. Immediately notify the shift supervisor and the Chief of Police. The shift supervisor should make the notification to the Chief of Police.
 - 2. Submit an incident report by the end of the shift, describing the incident and any medical aid rendered, and shall substantiate the force used. The incident report shall be in addition to any other required reports or documentation.

DEPARTMENTAL RESPONSE

A. Assignment

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

B. Review

1. The Chief of Police shall review all reported uses of force to determine whether:
 - a. Departmental orders were violated.
 - b. Relevant Departmental policy was clearly understandable and effective to cover the situation.
 - c. Departmental training was adequate.
2. The Chief of Police may convene a board of inquiry to examine an incident in which force was applied. JCCPD or the Commonwealth Attorney may be requested to assist.
 - a. The board of inquiry will ascertain training and policy needs.

C. Internal investigations

Internal investigations of serious applications of force shall be of two types conducted simultaneously: first, an administrative investigation to determine whether Department standards were followed; second, a criminal one to detect law-breaking. A criminal investigation shall be discontinued whenever the Department is satisfied that no misconduct occurred. JCCPD, the Virginia State Police, or the Commonwealth Attorney will be requested to assist in conducting such investigation.

Internal investigations shall be conducted in accordance with the Law Enforcement Officers Procedural Guarantee Act, Virginia Code Section 9.1-500, et seq.

D. Psychological services

Employee Assistance, EAP, follow-up of post-shooting trauma or serious incident will normally be directed by the Chief of Police whenever deemed appropriate.

OTHER FACTORS

Communication skills are an integral part of an officer's tactics system. Almost all incidents of violence, or escalation of force, can be avoided with good tactical communication skills.

Always be firm, courteous, and tactful. Never be argumentative.

Never take sides in a dispute.


Utilize other parties or a supervisor as necessary to assist as able.

Never appear to threaten or intimidate. Using quiet tones in speaking with an agitated subject can many times lower that subject's resistance. Overbearing actions by the officer can easily aggravate any situation.

Always maintain a reactionary gap of 4 to 6 feet.

If a physical confrontation appears imminent ensure appropriate backup is summoned either through the Department or JCCPD.

Always keep dispatch informed of what is occurring.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Crime Prevention	Number: 150
Effective Date: 1/16/04	Review Date: 1/5/2021
Location: I:\KMPD Groups\Policies & Procedures & General Orders\P&P\150 Crime Prevention	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for crime prevention.

II. POLICY:

Crime prevention is the anticipation, recognition, and appraisal of crime risks and the initiation of action to remove or reduce such risks. Crime prevention is the responsibility of each employee of the Department: in all daily business, employees shall actively apply crime-prevention ideas and methods. Departmental policy, therefore, is to promote crime prevention by developing and implementing procedures and programs that reduce the opportunity for or lessen the loss arising from crime.

III. PROCEDURE:

RESPONSIBILITIES

A. All Department personnel, generally

1. All Department personnel upon request and when appropriate shall provide knowledgeable, instructive advice to the public concerning steps which can be taken to reduce the opportunity for or lessen the loss from crime.
2. All Department personnel upon request and when appropriate shall conduct brief surveys of homes and orally advise the owner or occupant of security strengths and weaknesses based on prudent practices.

3. All Department personnel shall be aware of and where appropriate offer their assistance to crime prevention activities taking place within their assignments.
4. All Department personnel shall make referrals to the appropriate resource either within or outside the Department in response to crime prevention requests that exceed their knowledge or capability to accommodate.
5. No Department personnel shall advise any person that the use of any crime prevention suggestion or program will prevent that person or any other person from becoming the victim of a crime, but will only lessen the probability of victimization.
6. Crime prevention activities undertaken by Departmental personnel shall be reported on daily activity reports.

B. Crime prevention specialist

1. The Chief of Police can designate one or more individuals as the Department's crime prevention specialist. The Department's crime prevention specialist is responsible for developing, implementing, and coordinating the Department's crime prevention program. This assignment of responsibility does not relieve other Department personnel of being aware of and involved in crime prevention procedures and activities.
2. The crime prevention specialist shall study crime trends that are generally considered preventable and develop procedures and programs to reduce the opportunity or lessen the loss from crimes.
3. The crime prevention specialist shall consult with other Department personnel or other authorities having jurisdiction to analyze crime and suggest how police and citizens can better combat it.
4. The crime prevention specialist shall develop an expertise in all phases of crime prevention including, but not limited to,
 - a. security hardware
 - b. alarm/warning systems
 - c. lighting
 - d. basic residential and business construction practices

- e. public speaking
 - f. use of volunteers
5. The crime prevention specialist shall develop a working relationship with the Environmental Preservation Board, EPB, to review plans for new, or modified, construction or development within the community to identify and correct components of those plans which may create unwanted crime opportunities.
 6. The crime prevention specialist shall establish a working relationship with community groups within Kingsmill to develop, promote, and implement crime prevention programs.
 9. The crime prevention specialist shall establish a working relationship with other local, state, and national government and non-government crime prevention programs to exchange information on past, current, and planned crime prevention activities.
 10. The crime prevention specialist shall coordinate with fire prevention personnel to ensure that crime prevention procedures and programs do not compromise fire safety programs and that fire safety programs do not compromise crime prevention programs.
 11. The crime prevention specialist shall always look for opportunities to continue his or her education as it relates to crime prevention.

FORMAL PROGRAMS

A. Security survey

A security survey is an evaluation of the security strengths and weaknesses of a home or business and presenting the evaluation to the owner or occupant for correction should that owner choose to make such corrections.

1. Officers, familiar with basic crime prevention techniques, are authorized to conduct brief surveys of homes upon request or if there is an apparent need, time permitting. Only oral recommendations are to be made. Officers must pass along to the crime prevention specialist the date, location, and contact person for any survey conducted.
2. Requests for in-depth surveys with written recommendations are to be forwarded to the crime prevention specialist or Chief of Police. Outside agencies' crime prevention units may be asked to assist.

3. All security surveys performed by officers are to be considered information offered to the police in confidence. Surveys are not considered information available through Freedom of Information Act requests.
4. Officers making recommendations during security surveys shall not recommend any particular brand name product or device.
5. The following should be considered during a survey, this is not to be considered an exhaustive list:
 - Lighting
 - Construction material
 - Alarm systems and location of alarm points
 - Landscaping
 - Obstructions to the house
 - Locks and types
 - Locations of entry and exit points
 - Structural design

B. Site plan review

Site plan review is the review of site plans for new residential development or redevelopment to identify components of the plan that, once implemented, may create crime opportunities, and to make reasonable recommendations to correct the crime-related deficiencies in the plan.

1. The crime prevention specialist is responsible for all site plan reviews.
2. The crime prevention specialist shall contact the EPB and request to review development or redevelopment plans for security-related strengths and weaknesses.
3. The crime prevention specialist shall visit construction sites and informally inspect projects for security strengths and weaknesses and then make informal suggestions for improvements to the appropriate project officials.

C. Other programs

There are many other crime prevention programs aimed at specific types of crimes. Many of these programs can be incorporated into public educational programs as needed. Some of these programs are

1. auto theft prevention

2. child safety
3. street lighting
4. check fraud
5. victim services
6. elderly crime prevention
7. bicycle theft

The crime prevention specialist may utilize other resources when conducting seminars or relaying information on any of the above topics.

REPORTING

A. Recordkeeping


The crime prevention specialist shall maintain up-to-date information on the following crime prevention activities for reporting and evaluation purposes.

1. Security survey
 - a. Number of informal security surveys conducted by non-crime prevention personnel.
 - b. Number of follow-up visits to site where security surveys were previously conducted.
 - c. Rate of compliance to recommendations found during follow-up visit.
2. Educational programs
 - a. Number and types of programs.
 - b. Number of attendees.
3. Other programs
 - a. Number and types presented.
 - b. Number of participants or attendees.

CRIME PREVENTION ASSISTANCE

Assistance in promoting crime prevention programs can be obtained from the following:

- A. Virginia Crime Prevention Center (established by § 9-173.16), Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, 804-786-8467.
- B. Virginia Crime Prevention Association, 4914 Radford Avenue, Richmond, Virginia 23230, ph. 804-359-8120.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Authorized Uniforms, Accessories, Equipment, and Grooming Standards	Number: 201
Effective Date: 03/04/2004	Review Date: 05/08/2023
Location: I:\KMPD Groups\Policies & Procedures & General Orders\P&P\201 Authorized Uniforms, Accessories, Equipment, and Grooming Standards	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for the proper wearing of approved uniforms, accessories, and other equipment on and off duty.

II. POLICY:

It is the policy of the KMPD that only the authorized uniform, accessories, and equipment will be worn and grooming standards are maintained.

III. PROCEDURE:

Officers shall always maintain a professional appearance and demeanor while on duty and while representing Kingsmill and the KMPD, as this will contribute to the respect and confidence projected. The uniform must be worn properly and kept in good repair. Direct any questions about the correct wearing of the uniform, or problems with the uniform, to the shift supervisor.

It is the responsibility of the individual officer to make certain his/her uniform is clean, pressed, and in good repair for his/her tour of duty.

Officers are expected to maintain their issued equipment in good repair and in working order.

The failure to return uniforms and equipment upon separation of employment or returning damaged uniforms and equipment from intentional misuse or negligence may result in the officer being responsible for the cost of repair, or for the replacement of the uniform or equipment in question.

Uniforms and equipment needing repair/replacement must be brought to the attention of the shift supervisor.

Report any lost uniforms or equipment immediately to the shift supervisor.

The Administrative Assistant is responsible for ordering uniforms, equipment, and accessories through approved vendors. Shift supervisors are responsible for coordinating the needs of their officers, as it relates to this matter, with the Administrative Assistant.

Issued or returned uniforms, equipment, and accessories will be recorded. The Administrative Assistant is responsible for maintaining the records of uniform, equipment, and accessory issuance to officers. Shift supervisors are responsible for recording the issuance or return of the same from, or to, an officer and reporting the same to the Administrative Assistant.

Unless granted permission from the Chief of Police, the wearing of an unauthorized uniform, equipment, or accessory is prohibited.

Officers are only authorized to wear their uniform when traveling directly to and from work, and during their tour of duty to include special assignments.

Officers must be in full uniform of the day while on duty and prior to clocking in for work.

Officers are advised that Department-issued uniforms and equipment remain the property of the KMPD. Issued equipment and uniforms may only be used during the course of an officer's work activity while at Kingsmill or unless otherwise authorized by the Chief of Police. Unauthorized use of equipment and/or uniforms may result in disciplinary action up to, and including, dismissal.

A. Uniform

Shirts: Short-sleeved summer and long-sleeved winter uniform shirts are issued. Dispatcher shirts are dark green pullover polos with appropriate monogramming. Public Safety Officer Shirts are light blue button-down shirts with appropriate patch. Police Officer shirts are dark, navy blue button-down shirts with appropriate patch. (Department-issued)

Chevrons (Rank Stripes): Sergeants are authorized to wear chevrons. These chevrons shall be worn on both sleeves, centered 1" below the point of the shoulder patches. The chevrons will be royal blue with a dark, blue background. (Department-issued)

Service stripes: All Department personnel are authorized to wear a service stripe on their long sleeve shirt and winter jacket signifying the cumulative length of service with the Department. Each service stripe signifies 5 years of service and is to be worn on the left sleeve 1" above the top seam of the cuff and touching the right side of the upper sleeve crease. The service stripe will be navy blue with a gold background. (Department-issued)

Pants: Dark, navy blue and are issued to all personnel. (Department-issued)

Collar brass: Officers and supervisors authorized to wear on their uniform shirt or jacket. (Department-issued)

Winter jacket: Dark, navy blue in color with appropriate sleeve patch. Jacket should have appropriate badge patch affixed. (Department-issued)

Name tag: Silver or gold, depending on rank, is to be worn on uniform shirt or outermost garment with exception of raingear. Name tag will be worn on the right shirt/jacket pocket, centered, below and in line with the bottom seam of the pocket flap. (Department-issued)

Department personnel are authorized to wear a "member since xxxx" recognition plate in conjunction with their name tag. (Non-Department-issued)

Badge: Silver or gold, police officer or public safety officer, is to be worn on uniform shirt or outermost garment with exception of raingear. (Department-issued)

Tie: Dark, navy blue is to be worn with long sleeve shirt. (Department-issued)

Turtle neck shirt or Mock turtle neck (Dickey): Is allowed to be worn in lieu of a tie with the winter uniform. Must be black or dark blue and exactly match the issued uniform shirt. Cannot be worn to formal functions or court. (Non-Department-issued)

T-Shirt: Is to be worn under the uniform shirt. Must be white, black, dark blue, or exactly matching the issued uniform shirt. T-shirt must not have any visible markings on the shirt and must be of the crew neck type. No V-neck T-shirts. T-shirt sleeves must not extend beyond the uniform summer shirtsleeves. (Non-Department issued)

Service awards: Approved service or similar award pins may be worn on uniform shirt; to include Life Saving awards. (Department-issued)

Trouser belt: Black in color. (Department-issued)

Footwear: Black in color, fully enclosed, able to carry a shine or maintain a shined appearance. Shoes or boots are acceptable. Insignia or emblems on footwear worn with the standard police uniform should be subdued. (Non-Department-issued)

Socks: Dark blue or black in color. (Non-Department-issued)

Ball caps: Dark, navy blue in color. Cap must be plain, monogrammed with KMPD logo, or as approved by the Chief of Police. May only be worn by midnight shift, by any shift during inclement weather, during outside posted positions, i.e. parking cars at the soccer field, or as approved by the Chief of Police. (Department-issued)

Sheriff-style hat: Dark, navy blue in color, may be worn for those requesting. (Department-issued)

Gloves: Officers are only authorized to wear gloves during inclement weather, cold conditions, or situations deemed necessary by the officer or supervisor for officer safety or officer assistance in an officer assignment. Non-department issued with exception of Kevlar-lined gloves used in animal control situations and/or sharps exposure.

Sweater: It shall be the officer's discretion as to whether to wear a sweater. If worn, the standard police uniform shirt shall be worn underneath the sweater. (Non-Department-issued)

Ballistic vest: Each officer shall be issued a ballistic vest. All officers are encouraged to wear the ballistic vest regardless of rank, assignment, or dress.

B. Equipment

Sam Brown belt: Black leather with silver buckle, gold for supervisors, or black snap-fit buckle for any/all. Police issue only. (Department-issued)

Belt keepers: Black leather with silver snap, gold for supervisors, or black snap for any/all. Police issue only. (Department-issued)

Glove pouch and gloves: Black leather with silver snap, gold for supervisors, black snap or Velcro for any/all. (Department-issued)

Magazine pouch: Black leather with silver snap, gold for supervisors, black snap or Velcro for any/all. Police issue only. (Department-issued)

Holster: Triple retention. Police issue only. (Department-issued)

Chemical spray and holder: Black leather with silver snap, gold for supervisor, black snap or Velcro for any/all. Police issue only. (Department-issued)

Handcuff case and handcuffs: Black leather with silver snap, gold for supervisor, black snap or Velcro for any/all. Police issue only. (Department-issued)

ASP holder and ASP: Police issue only. (Department-issued)

Firearm: May only be carried off-duty in accordance with Policy & Procedure 114 – Firearms. Only department-issued firearm shall be carried while on duty. Police issue only. (Department-issued)

Key Case: Black leather with silver snap, gold for supervisor, black snap or Velcro for any/all. Optional equipment. (Non-Department-issued)

Radio holder: Police issue only. (Department-issued)

Knives and Holders: Knives must be able to be in a locked condition when open and folded when closed. Holders must match Sam Brown belt. Police only equipment (Non-Department-issued) Must be approved by the Chief of Police.

Multi-Tool and holders: Holders must match Sam Brown belt. (Non-Department-issued) Must be approved by the Chief of Police.

C. Accessories

The following items are not permanently issued to officers, but rather are issued daily or on an as needed basis.

Rain Gear: To be worn during inclement weather. (Department-issued)

Flashlight: Handheld flashlight and holder issued daily to be worn or immediately accessible to officers on road patrol or on special assignment. (Department-issued)

Radio: Portable radio issued daily for road patrol or other special assignments. (Department-issued)

Keys: Site-wide keys issued daily. Keys are never to be duplicated, added, or removed from a key ring without supervisor approval. Office key issued to each employee. Report inoperable keys, or other key issues to the shift supervisor. (Department-issued)

Pens: Officers are required to carry pens with them at all times. Personal pens must write in black ink and be professional in appearance. (Department-issued or personal)

Notebook: Officers are required to carry a notebook or similar item with them at all times. (Non-Department-issued)

D. Plain Clothes

During Normal Working Hours:

Normal working hours are considered those hours where the KMPD Office is open and staffed for the handling of routine public business.

Male employees shall wear: Dress shirt with or without a tie or polo-style collared shirt;
Dress trousers or slacks; and
Dress shoes or boots or casual (non-sneaker) shoes or loafers.

Female employees shall wear:
Dress, skirt, slacks, blouse or polo-style collared shirt, coordinated pantsuits; and
Dress shoes or boots or casual (non-sneaker) shoes.

Court appearances:

Male employees shall wear either the standard police uniform (tie shall be worn if long-sleeves are worn) or
Dress shirt with tie;
Dress slacks;
Suit or sport coat; and
Dress shoes or dress boots.

Female employees shall wear either the standard police uniform (tie shall be worn if long-sleeves are worn) or:
Dress, skirt or blouse with slacks, or pantsuit; and
Dress shoes or dress boots.

Employees appearing in court in plain clothes must have their firearms concealed with a jacket.

E. Hair

Employees shall wear their hair in a style that presents a professional image.

Male employees:

Shall, while standing with a normal posture, not permit the hair to extend past the top of the rear collar or below the top of the ear; and

Shall keep sideburns neatly trimmed, not excessively heavy or bushy, tapered in the same manner as the haircut, straight and of even width (not flared), not extend below the lowest part of the ear opening and end in a horizontal line.

Female employees (uniformed):

Shall not have their hair extend past the top of the rear collar, pinning or otherwise securing longer hair if necessary to accomplish this (pony tails or other similar styles are not permitted); May use plain and conservative pins, combs, headbands, elastic bands or barrettes to keep hair in place (must be similar to the hair color or navy blue or black);

Shall not permit the bangs to extend below the top of the eyebrow and shall not be visible when wearing headgear; and

Shall not wear hair ornaments such as ribbons or jeweled pins.

Female employees (plain clothes):

Shall be mindful of the safety considerations of the type of hair style chosen;

Shall not permit the bangs to extend below the top of the eyebrow and shall not be visible when wearing headgear; and may use plain and conservative pins, combs, headbands, elastic bands or barrettes to keep hair in place (must be similar to the hair color or navy blue or black); and

Shall not wear hair ornaments such as ribbons or jeweled pins.

Wigs and hairpieces shall conform to all policy standards for natural hair.

If coloring the hair, natural hair color must be the result (e.g., brown, blond, natural red, black, gray); some examples of prohibited colors are purple, orange, bright or unnatural red, and fluorescent or neon colors.

F. Facial hair

Goatees and beards: must follow the natural arch of the mouth and no longer than a ¼ inch in length. Officers must “shape and trim” the beard around the neckline. The goatees may not extend more than ¼ inch below the bottom of the chin.

The Department will consider and may approve accommodations to this standard on a case-by-case basis. Such accommodations may be appropriate only in cases where the employee demonstrates a religious or medical need for accommodation. In such instances, the employee should bring the need for accommodation to the shift supervisor. Accommodations must be approved by the Chief of Police.

G. Jewelry

Any jewelry item that presents an obvious safety hazard shall not be worn.

Uniformed officers: Jewelry is generally limited to wristwatches, wedding bands, simple rings, and earrings for female employees. Men may not wear earrings. Necklaces that do not present an obvious safety hazard and that can be concealed under the clothing may be worn.

Earrings shall be only small, stud style, one-quarter inch or less in diameter; hoop style or otherwise dangling earrings shall not be worn. Only one earring per ear may be worn.

A maximum of three rings may be worn (wedding sets worn on the same finger count as one ring).

Non-uniformed employees: May wear jewelry that is in good taste and in conjunction with the attire.

H. Nail polish

Female employees: may wear simple and conservative nail polish.

Male employees: shall not wear nail polish.

I. Eyewear

Eyeglasses, sunglasses and neck cords shall be conservative in style and color. Mirrored sunglasses are not permitted.

J. Piercings

“Body piercing” is the act of making an opening in any part of the body for the purpose of creating a design, form or figure of art, or creating an opening meant to contain or hold a piece of jewelry. Display of jewelry from a body piercing, other than permitted earrings, is prohibited.

Existing body piercings (those existing at the time of initial employment) shall be left empty and covered by regular clothing or filled with an unobtrusive flesh-colored or clear insert.

Multiple ear piercings are permitted so long as only one earring is worn in each ear at a time (non-used ear piercings are exempt from the requirement that body piercings be filled in).

Employees shall not obtain any new body piercings, other than ear piercings.

K. Tattoos and brands

“Tattooing” is the art of marking the skin with indelible designs, forms, figures, art, etc. by making punctures in the skin and inserting pigment into or under the skin.

“Branding” is the act of scarring or otherwise marking the skin by intentionally cutting or burning the skin for the purpose of creating a design, form or figure of art.


All tattoos or brands must be capable of being concealed with the long-sleeve uniform shirt during formal events or other assignments as required by the Chief of Police. Tattoos or brands that are visible above the collar or on hands and fingers are prohibited. (Wedding band and finger tattoos require approval from the Chief of Police.)

Offensive tattoos and brands shall not be displayed. Examples of offensive images are those that contain profanity, nudity, sexual content, or hate or discriminatory content based upon race, religion, gender, or sexual orientation.

Tattoos and brands that are associated with criminal organizations or hate groups shall not be displayed.

Concealing tattoos or brands prohibited by this policy with bandages or makeup is not permitted; only the normal wearing of clothing under this policy shall be permitted to conceal these tattoos or brands.

Upon separation, all Department-issued uniform and equipment items will be returned to the Department before the final pay is released. In the event of death of an employee, the immediate supervisor will recover all Department property. When an employee is suspended, his/her badge, weapon and I.D. card will be turned in to his/her immediate supervisor. Failure to return all items of KMPD property upon separation will result in deduction of costs from final pay and/or legal action being taken.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Employee Lockers	Number: 202
Effective Date: 12/22/2003	Review Date: 6/30/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\Employee Lockers	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for the issuance and control of employee lockers.

II. POLICY:

It is the policy of KMPD that employee lockers will be issued to Department personnel for use as outlined in this procedure.

III. PROCEDURE:

Department employees will be issued lockers for use if requested by the employee and depending on availability. The lockers remain the property of the Kingsmill Police Department. Sworn officers have priority on the lockers as they may have occasion to store evidence, their department firearm, etc.

Lockers will either have a combination lock or no lock. If no lock is provided on the locker, the employee must provide his or her own lock. If the locker has a combination lock, the Sergeant will issue the combination to the employee. The lockers must remain secured when not in use.

The Sergeant is responsible for maintaining all combinations for lockers so equipped and issuing combinations as necessary.

Employees must not store or place hazardous substances, illegal substances, unauthorized weapons, or other items or substances that do not directly relate to their employment with the Kingsmill Police Department or with the officer storing such personal effects as a change of clothing, jacket, personal hygiene items, etc.


Employees must not damage the lockers by placing stickers on or making permanent alterations to the lockers.

Officers electing to store the Department issued firearm may do so only after making the weapon safe by removing the magazine, removing the round in the chamber, and locking the slide in the rear position.

The Department reserves the right to conduct an employee locker inspection at any time. Prior to conducting such inspection, at a minimum, the following shall occur: All attempts to contact the employee will be made to notify of the reason of the check and to determine if the employee wishes to respond in a reasonable time frame and be present during the locker inspection, the Chief of Police must grant permission prior to inspecting the employees' lockers, the request for inspection will be reviewed with Engage PEO Human Resources or KMPD's attorney by the Chief of Police. Only a supervisor may enter the locker in question and only with at least one other witness present, a written record of officer contact, date, time, locker, circumstances, and findings will be made. Any cut locks will result in the employee being reimbursed or provided a new lock for the cost of the lock that was cut.

Upon separation of employment, employee lockers are to be promptly emptied of their contents by the separated employee, while being witnessed by a supervisor. Property belonging to the KMPD will be turned over to a supervisor. Personal effects, once verified by a supervisor, will remain with the separated employee. Employees who provided their own lock will remove and retain the lock. Separated employees not removing their contents of the locker within 48 hours of separation shall be deemed to have abandoned the contents within their issued locker. Procedures previously outlined

above will be followed to gain access and remove any items from the locker. Personal effects not removed by the separated employee will be disposed of pending the Chief of Police's approval and direction.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Inspections	Number: 203
Effective Date: 01/02/2004	Review Date: 12/31/2021
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\203 Inspections	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for the conducting inspections within the Department.

II. POLICY:

It is the policy of the KMPD that inspections are utilized to help ensure optimum performance, efficiency, and adherence to the established policy and procedures of the Department.

III. PROCEDURE:

Inspection objectives

The objectives of inspections include the following:


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

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

Inspection responsibilities

1. Inspection shall be an ongoing process conducted by those in direct command, i.e., those who have the authority to act or require immediate action of subordinates. Ongoing inspection is a duty of all supervisors.
2. Inspection responsibilities shall include personal inspection of employees and the types and condition of their issued equipment, how employees perform their duties, and the results of their efforts. Employees shall respond immediately to correct deficiencies identified during inspections. Inspections shall also recognize exemplary performance.
3. Formal inspections of line and staff functions shall be made periodically. Inspections may be announced or unannounced. Line inspections shall be conducted according to a list of observations to be made. Staff inspections, by contrast, evaluate not specific employees but rather the entire organization.
4. Firearms shall be inspected at least monthly and recorded.

5. Supervisors shall daily inspect officers and equipment. When discrepancies or deficiencies are discovered, the supervisor shall notify the employee, establish a reasonable time period for correcting the problem, and ensure that the correction is made.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Complaints Against Department Personnel	Number: 204
Effective Date: 1/30/2004	Review Date: 12/31/2021
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\204 Complaints Against Department Personnel	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for the proper handling of complaints against Department personnel.

II. POLICY:

It is the policy of the KMPD that all complaints against Department personnel will be fully investigated for appropriate disposition.

III. PROCEDURE:

The Department's image and reputation depend on the personal integrity and discipline of all Departmental employees. To a large degree, the public image of the Department is determined by a professional response to allegations of misconduct against its employees. The Department must competently and impartially investigate all allegations of misfeasance, malfeasance, nonfeasance by employees and complaints bearing on the Department's response to community needs.

The Department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain impartial under circumstances that are likely to generate tension, excitement, and emotion. In these situations, actions and events frequently result in misunderstanding and confusion.

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

Responsibilities of supervisors

Shift supervisors are primarily responsible for enforcing conformance with Departmental standards and orders.

Shift supervisors shall know the officers in their charge by closely observing their conduct and appearance.

Shift supervisors shall be alert to behavioral changes or problems in their subordinates and, if necessary, document these changes and confer with higher authorities. The shift supervisor shall assess the behavior, take or recommend appropriate action.

The shift supervisor shall recommend and, if appropriate, help conduct extra training for officers not performing accordingly.

The shift supervisor shall employ counseling techniques sanctioned by the Department. Counseling, and progressive discipline, is used to adjust and correct minor, infrequent errors or instances of poor performance and to ascertain the nature of any professional or personal problems that bear on performance.

The supervisor shall document all instances of counseling.

Responsibilities of All Department Employees.

Any Department employee who becomes aware of misconduct, or a credible claim of misconduct, by another Department employee who has engaged in misconduct that violates a Department policy, a law or regulation relating to public safety or the accountability of government officials, or otherwise implicating public safety or

accountability of government officials, shall make a report of such misconduct to his or her chain of command for response and investigation as provided in this policy.

Responsibility for handling complaints

As a rule, complaints regarding Department operations will be handled through the chain of command, beginning with the shift supervisor, or first lower level of supervision not directly related to the complaint. Complaints involving how Department service is provided or a failure to provide service or improper attitudes or behavior may be investigated and handled by the Chief of Police or his designee.

Complaint Handling Procedures

All complaints, regardless of nature, can be logged in person, by mail, or by phone at any time. As part of the follow-up investigation, persons making complaints by mail or phone normally shall be interviewed and a written, signed complaint prepared. A copy of the complaint form is found at the end of this procedure. Anonymous complaints shall be followed up to the extent possible.

Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. An employee of the Department who interferes with, discourages, or delays the making of complaints shall be subject to disciplinary action.

Normally, a citizen with a complaint shall be referred to the shift supervisor or Lieutenant who shall assist the citizen in recording pertinent information. That supervisor shall at least conduct a preliminary investigation unless as otherwise noted in this procedure.

Upon completion of the preliminary investigation, the following documents shall be prepared and forwarded through the chain of command: a report of the alleged violation; any documents and evidence pertinent to the investigation; recommendations for further investigation or other disposition.

If the supervisor or other investigators determine that any witness regarding the complaint is apparently under the influence of an intoxicant or drug, or apparently suffers from a mental disorder, or displays any other trait or condition bearing on his or her credibility, the

supervisor or investigator shall note these conditions and document them on an addendum to the complaint. Any visible marks or injuries relative to the allegation shall be noted and photographed.

Prisoners or arrestees also may make complaints, although circumstances may require a Department representative to meet the complainant at a jail or prison for an interview. If appropriate, the representative will have photographs taken of prisoners' injuries.

An employee who receives a citizen's complaint through U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the Chief of Police, who shall determine investigative responsibility.

Complaints received by telephone by dispatchers or other employees shall be courteously and promptly referred to the shift supervisor. The dispatcher or employee shall record the name and telephone number of the complainant and state that the shift supervisor shall call back as soon as practical.

The above procedure may also be used when Department or Company employees desire to enter a complaint against any other Department employee governed by this procedure.

Investigation of complaints should start as soon as possible. However, any complaint on a Department employee that may result in a criminal charge against a Department employee must first be brought to the attention of the Chief of Police. This notification to the Chief of Police must be made prior to speaking with the affected Department employee, or any other person regarding the complaint.

Investigation of complaints about a particular Department employee may lead to information concerning other misconduct about that, or other, Department employees or practices. Investigations of misconduct that lead to other appropriate areas of inquiry will continue until such investigations have satisfactorily assessed the nature of any misconduct or area of performance improvement.

Investigative procedures and employee rights

Two types of investigations may take place: administrative or criminal. Different rules govern interviews of employees in each case. Before any interview, the employee under investigation shall receive a confidential notification of the complaint. This notification will include a copy of the original complaint, a summary of the facts, and the officer's rights and responsibilities.

Assistance of legal counsel

Employees are permitted to have a supervisor, or other observer with them in the room during any interview regarding allegations of misconduct.

The employee's observer is limited to acting as an observer only at the interview, except that where the interview focuses on, or leads to, evidence of criminality, then a legal representative may be the observer to advise and confer with the employee during the interview.

Interview for administrative purposes

If the Chief of Police, or his designee, wishes to compel an employee to answer questions directly related to his or her official duties and is willing to forego the use of any answers in a criminal prosecution, the Chief of Police or his designee shall advise the employee that:

1. The purpose of the interview is to obtain information to determine whether disciplinary action is warranted. The answers obtained may be used in disciplinary proceedings resulting in reprimand, demotion, suspension, or dismissal.
2. All questions specifically related to employment must be fully and truthfully answered. Refusal to answer may result in disciplinary action.
3. Neither answers given nor any information obtained by reason of such statements are admissible against the employee in any criminal proceeding.
4. In an interview for administrative purpose, no *Miranda* rights are required. Further, the foregoing rules are inconsistent with *Miranda* in that employees' statements cannot be used as evidence.

5. Any determination to waive the use of evidence in a criminal proceeding shall be made by the Chief of Police, or his designee, and, where feasible, in consultation with the Commonwealth's Attorney for the jurisdiction wherein such criminal proceeding is anticipated may be brought.

Interviews for criminal investigative purposes

If the Chief of Police, or his designee, believes that criminal prosecutions are possible and wishes to use statements against the employee in a criminal proceeding, or at least wishes to maintain the option of their use, he or another interviewer shall:

1. Give the employee *Miranda* rights.
2. Advise the employee that if he asserts his right not to answer questions, no adverse administrative action will be taken based upon the refusal.
 - a. If the employee decides to answer questions at this point, the responses may be used in *both* criminal and disciplinary proceedings.
 - b. Note that the *Miranda* admonition includes the provision that a lawyer may be present at an interview. Although technically the employee has no right to counsel until the employee has been criminally charged or his or her freedom of action has been deprived, the Department wishes the employee to have the option. The Department wishes no possibility to arise in which its actions might be construed as coercive.

Disposition of complaints generally

The Chief of Police or his designee shall:

Notify the complainant, in writing, as soon as practical, that the Department acknowledges receipt of the complaint, that it is under investigation, that the investigation will be

completed within thirty days or other specified time frame, and that the complainant will be advised of the outcome. If the investigation exceeds thirty days, the Chief of Police, or his designee, shall write the complainant a letter explaining the circumstances of the delay. Notification to claimants should include an explanation, to the extent reasonably practicable, of the findings of the related investigation and the basis for any adjudication made pursuant to this policy.

Maintain complaint files separate from personnel files.

Take appropriate disciplinary action, if required for founded complaints following the investigation.

Adjudication of complaints

The Chief of Police, or his designee, will classify completed internal affairs investigations as:

Unfounded - no truth to allegations.

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

Sustained - allegations true.

Sustained, exceptional - allegations true, but result of adherence to proper and appropriate procedures and techniques.

All sustained and sustained, exceptional complaints, with resulting disciplinary action if any, will be maintained in the affected employee's personnel file with Human Resources. All complaints, regardless of adjudication will be maintained in the employee's complaint file that is separate from the Human Resources file.

Any necessary disciplinary action taken shall be determined by the seriousness of the sustained violation. No disciplinary action may be taken without first reviewing with the Chief of Police. To the extent permitted by law, Virginia Freedom of Information Act

requests for internal affairs investigative files and reports will be honored subject to permitted, but not required, redactions in the interests of justice as directed by the Chief or his designee.

REPORT OF COMPLAINT AGAINST KMPD PERSONNEL

CONFIDENTIAL

Name of complainant: _____

At what address can you be contacted?: _____

What phone number? Residence: _____ Work: _____

Date and time of incident: _____

Location of incident: _____

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

Rank: _____

Name: _____

I.D. # _____

Badge: _____

Name(s)/address/phone number or other identifying information
concerning any witnesses, if applicable:

Statement of allegation:


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

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

Signature of Complainant Date

____ Check if complainant refused to sign

Signature of Person Receiving Complaint Date and Time Received

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Relationships with Outside Agencies	Number: 301
Effective Date: 12/22/2003	Review Date: 12/31/2021
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\301 Relationships with Outside Agencies	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for dealing with outside agencies such as the Commonwealth Attorney, the County Attorney, local police and fire, and other federal, state, or local agencies.

II. POLICY:

It is the policy of the KMPD that officers, when interacting with the various agencies, represent the Department and Kingsmill in a professional manner.

III. PROCEDURE:


Establishing and maintaining effective channels of communication between the KMPD and other agencies is essential in improving cooperation and a cohesive work relationship. Good liaison can break down barriers that may exist and promote cooperation, coordination, and efficiency among the KMPD and the other agencies. All officers are encouraged to establish and maintain meaningful work relationships with appropriate authorities.

It shall be the responsibility of KMPD officers to maintain harmonious working relations and communications with the Commonwealth's Attorney's Office, General District, Juvenile and Domestic Relations, and Circuit Courts; respective Clerk's offices, local probation and parole officers, Williamsburg/James City County Sheriff's Office, James

City County Police Department, Fire Department, and other criminal justice, federal, or local agencies. The KMPD will normally provide all possible information, assistance and support to these agencies as allowed by law and KMPD policy. When these or other agencies make a request, contact the shift supervisor for notification purposes and ensure proper procedures are met.

The release of reports, or other documentation, is prohibited without the permission of the Chief of Police, or his designee.

The Chief of Police will hold or attend regular meetings with the various agencies to discuss pertinent issues and maintain agency head relationships.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Court	Number: 302
Effective Date: 01/30/2004	Review Date: 12/31/2021
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\302 Court	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for court related matters.

II. POLICY:

It is the policy of the KMPD that officers, when interacting with the court system, represent the Department and Kingsmill in a professional manner.

III. PROCEDURE:

Court Cases

When an officer is involved in a matter that involves the court system, the officer will do the following:

1. The officer will be subpoenaed to report to the appropriate court, date, and time. The officer will retain the issued subpoena. A copy of the subpoena will be presented to the KMPD Office Manager. In the event the officer set the court date, a subpoena may not be issued to the officer. However, the officer is responsible for ensuring that any court dates set by the officer, the officer reports to court in the same fashion as if subpoenaed by the court. The court date must also be entered on the court calendar. Officers are responsible for their court attendance which

is mandatory unless other approved arrangements are made through the court system.

2. Prior to the court date, the officer will review the case file and meet with prosecutors if requested. Officers will not meet, nor make any statements to defense attorneys without first consulting with the Commonwealth's Attorney. If the Commonwealth's Attorney or other prosecuting attorney is not trying the case, the officer must review the defense attorney's request with the Chief of Police.
3. On the court date, officers will check out the case file and any evidence necessary for court. The officer will report to the appropriate court by the time that is stated on the subpoena and check in. The officer will either wear the uniform of the day or other suitable attire. Suitable attire would consist of shirt and tie for men and a dress or business outfit for women. It is unacceptable to wear such items as jeans, t-shirts, revealing clothing, etc. to court.

If the officer is off duty, the officer will record their time on the subpoena or Missed Punch Form, so that they will be appropriately compensated. The subpoena or Missed Punch Form with court start and end times must be turned into the KMPD Office Manager who will then ensure that the officer is paid appropriately for court.

4. Upon checking in, the officer will ensure that the prosecuting attorney, if there is one, has no questions.
5. The officer will remain in the courtroom until the case is called. Once called, the officer will testify.
6. After the officer is dismissed, the officer will report back to KMPD. The officer will add an addendum to the case file summarizing the outcome of the case. The case file will then be returned. If the case was for a traffic

infraction, an addendum is not necessary. However, the officer should make notes on their paperwork summarizing the outcome. Any evidence should also be marked to retain it, return it to the rightful owner, or destroy it. Make an entry into the Alliance program.

7. In the event an officer wishes to nolle prosequi a case or traffic summons, the officer must review the case, or traffic summons, and the reason for the nolle prosequi with the Chief of Police and the prosecuting attorney, if there is one. A disposition will be filed and placed with the case file or notated on the summons.
8. Court attendance is mandatory. If an officer is unable to attend court due to illness, the officer must notify the Clerk of Court of the affected court and the shift supervisor as soon as the officer determines that the officer is unable to go to court. Failing to report to court as required or subpoenaed will result in disciplinary action up to, and including dismissal.

Court Appearances

Court appearance by the police officer is **not required** in the following types of cases:

1. Any initial appearance which requires appointment of counsel of the defendant.
2. Any initial appearance of a driving under the influence charge unless requested by the court.
3. Any prepaid traffic infraction.
4. Any other cases when the officer is notified by the court or the Commonwealth Attorney that their presence is not required.

It will be the responsibility of the individual officer to make sure that they are present for all other cases for which they are required to appear.

When an officer does not appear, or fails to notify the court that he will be late (and has a legitimate reason), the Supervisor will:

1. On the FIRST OFFENSE, issue a Written Reprimand, which becomes a part of the officer's permanent record.
2. A SECOND OFFENSE, within a year, will result in a Final Written Warning.
3. A THIRD OFFENSE, within one (1) year of the SECOND offense may result in termination.

Testifying

The most critical item in an officer testifying in court is his credibility. An officer's good credibility can many times pull the judge's decision in the officer's favor. On the other hand, if an officer has poor credibility, the officer will never win a case no matter how solid the evidence is. It also reflects poorly on the credibility of the other officers and the Department itself.

In courtroom testimony, an officer must testify to the facts. Do not make up information. It is acceptable for an officer to say that the officer does not remember something rather than making up an answer. Again, it goes back to being a credible witness. If not prepared for a case, it is better to be honest about it than to try to cover it up by lying. Remember, when testifying in court, the officer is sworn in. To lie is perjury and could result in the officer be charged, fined and/or sent to jail. It will also result in dismissal from employment with the KMPD.

The next most critical item in an officer testifying in court is being prepared. Review the case file prior to the day of court, review it the day of court, and

review it while the officer is waiting for the case to be called. Being prepared also adds to credibility. One of the reasons officer's reports must be complete and fully documented is that there may be a long delay between the date of the incident and the date of the case in court. Being able to review a well-prepared report will jog an officer's memory and keep the officer's memory sharp for detail.

In presenting a case before the judge, the prosecutor, or officer in the absence of, the prosecutor will go first. The defense attorney, or defendant, will then have an opportunity to ask questions and also present their side. Finally, the judge will ask any questions and render a decision.

1. Refer to Policy & Procedure 301, Relationships With Outside Agencies.
2. Many cases will be tried without the help of a prosecuting attorney, especially in traffic matters. It is important to establish the date, time, and jurisdiction of the infraction when beginning to testify:

"Your honor, in James City County, in the community of Kingsmill on the James, on January XX, 20XX, I observed . . . "

3. When testifying, tell what actually happened. Do not make assumptions; be honest and forthright with information. Tell what happened in chronological order. Be sure to identify the defendant as the one who committed the crime or committed the infraction. Utilize witnesses. Be sure to have subpoenaed all individuals needed in assisting you to win the case prior to the case being heard. This way, the individuals will be subpoenaed and present the day of court. Witnesses are subpoenaed through either the Commonwealth Attorney's Office, or the Clerk of Court. If you do not know the answer to something, say you do not know. Remember credibility is of utmost importance. It is acceptable to refer to your case file and your notes. It is not acceptable to read verbatim from the case file.

Note: Requests for subpoenas for witnesses must be in at least 10 working days prior to the hearing of the case in court.

4. Always refer to the judge as his/her Honor, Judge, Sir or Ma'am. Refer to the defendant as Mr. or Ms.
5. After both the prosecutor/officer and the defense attorney/defendant present, the judge will render his/her decision.

It is important to remember that no matter how strong an officer's case may be, the judge may not always agree with the officer. If an officer does not receive a favorable ruling, remain professional. Remember that an officer has successfully done their job, regardless of a judge's ruling, when the officer properly investigates, makes appropriate charges, and competently presents the evidence to the judge for ruling.

If it is an officer's first time testifying, the officer feels nervous or uncomfortable about going to court to testify, that officer should review those concerns with his supervisor. The supervisor may accompany the officer to court or assign another officer who is more experienced in courtroom testimony to assist the officer. The Commonwealth Attorney, if any, should also be notified so that they too can assist the officer.

Firearms in the Courthouse

1. The carrying of firearms in the court house will be in compliance with the attached which was issued by the Circuit Court Judges.
2. To comply with Paragraph #5, the affected officer will notify the officer's immediate Supervisor who will notify the Sheriff and the Chief of Police.


RULES FOR FIREARMS IN THE COURTHOUSE FOR THE CITY OF WILLIAMSBURG AND
COUNTY OF JAMES CITY

- 1) No person shall possess a firearm in the Courthouse except as authorized by these rules.
- 2) Uniformed, Department of Criminal Justice Services certified law enforcement officers of a publicly-funded law enforcement agency may possess a firearm in the Courthouse while on official business.
- 3) Law enforcement officers not in uniform (as described in paragraph two) may possess a firearm in the Courthouse while on official business, provided:
 - a) The officer wears a clearly displayed badge of authority
 - b) A jacket is worn to cover the weapon
 - c) The weapon is secured in a safety holster
- 4) No law enforcement officer shall possess a firearm in the courthouse when any proceeding described as follows is scheduled to take place in the Courthouse:
 - a) The officer, or any member of the officer's family, is a party or victim
 - b) Any close personal friend of the officer is a party, victim or witness

This prohibition applies each day that any such proceeding is scheduled to be heard and applies even if the officer is in the courthouse for other official reasons.

Each law enforcement agency shall adopt a policy to inform the Sheriff of the City of Williamsburg and County of James City of any law enforcement officer who is

not to possess a firearm in the Courthouse pursuant to paragraph numbered four above.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Basic Officer Duties and Responsibilities	Number: 401
Effective Date: 12/23/2003	Review Date: 12/31/2021
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\401 Basic Officer Duties and Responsibilities	

I. PURPOSE:

The purpose of this procedure is to establish the fundamental duties of police officers, public safety officers, dispatchers, and supervisors.

II. POLICY:

It is the policy of the KMPD that Department employees will be instructed on their general duties and responsibilities.

III. PROCEDURE:

The following procedures are not meant to be an all-exhaustive list of an employee's duties and responsibilities. When confronted with situations not covered by Department policy & procedure, contact your supervisor for guidance and direction. The term 'officer' used throughout this procedure includes supervisors, dispatchers, police officers, and public safety officers unless otherwise specified.

A. Introduction

An officer's duties provide a broad type of security and law enforcement. They usually mean protecting property, controlling access, directing traffic, reporting violations, enforcing laws and regulations, interacting with the public, etc.

Assignments may involve working a stationary post or covering a specific area, or carrying out patrols by foot, bike, or motorized transportation. An officer is required to perform these duties in a safe manner and in compliance with rules and regulations and policy and procedures.

Under normal circumstances, officers are required to accept any assignment given them by a higher-ranking individual unless that assignment goes directly against established policy & procedure, is illegal, unethical, immoral, unsafe or hazardous. If that occurs, notify the Chief of Police immediately. Whatever the assignment, the following fundamentals are expected of you:

Professionally observe the area and activities you are safeguarding. Sharpen your senses of what you see, hear, smell, and touch.

Recognize what is unusual. By recognizing the unusual, you are alert to your protective function. You may have to respond promptly, using good judgment to either correct a situation or summon help.

Explore, learn, and think about your duty assignments, so that you perform them well and learn how to deal with emergencies. Develop detailed knowledge of the physical layout of Kingsmill, so that you can quickly respond and/or direct emergency vehicles to a scene of an incident. Learn where doors and stairways of the various buildings lead, and learn the locations of the various resort departments, the areas where dangerous or extremely valuable materials are kept, and the exact positions of light switches, control switches, valves, fire alarms, fire extinguishers, and other firefighting or emergency equipment. Use your imagination to think of emergencies that could arise and how best to deal with them.

If your assignment involves the use of keys, be certain you know where they are and how to obtain them. Guard against misplacing or losing a key. Sometimes the loss of one key may require the expense of changing several locks in the facility. When allowing area/building access to individuals, make sure they are authorized to go into that specific area/building.

All work-related injuries must be reported immediately to your supervisor, so as to ensure prompt and proper treatment, documentation, and coverage under the Worker's Compensation laws.

Report any situations that may have an adverse or positive effect on Kingsmill or the Department.

B. Basic Duties

Within established procedure, enforce the Department rules and regulations and report all violations.

Prevent, detect, and report all criminal acts.

Prevent access to the property, or specific areas of it, by unauthorized persons.

Submit timely and accurate reports as necessary.

C. Basic responsibilities

Learn the policies and procedures prescribed in this manual and the specific rules and regulations of Kingsmill. Comply with all sections of the Kingsmill Police Department Employee Handbook.

Report for duty on time. Make sure there is an orderly changeover from the officer you are relieving. Reporting promptly enables the exchange of important information of the daily events.

Do not leave officer assignments unattended. Never leave a stationary post or assigned location on patrol unless you are properly relieved by another officer, instructed to do so by the supervisor, or are dispatched to a request for service.

Never accept relief by an officer who is not in condition to work because of illness, intoxication, drug use, or any other serious reason. Notify the supervisor immediately, and remain on duty until properly relieved.


Adhere to proper procedures when using two-way radios.

Account for all lost, stolen, or abandoned property that comes into your possession. Ensure that you follow proper procedure and turn the property over in a timely manner.

Conduct yourself professionally at all times in regard to your behavior, dress, and performance of duties.

Treat all individuals fairly and equally without exception.

Strive to ensure the customer service aspect is apparent in everything you do.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Reporting for Duty	Number: 402
Effective Date: 12/23/2003	Review Date: 12/31/2021
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\402 Reporting for Duty	

I. PURPOSE:

The purpose of this procedure is to establish the guideline for reporting for duty.

II. POLICY:

It is the policy of the KMPD that all employees will for duty on time and in proper attire.

III. PROCEDURE:

A. Introduction

All employees will be dressed in proper uniform prior to clocking in for their shift. It is unacceptable to clock in when an employee is not completely ready to start the shift.

The shift supervisor is responsible for passing along pertinent information, conducting roll call, ensure all uniforms are presentable, and make assignments.

Employees are required to periodically check the bulletin board located in the squad room for any notices of news, events, job opportunities, etc.

Employees are required to check their mailbox, located in the squad room, periodically. Mailboxes are not storage bins. Employees must clean out their mailboxes on a continual basis.

B. Attendance Policy

The Kingsmill Police Department is a first responder agency. As such, it requires that officers be dependable and at their work areas as scheduled. The following is the Department's attendance policy;

Absence

1. What Constitutes an Absence? Absences will be counted for any time that an employee is out of work without prior approval. An absence is for any scheduled shift to include regular shift, special duty, court, training, and/or any other scheduled function deemed necessary by management.
2. Excessive absenteeism/tardiness is defined as four (4) or more absences and/or four (4) or more late arrivals within a 30-day period.
3. For sick absences of three days or more, a physician's excuse may be required.
4. Employees are required to call in four (4) hours prior to the start of their shift if they are going to be absent and speak **directly** with a supervisor. Employees who are going to be late for the start of their shift need to call in at least 30 minutes prior to the start of the shift. If an employee is unable to comply with the stated time frames, they will explain the reason for this to the supervisor.

5. "No Call/No Shows" Explained: Employees who do not report for work as scheduled, and do not call to report that they will be absent are subject to disciplinary action. An employee is subject to dismissal upon the second no call/no show.

The application of the attendance policy may be waived during severe inclement weather as determined by Human Resources and the Executive Vice-President.

C. Scheduling

Employees are given schedules based upon the needs of the KMPD. The Department will attempt to accommodate employee requests as it relates to work times and days off.


As schedules become available through promotions, vacancies, or other means, the Department will attempt to honor requests from existing employees to change their existing schedule to the vacant schedule as the needs of the Department allow.

During periods of an emergency, or potential emergency situations, the Chief of Police may order emergency shift coverage. This may include scheduling officers to work 12-hour shifts or similar, canceling leave, or having employees report on their normal scheduled day off.

Officers doing a temporary day/shift switch are permissible provided that the appropriate paperwork is completed and approved by the affected shift supervisor. The officer accepting the temporary switched shift is responsible for that shift as opposed to the officer that permanently works that shift. Failure of the switching officer to work that accepted temporary shift switch will result in the switching officer being charged with an absence and loss of privileges on future temporary shift switching unless

that officer can find a replacement and is approved by the affected shift supervisor.

Officers signing up for overtime are responsible for working that overtime unless they can find a replacement and is approved by the affected shift supervisor. Otherwise, that officer signing up for overtime will be charged with an absence and may lose his overtime sign up privileges.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Shift Operations	Number: 403
Effective Date: 01/23/2003	Review Date: 12/31/2021
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\403 Shift Operations	

I. **PURPOSE:**

The purpose of this procedure is to establish an overview of the day to day operational responsibilities of each shift within the KMPD.

II. **POLICY:**

This procedure is meant to provide a general overview of daily shift operations within the department and as such, may not contain all of the foreseeable, specific instances whereby a shift may have to operate. Further, this procedure does not provide procedures for the handling of the various operational responsibilities. Procedures for the handling of the various operation responsibilities are located throughout the KMPD Policy and Procedure Manual. Refer any questions as it relates to this policy, or other department matters, to your supervisor or the Chief of Police.

III. **PROCEDURE:**

Operational responsibilities required of all shifts:

- Respond to calls for service
- Proactive patrol
- Perform dispatch functions
- Investigate incidents and complete reports
- Perform gate functions

- Conduct escorts
- Traffic enforcement
- Building checks
- Respond to management requests
- Interact with other departments within Kingsmill
- Interact with outside agencies as appropriate, i.e. James City County Police and Fire
- Operate within established policy and procedure
- Public relations and community outreach, i.e. speaking with residents while patrolling neighborhoods

Day Shift additional operational responsibilities:

- Conduct resort bank run
- Utilize radar trailer
- Conduct house checks
- Deliver homeowner packets
- Deliver KCSA Board and committee packets
- Other duties as assigned that are in accordance with established policy and procedure


Evening Shift additional operational responsibilities:

- Conduct house checks (during daylight only)
- Deliver KCSA Board and committee packets
- Secure Woods Course gate
- Set the alarms at the Resort's corporate homes
- Other duties as assigned that are in accordance with established policy and procedure

Midnight Shift additional operational responsibilities:

- Deactivate the alarms at the Resort's corporate homes
- Perform lights out check
- Open Woods Course gate and Wareham's Pond Boat storage gate

- Other duties as assigned that are in accordance with established policy and procedure
- Conduct walk around of corporate homes when unoccupied
- Conduct walk around of recreation centers
- Check outside perimeter doors, windows, and gates at the Resort clubhouse, sports center, tennis center, and the James Landing Grill

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Vehicle Operations	Number: 405
Effective Date: 07/07/2005	Review Date: 12/31/2021
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\405 Vehicle Operations	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for the standard operation of Company and Department vehicles.

II. POLICY:

It is the policy of the KMPD that officers will inspect, operate, and maintain Company and Department vehicles as appropriate.

Vehicles not operating properly and posing an immediate safety risk will be taken out of service immediately. Accidents or any damage to any Company or Department vehicle will be reported immediately.

III. PROCEDURE:

A. Introduction

In performing their duties, officers on road patrol will utilize vehicles. These vehicles may be the designated vehicles assigned to the Department, or the vehicle may be any other motorized vehicle at the Department's disposal. Regardless of Company or Department vehicle used, throughout this procedure the term vehicle(s), Company vehicle(s), and/or Department vehicle(s), will be used to refer to any form of motorized vehicle the

Department may utilize in the performance of its duties. Personnel vehicles for Company or Department business are not authorized unless approved by the Chief of Police.

Uses of the vehicles include: Mobile patrol, responding to requests for service, escorts, Departmental errands, and other purposes deemed necessary by the Chief of Police.

Company and Department vehicles may not be used for any activity or purpose not relating to Company or Department business without the approval of the Chief of Police.

Company or Department vehicles must be operated within the confines of all traffic rules and regulations imposed by state, county, or Company regulations or codes. Improper, reckless, or destructive operation of these vehicles will be grounds for disciplinary action up to, and including, dismissal. Also refer to Policy & Procedure 406, Use of Vehicle and Vehicle Emergency Equipment While Responding to Calls for Service and Policy & Procedure 407, Vehicle Pursuits.

Department employees may not operate any Company or Department vehicle, at any time, without having a valid operator's license. Operator's licenses will be verified.

Vehicle keys will be signed out from the squad room. Vehicle keys must remain with the assigned officer at all times.

Smoking, eating, or drinking in the vehicle is prohibited at all times. The only exception is for drinks with securable tops.

Vehicles must remain clean both on the interior and exterior at all times.

All safety precautions will be exercised when operating a vehicle, i.e. all occupants must wear a seatbelt correctly fastened.

Officers and supervisors are reminded that vehicular patrols are a vital operations function of our mission. Therefore, officers and supervisors will be held responsible for mechanical abuse, intentional interior/exterior damage, and loss of assigned equipment. Abuse of these vehicles will not be tolerated, and all unnecessary repair, or replacement, expenses incurred could become the responsibility of the person(s) involved.

Seat belts are required to be worn by the driver and all passengers. Officers are permitted to remove seat belts at slower speeds when the need to quickly exit the vehicle is anticipated.

B. Vehicle Inspection

Vehicles will be inspected each shift as they are utilized. The purpose of the inspections is to ensure the vehicles appear to be operating properly and to ensure all assigned equipment is with the vehicle. Shift supervisors will ensure that the inspections are being performed. Inspections will be recorded on an Inspection Report. The inspection must be conducted prior to beginning a tour of duty.

Inspection Reports will be maintained in a log for each vehicle. The evening shift supervisor is responsible for ensuring that these logs are current with each shift consistently conducting the inspections. The evening shift supervisor will report any discrepancies to the appropriate shift supervisor. Should mechanical items be revealed on these reports, the evening shift supervisor will coordinate with the day shift supervisor for necessary repair.

When additional Company or rental vehicles are used for Department use, an Inspection Report will also be completed for each shift the vehicle is used.

When conducting vehicle inspections, if an officer determines that a deficiency exists that will affect the safe operation of the vehicle, i.e. steering problems, the vehicle is to be deadlined immediately and the shift supervisor contacted. Never operate a vehicle that is not operating safely and properly, i.e. steering, brakes, engine problems, etc. To do so will result in disciplinary action up to, and including, dismissal.

Vehicle Inspection Reports are critical to document that vehicles are in safe working order and to ensure that all assigned equipment is accounted for.

Any missing equipment assigned to a vehicle must be reported to the shift supervisor immediately. Equipment not in use must be in its proper storage location.

When alternate vehicles are being utilized for mobile patrol, i.e. the engineering vehicle, supplies and equipment must be placed in the utilized vehicle and removed upon completion of use.

Unless otherwise stated, all vehicles, marked and unmarked, will include at a minimum:

1. Dry chemical fire extinguisher
2. First aid kit
3. Twelve 30-minute flares and/or reflective triangles
4. Mobile radio and/or portable radio
5. Red/blue or blue emergency lights
6. Reflective traffic vest
7. Traffic wands

8. AED

C. Vehicle Accidents of Damage Involving Department Employees

Damage to, or accidents involving, Company or Department vehicles, no matter how minor, must be reported, investigated and a report completed.

Refer to Employee Accident Procedures located:

<http://kmvwmbweb01/kmweb/deptpages/EHS/EHS.htm>

The shift supervisor will investigate and complete an accident report (FR300P) and attach it with the Department's report. The report is to include other driver or witness statements and pictures.

Department vehicles involved in an accident, which result in more than cosmetic damage, will be dead-lined until maintenance, or their designee can inspect them.

All reports must be completed within 24 hours or denoted as to why a report cannot be completed within that time frame.

D. Vehicle Damage Log

A damage book will be kept to record any damage to Department vehicles. When completing the Inspection Reports, any noted damage must be entered into the vehicle damage log. The logs will be kept in the squad room.

Observed vehicle damage should be checked against the log to ensure that the damage had not been noted previously. When recording damage in the log, the shift supervisor must be contacted and notified of the new damage.

Failing to report vehicle damage will result in disciplinary action up to, and including, dismissal.

E. Dead-lining of Vehicle

Whenever a vehicle is not operating correctly, been involved in an accident resulting in more than cosmetic damage, or a vehicle needs to have preventative maintenance performed, the vehicle must be taken out of service. A deadline book will be used to take vehicles out of service.

The deadline book will contain information such as the vehicle number being taken out of service, the reason for the deadline, date, and time. Once the vehicle is ready to go back into service, information will be recorded as to the corrective action taken, the date and time the vehicle is being returned to service, and the shift supervisor that is returning the vehicle to service. NOTE: Only shift supervisors, or their designee, may return a dead-lined vehicle to service.

Whenever a vehicle is having maintenance or repair work conducted upon it, all supplies and equipment must be removed from the dead-lined vehicle if that vehicle is undergoing repair at an off-site location or if that equipment needs to remain in service in an alternate vehicle.

F. Vehicle Maintenance

It is the responsibility of the day shift supervisor to ensure that all Department vehicles are receiving their scheduled maintenance. Report any problems to the Director of Security. If the vehicle is going to an off-site repair shop, all loose equipment normally kept with the vehicle must be removed prior to leaving the vehicle at the repair shop.

It is the day shift supervisor's responsibility to ensure all repairs or other work on Department vehicles is being done correctly and in a timely manner. Report any problems to the Chief of Police.

It is the day shift supervisor's responsibility to ensure that the deadline book is being utilized correctly reporting any problems to the necessary shift supervisor.

Bi-weekly the day shift supervisor should have each Department vehicle drive on the interstate and then back to burn off the accumulated engine build up.

G. Fueling of Security Vehicles

At no time will a vehicle's fuel status be less than one-quarter of a tank.

During impending, or inclement weather, a vehicle's fuel status must not be less than half a tank at any time.

H. Transportation of Non-Department Employees in Department Vehicles

Citizen Ride-Along - Interested citizens wishing to ride along with an officer are allowed providing that a Ride-Along Request Form is completed and approved by the Chief of Police. Citizens may only do a ride-along once every six months unless otherwise approved by the Chief of Police. Police and Public Safety Officers may participate in having a citizen ride-along. Also refer to Policy & Procedure 408, Citizen Ride-Along Program.

Prisoners - Prisoners may only be transported by Department, County, or state police officers. At no time will a Public Safety Officer transport a prisoner. Prisoners will be transported in handcuffs. The preferred method of Department transportation is with the prisoner in the right rear


seat with another police officer riding in the back seat. If another KMPD officer is not available, then the prisoner should be positioned in the front passenger seat. Regardless of prisoner position, the prisoner will have their seat belt placed upon them. At any time the prisoner appears to be aggressive, or the offense is related to a violent or aggressive crime, or the KMPD officer deems it necessary, the County or State police will be contacted to assist in transporting the prisoner.

Transportation of citizens or other Company employees - In the event a citizen or other company employee needs to be transported from location to location; the shift supervisor must first be contacted for approval. The shift supervisor should weigh the following factors prior to granting or denying the request: reason for request, alternate modes of transportation, and potential result if request is denied. If the shift supervisor denies the request, alternate modes of transportation should be attempted. If the request is approved, the transporting officer must notify Dispatch as to the following: initial starting point and mileage, ending point and mileage, sex of passenger(s), and if any of the passenger(s) are juveniles. The most direct route must be taken. Citizens who are required to be in a car or booster seat shall not be transported without the appropriate car or booster seat, or upon authorization of the shift supervisor. Police and Public Safety Officers are authorized to conduct these types of transportation.

In the event an emergency situation develops requiring the transporting officer to respond to a call of potential violence, then the rider will be dropped off at a safe location, i.e. the gate, Resort, etc. and the officer will notify Dispatch of the same. Once the situation is handled, the officer will resume the transport if necessary.

Resort bank escort - Only police officers are authorized to assist the Resort with their bank escorts, or any other money escort involving KMPD, KCSA, and Resort employees. Any other type of money escort

must be approved by the shift supervisor prior to being conducted. While conducting the escort, the police officer will respond to the pickup point and meet with the individual who will be carrying the money. The officer must only transport individuals who have secured money containers, bags, etc. Report any discrepancies to the shift supervisor. The officer will escort the employee along the most direct route to the destination, stand by while the employee makes the deposit, or delivery, and then return the employee to the original pick up point. During these escorts, be observant for any unusual or suspicious activity reporting the same and reacting as necessary.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: 406 Use of Vehicle and Vehicle Emergency Equipment While Responding to Calls for Service	Number: 406
Effective Date: 07/07/2005	Review Date: 01/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\406 Use of Vehicle and Vehicle Emergency Equipment While Responding to Calls for Service	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for the use of Department vehicles while responding to calls for service that may require the activation of a vehicle's emergency equipment to respond to, or be utilized in the handling of a call for service, and the driver's operation of a Department vehicle while responding to the call for service.

II. POLICY:

It is the policy of the KMPD that a Department vehicle's emergency equipment only is activated when necessary and prudent and that the Department vehicles are operated in a safe manner at all times.

III. PROCEDURE:

It is critical for the entire Department to realize that a vehicle is the single most potentially dangerous piece of equipment the Department operates. Though day after day a vehicle may be operated without any problems, it takes just one instance where an officer not paying attention, acting hastily, or recklessly, that something disastrous occurs. Never is that more critical then when responding to a call for service that may require the activation of a vehicle's emergency equipment for a more rapid response.

Even during normal patrol situations, prudence and care must be given to ensure mishaps and accidents do not occur. As the Kingsmill population ages, the likelihood of a resident not seeing or hearing an officer responding to a call for service grows thus so does the likelihood of a potential accident.

Company or Department vehicles must be operated within the confines of all traffic rules and regulations imposed by state, county, or Company regulations or codes. Improper, reckless, or destructive operation of these vehicles will be grounds for disciplinary action up to, and including, dismissal.

Report any traffic control or other traffic related discrepancies to your shift supervisor.

Department vehicles' emergency equipment includes the light bar and other illuminated equipment, the siren, and the public address system.

The public address system may be utilized at any time deemed reasonably necessary.

Public Safety Officers

Public Safety Officers shall never use a Department vehicle's emergency equipment.

When driving KMPD vehicles, Public Safety Officers are required to adhere to all KMPD policies, local and state laws, rules and regulations as it relates to operating a motor vehicle.

Police Officers

Police officers may use a Department vehicle's emergency equipment when:

- During traffic stops
- Responding to calls for service where it is necessary to respond as quickly as possible to handle, assist, or render aid for a call for service

- Responding to an officer needs assistance call
- Any situation whereby the use of the Department vehicle's emergency equipment will aid in the handling of a call for service or other situation
- In accordance with Policy & Procedure 407, Vehicle Pursuits


Police officers are provided wider latitude when deciding when to use the vehicle's emergency equipment. Police officers must determine whether it is reasonable or not to assume that the activation of emergency equipment is necessary to respond to a call for service or other situation, or simply responding without the activation of emergency equipment.

For police officers, when the emergency equipment is activated, while responding to a call for service or other situation, both the lights and siren must be activated when proceeding in a manner that would otherwise be a traffic infraction or otherwise not allowed by law. For example, when exceeding the posted speed limit, when proceeding through a red traffic light, when passing across a solid traffic line, or when driving in any manner that would normally be a traffic infraction if not for the activation of emergency equipment - both lights and siren. *Refer to Virginia State Code, §46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.*

Activating a vehicle's lights and sirens does not relieve any officer of their responsibility for ensuring all Department, local, and state rules, regulations, and laws are met, and for ensuring that due care and diligence is used when utilizing the vehicle's emergency equipment. The vehicle must not be operated in a reckless or careless manner.

Police officers responding to a call whereby the use of siren or light bar could possibly hinder the possibility of apprehension of an offender, i.e. a burglar in a home, that police officer should consider deactivating their emergency equipment well in advance of

arriving on the scene. In doing so however, police officers must then ensure they are operating within all confines of Department, local, and state rules, regulations, and law.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Vehicle Pursuits	Number: 407
Effective Date: 01/30/2004	Review Date: 12/30/2020
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\407 Vehicle Pursuits	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for vehicle pursuits. It is the intent of this policy to conform with guidance and instruction from applicable judicial rulings including the ruling of the United States Court of Appeals for the Fourth Circuit in *Dean v. McKinney*, 976 F.3d 407 (4th Cir. 2020).

II. POLICY:

It is the policy of the KMPD that officers will not engage in vehicle pursuits except for as outlined in this procedure. It is the policy of the KMPD that the community's safety not be endangered in vehicle pursuits except when necessary to otherwise protect the safety of the community as set forth in this procedure.

III. PROCEDURE:

- A. A "vehicle pursuit" begins when an officer orders, by signal or otherwise, a person or vehicle to stop and the person or vehicle so ordered fails to stop and an officer pursues, in a motor vehicle, the non-compliant person or vehicle.
- B. Public Safety officers shall not engage in a vehicle pursuit under any circumstances.

C. Sworn officers will not engage in a vehicle pursuit when the matter being investigated is primarily related to:

1. Traffic offenses
2. Crimes against property - misdemeanor and felony
3. Crimes against person – misdemeanor
4. Crimes against person - felony (*except* as outlined below)
5. Civil matters
6. Wanted or escaped individual (except as outlined below)
7. Protective orders

D. Sworn officers may only engage in a vehicle pursuit in cases where a felony against a person is in progress and it can be reasonably assumed that the victim may be subject to harm, or that the victim has been subjected to a life threatening injury. Examples of these situations include:

1. Kidnapping/abduction
2. Rape or aggravated sexual assault
3. Felonious assault
4. Malicious wounding
5. Arson resulting in death
6. Murder

- E. In the event a police officer initiates a vehicle pursuit the following must occur:
Activation of emergency equipment and adherence to *Virginia State Code §46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.*
1. The shift supervisor and dispatch must be notified immediately as to the initiating of the pursuit, reason, speed, direction, traffic pattern, and suspect and vehicle information. This information must be continually updated.
 2. Dispatch must notify James City County and the State Police of the pursuit, reason for the vehicle pursuit, description of pursued vehicle and suspect, current location, and direction of travel.
 3. The pursuing officer must adhere to all rules of the road as it relates to road signage, i.e. stop or yield signs, clearing intersections with due caution, stopping on red lights prior to entering an intersection, etc.
 4. The shift supervisor must monitor the pursuit and ensure compliance with this policy at all times. The shift supervisor can order the termination of the pursuit at any time for non-compliance of this policy on the part of the pursuing officer, or based on the totality of the circumstances, or for any reason.
 5. The pursuit must be terminated:
 - a. At any time the pursuing officer deems the conditions too hazardous to continue the pursuit, i.e. weather, speed, traffic, etc.
 - b. At any time the shift supervisor informs the pursuing officer to terminate the pursuit.

- c. At any time the conditions for the reason for the initial pursuit no longer exist.
 - d. At any time the totalities of the circumstances do not justify the continuing of the pursuit.
 - e. At any time that the matrix in this procedure calls for the pursuit to be terminated or at any time the pursuit is against Department policy and procedure.
 - f. At any time the police officer has a citizen or other non-Department employee ride along.
 - g. At any time the pursuit speeds and handling of the pursuit vehicle operate outside the ability of the pursuit vehicle or the driver.
 - h. Upon James City County, or other appropriate authority, taking over the pursuit.
 - i. At any time communication with dispatch is lost.
 - j. At any time an injury or accident occurs that is related to the pursuit. The officer will immediately terminate the pursuit and render assistance to any party involved in an accident or injured due to the pursuit.
- F. Should an additional KMPD police officer join the pursuit, the second police officer should call the pursuit to dispatch, providing updates and any other pertinent information. There shall never be more than two KMPD vehicles actively involved with the pursuit.
- G. If the pursuit continues and another authority having jurisdiction takes over the pursuit, KMPD may continue in the direction of the pursuit under normal driving

conditions with no emergency equipment activated. Once the authority having jurisdiction stops the vehicle, KMPD will respond to that location to obtain the necessary driver and other suspect information for appropriate charges and for continuing investigation. If the authority having jurisdiction refuses to take over the pursuit when requested, KMPD will terminate the pursuit.

- H. A report will be completed upon completion of the pursuit. The Chief of Police will be notified upon completion of the pursuit.
- I. Should a vehicle refuse to stop and not be pursuable based on previously stated conditions, then a description will be obtained as to the vehicle and driver. If the officer is unable to obtain a good description of either the vehicle or driver, then the officer should notify the gate officer to attempt to obtain that information without the gate officer placing himself in harm's way, or attempting to interfere with the fleeing vehicle. That information along with possible charges will be relayed to James City County and the State Police.
- J. Sworn officers shall not utilize any ramming, boxing, or roadblock techniques.
- K. Unmarked vehicles will not be used in a pursuit unless at a minimum the vehicle is equipped with, and the equipment is in working order, front and rear deck lights, siren, corner strobes in the front and rear turn indicator lights, and wig-wags in the headlights.
- L. The officer must wear their seat belt at all times.
- M. Officers and supervisors must refer to the following matrix when determining whether or not to pursue a suspect in a vehicle.

<i>PURSUIT DECISION-MAKING MATRIX</i>			
<i>Degree of Seriousness</i>	<i>Decision Threshold--Risk Levels</i>		
	Low	Moderate	High
Violent Felony--Imminent Threat	May pursue within policy: continue to assess risks	May pursue within policy: continue to assess risks	May pursue within policy: discontinue if risks exceed known threat to public safety if capture is delayed
Felony—Violent	May pursue within policy: continue to assess risks	May pursue within policy: continue to assess risks	May pursue within policy: discontinue if risks exceed known threat to public safety if capture is delayed
Felony—Property	Do not initiate a pursuit	Do not initiate a pursuit	Do not initiate a pursuit
Misdemeanors	Do not initiate a pursuit	Do not initiate a pursuit	Do not initiate a pursuit
Minor Infractions	Do not initiate a pursuit	Do not initiate a pursuit	Do not initiate a pursuit

(The Pursuit Decision-Making Matrix is copyrighted by the Gallagher-Wesfall Group, Inc., Indian Valley, Virginia, and is included here with their permission.)

N. The following objective risk factors define the low, moderate, and high-risk categories in the above matrix. During a pursuit, officers must continuously evaluate the risk to the pursuing officers, the suspect, and the public, and be prepared to end a pursuit when the risk factors so require. **Risk factors may change during the pursuit.**

1. High risk factors


- a. High density of intersecting streets.
- b. Poor weather, slippery streets, low visibility.
- c. Blind curves, intersections, and narrow roads.

- d. Numerous pedestrians.
 - e. Heavy, congested traffic.
 - f. Speeds twice the posted limit, or greater than 80 mph.
 - g. Unmarked vehicles involved in the pursuit.
 - h. Extremely hazardous maneuvers by the violator (e.g., driving against oncoming traffic, running red lights).
 - i. Pursuing officer is excited and not in full control of emotions.
 - j. Numerous pursuit vehicles involved, above authorized number.
 - k. No supervisor participating in the pursuit, or ineffective supervisory oversight.
 - l. Special circumstances (e.g., a school district).
2. Moderate risk factors
- a. Unmarked vehicles involved in the pursuit.
 - b. Moderate density of intersecting streets (e.g., a residential area).
 - c. Light pedestrian traffic.
 - d. Moderate traffic, little congestion.
 - e. Speeds 20 mph greater than the posted limit.

- f. Pursuing officer is generally calm with emotions under control.
- g. Some hazardous but not extreme maneuvers by the violator (e.g., crossing the center line to pass vehicles, sudden lane changes).
- h. Supervisor is involved or provides effective oversight.
- i. Authorized number of Departmental vehicles involved in the pursuit.

3. Low risk factors

- a. Only marked patrol vehicles involved.
- b. Pursuit takes place on a straight road, good surface, and clear visibility.
- c. Low density of intersecting streets.
- d. Few or no pedestrians.
- e. Clear, calm weather.
- f. No hazardous maneuvers by the violator.
- g. Speeds at less than 20 mph over the speed limit.
- h. Supervisor is involved or provides effective oversight.
- i. Authorized number of Departmental vehicles involved in the pursuit.
- j. Officer calm and in full control.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Citizen Ride-Along Program	Number: 408
Effective Date: 03/15/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\408 Citizen Ride Along Program	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for citizens who may wish to participate in the Citizen Ride-Along Program.

II. POLICY:

It is the policy of the KMPD that requesting citizens will be allowed to participate in the Citizen Ride-Along Program as outlined in this procedure.

III. PROCEDURE:

A well-established Citizen's Ride-Along Program is an effective way for a police department to project to its citizens exactly what their department does. Instead of explaining an officer's role, by riding along with an officer, citizens can experience firsthand and develop a better understanding of the role of a Department and its officers, the demands and challenges faced, and the skills and tools necessary to achieve the successful outcomes and a positive image on both the Department and its officers.

Citizens wishing to participate in the Ride-Along Program must first obtain a request form from the Department. Any citizen may make a request, not just a Kingsmill resident. The request form should be completed at least 10 days from the date of the ride along request.

The completed request form will be forwarded to the Chief of Police or his designee for review. The Chief of Police or his designee will review the form and conduct a criminal history/warrant check on the requesting individual prior to authorizing the ride along. The Chief of Police will approve or disapprove the request based on the criminal history/warrant check and any concerns that may arise from the check or other areas. If the request is disapproved, the Chief of Police or his designee will notify the requestor.

If the request is approved, the Chief of Police or his designee will forward a copy of the approved request to the appropriate shift supervisor.

The shift supervisor upon receipt of the approved request will schedule an officer for the ride along. If the citizen requests a certain officer, all attempts will be made to accommodate that request. The shift supervisor should contact the requestor 48 hours prior to the ride along to re-confirm the ride along and to relay that appropriate attire must be worn – which is business casual attire. No jeans, t-shirts, shorts, etc. The shift supervisor will also advise the requestor that the requestor may not carry any weapons unless the requestor is a current law enforcement member. The requestor must complete the release waiver prior to beginning any ride along.

Program eligibility

Applicants for the ride-along program must meet one of the following criteria to participate in the program:

1. Be a resident of Kingsmill or participant in a County-sponsored program.
2. Be a member of a KCSA committee, KCSA Board member or employee of the resort located within Kingsmill.
3. Be employed by Kingsmill in a position where knowledge of Departmental procedures and functions would be valuable.

4. Be a law enforcement officer from another agency or a police applicant with this Department.
5. Be enrolled as a student in an accredited law enforcement program or related field of study.
6. Be at least 18 years of age.
7. Be a family member of an employee of the Department.
8. Demonstrate a special interest for participation that would benefit the Department, County, or citizenry.

While on a ride along, the officer and requestor must adhere to the following:

1. Any response to a felony, or other serious, crime in progress will result in the citizen either remaining inside the vehicle, or the citizen being dropped off at a safe, open location, i.e. the Resort. Notify dispatch as to where the rider was dropped off. Does not apply to current sworn law enforcement officers.
2. The officer shall explain what action is expected in the event of an emergency.
3. Participants are prohibited from carrying any flashlight, camera, radio of any type, audio or video recording device, binoculars, or any similar device unless authorized by the Chief of Police.
4. Participants will not be permitted to carry weapons, concealed or otherwise, or restraining devices of any kind. Exceptions may be made for sworn law enforcement personnel.
5. Participants will not converse with violators, suspects, arrestees, witnesses, or complainants.

6. Participants will not divulge any of the privileged information to which they are exposed.
7. The citizen shall not operate the vehicle or any Department equipment.
8. All officer directions must be followed.
9. The requestor may be needed as a witness in any court proceedings.
10. The requestor can end the ride at any time, but not ride any longer than 10 consecutive hours. The ride along time cannot be divided over any period of time.
11. The requestor must identify himself as an observer if requested.
12. Seat belts must be used while in the Department vehicle. No smoking in the Department vehicle.
13. No weapons of any kind, unless requestor is a current law enforcement member.
14. The officer may end the ride along if any circumstances dictate doing so.
15. No vehicular pursuit while the requestor is in the Department vehicle.

The shift supervisor must review these conditions with the officer and the citizen. The shift supervisor will verify that the citizen is not carrying a weapon, unless the citizen is a current law enforcement member.

Any discrepancies or concerns during the ride along will be relayed to the shift supervisor. The shift supervisor should make contact with the citizen at the end of the ride along to determine if the citizen has any questions or concerns.

Citizens may only do a ride along once every six months unless otherwise approved by the Chief of Police. Members of the Kingsmill Public Safety Committee are exempt from the six-month requirement.

Current sworn law enforcement members do not have to complete the request form.



RIDE ALONG RELEASE AND WAIVER

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

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

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

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

_____(KMPD Supervisor)


_____(APPLICANT)

_____(WITNESS)

Parent/Guardian (If requestor is a juvenile)

_____(CRIMINAL HISTORY CHECK)

Date and Results

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Traffic Direction and Control	Number: 410
Effective Date: 01/30/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\410 Traffic Direction and Control	

I. PURPOSE:

The purpose of this procedure is to establish a guideline governing those activities that directly affect the movement and control of vehicle and pedestrian traffic on roadways by Department personnel.

II. POLICY:

It is the policy of the KMPD that the Department personnel will at all times give due consideration to their safety and that of the public while performing traffic direction and control.

III. PROCEDURE:

A. General

The major objective of officers performing traffic direction and control is to maintain or restore the safe and efficient movement of vehicular and pedestrian traffic. In doing so, officers have the responsibility for:

1. Regulating traffic flow
2. Controlling turning movements

3. Coordinating vehicle movements with the flow at adjacent intersections
4. Detouring traffic, as necessary
5. Arranging for removal of traffic obstructions
6. Controlling pedestrian movements
7. Facilitating emergency vehicle movements
8. Rendering aid and assistance to motorists and pedestrians

Officers will perform traffic control, as appropriate, during special events, in adverse weather conditions, i.e. snow or freezing rain, engineering hazards, or when the situation dictates the need for manual traffic control when the normal traffic control devices are impaired or not sufficient to control the flow of traffic.

Officers will use all precautions necessary to ensure the safety of the officers and public. Officers will, at all times while directing traffic, wear a traffic vest and position themselves to ensure maximum officer safety. Officers will also be required to use a flashlight (after daylight) and a whistle to assist the officer in directing traffic.

For extended traffic control conducted by officers, the shift supervisor will ensure proper relief is provided.

Officers should utilize the mobile unit when possible to assist in traffic control, positioning it to help control traffic through high visibility.

Officers shall use the uniform and appropriate hand and/or audible signals while conducting traffic control as provided in this procedure.

Use of temporary traffic control devices will be used where applicable to control traffic and pedestrian flow. Examples of these devices include movable barriers and portable signs.

B. Signals and Commands

1. Stops

To stop traffic the officer should first extend his arm and index finger toward and look directly at the person to be stopped until that person is aware or it can be reasonably assumed that he is aware of the officer's gesture. (Illustration #1) Second, 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. (Illustration #2) To stop traffic from both directions on a two-way street the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped. To stop traffic other than two-way traffic, repeat the procedure for traffic coming from other directions after ensuring the stopped traffic has been advised to stay stopped until directed. Continue to repeatedly show the raised arm and palm toward traffic already stopped, moving the raised arm and palm toward each stopped traffic point.

Illustration #1 – Point

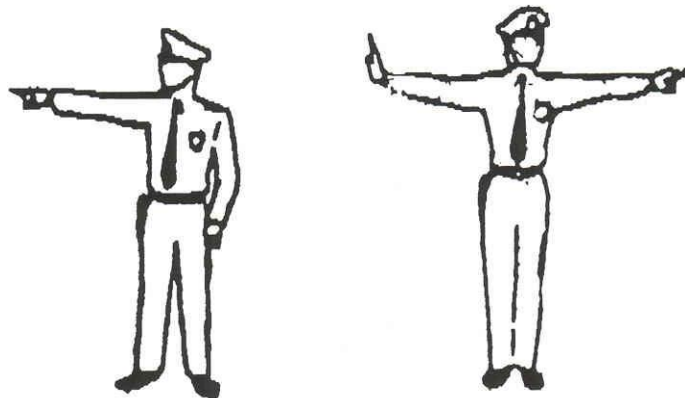
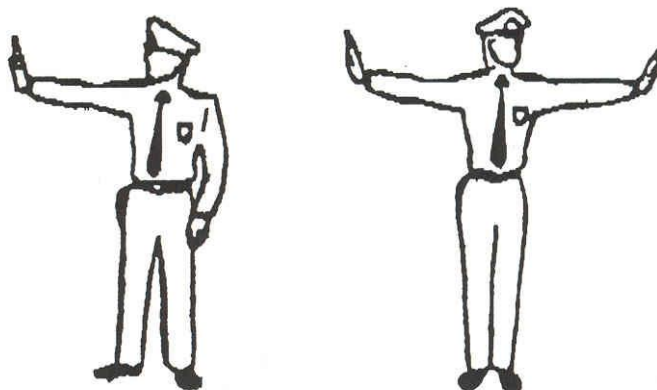


Illustration #2 – Stop



2. Starts

To start traffic the officer should first stand with shoulder and side toward the traffic to be started, extend his arm and index finger toward and look directly at the person to be started until that person is aware or it can be reasonably assumed that he is aware of the officer's gesture. (Illustration #5) Second, with 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. (Illustration #6) To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction.

Illustration #5 – pointing

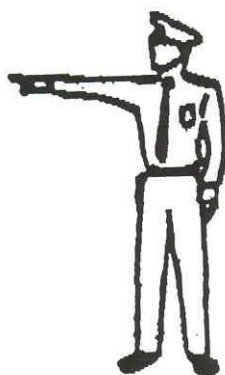


Illustration #6 - Starting



3. Right Turning

Right turning drivers usually effect their turns without the necessity of being directed by the officer. When directing a right turn becomes necessary, the officer should proceed as follows: If the driver is approaching from the officer's right side his extended right arm and index finger and gaze are first directed toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn (Illustrations 7 through 9); if the driver approaching from the officer's left side, either the same procedure may be followed utilizing the left arm extended or the extended left forearm may be raised to a vertical position from the elbow while closing the fingers so that the remaining extended thumb points in the direction of the driver's intended turn.

Illustration #7

Point at the driver

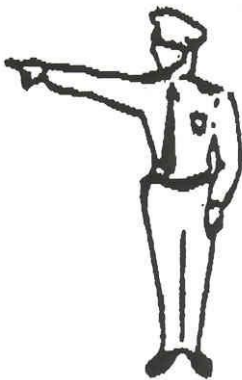


Illustration #8 – Arm Swing



Illustration #9

Point where the driver is to go



4. Left turning

Left turning drivers should not be directed to affect their movement while the officer is also directing oncoming traffic to proceed. Therefore, the officer should either direct opposing vehicles to start while avoiding left turn gestures directed at turning drivers which will lead them to complete their turn only when there is a gap in the oncoming traffic, or stop or hold oncoming drivers, after which the left turning driver can be directed into his turn. The officer's right side and arm

should be toward the oncoming traffic, and the left side and arm should be toward the left turning driver. After stopping oncoming traffic by using the right arm and hand, the right hand should remain in the halt gesture, then the extended left arm and index finger and the officer's gaze is directed toward the driver who intends to effect a left turn. When the left turning driver's attention has been gained, the extended left arm and index finger are swung to point in the direction the driver intends to go. (Illustrations 10 through 12)

Illustration # 10

Halt opposing traffic with
right hand



Illustration # 11

Hold opposing traffic with
and point to turning driver

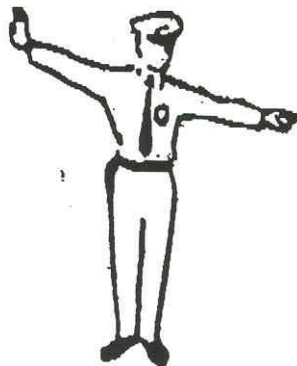


Illustration #12

Give turn signal with left hand



5. Signaling Aids

a. Whistle

The whistle is used to get the attention of drivers and pedestrians.

One long blast with a STOP signal

Two short blasts with the GO signal

Several short blasts to get the attention of a driver or pedestrian who does not respond to a given signal

The whistle volume should be just sufficient to be heard by those whose attention is required. Therefore, whistle blasts directed at pedestrians should be moderate in volume and not as loud as that required for a motor vehicle operator.

b. Voice

The voice is seldom used in directing traffic. Arm gestures and the whistle are usually sufficient. There are numerous reasons why verbal commands are not used. Verbal orders are not easy to give or understand and often lead to misinterpretations that can be dangerous. An order that is shouted can antagonize the motorist.

c. Flashlight (preferably with wand)


The flashlight, preferably with wand, is used to provide a more visible stimulus for the direction of travel the officer is attempting to have the motor vehicle operator travel. The flashlight with wand is used in the officer's hand with a sweeping motion to indicate to the motor vehicle operator the direction of travel. The flashlight with wand is not used in the officer's hand utilized for stopping traffic.

d. Traffic vest

To provide a more visible stimulus for the driver, the officer must wear a traffic vest while directing traffic.

e. Cones, flares, saw horses

Cones, flares, or saw horses may be utilized to assist in directing traffic as necessary.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Radio Operations	Number: 451
Effective Date: 03/15/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\451 Radio Operations	

I. PURPOSE:

The purpose of this procedure is to establish guidelines for the standard operation of the KMPD radio system.

II. POLICY:

It is the policy of the KMPD to maintain a well-disciplined, two-way radio communication system that facilitates efficient communication.

III. PROCEDURE:

A. Introduction

A two-way radio system consists of a base station and one or more mobile or portable units, along with the required antennas, repeaters, cables, and related items.

The term base station is given to the radio equipment that remains stationary. For example, the radio equipment at dispatch is base station equipment.

The term portable or mobile unit refers to radio equipment carried by an officer or mounted in a vehicle.

The KMPD radio system is referred to as a two-way radio system because any combination of base station, mobile or portable unit radio operators can communicate back and forth to one another.

Every officer, on-duty, will have access to radio communications. This will ensure that officers have a means of maintaining constant radio communications in order to exchange information, request assistance, transmit orders or instructions, and respond to calls for service. If there are more officers than radios available, officers will partner up as necessary.

The Federal Communication Commission, FCC, issues frequencies, enforces certain operating practices, and generally attempts to promote the more effective use of the radio frequencies.

FCC rules prohibit the use of profane, indecent, or obscene language. Violations of FCC rules are punishable by monetary fines, and may be assessed to officers.

False calls, false or fraudulent distress signals, superfluous and unidentified communications, use of obscene, indecent, and profane language, or the transmission of unassigned call signals are specifically prohibited and may result in disciplinary action up to, and including, dismissal.

B. Talk Groups

KMPD radios are programmed with various talk groups.

Channel 1: KMPD
Channel 2: KMPD TAC
Channel 3: JCCPD 1
Channel 4: JCCFD
Channel 5: JCC SEV 1
Channel 6: JCC SEV 2
Channel 7: JCC Service Authority 1
Channel 8: JCC Service Authority 2
Channel 9: Williamsburg PD
Channel 10: Blank
Channel 11: York County Sherriff's Office

When transmitting on Channels 1, 2, 5, or 6, the transmission is sent to the repeater, the repeater provides better signal strength and the transmission is heard by all radios within the repeater's area of coverage.

Channel 2 is the KMPD talk around channel. This means that transmissions are from radio to radio only. The transmission does not go through a repeater. This greatly reduces the distance of the radio transmission. The talk around channel can be used to transmit lengthier messages over a short distance from officer to officer, for special

assignments off the primary channel, or as a backup channel for when Channel 1 is inoperative.

During normal operations, officers must remain on their primary channel, Channel 1, at all times. If you switch to an alternate channel, you must notify the dispatcher prior to switching channels, and notify the dispatcher once you switch back.

C. Dispatch Operations

Under the scrutiny of the FCC, the base station dispatcher has the responsibility of governing the manner in which communications are performed.

The dispatcher's function is to broadcast impersonal radio messages to the field units, and to receive their requests. It is expected, and required, that when a dispatcher gives an assignment, the dispatched unit take the appropriate action. His function does not permit discussion or disagreement to take place about the task over the radio. Any problems should be addressed to the supervisor.

The dispatcher's voice should give the distinct impression that he/she is alert and ready to act. His/her attitude should be neutral, with immediate and decisive replies to calls.

The dispatcher is prohibited from leaving the dispatch center without being relieved by another dispatcher/officer trained in the dispatch function.

D. Hand-Held Radio Operation

Officers must sign out a radio from the KMPD squad room prior to starting their tour of duty. Ensure that the radio is fully charged, operating properly, and is not damaged.

1. Microphone technique

- a. When using the microphone, hold it approximately 3 - 4 inches from your lips, press the microphone button down firmly, and then speak slowly and clearly across the mouthpiece in a normal voice.
- b. Shouting or yelling into the microphone will cause a distorted signal and must be avoided. Do not allow your voice to trail off.

2. Transmitting procedures

- a. Think before you transmit.
- b. Know what you want to say.
- c. Hold your microphone in the proper position.
- d. Listen to make sure no one else is talking on your frequency.
- e. Press the button on the microphone and give your unit number. Example "100 to Dispatch". Release the microphone button and listen for the dispatcher to acknowledge you.
- f. After the dispatcher answers, press the microphone button (holding a second before you start your transmission) and tell dispatch what you planned to say. Release the button when you are done talking.
- g. Be as brief as possible, but do not rush your message. Speak clearly and distinctly.

E. Operating procedure for radio operations

1. Instructions

- a. All hand held radios will be designated as units.
- b. The dispatcher shall determine the priority of calls according to degree of emergency.
- c. All units shall give their location when acknowledging receipt of a call from the dispatcher or supervisor.
- d. Every officer/unit must report their status and location each time they go out of service. This helps promote officer safety in case an emergency arises involving the officer out of service. A supervisor who places an officer into a special assignment may exempt this as long as dispatch knows the location of the officer on assignment.
- e. All units responding to a call even though not dispatched by the dispatcher shall notify the dispatcher that they are responding, giving their location at the time of the call.

- f. All units dispatched on calls will acknowledge their arrival at the scene utilizing the appropriate 10-code.
- g. Be absolutely impersonal on the air. Do not become involved in an argument or use harsh tones.
- h. Lengthy messages should be avoided. Use a telephone for lengthy or confidential messages. If unavoidable, lengthy messages should be transmitted in segments.

2. Unit to unit transmissions

- a. To be used by supervisory officers to contact officers under their command for assignments, etc.
- b. To be used by officers to contact their supervisor.
- c. To be used by officers to broadcast information to all officers. For example, a broadcast of information for a lost child.
- d. To be used by officers to contact other officers for official business.

3. How to make unit-to-unit transmissions

- a. Make sure there is no other transmission in progress.
- b. Pick up the microphone and state your unit number and request the unit you are calling. The unit should then immediately acknowledge you.
- c. If the unit you are attempting to contact is out of service, than the dispatcher will notify you as to that unit's status. When the officer you are attempting to contact goes 10-8, dispatch will notify that officer that you are attempting to contact him/her.
- d. When relaying the message, officers will keep transmissions to a minimum.

F. 10 – Codes, Free Talk, and Dispositions

10-Codes

The Department uses 10-codes. The purpose of the 10-codes is to achieve reliability, speed, and officer safety.

Reliability is achieved by the ten (10-) portion of the signal wherein the "10" is an alert attesting to the fact that information is about to follow.

The code portion (number following the 10-) is the information content. It is the compacting of several words and it therefore achieves speed by the use of brevity. It also achieves speed due to the fact that numbers are not as easily confused as words, and that numbers are more easily read.

The ten codes used by the KMPD are:

10-1	Potential sensitive information regarding a subject in which the officer is currently interacting. Officer being advised of a 10-1 should step away from the subject they are interacting with and then receive the information out of earshot of the subject in question.
10-4	Acknowledgement
10-5	Personal break
10-6	Lunch/dinner break
10-7	Out of service
10-8	In service
10-9	Repeat
10-10	Fight
10-13	Drunk
10-14	Suspicious person/vehicle
10-15	Armed subject (Specify weapon)
10-16	Domestic fight/situation
10-20	Location
10-21	Call
10-22	Disregard
10-23	Arrived at scene
10-25	Report in person to
10-27	Operators' license check
10-28	Vehicle identification check
10-29	Warrant check
10-47	Prisoner
10-50	Accident (Specify PI- personal injury, or non-PI – no injury)
10-59	Escort
10-60	Burglary in progress
10-75	Sexual assault
10-89	Bomb threat
10-92	Alarm activation (Specify burglar, fire, or hold-up alarm)
10-93	Robbery in progress

10-94 Mental subject
10-101 Building check
10-102 House check

Signal 6 Gate relief
Signal 13 Officer Needs Assistance

Do not use unnecessary wording. Never say, "Can you 10-21 me at 345-2902"?; instead state, "10-21 345-2902."

Free Talk

Where a 10-code is not available to describe a requested call for service or action taken by an officer, then free talk will be utilized.

When utilizing free talk keep in mind other individuals within range of a radio will also be hearing what you are transmitting. Use discretion. When possible relay sensitive information via phone, in person, or other means if possible.

Dispositions

When clearing from a call for service, a disposition needs to be provided to dispatch. The following dispositions should be utilized:

Report taken
Nothing found
Unfounded
Appears secure
Parties separated
Advised law
Advised and complied
Advised warrants/petitions
Summons issued
Warning issued
Arrest made
Left prior to arrival
Civil matter
No violation
Notification made

Dispositions that require lengthier explanations should be made via phone or through other means.

Other Radio Traffic

"Signal 13" This term will be used whenever an officer calls for assistance due to conditions dangerous to his person. It will be used in this manner only, and only by personnel calling for the emergency. Upon receiving the

"Signal 13" the dispatcher will immediately repeat the "Signal 13" giving the location. A Signal 13" is an immediate call for assistance. All officers must respond to assist. Dispatch will contact the James City County Police to also respond to assist. Once the "Signal 13" is over, the original call-in officer, or supervisor, will lift the "Signal 13" condition.

"Closing the air". Any officer who deems himself going into any situation where he must immediately have access to the radio may request to close the air. The officer will tell the dispatcher to close the air. The dispatcher will notify all channels that the air is closed. For example, "Dispatch to all units, channel 1's air is closed". Once the situation is handled, the officer will open the air and the dispatcher will inform all channels that the air is open. NOTE: Prior to closing the air, officers should attempt to inform the dispatcher and supervision as to what they have prior to closing the air.

G. Phonetic Alphabet

In broadcasting information, spell the names that are unusual or those that have a different spelling.

In spelling, or when using letters in messages, utilize the phonetic alphabet.

When using the phonetic alphabet say the identifier of the letter only. They shall always be given as:

Adam, Boy, etc. Never say, "A as in Adam or B as in Boy".

The standard phonetic alphabet is:

A...Adam	N...Nora
B...Boy	O...Ocean
C...Charles	P...Paul
D...David	Q...Queen
E...Edward	R...Robert
F...Frank	S...Sam
G...George	T...Tom
H...Henry	U...Union
I...Ida	V...Victor
J...John	W...William
K...King	X...X-Ray
L...Lincoln	Y...Young
M...Mary	Z...Zebra

H. Standard descriptions

1. When describing a person, always give in the following order, if known:

- a. Name
- b. Sex
- c. Race
- d. Age
- e. Height
- f. Weight
- g. Hair
- h. Eyes
- i. Complexion
- j. Distinguishing physical characteristics (scars, tattoos, etc.)
- k. Clothing description from top to bottom
- l. Last known direction/location

Example: John Doe, male, white, 23, 5'10", 210 pounds, brown hair, green eyes, light complexion, with a tattoo of a heart on his right forearm, wearing a blue ball cap, white shirt, blue jeans, and black tennis shoes, last seen walking down Kingsmill Road.

3. In describing a vehicle, always give in the following order:

- a. Color
- b. Year
- c. Make
- d. Body style
- e. Any other details (rusted out, loud muffler, etc.)
- f. License
- g. State tag is from
- h. Last known location/direction

Example: Dark blue 1998 Ford, Tempo, two-door, tinted windows, ABC-123, Virginia, at the marina.

I. Complete radio failure

The dispatcher will notify the supervisor on Duty and the Chief of Police immediately of a radio failure via telephone.

The KMPD supervisor cell phone will be issued to either the supervisor or a road officer for use in dispatching calls for service via the telephone, if necessary. Attempts must be made to obtain other cell phones for additional road officers to use. Should a cell phone obtained not be a company cell phone, then all usage should be recorded for any

reimbursement. Should cell phones be inoperable or not available, officers will use landline phones to communicate with dispatch until another means of communication is established.

J. Unit Designation

On duty radio units are assigned as follows:


Chief of Police	Unit 100
Sgt/Supervisor on duty	Unit 200
Road Officer	Unit 201
2 nd officer on patrol	Unit 202
Additional road units	Unit 203, 204, etc.
Dispatch operations	Dispatch
Rt. 60 gate house	Rt. 60 Gate
Rt. 199 gate house	Rt. 199 Gate

Every department member will be assigned a personal unit number. When not on duty, or working a special assignment, personal unit numbers are utilized to identify the officer and communicate via radio.

On occasion shift personnel overlap due to calls for service, special assignments, etc. As a result there may be two unit 200's, 201's, etc. on duty at the same time. To help differentiate, each shift will have an additional designation as follows:

Midnight shift - 1xxx
Day shift - 2xxx
Evening shift - 3xxx

For example, the day shift supervisor on duty would be 2200, the midnight shift 1200, and the evening shift 3200. A midnight shift road officer 1201, day shift road officer 2201, evening shift officer 3201, etc. These additional numbers should be used at shift change and other times deemed appropriate to contact the appropriate personnel.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Dispatch Call Priority and Dispatching Calls For Service	Number: 452
Effective Date: 02/26/2004	Review Date:
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\452 Dispatch Call Priority and Dispatching Calls For Service	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for dispatchers to prioritize calls and requests for service and to dispatch personnel accordingly.

II. POLICY:

It is the policy of the KMPD that calls for service received by Dispatch will be handled as quickly and efficiently as possible and that Department personnel will be dispatched to calls for service as outlined in this procedure.

III. PROCEDURE:

Calls for service received by Dispatch must be dispatched as soon as received or as priorities allow. The calls for service may come from officers, Kingsmill staff, residents, outside services, guests, etc., via phone, radio, or in person.

During time periods where a high call volume occurs, requests for service will be dispatched according to priority. The requests for service will fall into one of three categories: High priority, medium priority, and low priority.

A. High priority

(Not listed in any particular order)

- Requests for ambulance
- Requests for fire department
- Requests for police
- Officer needs assistance (Signal 13)
- Fight or disturbance
- Crime in progress
- Disorderly
- Lost child/person
- Bomb threat
- Fires
- Accident/Injury
- Alarms
- Medical call

B. Medium priority

(Not listed in any particular order)

- Assists (jump starts, escorts, etc.)
- Check on welfare
- Traffic control

C. Low priority

(Not listed in any particular order)

- Reports on incidents that have already occurred
- Access requests
- Deliver message
- Animal complaints
- Keep checks

When the call volume is so great that there are more requests for service of KMPD personnel than KMPD resources, the dispatcher will notify, and continue to update, the

shift supervisor of the number and types of requests holding for KMPD. Holding calls should be dispatched, according to priority, as soon as an officer, or other resource, becomes available.

Dispatchers, or shift supervisors, may need to reassign officers from lower priority calls to higher priority calls.


Minor complaints or calls not requiring a road officer response may be handled by Dispatch as appropriate.

The shift supervisor, or dispatcher, may reassign a call for service as higher priorities are received. Officers cannot re-dispatch themselves.

NOTE: The priority list provided is not intended to be neither all-inclusive nor rigid. Supervisors and dispatchers should only use the lists and categorizations as a guide. If determined a call for assistance that normally falls in a low priority appears to be a high priority request, it should be dispatched as such.

Only sworn Department personnel are to be dispatched or respond to situations where there is a great likelihood of a physical confrontation with an individual or group, weapons involvement, or felonies in progress. These types of calls require two sworn officers to respond. In the event the Department does not have two sworn officers, or additional sworn officers may be necessary, then Dispatch shall contact JCCPD to request assistance.

Non-sworn Department personnel are not to be dispatched or respond to situations where there is a great likelihood of a physical confrontation with an individual or group, weapons involvement, or felonies in progress.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Report Writing and Documentation	Number: 470
Effective Date: 12/30/2003	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\470 Report Writing and Documentation	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for incident investigation and report writing.

II. POLICY:

It is the policy of the KMPD that officers will conduct incident investigations and produce the necessary reports as required.

III. PROCEDURE:

A. General

A portion of an officer's duty involves writing and written communications. The reports that officers write provide a record of an incident, crime, or injury. As such, they must provide detailed information.

Other Department personnel, members of management, corporate officials, insurance investigators, police, attorneys, or prosecutors may read an officer's reports. For most of these people, an officer's written report will be the only evidence they will have on which to base their impression of the officer and of how an incident was investigated. A poorly written report leaves a poor

impression of an officer and the department. A well-written report reflects well on an officer and the department.

An officer's report is admissible evidence in a court proceeding. By having a well-written report, the defendant's counsel will be less likely to find holes in the reporting and the investigating of the incident. A poorly written report enables a defendant's counsel to help better create doubt on the officer's ability to investigate and report an incident.

A well-written report also enables an officer to better recall the facts of a case. For example, an officer involved in the prosecution of a criminal matter may not be called upon to testify for several months. By referring to a well-written report, the officer can better recall the facts.

Refer to Policy & Procedure 105, Release of Department or Company Information and News Media Requests as it relates to the release of reports or other Department documentation.

B. Characteristics Common to Accurate and Complete Reports

All written reports have four qualities in common:

1. Clarity

An important quality of any report is that it has to be clear to the reader what the writer is trying to say. A clearly written report is a report that can be read by an individual who was not at the scene of an incident, but is able to recreate what has occurred with a clear understanding from the report.

Since Department reports can be read by such a wide variety of people, the reports should be written for someone who has no knowledge of

police/security procedures and terminology. Avoid the use of police/security jargon.

2. Completeness

A report cannot be clear to the reader if it is not complete. This means obtaining all information an officer will need and including it in the report.

There are six basic elements that must be in the reports an officer prepares:

WHO	<ul style="list-style-type: none">- was involved in the incident?- reported the incident?- discovered the incident?- were the witnesses?- was notified of the incident?
-----	---

WHAT	<ul style="list-style-type: none">- are the elements?- did the witnesses see?- happened?- crime was committed?- evidence was obtained?- tools or weapons were used?- action was taken to correct the situation?
------	---

WHEN	<ul style="list-style-type: none">- did the incident happen?- was the incident reported/discovered?- did an officer arrive on scene?- was suspect identified/detained/arrested/other?- was medical assistance called/obtained?
------	--

WHERE	<ul style="list-style-type: none">- did the incident happen?- is the suspect?
-------	--

- are the witnesses/involved parties?
- was the suspect/involved at time of incident?

- WHY
- was the property damaged?
 - is a certain person suspected?
 - was the incident reported?
 - was the incident committed?

- HOW
- was the suspect detained?
 - was the incident committed?
 - was the property involved?
 - was the incident discovered?
 - was the incident reported?

3. Conciseness

Omit redundant and unrelated information or material. Reports should be easy to read. Report the information in chronological order. Write it like a story. Do not change from past tense to present, or change from him/her to you/I. Do not use lengthy words or long sentences. Write the report with easily understood words and short sentences. Ensure all information is written. A report can be five pages and still be concise. By reducing the five-page report to two, an officer may leave out vital information that is needed for the report.

Always try to include every detail in the report. If such information as suspect information, vehicle description, and type of injury, etc. is reported elsewhere in the report, also include it in the body of the report. It is much easier for the reader to find all information in the body of the report as opposed to searching over the entire report to find specific information.

4. Correctness

Use the proper styles, grammar, and spelling in the report. Style is the way you say things. A stilted or overly militaristic style is difficult to follow and understand. Poor grammar can change the meaning of what an officer is trying to say, and therefore may change the clarity of the officer's report. Readers often zero in on misspelled words, which can distract from the flow of the report.

An officer must write a "neutral" report. An officer's responsibility is to report the facts of the incident. If there are unknown variables to the incident, the officer should report them as unknown and not attempt to draw conclusions. Report what is factual and known.

C. Documentation

1. Photographs

Photographs are an important documentation tool for recording an incident. Photographs **shall** be taken for any incident involving personal injury on Kingsmill property, any incident involving damage to Kingsmill property, an injury involving a Kingsmill employee, and any time an officer determines that pictures will better help document an incident.

An officer should take an ample amount of pictures. At least four to six pictures should be taken of every incident.

The pictures will be downloaded as soon as possible and stored on the Department hard drive. The pictures will be named in such a fashion as to be readily recognizable when being searched for on the hard drive. Each picture should be labeled with the case number and then the picture number. For example 2202K-2000_1, 2202K-2000_2, 2202K-2000-3, etc. A printed copy of each picture will be made to be attached to the original hard-copied report. A printed copy of each picture will be made for any

employee injury with those copies being attached to the KMPD/KCSA/Resort's copy of the report.

Pictures taken of incidents are proprietary and are not to be distributed, or viewed, by anyone other than KMPD personnel without the permission of the Chief of Police.

When photographing an incident an officer should photograph the following:

a. Up-close

If an individual claims they slipped on a wet surface for example, photograph the exact surface location. If the officer observes an anomaly in the exact surface location, take a picture of it. Show scale and depth when possible using a ruler or similar object.

If, for example, the area is located on the front bumper of a car, take a close-up of the front bumper.

b. Mid-range

Take pictures showing several feet around the surface area the individual states they slipped on.

If it was a car with damage to a front bumper, take a picture of the entire car, including license plate.

c. Overall

Take pictures of the surface area where the slip allegedly occurred and a landmark such as the front desk of the Resort.

If it was a car with damage to a front bumper, take a picture of the car with damage and a surrounding house with house number.

2. Victim/Witness Statement


When conducting the investigation, the investigating officer should have all involved parties complete a victim/witness statement. This enables the individual to write their statement in their own words. When the individual completes the statement, read it to them to ensure it contains all the pertinent information required. Once that is completed, have the individual sign and date their statement immediately following their last written sentence.

3. Report

Once all, or as much information as possible, is gathered, a report must be generated. Initial reports must be submitted within 24 hours. Reports such as employee injury, an arrest report, or serious infraction or incident must have the initial report completed prior to the reporting officer ending his tour of duty. If further investigation or follow-up is necessary, the initial report will be denoted as such.

Shift supervisors will review all submitted shift reports ensuring the submitted report is complete and accurate.

All documentation relating to an incident will be kept together, i.e. photographs, witness statement, report, etc.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Access to Kingsmill	Number: 501
Effective Date: 03/03/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\501 Access to Kingsmill	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for authorizing access to Kingsmill by individuals.

II. POLICY:

It is the policy of the KMPD that only those individuals authorized to enter Kingsmill will be permitted to do so.

III. PROCEDURE:

General Information

Officers working at gate locations will maintain the proper uniform and appearance at all times while working at the gates. These positions are the first visual that visitors, residents, contractors, etc. will see when coming into Kingsmill and a professional image and demeanor is critical when presenting oneself to the public.

Officers working at the gates will be alert, observant for proper credentials, or turning away those not authorized to enter the property. This includes acknowledging incoming traffic in the outer right hand lane.

Interactions with those accessing Kingsmill will be kept professional at all times. Officers need to avoid having conversations that are too personal in nature with individuals

attempting to access Kingsmill. Pleasantries are expected, but not inquiring about information that has nothing to do with an individual attempting access to Kingsmill.

Dispatchers will enter guest/visitor information into Residential Tracker immediately after it is received from the resident expecting a guest.

Officers will check the visitor list and call for all persons who are not on the daily visitor list or the permanent guest list in the Residential Tracker module. Contractors who cannot show a manifest and are not on the permanent guest list will be called in to the affected resident. Contractors going to homes under construction will be allowed access to the construction site.

Officers will fill in all required information on an issued pass. It is important to record all information on the pass to help reduce the likelihood of someone going to a location they are not authorized to be at.

Vehicle Log information will be filled in completely and accurately.

Officers will update the visitor's information in Residential Tracker on the computer when visitors arrive – if they are already listed, and add the guests or other visitors name and update Residential Tracker when the officer has to call for persons not on the list.

The following entry procedure shall be used when processing vehicles and persons onto Kingsmill:

- A. Automatic Entry Barcodes – Resident and other authorized vehicles with automatic entry barcodes are directed by signs to the right, incoming lane for access to Kingsmill. These lanes are strictly reserved for automatic access. These vehicles may proceed without the acknowledgment of the gate officer, provided the automatic sensor clears them. However, the gate officer must attempt to observe each vehicle using this access lane to observe for violations, malfunctions, etc. Vehicles will be required to slow down or stop at the gate until they receive a green light. Those vehicles that do not receive a green light will be directed by the gate control officer to

make a “U-turn”, and return to the left, incoming lane for processing by the gate officer. Vehicles which do not stop for the gate control device, the gate control officer’s signal, or are not authorized access through this lane, will be reported to a roving patrol officer. The vehicle in question may be stopped by the roving patrol officer, and the vehicle operator directed to return to the location of entry for proper processing, escorted off the property, or in rare instances, charged with a traffic infraction by a police officer.

Residents or authorized users using the right, automatic entry lane must have a valid Kingsmill barcode. Any resident or authorized user missing one, or both, must use the left entry lane.

- B. Resort Guests - Resort guests, using the left entry lane, will be directed to stop at entry points, and gate control officers will determine the guests’ destinations in the resort area. A Resort pass (**yellow**) will be issued, and directions or other information will be given. The guests will then be allowed to proceed. Vehicle information will be recorded on a Vehicle Log Sheet. Officers shall extend every courtesy and assistance to resort guests, especially first time resort guests, who will be proactively furnished with information and assistance.
- C. Resident guests – Residents’ guests will be directed to stop in the left lane at entry points. Gate officers will check the permanent visitor listing in the Residential Tracker program for pre-approved entry authorization. If a guest has been given entry authorization by a resident, or has been located on the permanent guest list, the officer will issue the appropriate pass for the length of the guests visit. Officers shall be alert, since there will be persons who arrive at entry points who will identify themselves as family members, or state that they are on the permanent guest list. Officers must always make sure persons are authorized to visit residential areas. Not all family members are welcome visitors, and “friends”, who seek admittance, may not be authorized, even if they are known to the resident. Those not on the guest list will result in the gate officer contacting the resident to gain permission from the resident to allow the guest into Kingsmill. Those not granted permission or

unable to be verified through the resident, will not be allowed to enter Kingsmill for the purpose of visiting a resident.

Officers will issue the following passes to authorized resident guests:

1. Homeowner visitor - The homeowner visitor pass (**blue**) is recognized for only one trip on property. It must be turned in each time the guest leaves property.
2. Temporary guest pass - This (**green**) pass will be issued to guests who have been authorized by residents for a long-term visit. It is filled in by the officer with the expiration date coinciding with the length of the visit, the guest's name, and the address of the resident they are visiting. These passes may also be issued to short-term renters who do not want to permanently change their address. The maximum length of issuance of this pass is 30 days.
3. Permanent guest list - This is a list of guests in Residential Tracker who may be allowed to enter to visit, without checking with the resident on each visit. After identifying them and verified access level, these guests may be allowed to proceed, with the correct pass (**blue**) for their visit. If you have concerns, do not hesitate to ask questions, or to ask for identification, if necessary.

It is required to log the vehicle information on a Vehicle Log Sheet for all residential guests.

- D. **Contractors** - Contractors may not enter Kingsmill to start work in residential areas until 7:00AM, and may not work in residential areas, without authorized permission from KCSA management, past 7:00PM. On Sundays, contractor work not approved by KCSA is prohibited. Contractors are to be monitored and their operator/vehicle information is to be taken down on an employee/contractor after hours log sheet. Contractors are issued a contractor pass (**orange**) for the day of entry, and may be kept for the entire day until departure. Contractors will be directed to stop at entry points and will advise officers of their work site location. All contractors must be verified. Examples of verification will include contacting the Resort, Kingsmill Community Services Association (KCSA), or the resident receiving the work or

delivery, being placed on the guest list by the resident, or a work order, shipping papers, bill of lading, etc. Officers will then issue the appropriate passes. Contractors are of two basic types:

1. Long Term - Contractors working on new home sites, road paving crews, heavy land clearing, etc.
2. Short term - Contractors working in completed, occupied residences (i.e. painters, carpenters, home repair, personnel, lawn care, etc.) may be verified by:
 - a. The Residential Tracker Program
 - b. A written manifest
 - c. Company ID cards, or badges

If questions arise, or the contractor appears suspicious, call the resident for verification.

All contractors, both delivery and construction related, will have their vehicle license recorded on the appropriate vehicle log.

E. Kingsmill Employees (KCSA and Resort) - Employees may be identified for authorized entry by several different means:

1. Barcodes- In the right, incoming lane. Employees must have a barcode decal applied to the vehicle to utilize the right, automatic entry lane.
2. Employee Passes - These entitle employees to be granted immediate access in the left, incoming lane, when allowed to proceed by the gate officer.
3. Employee ID cards - Employees driving vehicles without decals/passes are required to present Employee Identification cards to gain access. Gate officers will stop the employee's vehicle in the left, incoming lane, and after checking the employee's ID, will allow them to proceed to the resort. The employee can only

travel to his/her work site and is not authorized to be in any residential areas. Vehicle tags will be recorded.

F. Special events - Visitors to large functions, sporting events, other activities sponsored by the KCSA, will be directed to stop at entry points, and officers will check any lists furnished by function sponsors to authorize the visitor. If the function is "open", with no list, the visitor will be allowed to proceed, after stating his/her destination. A special event (**pink**) pass will be issued. This pass must be returned when the visitor leaves the property. Vehicle information will be logged.

G. Other passes -

1. Parking permit - This is a yellow pass, approximately 8 ½" X 5 ½", given by the resort front desk, to resort guests that have checked in. It permits guests to park at the guest Villas in the resort area.
2. VIP - Issued to special guests and dignitaries by Kingsmill Police or Real Estate Sales. This pass shall be RED. It is signed by the Chief of Police or his designee, with the signature date, and is not issued at gates.

H. Other entries - The gate officer may also encounter other entry situations, which do not fall into the above categories. Officers are directed to call a supervisor if a situation requires a decision outside of the scope of their responsibility.

1. Unlisted guests - There will be residents' guests, on occasions, which have not been authorized by residents, or are not on the permanent visitor list. Some of these guests may be relatives, may not be local residents, may be coming to a party a resident is hosting, or the resident may have simply forgotten to notify KMPD of the guest arrival. Residents, in these cases, must be contacted by phone to determine if the resident will authorize the unlisted guest to access Kingsmill to visit the resident. If unable to contact the resident by phone, attempt alternate methods such as sending a patrol car by the residence, or attempting to make contact with the resident through alternate phone numbers the resident has

provided KMPD. Guests claiming to have keys, but not on any guest list must not be allowed entry until it is verified that they are authorized. Report discrepancies or concerns to the shift supervisor.

Vehicles and individuals, which cannot be verified, will be turned away.

2. Pedestrians

- a. General public - not allowed to walk, jog, or bicycle into Kingsmill. Politely refuse them entry.
- b. Employees - may bicycle (check ID), but may not walk. Employees walking to the gate may use the gatehouse phone to call transport. If employees are located walking outbound by patrol officers, transport employees immediately to the nearest entry point, in the direction the employee is walking. Advise them that walking is not permitted in the future.
- c. Resident/Resort guests - if authorization, is verified by the resort ID or computer (Residential Tracker):
 - Resident guest - ask if Guest wishes to call Resident for transport. If so, call. If not, allow the guest to proceed.
 - Resort guest - ask if Guest wishes to call Resort for transport. If not, allow guest to proceed. (Room card or room information may be used to identify for authorization.)
 - Contractors may not walk or bicycle into Kingsmill.

3. Realtors - Various real estate firms in the area list houses for sale in Kingsmill and will require access. If a Realtor requests access, determine the house that the Realtor intends to visit. If the officer allows entry, he/she shall obtain a business card from the Realtor, and write the following information on the back of the card:


the date, destination address, and license plate number. Real estate agents will be issued a Contractor Pass. **Access decisions will be determined by KMPD; do not refer the individual to the Real Estate Sales Center.** If officers have a concern, they shall call their supervisor. All real estate related activities require the recording of vehicle license information on the Vehicle Log Form.

“Open houses” - Only two types of open houses are permitted and conducting these limited open houses requires KMPD to be notified:

- **MLS Open House** - The Real Estate Company must notify KMPD that MLS Real Estate Agents are invited to view the property that is for sale. All guests must be MLS Realtors.
 - **By Reservation** - The Resident or Real Estate Company must specify the date and times of the open house and provide a list of individuals who are authorized to attend. This is by invitation only.
 - **General Open House** - These are not permitted in Kingsmill.
 - **Citizens Out Looking-** Any citizen wishing to come in to look at property must go through the Kingsmill Sales Center. They may also have or setup an appointment with a realtor of their choosing. At no time is any person allowed to come in and look at the properties.
4. Weapons - employees and contractors are not allowed to carry weapons on Kingsmill property, except bona fide law enforcement personnel and employees involved in the Deer Management Program (DMP). Employees/contractors with firearms, bows or other weapons will be required to turn around and transport the weapons off-property.
5. Private process servers –
- a. Servers are stopped at gate and destination is obtained.

- b. Verify paperwork.
 - c. Call for a Supervisor or Road Officer to escort to the place of service.
 - d. Escorting officer will observe the service only; assist only if a violation of the law occurs in the officer's presence.
 - e. Escort the server off property.
- I. Exceptions - Several vehicles will be allowed entry. All vehicle tags will be logged into the Vehicle Log Form.
- 1. Police/Fire units on official business
 - 2. School buses
 - 3. Federal Express (Fed Ex), United Parcel Service (UPS), Amazon Prime, other bonded express agents
 - 4. United States Mail Carriers, others will be allowed to the resort area on official business
 - 5. VIP Limousine, Groom's Transportation/Limousine; verify destination
 - 6. Taxicabs, Uber, Lyft, etc., if going to a residence verify that the ride is requested at the residence. If a taxi brings a passenger, verify the rider's name, where they are going, and if the rider is on a resident's guest list. If needed, call the residence to verify.
 - 7. Large food/supply deliveries for the Resort and food deliveries to residences: Verify with the Resort or through the driver's paperwork for large deliveries to the Resort. Verify on the driver's app/paperwork any residential food deliveries.

8. Resort members not residing in Kingsmill may be issued a decal from Golf Membership. This sticker has a white background with the blue Kingsmill seal and sticker number. These vehicles must access Kingsmill through the left entry lane. These decals only allow access to the golf courses or clubhouse. These members may also obtain a barcode by visiting the KCSA Office to purchase one for use of the right, inbound lane.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Handling of Resort Complaints	Number: 502
Effective Date: 02/17/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\502 Handling of Resort Complaints	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for responding to and handling Resort area complaints.

II. POLICY:

It is the policy of the KMPD that officers will respond to all requests for service from the Resort.

III. PROCEDURE:

A. Routine Patrol

Patrol officers are required to patrol all areas in the Resort including Ordinaries, Conference Center, marina, corporate homes, and various other Resort buildings on a routine basis. Each time the officer patrols through a Resort area or building, the patrol officer will notify dispatch of their location and purpose of patrol, so the dispatcher can record it in Alliance.

By conducting these patrols, officers will provide a positive presence and also be observant for any suspicious or other activity requiring a KMPD response or interaction.

Officers are encouraged to walk through Resort areas, including buildings, to become familiar with their layout and to establish a rapport with Resort area personnel. Officers are not to appear to be hanging out or loafing around.

If officers observe an apparent guest or other individual with an alcoholic beverage outside of a designated ABC area then direct that individual to either dispose of the alcoholic beverage or return to an area approved for the possession of alcoholic beverages, i.e. the restaurants or approved special event location.

Report any safety concerns to the Manager on Duty (MOD).

If requested, and as priorities allow, KMPD will provide escorts to guests, employees, or other individuals as requested and while within established jurisdiction. Any requests to escort an individual outside of the established jurisdiction must be first approved by a supervisor.

Use sound judgment when parking a patrol vehicle at the various resort buildings. For example if on routine patrol, park to the side or rear of a building. If responding to a call for service parking as close to the call may be more appropriate, depending on the type of call.

B. Corporate Homes

Corporate homes must be checked on a daily basis to ensure they are secure and no conditions requiring attention exist. The corporate homes are Buildings 401, 402 and the The Estate.

The access card and alarm code for each corporate home is located in Dispatch. The card, when not in use, must remain at Dispatch. The alarm code is not to be given to anyone other than KMPD personnel.

The evening shift will check with the Resort's Front Desk personnel on a daily basis to determine if any of the corporate homes will be occupied that evening. If a

corporate home is to be occupied, then the evening shift will keep a check on that corporate home by patrolling the area of the corporate home.

If a corporate home is determined to be vacant that evening, the evening shift patrol officer will respond to ensure the corporate home is secure and arm the corporate home's alarm system. The Resort's MOD may assist the patrol officer with this function.

Corporate homes that were unoccupied and had their alarm system armed on the evening shift, will have their alarm system unarmed by the midnight shift patrol officer no earlier than 5 a.m. unless otherwise requested by the Resort or other appropriate authority.

Patrol officers will communicate and dispatch will log all events surrounding the corporate home, i.e. alarm activations or deactivations, building checks, etc.

Any deficiencies discovered in a corporate home must be reported to the MOD without undue delay.

C. Responding to calls for assistance involving rental rooms

When responding to a complaint or request for assistance involving a rental room or guest in a rental room, KMPD will do the following:

1. Dispatch will send a patrol officer(s) following established guidelines as outlined in this policy and procedure manual.
2. Dispatch will contact the MOD and request that the MOD respond to assist with handling the matter. The two parties will meet, as conditions allow, prior to interacting with the individual or party in question to determine the appropriate course of action to take including initial approach, handling, and the desired outcome of the situation.

3. If the situation allows, request that the MOD initiate contact with the guest, individual, or party in an attempt to gain compliance with the issue at hand, i.e. a loud music complaint.
4. If the MOD cannot gain compliance or the MOD requests that the Department handle the matter, then the officer should present himself and request compliance with the issue at hand.
5. If compliance is obtained, no further action should be necessary other than documenting the encounter.
6. If compliance cannot be obtained, or the situation continues requiring the MOD and the Department to continue responding, then the MOD will have to make a decision on whether or not to request the guest, individual, or party vacate the property. **Decisions on vacating a room, room fees, reimbursements, etc. are to be made by the MOD only.**
7. If compliance is not obtained, then the individual or party should be advised about the potential consequences for failing to comply, i.e. arrest for trespassing. Do not make threats; simply inform the individual or party as to the seriousness of the situation. If compliance is still not obtained, then KMPD may have to take law enforcement action.

If the circumstances at hand do not allow for the MOD to respond or interact with the guest, individual, or party, then the MOD will be informed that for safety reasons, they are to stay away from the situation until the situation can be rendered safe by the KMPD.

Guests or renters have an expectation of privacy in their rooms. As such, KMPD personnel **shall not** enter into a room without being duly authorized to do so as outlined in this policy and procedure manual. The request from the MOD, or any other Resort management member, for KMPD to enter a room shall **not** relieve an officer from having to meet the conditions of when an officer can enter a room.

Contact the Chief of Police immediately prior to entering any room under legally questionable circumstances.

Examples of when KMPD personnel may make entry into a room:

- When authorized by the guest, renter, or authorized guest of a renter.
- In a potential emergency situation
 - Report of criminal activity
 - Report of a medical situation
 - Finding the room unsecured
 - Observation of exigent circumstances
- Upon obtaining a search warrant

The preferred means of handling these guest matters is to have the MOD seek compliance with our assistance. Law enforcement authority should only be exercised when no other options are available, or the circumstances rise to such a level that law enforcement actions must be taken.

If at any time the need for an immediate lawful action, i.e. arrest, to be taken by the sworn officer is greater than the MOD's desired outcome, then the lawful action should be taken.

D. Responding to call from the Resort or other Resort buildings or areas

When responding to a complaint or request for assistance involving the Resort or other Resort buildings or areas, the Department will do the following:

1. Dispatch will send a patrol officer(s) following established guidelines outlined in this policy and procedure manual.
2. Dispatch will contact the MOD and request that the MOD respond to assist with handling the matter. In the absence of the MOD, the manager of the affected area will be requested to meet with responding KMPD personnel. The two parties will meet, as conditions allow, prior to interacting with the individual or

party in question to determine the appropriate course of action to take including initial approach, handling, and the desired outcome of the situation.

- If the situation allows, request that the MOD or other management member initiate contact with the individual or party in an attempt to gain compliance with the issue at hand, i.e. an individual upset with their bill for a meal.
- If the MOD or other management member cannot gain compliance, or the MOD or other management member requests that the Department handle the matter, then the officer should present himself and request compliance with the issue at hand.
- If compliance is obtained, no further action should be necessary other than documenting the encounter.
- If compliance is not obtained, then the individual or party should be advised about the potential consequences for failing to comply, i.e. arrest for trespassing. Do not make threats; simply inform the individual or party as to the seriousness of the situation. If compliance is still not obtained, then the officer may have to take lawful action to handle the situation.

If the circumstances at hand do not allow for the MOD or other management member to respond or interact with the guest, individual, or party, then the MOD will be informed that for safety reasons, they are to stay away from the situation until the situation can be rendered safe by the KMPD. Utilize additional sworn personnel or a KMPD supervisor as necessary.


The preferred means of handling these matters is to have the MOD or other management member seek compliance with our assistance. Law enforcement authority should only be exercised when no other options are available, or the circumstances take rise to such a level that law enforcement actions must be taken.

If at any time the need for an immediate lawful action, i.e. arrest, to be taken by KMPD is greater than the MOD or other management member's desired outcome, then the lawful action should be taken.

If the situation involves alcohol but does not rise to the level of the KMPD officer having to make an arrest, then the officer will work with the MOD or other management member to obtain the necessary transportation or accommodations for the involved individual or party.

Never take an individual's car keys for the purpose of preventing him or her from driving. If the individual will not comply with the Resort's efforts to obtain transportation or accommodations for the individual who had been drinking alcohol, then KMPD may have to take a lawful action to handle the situation.

When dealing with these situations, as possible, any confrontations should be done in such a way as to not attract onlookers not involved with the situation. In those instances where there is no choice but to arrest or remove an individual, that individual, and KMPD presence, will be removed from the affected area as soon as conditions allow so as not to further create a scene or distraction for others.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: General Scene Approach	Number: 600
Effective Date: 10/03/2005	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\600 General Scene Approach	

I. PURPOSE:

To help insure the safety of KMPD personnel in the approach to scenes when responding to calls for service.

II. POLICY:

It is the policy of the KMPD that officers will use due diligence upon approaching scenes when responding to calls for service.

III. PROCEDURE:

It has been estimated that approximately 75 % of all incidents responded to by police officers turn out to be different than the original calls from the dispatcher. "Loud party" complaints may turn in to domestic disturbances. "Open door" complainants may turn into burglaries. "Fireworks" may actually be "shots fired". It is important that the officer approach the scene with consideration to his/her safety. It is also important that the officer protect the scene after his/her arrival if necessary.

A. Vehicle Approach

1. If the situation calls for emergency lights, per established procedure, then:


- a. The officer should turn off the emergency lights at least a block prior to getting to the scene, to insure that the lights are not seen by subjects/suspects who may be in the house/room.
 - b. If it is reported by the complainant that an armed suspect is in the house, and/or there is a danger to life and safety, then the officer may decide to leave the emergency lights on and activate the siren, to possibly drive the suspect from the house.
2. Use Caution! In the case of domestics and other crimes of violence, the suspect may not want to deal with the police, and may attempt to use force to stop officers, sometimes with deadly force, or to flee the scene.
- a. Due to the possibility of persons having weapons, police vehicles should not be parked directly in front of the location of the subject/suspect. Park several houses down, or several car lengths away.
 - Assess the scene- Persons have been known to wait for the police to arrive and open fire from the windows of residences and other buildings. Look for possible threats; scan the surrounding area looking for any suspicious activity.
 - b. Officers approaching from outside the range of vision of the subject/suspect have a better chance to surprise, and if necessary, contain or neutralize the subject/suspect.

B. Personal Approach

1. Observe the doors and windows of the residence/structure and view the area, while approaching the entrance to check for possible threats or activity.

2. Stand to either side of the door, not in the doorway. Not all doors are made of substantial material and suspects have been known to shoot through them to get to the officer. Never stand in front of windows.
3. Listen for sounds, such as yelling, glass breaking, dogs barking, etc., which may help identify the type of call and environment the officer will be stepping into. If the situation seems more serious than dispatched, call for assistance.
4. Always look to have a place of cover in the event cover is necessary.
5. Always be aware of exigent circumstances where someone is yelling for help. Always use caution when approaching, as an ambush may be waiting. Wait for a back-up officer as the situation allows.

Public Safety Officers (PSOs) are not to be knowingly dispatched to any call where there is a likelihood of potential violence. If a PSO comes upon, or is dispatched to a call where there is a likelihood of potential violence, then the public safety officer needs to fall back to a safe position and contact KMPD Dispatch to request police officer assistance.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Search Warrants	Number: 601
Effective Date: 02/02/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\601 Search Warrants	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for recognizing the need for obtaining and executing a search warrant.

II. POLICY:

It is the policy of the KMPD that when it is determined that the need to obtain or execute a search warrant exists, that the KMPD will request the assistance of the James City County Police Department, JCCPD, when possible. When JCCPD assistance is not available due to time or other constraints, KMPD sworn officers will follow the procedure outlined below after consulting with the Chief of Police.

III. PROCEDURE:

This policy and procedure applies to sworn Departmental personnel only.

The Fourth Amendment to the U.S. Constitution guarantees every citizen the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. Supreme Court decisions regarding search and seizure place the responsibility on the police to ensure that citizens' Fourth Amendment rights are protected. Officers shall scrupulously observe constitutional guidelines when conducting searches and always remain mindful of their lawful purpose. Search warrants, in particular, are one of the most valuable and powerful tools available to law-enforcement officers. Because of the potential

harm to citizens, the risks to officers' safety, and to the Department's image in the community, officers shall have a thorough knowledge of the legal requirements in obtaining search warrants.

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 that 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.

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.
 - e. Any person to be arrested for whom a warrant or process for arrest has been issued.

B. Supreme Court decisions

The Supreme Court of the United States issues decisions that must be used as guidelines in conducting searches. Because the Fourth Amendment to the Constitution prohibits unreasonable searches and seizures, officers bear the burden of proving that the search was reasonable. The court will examine reasonableness according to the answers to these questions:

1. Was there probable cause to issue the search warrant?
2. Was the scope of the search appropriate?

C. Exceptions to search warrant requirements

See Policy and Procedure 115 – Police Officer Limits of Authority for the exceptions to search warrant requirements.

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** that 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

1. A search warrant may be obtained from any of the following three sources, according to § 19.2-52:
 - a. Any judge.
 - b. Any magistrate.
 - c. Any other person having the authority to issue criminal warrants.

C. Affidavits

1. The accuracy of the affidavit is vital to the validity of the search warrant. On the designated form, officers shall provide the information listed below. § 19.2-54 requires officers to swear to the facts of the affidavit before a judge or magistrate. Note that the search warrant must be obtained in the jurisdiction where the place or person to be searched is located.
2. The affidavit shall include the following elements:
 - a. A detailed description of the place, thing, or person to be searched, including map coordinates or distances from given reference points, if necessary.
 - b. A description of the things or persons to be searched for.
 - c. A substantial allegation of the offense in relation to which the search is to be made.
 - d. An allegation that the object, thing, or person to be searched constitutes evidence of the commission of the offense.

- e. Material facts which would show that there is probable cause for issuing the search warrant.

D. Language of the warrant

Only the items specified in the search warrant can be seized. The warrant shall specify the following.

1. The areas to be searched shall be precisely stated. If officers wish to search a home and its surroundings, the affidavit must specify a "premises" search and its curtilage and must identify outbuildings, garages, as appropriate.
2. If motor vehicles to be searched are on the premises, the warrant shall so specify.
3. If searches of specific persons (other than frisks) are to be included during the search, the warrant shall so specify. If the warrant states that all persons present shall be searched, then probable cause to do so must be justified in the affidavit.
4. The items to be searched for shall be precisely described. If an item to be searched for may be dismantled (e.g., firearms), then the warrant must specify the search for parts, pieces, or components of the item.
5. If officers anticipate searching for and seizing computers or similar, complex technology, then experts must be consulted to determine the appropriate language to list in the affidavit and for outlining appropriate guidelines in the warrant for seizure of hardware and software.

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 shift 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. The Chief of Police shall be contacted prior to executing any search warrant by KMPD sworn personnel.

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 and be in full uniform.
 - b. The officer must announce that his purpose is to execute a search warrant.

- c. The officer must wait a reasonable time either to be admitted or refused admission to the premises.

3. When entrance is refused

If the officer is refused entrance after a reasonable time, he may force his way into the premises using force applicable to the circumstances. "Reasonable time" in this context depends on the circumstances. A refusal may be expressed or implied. A refusal can be implied in two circumstances:

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

4. No-knock or exigent entry

In some circumstances, a police officer may enter the premises to be searched without announcing his or her presence and purpose before entering. The judicial authority issuing the warrant may add a no-knock entry provision to the warrant. If not, the decision to make a no-knock entry shall be made by the on-scene supervisor based on facts that would lead him or her to believe that an announcement would result in:

- a. Bodily harm either to the officer or to someone within the premises to be searched.
- b. The escape of the person to be searched or arrested.

- c. The destruction of evidence.
- 5. If circumstances require a no-knock or exigent entry, then the first officer to cross the threshold into the premises shall announce that law-enforcement officers are executing a warrant. Officers shall also command the occupants to take the appropriate action to ensure their safety. Sample commands:
 - a. "Police, search warrant, get down."
 - b. "Police, search warrant, stay where you are."
 - c. "Police, search warrant, put your hands up."
- 6. In executing any warrants, officers may use whatever force is reasonably necessary under the circumstances to affect a lawful purpose. Refer to Policy & Procedure, 118 Use of Force.

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 that the officer knows or has probable cause to believe is evidence of another crime that is in plain view, or is discovered within the established search of the original warrant.

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.

Return of the search warrant


A. Per § 19.2-57, after an officer has finished a search, he or she shall perform the following:

- 1. Note the date of execution on the search warrant.
- 2. Under oath, the officer must make an inventory of all the property seized.
- 3. Within three days of the date of the search (excluding Saturdays, Sundays, or legal holidays) file the following in the circuit court clerk's office (of the jurisdiction wherein the search was made):

- a. The search warrant.
- b. Either the inventory of articles seized (which must be notarized) or a notation that nothing was seized during the search.
- c. The affidavit (unless affidavit was made by voice or videotape recording).

B. Responsibility for property seized

- 1. All property seized must follow a rigorous chain-of-custody procedure. Documentation must appear in all narrative reports pertaining to the chain of custody of any items seized. The department evidence tag shall be used to mark all seizures. Refer to Policy & Procedure, 650 Evidence.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Field Interviews, Stop and Frisks	Number: 602
Effective Date: 01/12/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\602 Field Interviews, Stop and Frisks	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for field interviews and stop and frisks.

II. POLICY:

It is the policy of the KMPD that officers will conduct field interviews and stop and frisks as appropriate and as outlined in this procedure.

III. PROCEDURE:

This procedure applies to sworn KMPD personnel only.

KMPD expects and encourages officers to conduct field interviews. Field interviews are important contacts with citizens that aid in preventing and investigating crime. Technically, a field interview is a lawful stop of a citizen for investigative purposes. Officers shall document stops for the purposes of identifying a suspect, witness, or victim, for crime prevention, intelligence gathering, or community relations. The Department further expects officers to gather information with proper observance of constitutional safeguards. Strict constitutional guidelines exist that protect both the civil rights of citizens and the rights of officers to obtain information crucial to the reduction and prevention of crime. Further, field interviews frequently contribute to building a reasonable suspicion or even probable cause to arrest or conduct a search. The only restricted search that sometimes accompanies field

interviews, the frisk or pat-down, may be performed when the officer suspects the presence of a weapon.

DEFINITIONS

A. Field interview

A brief detention of a person to determine the person's identity and to resolve the officer's suspicions about possible criminal activity. A field interview resolves an ambiguous situation. A field interview contrasts with a stop which is based on reasonable suspicion of criminal behavior. **Field interviews require voluntary cooperation of citizens.**

B. Frisk

A "pat-down" search of outer garments for weapons.

C. Reasonable suspicion

Articulable facts which lead an experienced officer to reasonably suspect that a crime has been or is about to be committed. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated.

D. Stop

The detention of a subject for a brief period of time. In order to make the stop, the officer must have reasonable suspicion to believe that criminal activity is afoot and that the person to be stopped is involved. A stop is **investigative detention**. The following characteristics may, under the circumstances, give rise to reasonable suspicion for a stop.

1. Officer has knowledge that the person has a criminal record.

2. A person fits the description of a wanted notice.
3. A person has exhibited furtive conduct such as fleeing from the presence of an officer or attempting to conceal an object from the officer's view.
4. The appearance, behavior, or actions of the suspect suggest that he is committing a crime.
5. The time of day or night is inappropriate for the suspect's presence in a particular area.
6. The officer observes a vehicle that is similar to that of a broadcast description for a known offense.
7. A person exhibits unusual behavior, such as staggering or appearing to be in need of medical attention.
8. The suspect is in a place proximate in time and location to an alleged crime.
9. Hearsay information is acceptable. In order for the information to be credible, the officer must have some means to gauge the reliability of the informant's knowledge.
10. The suspect is carrying an unusual object, or his clothing bulges in a manner consistent with concealing a weapon.

PROCEDURES

A. Making the field interview or stop: general

1. An officer may conduct field interviews or stops when he reasonably believes that some investigative inquiry is warranted. The Supreme Court has ruled that an officer "may in appropriate circumstances and in an

appropriate manner approach a person for the purposes of investigating possible criminal behavior even though there is not probable cause to make an arrest."

2. A field interview, therefore, requires voluntary cooperation from the citizen. In the absence of probable cause to arrest, the citizen may discontinue the interview at any time and leave. The citizen may also refuse to produce identification or otherwise identify himself.

- a. A distinction is drawn herein between a **field interview** (which is made to resolve an ambiguous situation) and a **stop** (or a brief detention of a person because of suspected criminal behavior).

3. An officer must be able to articulate the circumstances that warranted the interview or stop of the citizen. The circumstances may constitute the officer's reasonable suspicion. In court--should a field interview result in an arrest--an officer must justify his intrusion by describing "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Articulable circumstances derive from:

- a. Firsthand observations.

- b. Hearsay, as from informants.

- c. "Collective knowledge" or information shared by several officers.

- d. The totality of facts and circumstances. The agency encourages officers to question persons whose behavior, conduct, or mere presence at a particular place and time does not match the officer's notion of what is appropriate for the place and time.

B. Field interviews and field interview cards serve as:

1. A source of information.

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

2. A means of identifying the suspect.

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

3. A means of obtaining suspects or witnesses.

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

C. Place of the interview

1. The difference between a field interview and a lawful detainment is a thin one. As noted earlier, reasonable suspicion provides the key basis for the officer's actions.
2. As a general rule, field interviews may be conducted anywhere the officer has right to be, including:

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

D. Conduct of interviews

- 1. Officers shall clearly identify themselves and, if not in uniform, display identification.
- 2. As noted above, a person interviewed by the officer may discontinue the interview at any time. To repeat, during a routine field interview, persons shall not be detained in any manner against their will, nor shall they be required to answer questions or respond in any manner if they choose not to do so. The fine line drawn between a field interview and a stop and frisk must be strictly observed. Since the distinction between an interview and a stop depends to a great extent on whether, under the circumstances, the

citizen perceives that he is free to leave; officers shall comply with the following guidelines:

- a. All requests during the interview should be phrased with **neutral or optional** words, such as "may," "would you mind," etc.
 - b. Abrupt, short responses which could be misunderstood and requests which could be misinterpreted as commands must be avoided.
 - c. The duration of an interview should be as brief as possible.
 - d. During the interview, officers should confine their questions to those concerning the suspect's identity, place of residence, and other matters necessary to resolve the officer's suspicions.
 - e. Miranda warnings are not required during field interviews. The warnings are not required until custodial questioning takes place.
3. The success or failure in obtaining information beneficial to crime analysis and criminal investigation will depend upon an officer's ability to put citizens at ease and establish a rapport. However, during a field interview, if the person should ask whether he must respond, or indicate that he feels compelled to respond, the officer shall immediately inform him (or her) of the right to refuse, as well as the right to leave.
- a. When citizens refuse or cease to cooperate during an interview, the refusal itself cannot be used as the basis for escalating the encounter into a stop and frisk.
 - b. Suspects cannot be compelled to answer any questions during field interviews.

STOP AND FRISK OR INVESTIGATIVE DETENTION

- A. The legal authority to conduct an investigative detention (stop and frisk) is based in constitutional and Virginia court decisions. An officer's temporary detention of a person to investigate suspected criminal activity is controlled by the Fourth Amendment.

- B. Investigative detention involves two distinct acts: (1) the stop (a brief detention of a person because of suspected criminal behavior) and (2) the frisk (a limited search). Not every field interview or stop requires a frisk. Reasonable suspicion justifying a frisk may be based on factors including but not limited to:
 - 1. The type of crime suspected, particularly those involving weapons.
 - 2. When the officer must confront multiple suspects.
 - 3. The time of day and location of the stop.
 - 4. Prior knowledge of the suspect's propensity for violence.
 - 5. Any indication that the suspect is armed.
 - 6. Age and sex of the suspect (officers shall exercise caution with very young or very old people or persons of the opposite sex).

- C. Manner of conducting a frisk
 - 1. Ideally, two or more officers will conduct the frisk, one to search and the other to provide protective cover.

2. The minimally intrusive nature of a frisk permits the suspect to be searched while standing, or with hands placed against a stationary object, feet spread apart, which is the preferred method.
3. When frisking, officers shall search only the external clothing for objects that *reasonably* could be weapons and remove them. Officers shall not place hands in pockets unless they *reasonably* suspect that weapons are concealed in them.
 - a. Retrieval of the weapon may give probable cause to arrest. If so, officers may conduct a complete custodial search of the suspect incident to arrest.
4. If, during a lawful stop based on reasonable suspicion, the officer conducts a frisk and feels an object whose contour or mass makes its identity as contraband (or drugs) immediately apparent, it may be withdrawn and examined. (This has been called the "plain feel" or "plain touch" rule.)
5. If the suspect is carrying a bag, purse, suitcase, briefcase, sack, or other container that may conceal a weapon, officers shall not open it but may place it beyond the subject's reach for the duration of the stop.
6. **Officers are reminded that a frisk is limited to a search of the external clothing for weapons or possible contraband (if reasonable suspicion exists). Frisks shall be conducted reasonably and in good faith.**

D. Protective search

Under some conditions, the protective search or the search for weapons may be extended beyond the person detained. This search occurs most often involving vehicles. A lawful protective search for weapons, which extends to an area beyond

the person in the absence of probable cause to arrest, must have **all** of the following elements present:

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

E. Period of detention


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

Subjects in investigative custody should not be transported unless they are being transported to be turned over to the JCCPD or other authority having jurisdiction, or are placed under arrest.

If the need arises for a witness or victim to identify the subject as a suspect, then the witness or victim should be transported to the location of the suspect. Care should always be given so that the suspect cannot readily identify the victim or witnesses.

F. Recording the stop

1. A field interview card shall be completed for each person an officer stops for an interview.
2. A field interview card may be completed on a subject who is stopped for a traffic violation if the situation warrants, according to the officer's judgment.
3. A field interview card may also be used as a field observation card. In these instances, the officer fills out the card as completely as possible, using prior knowledge and current observations of the person or vehicle. This will eliminate the necessity of asking the dispatcher to log people or vehicles at specific locations. Examples of instances when the field observation card could be used include, but are not limited to, the following:
 - a. An officer stops a person for the purpose of conducting a field interview who refuses to give the officer any information and the officer has no reasonable cause to pursue the matter further.
 - b. An officer wishes to make note of a person in a specific place at a certain time, and the officer has completed a field interview card on the same person on another occasion.
4. The field interview cards will be maintained in a central card file in Alliance. The interview card information remains available for the use of all officers. After the supervisor has reviewed the officer's field interview cards, he will return them to the officer and instruct him to enter the information into the Alliance computer program.
 - a. Periodically, the Chief of Police or his designee should review the field interview information and remove any information no longer needed for investigative purposes.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Arrests	Number: 603
Effective Date: 02/02/2004	Review Date:
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\603 Arrests	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for arrests by sworn Department personnel.

II. POLICY:

It is the policy of the KMPD that only sworn officers shall affect arrests in accordance with this procedure and do so in a professional manner.

III. PROCEDURE:

This procedure only applies to sworn KMPD personnel.

Non-sworn Departmental personnel do not have powers of arrest except as outlined in Policy & Procedure 116, Public Safety Officer – Dispatcher Limits of Authority.

Short of the application of force, an arrest is the most serious action an officer can undertake. An arrest can cause repercussions throughout a person's life, even if eventually found not guilty or never brought to trial. The most important legal question facing an officer at the moment of an arrest is the existence of probable cause: without probable cause, the arrest is illegal and the evidence of criminality that was obtained because of the arrest is inadmissible. Officers shall accordingly exercise critical judgment in making arrests. Critical judgment includes consideration for bystanders, the time, place, and

location of offenses, and the use of force in making the arrests. Officers shall consider alternatives to arrest consistent with their law-enforcement mission.

DEFINITIONS

A. Arrest

An arrest is a seizure of a person. An arrest is supported by probable cause. Generally, according to Fourth Amendment cases, the test of whether an arrest has taken place is whether a reasonable person under the circumstances would have felt free to leave.

B. Probable cause

According to the U.S. Supreme Court, "**Probable cause exists where the facts and circumstances within [the arresting officers'] knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed" and that the person to be arrested committed it.**

1. An officer must have probable cause to make an arrest.
2. When an officer has probable cause, he or she may undertake a search incident to an arrest, record the suspect's fingerprints as the situation requires, take the suspect's photograph, and jail the individual. Probable cause also supports a complete body search (as opposed to a body-cavity search). The aim of probable cause is **to make a formal charge**.

DISCRETION

- ### A.
- Officers shall demonstrate discretionary judgment. Discretion shall be applied reasonably and shall be guided by the oath of office, the limits of authority as

established by law, the decisions and interpretations of the courts, the written orders of our Department, and the oral instruction provided by supervisors.

- B. Officers shall not make arrests based on or affected by a person's sex, race, creed, color, general or assumed attitude, ethnic or natural origin, disabilities, or sexual orientation.
- C. Officers have four forms of discretionary authority when making arrests: no arrest at all, an informal resolution of the incident or problem, issuance of a summons, or a full-custody arrest.
 - 1. Informal resolutions take the form of referrals to other agencies, mediating agreements between two or more parties, or issuance of a warning. Informal resolutions are the least coercive of all enforcement measures and shall be applied when stronger enforcement methods are unnecessary or inappropriate under the circumstances.
- D. The decision to apply one or more enforcement methods must be based on the totality of the circumstances and must be consistently applied.
- E. Supervisors will review each arrest report to ensure that proper action was taken under the circumstances.

ARRESTS WITH A WARRANT

A. Who may issue

(§ 19.2-71) An arrest warrant may be issued by any magistrate, judge, or clerk of any circuit court, any general district court, any juvenile and domestic relations court, or any magistrate as provided for in Chapter 3 (§ [19.2-26](#) et seq.).

B. When the warrant may issue

§ 19.2-72 provides that the person having authority to issue an arrest warrant shall first examine on oath any complainant or other witnesses and, if probable cause exists, issue the warrant.

C. What the warrant contains

A warrant commands the accused to appear before a judge or magistrate at a stated time and place. The warrant names the accused or gives a description if his or her name is not known, describes the offense and names the violation, and bears a judge's signature. The warrant contains the complaint and sworn statements from witnesses.

D. Issuance of a summons instead of warrant

§ 19.2-73 provides for issuance of a summons instead of a warrant. Summonses impose the same requirements to appear at an appointed place and time as with a warrant.

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

A summary of relevant provisions of § 19-2.74 follows.

1. Officers shall issue summonses for offenses committed in their presence when the offenses violate local ordinances, are Class 1 or 2 misdemeanors, or any other jailable misdemeanors.
2. Officers shall issue summonses for Class 3 or 4 misdemeanors or any other non-jailable misdemeanors if proper identification of the suspect has been established.
3. Persons to whom summonses have been issued shall not be held in custody for the purpose of complying with the Central Criminal Records Exchange (CCRE) reporting until after an adjudication of guilty. Booking

procedures at the time of a physical arrest, however, allow the taking of fingerprints or photographs.

4. Any person refusing to give a written promise to appear under the provisions of this Code section shall be taken immediately by the arresting or other officer before a magistrate or other appropriate issuing authority. The officer shall notify the supervisor immediately.
5. Persons issued summonses for traffic violations under Title 46.2 shall be released upon a written promise to appear unless the exceptions listed in § 19.2-74 apply.

F. Copy of process to be left with accused

§ 19.2-75 requires that in most circumstances the officer shall leave a copy of the criminal process with the person charged.

G. Execution of arrest warrants

1. § 19.2-76 authorizes a law-enforcement officer to execute within his jurisdiction a warrant, capias, or summons issued anywhere in Virginia.
2. § 19.2-76 requires an officer who arrests a person on a warrant or capias from another jurisdiction to take the arrestee forthwith to an appropriate judicial officer serving the officer's locality.
3. Complete a VCIN/NCIC check on any person to whom a warrant, capias, or summons was issued before releasing them.

H. Escape, flight, and pursuit; Arrest anywhere in the state

1. § 19.2-77 allows an officer, with or without a warrant, to pursue anywhere in Virginia an escapee from custody. If the officer is in close pursuit, he or she

may arrest the suspect wherever he is found. Refer to Policy & Procedure 407, Vehicle Pursuits.

2. If the arrest is made in an adjacent county or city other than the one from which the suspect fled, or within one mile of the boundary of the locality from which the suspect fled, then the officer shall deliver the suspect to the judicial authority of the adjacent jurisdiction. KMPD sworn personnel shall not pursue outside of established jurisdiction, but rather notify appropriate jurisdiction.
3. § 19.2-79 authorizes a law-enforcement officer from any other state or the District of Columbia to pursue a fleeing felon into Virginia and take the suspect into custody as if the suspect had committed a felony in Virginia. Foreign officers shall immediately take the arrestee to a local judicial officer to determine the lawfulness of the arrest. KMPD sworn personnel shall not pursue outside of established jurisdiction, but rather notify appropriate jurisdiction.

I. Exemption of such witnesses from arrest or service of process

§ 19.2-280 states that persons coming into Virginia in obedience to a summons to testify shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons. The same provision applies to a person traveling through Virginia in obedience to a summons from another state.

J. Arrest of suspect inside dwelling

1. If an officer wishes to arrest a suspect inside a residence, the officer must first obtain an arrest warrant. The officer must have a reasonable belief that the suspect is inside the residence. If the residence belongs to the suspect,

only an arrest warrant is required. If the dwelling belongs to someone else, the officer must obtain a search warrant as well.

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

K. Return of warrant

Upon executing the warrant, the arresting officer shall note the date of execution on it, and then return it to the court, less any copies given to the arrested person.

ARREST WITHOUT A WARRANT

A. Authority

The search and seizure provision of the Fourth Amendment protects citizens from the arbitrary and oppressive interference with privacy by law enforcement officials. Further, officers must have probable cause that a crime has been committed, and that the person to be arrested has committed the crime.

B. When warrantless arrests may be made

To summarize § 19.2-81, an officer may make a warrantless arrest:

1. When a person commits any crime in the officer's presence (or most traffic violations under § 46.2).
2. When the officer has reasonable grounds or probable cause to suspect any person of having committed a felony not in his presence. (The arrest must be made in a public place.)

3. At the scene of any motor vehicle or boating/watercraft accident when the officer has reasonable grounds to believe, upon personal investigation, that a crime was committed by any person present.
4. At the scene of an arrest for boating under the influence which was observed by another officer.
5. At any hospital or medical facility to which any person involved in a motor vehicle accident has been transported, provided the officer has reasonable grounds to believe, based upon personal investigation, that a crime has been committed by that person.
6. When any person is charged with a crime in another jurisdiction and the officer has received any of the following:
 - a. A photocopy of a warrant.
 - b. A telegram.
 - c. A computer or facsimile printout.
 - d. A radio, telephone, or teletype message which gives the name or a reasonably accurate description of the wanted person and the crime alleged.
7. When the officer receives a radio message from the Department or any other law-enforcement agency in Virginia for an alleged misdemeanor not committed in the officer's presence (provided a warrant for the offense is on file).
8. When the officer has probable cause based upon a reasonable complaint of a misdemeanor not committed in the officer's presence involving shoplifting (§18.2-96 or 18.2-103), carrying a weapon on school property (§18.2-

308.1), assault and battery, destruction of property (§18.2-137), brandishing a firearm in violation of §18.2-282.

9. In case of destruction of property (§ 18.2-137) when the property is located on premises used for commercial or business purposes.
10. Under §§ 19.2-81.3 and 19.2-57.2, officers may arrest without a warrant in cases of assault and battery against a family or household member and for violations of protective orders, regardless of whether the violation occurred in the officer's presence, provided the officer has probable cause.
11. Any officer or private citizen may make a warrantless arrest upon reasonable information that the suspect has been charged in a court of any state with a felony (§19.2-100).

C. Actions upon arrest

1. Upon arrest, the officer shall serve a copy of the warrant on the accused. The warrant itself may be a photocopy of the warrant, telegram, computer or facsimile printout, or teletype message.
2. The arresting officer shall bring the accused before the magistrate for bail hearing (§ 19.2-82).
3. If the person is arrested upon a charge in a county or city contiguous to Kingsmill in which the charge is to be tried, the arresting officer may deliver the accused to the custody of a law enforcement officer of that jurisdiction or the officer may bring the accused before the magistrate.
4. The magistrate shall conduct a bail hearing and set bail or secure bond if appropriate just as if the accused had been arrested on the warrant from another jurisdiction (§ 19.2-123). The officer shall not request the issuance

of any arrest process such as duplicate warrants or fugitive warrants based on the charge in the other jurisdiction within Virginia.

5. The arresting officer shall contact the law enforcement officials where the charge was made and inform them that the accused has been arrested based on the teletype message (or other arrest document), and if not bonded, ascertain when a representative will arrive to transfer the accused back to the locality having trial jurisdiction.
6. Once the arrest has been made, the officer shall ensure that the arrestee's name has been removed from NCIC/VCIN by requesting such through the regional jail or JCCPD.
7. If the suspect is arrested under a copy of the original warrant, the officer shall request Dispatch to contact the originating agency via VCIN with JCCPD, or via phone. The message shall state that the suspect has been arrested under a warrant from the originating agency's jurisdiction and shall request that the original warrant be marked "served."
8. Complete a VCIN/NCIC check on any person to whom a summons was issued before releasing them.

D. Juveniles

Refer to Policy & Procedure 610, Juveniles, concerning handling of juveniles.

E. Summonses

1. Per § 19.2-74, an arresting officer shall issue a summons to appear at a time and place specified in such summons whenever any person is detained by or in the custody of an arresting officer for any of the following:

- a. Any offense committed in the officer's presence which is a violation of any county, city, or town ordinance, or any Class 1 or 2 misdemeanor, or any jailable misdemeanor.
 - b. An arrest on a warrant charging an offense for which a summons may be issued, when specifically authorized by the judicial officer issuing the warrant.
 - c. A violation of any county, city, or town ordinance, or any Class 3 or 4 misdemeanor, or any other non-jailable misdemeanor.
- 2. If, after issuing a summons for (a) above, the suspect continues the unlawful act, then the officer shall immediately take him or her before a magistrate.
 - 3. If the officer believes that the suspect is likely to disregard a summons, or may cause harm to himself or another person, then the officer may take the suspect immediately before a magistrate.
 - 4. When release on a summons is appropriate for an offense requiring reporting to CCRE, the arrested person shall not be photographed or fingerprinted before release. Rather, this processing shall be accomplished only upon a conviction (see § 19.2-387, -388, and -390).
 - 5. Complete a VCIN/NCIC check on any person to whom a summons was issued before releasing that person.

F. Summonses: Public intoxication

§ 19.2-74 controls the procedure for arrest for public intoxication (§ 18.2-388). The arresting officer may issue a summons to the accused rather than taking him or her into custody. When the officer believes that the inebriate is likely to disregard the summons or to harm him- or herself or others, then the inebriate may be arrested and incarcerated for that offense if necessary.

POST-ARREST PROCEDURES

A. Constitutional considerations

Refer to Policy & Procedure 115, Police Officers Limits of Authority and 604, Search Incident to Arrest.

B. Warrants and booking

If the arrested person is not released on a summons or is charged with a felony, officers shall observe the following procedures:

1. Transport the suspect to the regional jail/magistrate's office to be formally charged, if the warrant has not been obtained.
2. Serve the arrest warrant on the arrestee providing a copy to the arrestee, keep a copy, and leave the remaining copies with the jail.

C. Injury before or during arrest

If a person receives an injury before or during an arrest and either requests medical attention or, in the officer's judgment, medical attention is needed, officers shall transport the suspect or arrange for his or her transportation to the hospital for an examination before booking. The Chief of Police shall be immediately notified. An incident report will be completed.

D. Processing of paperwork

A case file must be completed on all arrests. The case file should be made up of the following:

Offense reports, including outside agencies

Booking forms
Fingerprint cards
Photographs
CCRE reports
Copies of summonses
Copies of warrants
Bond papers
Jail committal forms
Evidence forms

In the case of juvenile offenders:

Petitions
Detention orders

E. Further processing

1. If a bond is allowed, the magistrate completes a bond certificate which is attached to the warrant(s), and the person is allowed to leave after meeting the required bond.
2. If a bond is not allowed or cannot be made, the person is then committed to jail by the magistrate, who then completes a committal form and attaches it to the warrant whereupon the arrested person is placed in jail.
3. Items seized as evidence shall be tagged and returned to the Departmental evidence locker. See Policy & Procedure 650, Evidence.

RELEASE FROM ARREST

A. Legal background

1. Officers may encounter a circumstance where probable cause develops to arrest a person for an offense, only to find out shortly thereafter that the person under arrest did not commit a crime, or that the event was not a crime. It is imperative, then, that the officer ends the arrest process immediately to avoid becoming liable for false imprisonment.
2. The Attorney General has issued an opinion that, in the event that the circumstances under (1) above occur, officers shall discharge the person from custody without taking him or her before a magistrate.

B. Procedure

1. If the arresting officer determines that probable cause no longer exists to arrest a suspect, and the officer is satisfied that the person under arrest either did not commit the crime or that the crime did not occur, then the officer shall release the suspect.
2. When an officer releases a subject from arrest, he or she shall return the person to the place of the arrest, if the location is safe. The officer shall not release the person along the roadside. If a vehicle has been towed, the vehicle shall be returned to the operator/registered owner unless it is required as evidence, or some other legal authority assumes custody of the vehicle.
3. Upon releasing a person in this manner, the officer shall immediately contact the supervisor and advise him or her of the incident.
4. To help protect him- or herself and the Department, the officer shall document in an incident report:
 - a. The date and time of arrest.
 - b. The person arrested (name, address, date of birth, race).

- c. The location of arrest.
 - d. Probable cause for the arrest and the specific charge(s).
 - e. The location and time of release from arrest and whether the person was transported.
 - f. The reasons or discovery of information that led the officer to release from arrest.
 - g. Any witnesses to the alleged crime, or to the fact the person arrested was allegedly involved.
 - h. Whether force was used in making the arrest, and if so, the nature of any force used and the consequences (including medical aid).
5. If the officer makes an arrest based on probable cause, the arrest is lawful. Probable cause must continue to exist through the appearance of the officer and arrested person before the magistrate. If not, the officer must release the person as soon as practicable.

IMMUNITY FROM ARREST

A. Legislative immunity

- 1. Members of the United States Congress are exempt from arrest when Congress is in session, or when they are en route to or from congressional business, **except** for traffic summonses. (Article I, Section 6, U.S. Constitution)
- 2. Members of the Virginia General Assembly are exempt from arrest during a legislative session (or for fifteen days before the beginning or after the


ending of any session) except in cases of treason, a felony, or a breach of the peace. (Article IV Section 9, Constitution of Virginia)

- a. No member or clerk of the General Assembly or the Lieutenant Governor is exempt from arrest or imprisonment for treason, a felony, or a breach of the peace.

B. Diplomatic immunity

1. 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.
2. Upon exhibiting proof of diplomatic immunity, persons shall be released upon being stopped for a misdemeanor traffic violation. If questions arise about this procedure, or if an arrest for a felony is necessary, call and advise the U.S. State Department Office of Security (202-647-4415, days, or 202-647-1512, nights and weekends).
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 to the public or other officers. Verification of the diplomatic claim shall take place after a danger has been neutralized. A criminal investigation shall proceed as if no valid diplomatic immunity claim has been made. Interviews, interrogations, seizures of evidence, or issuance of warrants shall proceed per departmental procedure. In a criminal investigation, the chief/sheriff shall remain in contact with the State Department.

4. **Regardless of the claim of immunity, in any case where officers arrest or detain foreign nationals, the suspects shall be advised of their right to have their consular officials notified.** In some cases, this notification is mandatory. Note: the list of countries which require mandatory notification of consular officials in the event that one of their citizens has been arrested is extensive. The State Department shall be contacted for guidance.
5. Dispatch shall maintain a manual provided by the State Department regarding diplomatic immunity for reference in these situations.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Search Incident to Arrests	Number: 604
Effective Date: 01/13/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\604 Search Incident to Arrests	

I. PURPOSE:

The purpose of this procedure is to establish the guidelines for the search incident to arrest by sworn Department personnel.

II. POLICY:

It is the policy of the KMPD that only sworn Department personnel will conduct searches incident to arrest and within the scope of this procedure.

III. PROCEDURE:

This procedure applies to sworn Department personnel only.

Non-sworn Department personnel should refer to Policy & Procedure 116, Public Safety Officer – Dispatcher Limits of Authority.

Officers who develop reasonable suspicion that a crime has been committed may make investigative stops of citizens and under probable cause may make arrests or conduct searches. The Department encourages investigations and expects officers to search competently and knowledgeably whenever the occasion requires. The Virginia General Assembly has declared its preference for search warrants under *Virginia Code* § 19.2-59 and has cautioned officers of the need to adhere to constitutional guidelines. Consistent with this policy manual, officers shall not conduct general exploratory searches but shall

adhere strictly to constitutional law. Officers are reminded that when a search is made incidental to an arrest, the search must be based on the arrest and not the arrest on the search. The officer's authority to search without a warrant comes automatically from a lawful arrest.

Refer to Policy & Procedure 602, Field Interviews, Stop and Frisks, as appropriate.

A. General

The general rule is that a reasonable search may follow a valid arrest. The officer 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

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

- a. The search must be made as soon as practical after the arrest.
- b. The search must be made at or near the place of the arrest.

C. When a search before an arrest is valid

A search incident to an arrest is mandatory following the arrest. An officer cannot search a person without probable cause, and then arrest the person if something incriminating turns up.

A search before an arrest is valid only if:

1. probable cause for the arrest existed before the search began, **and**
2. the search and arrest occur almost at the same time.

D. Use of force

An officer conducting a search incident to an arrest is permitted to use whatever degree of force is reasonable and necessary at the time of the arrest. If the officer used an unreasonable amount of force under the existing circumstances, the search is unlawful.

1. Officers are reminded that the use of deadly force merely to prevent the escape of a fleeing felon constitutes an unreasonable seizure under the Fourth Amendment. The same logic applies to any application of excessive force during a search. Refer to Policy & Procedure 118, Use of Force.
2. Suspects should be handcuffed prior to conducting the search.

E. Scope of search

An officer making a search incident to an arrest may search only the following permissible places:

1. The entirety of the person being arrested.
2. The area within the immediate control of the person being arrested into which the suspect might reach for a weapon or for evidence. The purpose of this search must be to:
 - a. Protect the officer
 - b. Prevent escape

c. Prevent the destruction of evidence

3. Accessories carried by the suspect may be searched incident to a full custodial arrest for they are within the area in which the defendant might reach to grab a weapon or an item of evidence.

4. Vehicles may be searched contemporaneous with the arrest of the occupant or driver. The search shall be conducted as soon as practicable following the arrest.

a. A contemporaneous search of the entire passenger compartment may be undertaken incident to the arrest of the occupant or driver, even if the driver or occupant is not in the vehicle at the time of the search.

b. A search undertaken pursuant to "a" includes any container found within the passenger compartment. A container is any object capable of holding another object, and includes open or closed glove compartments, luggage, boxes, and bags.

c. The trunk of the vehicle shall not be searched incident to an arrest **unless** readily accessible to the suspect. The search of the trunk can only be undertaken for inventory before tow and for a consent search.

F. Strip searches

Strip searches shall not be conducted by Department personnel. Should an officer feel that such search is necessary; the officer will inform the JCCPD or regional jail as to such.

G. Body-cavity searches

Body cavity searches shall not be conducted by Department personnel with the exception of the mouth when there is probable cause to believe a particular suspect may be concealing contraband within it. If the suspect appears to have swallowed contraband, then emergency medical personnel will be contacted to transport the suspect to the hospital for the suspect's safety.

H. What may be seized

1. During a search incident to an arrest, an officer may seize any of the following things:
 - a. Anything in the permissible area that is evidence of the offense for which the officer has probable cause to make the arrest.
 - b. Anything in the permissible area that is evidence of any other offense.
 - c. Anything else that is outside the permissible area that is evidence of the offense for which the officer makes the arrest or of any other offense if the evidence is in plain view of the spot where that officer makes the arrest.

- I. Searches incident to an arrest are not illegal. The Attorney General (Virginia) has decided that searches incident to lawful arrests are not prohibited by § 19.2-59 which provides that no law-enforcement officer shall conduct a search unless in possession of a search warrant issued by the proper officer.

J. Search the following

When searching a suspect incident to an arrest, search all of the following places:
(Suspect should be handcuffed prior to conducting search)


1. Hair
2. Open mouth (have suspect open mouth; officer checks visually)
3. Collar
4. Back of neck, the ears, and behind the ears
5. Both arms
6. Armpits
7. Chest
8. Back
9. Waistline (feel inside the pants)
10. Inside belt
11. Crotch
12. Down both legs
13. Cuffs
14. Socks
15. Inside shoes

K. Opposite Sex Searches

Officers should only conduct full searches on individuals of the same sex. Should an officer have a need to conduct a search of an individual of the opposite sex, attempt to have an officer of the same sex as the individual respond to conduct the search. Contact JCCPD if necessary.

If another authority, JCCPD, WPD, etc., does not have anyone available, the officer must have another officer present as a witness during the search.

This sequence should be followed for pat-downs or stop and frisks as well, as conditions allow.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Prisoner Restraints and Transportation	Number: 606
Effective Date: 02/02/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\606 Prisoner Restraints and Transportation	

I. PURPOSE:

The purpose of this procedure is to establish the guidelines for the restraining and transportation of prisoners.

II. POLICY:

It is the policy of the KMPD that sworn officers will only restrain and transport prisoners as outlined in this procedure.

III. PROCEDURE:

This procedure applies to sworn Department personnel only.

Non-sworn personnel should refer to Policy & Procedure 116, Public Safety Officer – Dispatcher Limits of Authority.

Arrested Persons

A. General

1. Officers shall handcuff or restrain all arrested adults.

2. The nature of the restraint chosen to subdue a suspect and the related method of transporting a suspect to jail or to court depends on the level of threat against the officer. A minimal threat may require restraint through metal or plastic handcuffs. A threat of property damage or injury posed by the suspect may require restraint through a body belt, leg or ankle restraints, or a vehicle partition. If other restraints beyond handcuffs are needed, then JCCPD must be contacted to provide the additional restraint of the suspect. KMPD officers shall only restrain with metal or plastic handcuffs.
3. Juveniles should not be handcuffed unless they pose an escape risk, the juvenile has committed a crime of violence, or where the officer reasonably believes handcuffing to be necessary for the safety of the juvenile or officer.

B. Handcuffs

1. Officers shall handcuff a person with the hands in back, palms facing outward, but may choose to handcuff hands in front if the prisoner meets any of the following conditions:
 - a. Is obviously pregnant
 - b. Has a physical handicap
 - c. Has injuries that may be aggravated by standard handcuffing procedures
2. Officers shall not handcuff a person to the transport vehicle or any part of it, or to any other fixed object such as a door or pipe.
3. Officers shall double-lock handcuffs to help ensure prisoner and officer safety. Double locking reduces the chance of picking the lock or of the bracelet accidentally closing, further restricting circulation.

C. Plastic handcuffs

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

D. Body belt, ankle or leg shackles

Body belts, ankle or leg shackles are not authorized for use by KMPD personnel. Should it appear that these devices are necessary for control of the suspect, contact JCCPD to respond and assist.

Persons not arrested

A. If officers have a reasonable suspicion that a suspect has been involved in a violent offense, then handcuffs may be applied while officers investigate the possibility that criminal conduct occurred. Refer to Policy & Procedure 602, Field Interviews and Stop and Frisk.

B. Persons not arrested but who are subject to investigative detention may be restrained under the following circumstances.

1. Suspects shall be handcuffed only as long as necessary to accomplish the investigative goal.
2. Handcuffing of suspects shall be accomplished with minimal discomfort to the suspect but with the reasonable force necessary to detain.

Special Circumstances

A. Positional asphyxia

Officers shall not hog-tie suspects by placing them in a prone position with the hands and ankles bound from behind with handcuffs, belts, or other devices. As soon as any suspect who is lying on his or her stomach has been handcuffed, officers shall roll the suspect onto his or her side, or place the suspect in a sitting position.

1. Positional asphyxia occurs when the position of the body interferes with respiration. A prone, hog-tied suspect may suffocate. Intoxication, presence of a head injury, obesity, and physical disability are all circumstances that can increase the possibility of suffocation.
2. Ascertain if the suspect has used alcohol or drugs recently or suffers from any cardiac or respiratory problem. Monitor the suspect and obtain medical treatment if necessary.

Transportation of prisoners

Prisoners should be transferred to the regional jail or other authority either by having a second officer ride along with the transporting officer with the suspect in the right rear passenger seat if the vehicle is not equipped with a partition. The suspect is always to be seat-belted.

Should the Department officer determine the need for additional restraint measures, then JCCPD will be contacted to request assistance with the restraint and possible transportation of the prisoner to the regional jail or other authority having jurisdiction.

Proceed directly to the regional jail or authority having jurisdiction. Do not stop or deviate unless an exigent circumstance exists as outlined in this procedure.

Juveniles shall not be transported with adults.

Male prisoners shall not be transported with female prisoners.

All times and mileage leaving Kingsmill and arriving at the regional jail or other authority having jurisdiction will be transmitted to and recorded by Dispatch.

Prisoners shall be searched prior to transportation. An officer the same sex as the prisoner will conduct the search. If one is not available, contact JCCPD for assistance. If one is still not available, then the arresting officer shall request an additional officer as a witness to conduct the search notifying the jail or other authority having jurisdiction upon arrival that a complete search needs to be conducted.

The transporting vehicle needs to be checked before and immediately after transportation of the prisoner to ensure the prisoner did not leave or attempt to hide any contraband or other illegal item.

If a medical situation develops while transporting, the officer will immediately summon medical personnel and police assistance from the jurisdiction the officer is currently in. Officers should not drive to a hospital or other facility. Instead park in the closest safe and visible location and wait for medical and police personnel.

Transportation of prisoners with physical disabilities should be referred to JCCPD for transportation.

Should the prisoner have an injury or appear to need medical attention, the medical attention will be summoned or obtained prior to transporting the prisoner to the regional jail or other authority having jurisdiction. JCCPD should be contacted to assist. Should the prisoner refuse treatment for apparent injuries, continue to summon medical assistance and have the prisoner refuse treatment with responding medical personnel. Obtain a copy of the refusal paperwork from the medical personnel and present to the regional jail or authority having jurisdiction. Attach a copy to the Department incident report.

During transport, maintain visual contact of the prisoner.

Transportation of apparent mental or aggressive individuals might require two officers in the event that a situation arises while in route to the regional jail or other authority having jurisdiction.

Should the prisoner escape during transport, immediately contact the police in the jurisdiction the officer is in and await their arrival for assistance.

Stopping to provide law enforcement services while transporting:


When transporting a prisoner, the transporting officer shall provide law-enforcement services only when:

1. A need exists for the transporting officer to act immediately in order stop or prevent a violent act and prevent further harm to a victim.
2. A person has been injured and assistance is required immediately.
3. A crime is in progress, thus creating an immediate need to apprehend the suspect.
4. In all of the above situations, the transporting officer shall ensure at all times that the prisoner is secured and protected.
5. Under no circumstances shall an officer transporting a prisoner engage in a pursuit.

Transportation of subjects in investigative custody

Subjects in investigative custody should not be transported unless they are being transported to be turned over to the JCCPD or other authority having jurisdiction.

If the need arises for a witness or victim to identify the subject as a suspect, then the witness or victim should be transported to the location of the suspect. Care should always be given so that the suspect cannot readily identify the victim or witnesses.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Witness Identification	Number: 609
Effective Date: 01/01/2008	Review Date: 10/04/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\ 609 Witness Identification	

I. PURPOSE:

The purpose of this policy is to establish guidelines for the preparation and presentation of lineups and show-ups.


II. POLICY:

Witness identification procedures shall be conducted in a manner that increases the reliability of identifications and minimizes suggestiveness that could lead to unjust accusations potentially violating a suspect's due process rights. With limited resources, the KMPD will utilize the James City County Police Department for this process.

III. PROCEDURE:

The Kingsmill Police Department will seek the assistance of the James City County Police Department, JCCPD, to conduct any and all photo lineups, physical lineups, and show ups necessary to a KMPD investigation.

The shift sergeant will contact the Chief of Police prior to contacting the JCCPD.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: General Investigations	Number: 610
Effective Date: 02/17/2004	Review Date:
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\610 General Investigations	

I. PURPOSE:

The purpose of this procedure is to establish the guidelines for general investigations.

II. POLICY:

It is the policy of the KMPD that Department personnel will conduct investigations within the scope of their training and as outlined in this procedure.

III. PROCEDURE:

The primary purpose of an investigation is to collect facts leading to the identification, arrest, and conviction of an offender and to organize and present the facts for a successful prosecution. The single most important criterion that determines a successful investigation is correctly obtaining and handling information supplied by a victim or witness after the crime. The Department expects officers to treat investigations as a skill developed through training and experience, a skill that demands intelligence, logic, and discipline.

Department employees involved with, or having knowledge of, any investigative matter shall not give opinions, conclusions, or other information to unauthorized individuals without the authorization of the Chief of Police. Pertinent, factual information may be reviewed with those involved in the investigation as deemed appropriate.

The preliminary investigation begins when the first officer arrives at the scene of a crime (or a citizen requests help) and continues until a specialized investigator intervenes. Generally, for felonies or other lengthy investigative needs, the specialized investigator will be a member of the James City County Police Department, JCCPD. The Sergeant or shift supervisor may reassign investigative responsibilities as deemed necessary. For all internal employee investigations, the Chief of Police must be notified.

Officers who first arrive at a possible crime scene must take care not to enter hastily. The crime scene may pose a threat to the officer: an armed suspect may still be at the scene; toxic chemicals or infectious materials may be present; or evidence may be destroyed if the officer enters. When practicable, officers shall first note the total environment of the scene including, for example, whether doors and windows are open or closed, lights on or off, presence of odors, and the condition and circumstances of the victim. NOTE: Only sworn officers may be dispatched, or respond to alleged crimes in progress whereby the likelihood of an altercation with a suspect is possible.

After forming an impression of the entire scene and ensuring that no threat exists, the officer shall proceed with the preliminary investigation that consists of, but is not limited to, the following activities:

1. Providing aid to the injured.
2. Defining the boundaries of and protecting the crime scene to ensure that evidence is not lost or contaminated. Erect barricade tape, rope, or cordon off the immediate crime scene. Record any alterations to the crime scene because of emergency assistance, the immediate necessity to handle evidence, or the actions of witnesses, victims, or suspects at the scene.
3. Determining if an offense has actually been committed and, if so, the exact nature of the offense.
4. Determining the identity of the suspect or suspects and making an arrest if it can be accomplished either at the scene or through immediate pursuit.

5. Furnishing other officers with descriptions, method, and direction of flight of suspects, and other relevant information concerning wanted suspects or vehicles.
6. Determining the identity of all witnesses. It is important to separate witnesses so that stories cannot be compared or combined.
7. Collecting evidence. Unless exigent circumstances exist or a supervisory officer so orders, officers conducting a preliminary investigation shall not collect evidence at major crime scenes. When appropriate, officers shall gather document evidence, taking care to maintain the chain of custody.
8. Obtaining written statements from the victim, witnesses, and suspects.
9. Arranging for follow-up surveillance of the crime scene, if appropriate.
10. Accurately and completely recording all pertinent information on the prescribed report forms.
11. Contacting JCCPD, as necessary, to assist with any of the preceding steps or to assume the primary investigative role in the investigation.

Supervisory responsibilities

The on-duty supervisor shall ensure that an adequate and complete preliminary investigation has been made and shall review, screen, and approve the officer's preliminary report. Screening shall include a review of facts to ensure that all essential information is included, along with legibility, clarity, and completeness. Supervisors shall review, approve, and sign crime reports. Supervisors, upon reviewing the preliminary investigation, shall contact the JCCPD to report and request assistance as necessary for felony or other lengthy investigative matters, or at any time the resources of the Department cannot meet the demands of the investigation.

1. Supervisors shall limit access to crime scenes to those persons immediately and directly connected with the investigation. This rule applies to other officers of the Department, other agencies, or members of the community, regardless of rank or position.
2. The supervisor shall authorize the call-out of JCCPD, if appropriate.
3. The supervisor may enlarge the preliminary crime scene, if necessary, by assigning officers to canvass the area for possible witnesses or suspects.
4. Contacting the Chief of Police for any crime against person, felony, unusual circumstance, or to request assistance in handling the matter at hand.

Follow-up Investigations

Occasionally, additional investigation will be required at the end of the tour of duty of the assigned officer. In these cases, the on-duty supervisor shall determine whether the investigation should be discontinued until the assigned officer's next tour of duty, or assigned to the next available officer or an investigator.

Except where the investigation might be jeopardized by its temporary discontinuance, the original assigned officer shall handle the case.

Department officers involved with an on-going investigation also involving the JCCPD shall not attempt to further their investigation without approval from the investigating JCCPD investigator.

A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion that he or she works on it. The investigator shall maintain a file to include supplemental reports.

A follow-up investigation consists of, but is not limited to, the following activities:

FOR A NON-CRIMINAL CASE

Working with the JCCPD as necessary or required.

1. Interviewing complainants and witnesses.
2. Locating missing persons.
3. Determining if information or suspicious activity relates to criminal activity.
4. Distributing information to the proper persons or agencies.
5. Locating lost property and returning same to the owner.
6. Investigating deaths, overdoses, suicides, and injuries to determine if a crime was committed.
7. Making necessary notifications or conducting necessary inspections.
8. Recording information.

FOR A CRIMINAL CASE

Working with the JCCPD as necessary or required.

1. Reviewing and analyzing reports of preliminary investigations.
2. Recording information.
3. Reviewing departmental records for investigative leads.

4. Seeking additional information (from other officers, informants, contacts in community, and other investigators/agencies).
5. Interviewing victims and witnesses.
6. Interviewing suspects.
7. Arranging for the dissemination of information as appropriate.
8. Planning, organizing, and conducting searches.
9. Collecting physical evidence.
10. Recovering stolen property.
11. Arranging for the analysis and evaluation of evidence.
12. Reviewing results from laboratory examinations.
13. Identifying and apprehending the offender.
14. Checking the suspect's criminal history.
15. Determining if the suspect has committed other crimes.
16. Consulting with the Commonwealth's Attorney in preparing cases for court presentation and assisting in the prosecution.
17. Notifying victims and witnesses when their presence is required in court.
18. Testifying in court.
19. Arranging for polygraph examinations, if necessary.

Report Writing

Field notes

All formal reports begin with field notes. Field notes are important for the following reasons:

1. To create a permanent record of events.
2. To aid the investigation.
3. To ensure accurate testimony in court.
4. To protect the officer from false accusations.

Formal reports shall include the following information:

1. Date and time of arrival at the scene.
2. Relevant weather or situational conditions at the scene upon arrival (e.g., a fire, crowd).
3. Circumstances of how the crime was discovered and reported.
4. Identity of other officers or emergency personnel at the scene.
5. Physical evidence present at the scene and the officers responsible for its collection.
6. Names, addresses, and telephone numbers of victims or witnesses.
7. Results of interviews with the complainant, victim, or witnesses to include the identity or description of suspects.

8. Diagrams, sketches, photographs, or videotape taken at the scene, and the identity of the photographer or artist.
9. Recommendations for further investigation.

Sources of Information

Officers must cultivate sources of information to draw from in an investigation.

Interviews and interrogation

1. Field interviews

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

2. Victim/witness interviews

- a. Officers must recognize the trauma/stress to which the victim or witness has been subjected and shall conduct the interview in such a manner as to reduce stress.
- b. The age, physical limitations, and credibility of witnesses shall also be considered when evaluating their information.
- c. Interviews should be conducted in conjunction with JCCPD as necessary.

3. Interviews of suspects

- a. Interviews to obtain investigative leads can be very useful, but all constitutional precautions must be taken and recorded if the interview is to be used in court later.
- b. For court use, detailed notes or a recorded tape shall be made of the interview for court use giving time, date, location, officers present, waiver of rights, and the time the interview ended. Statements obtained during an interview shall not be based on coercion, promises, delays in arraignment, or deprivation of counsel. Juvenile victims, witnesses, and suspects shall be given the same constitutional protection as adults. The following additional safeguards shall be followed:
 - (1) Parents or guardians shall be notified whenever a juvenile is interviewed, taken into custody, or charged.
 - (2) The number of officers engaged in the interview shall be kept to a minimum. The interview shall be as short as possible.
- c. Interviews will be conducted in conjunction with JCCPD as necessary.
- d. Refer to Policy & Procedure 115 – Police Officer Limits of Authority with regard to requirements for interviews.

Collection, preservation, and use of physical evidence

Physical evidence is of major importance in all cases, particularly those without witnesses. The successful prosecution of a case often hinges on the quality of the physical evidence collected and preserved.

All officers are responsible for the preservation of evidence, and for maintaining and documenting the chain of custody of all evidence that is in their charge. Refer to Policy and Procedure 650, Evidence.

Organized/Vice crimes and police intelligence information and complaints

Officers may receive information on or complaints regarding organized crime, vice, or matters of law enforcement intelligence demanding investigation. Organized crime and vice activities and intelligence matters may include any of the following:

1. Corruption, extortion, bribery
2. Illegal sale and distribution of liquor, tobacco, firearms, or controlled substances
3. Prostitution, pornography
4. Gambling
5. Theft/fencing rings
6. Loan sharking or labor racketeering
7. Terrorism, subversive activities, or civil disorders


Officers receiving information under the above shall prepare an incident/information report which shall include the following information:

1. Type of illegal/suspected activity, location, names and addresses of suspects involved, and information concerning the activities.
2. Name, address, and telephone number of the complainant, if any.

Initially, the reporting officer shall conduct no preliminary or follow-up investigation, but shall first contact the on-duty supervisor and the Chief of Police concerning the reported information. The Chief of Police shall confer with appropriate state, federal, or local law enforcement agencies as necessary.

Line-Ups

The KMPD does not conduct in-person line ups. Photographic line-ups shall only be conducted upon approval of the Chief of Police. Approved photographic line-ups will be conducted by, or through the assistance of, the James City County Police Department or other authority having jurisdiction.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Juvenile Procedures	Number: 611
Effective Date: 02/20/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\611 Juvenile Procedures	

I. PURPOSE:

The purpose of this procedure is to establish guidelines and procedures for handling juveniles who are in need of protection, in violation of status offenses, and those charged with criminal offenses.

II. POLICY:

The Department's interests concerning juvenile offenders reflect those of the community: to prevent and control juvenile delinquency. The Department expects officers to handle juveniles consistent with common sense and the dictates of state law. The Department's policy includes the identification, apprehension, and conviction of juveniles charged with crimes. The best interests of juveniles and the community, however, dictate a limited application of our arrest powers against juveniles who are charged with status offenses. Accordingly, officers may handle errant juveniles informally, particularly status offenders, those in need of protection, and those suspected of committing minor criminal offenses. The authority to carry out the provisions of this order derive from *Virginia Code* §§ 16.1-246, 16.1-247, and 16.1-299. In case of minor or status offenses, officers should divert juveniles from the formal criminal justice process, and instead choose community referral.

Only sworn Department personnel may perform such actions as interviews, detentions, searches, or arrests as outlined in this procedure. Non-sworn Department personnel, with no arrest authority, may only attempt the detention, or search, of a juvenile as provided in Policy & Procedure 116, Public Safety Officer/Dispatcher Limits of Authority.

III. PROCEDURE:

A. Definitions

Child, juvenile, minor

A person who is less than eighteen years of age. Physical appearance, maturity, marriage, or the seriousness of an offense does not affect a juvenile's legal status.

Delinquent acts

Acts designated as a violation of a law of the Commonwealth of Virginia or an ordinance of any city, county, town, or federal law, but not to include status offenses. Refer to § 16.1-228 for a legal definition of the term.

Delinquent child

A child who has committed a delinquent act or an adult who had committed a delinquent act prior to his or her 18th birthday.

Intake officer

A juvenile probation officer who is designated by law as having the quasi-judicial authority to decide probable cause, divert the juvenile from the criminal process, or petition the court. An intake officer is normally a juvenile probation officer, per § 16.1-228.

Juvenile court

The name by which the Juvenile and Domestic Relations District Court is often called. This court is responsible for the judicial processing of juvenile offenders, and the determination of abuse and neglect cases. As a result, the judge of this court decides the propriety and legality of police handling of juveniles.

Missing child

Any person who is under the age of 21 years, whose temporary or permanent residence is in Virginia, or is believed to be in Virginia, whose whereabouts are unknown to any parent, guardian, legal custodian, or other person standing in loco parentis of the child, and who has been reported as missing to a law-enforcement agency within the Commonwealth.

Missing child report

A report prepared in a format prescribed by the Superintendent of State Police for the use by law-enforcement agencies to report missing child information to the Missing Children Information Clearinghouse and then sent to JCCPD.

Person acting for a parent

A teacher, relative over the age of eighteen, or any adult willing to accept the responsibility for the juvenile.

Status offender

A juvenile who commits an act (status offense) that is unlawful only if committed by a juvenile. Examples of status offenses:

1. A juvenile who is subject to compulsory school attendance but is habitually absent without justification (truant).
2. A juvenile who is habitually disobedient to the lawful commands of parents or other responsible persons (incorrigible).

3. A juvenile who remains away from or who habitually deserts or abandons the family (runaway). § 16.1-228 pertains.

B. General

Handling of juvenile offenders - general

1. A juvenile offender shall be handled with firmness and respect: this sets the tone for the entire processing of the juvenile's case. The contact a juvenile has with law enforcement is his or her first impression of society's enforcement system. The officer's proper handling may prevent the recurrence of anti-social behavior. An officer's warning is often all that is required to keep the juvenile from having to appear in juvenile court. Improper handling often creates the mistaken but lasting impression that all officers and other government officials are unfair, untrustworthy, and inflexible, and may result in the juvenile's complete rejection of lawful authority. See § 16.1-227 for a discussion of the purposes and objectives of juvenile justice in Virginia.
2. The juvenile justice system and laws are designed to give the child a chance to mature without bearing the stigma of a criminal record. The juvenile justice system emphasizes confidentiality of records and the privacy of an adjudicatory hearing. Terms such as "take into custody" and "not innocent" substitute for "arrest" and "guilty" to avoid giving the juvenile's behavior a criminal label. Where appropriate, officers shall reasonably try to keep juveniles out of the criminal justice system.
3. The officer may handle a juvenile either informally or formally. The options under informal handling are detailed below. Formal handling occurs when the juvenile is brought before the juvenile court or an intake officer for further processing. The options under formal handling are detailed below.

Officers shall complete all required paperwork with comprehensive information on the child, parents, complainant, and witnesses.

4. In making the decision to handle the juvenile either informally or formally, the officer shall consider the following:
 - a. Seriousness of offenses
 - b. Prior record of child
 - c. Child's age
 - d. Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated
 - e. Degree of wrongful intent, violence, premeditation, knowledge of violation
 - f. Likelihood that the child or parent can be successfully referred to a helping agency
 - g. Upon review with JCCPD or Commonwealth Attorney, as necessary

Supervisory responsibilities - general

The supervisor shall:

1. Review and approve all paperwork by the arresting officer.
2. Immediately contact the intake officer (if the arresting officer or the supervisor determines that the juvenile in custody is innocent), relate the facts of the case, and request a decision whether to release or detain if charges are pending.
3. Notify the Chief of Police as necessary.

Informal handling

1. Informal handling includes the officer's use of the following measures:

- a. Warning and releasing to a parent or guardian.
- b. Requiring the parents to pick up the juvenile.
- c. Referring the family to a community social service agency.

2. Guidelines for informal handling

- a. Respect a juvenile's right of privacy. Information gained should be provided to others only on a "need to know" basis and within accordance of established policy.
- b. When the officer encounters a victim/complainant who demands to bring a child before the juvenile court, and the officer wishes the matter handled informally, the officer shall contact the intake officer for assistance. It is ultimately the intake officer who determines whether or not a petition will be issued.
- c. Even when he or she is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation. Officers shall decide without delay whether formal or informal handling is in order, and then apply the appropriate guidelines of this procedure.
- d. Even if officers handle a case informally, they may still follow-up the case at a later time or, at any time, refer the juvenile and his or her parents to an appropriate social service agency.
- e. Officers who release juveniles after issuance of a warning shall complete a field interview card or report. On it, the officer shall give a

complete clothing description and the circumstances of the contact.
Complete a Department report within established Department policy.

3. Sample offenses for informal handling

Generally, first instances of the following types of offenses shall be handled informally; however, the list is not complete and officers' good judgment is important.

- a. Annoying telephone calls
- b. Cursing and abuse
- c. Drunkenness
- d. Disorderly conduct without resulting property damage or injury
- e. Curfew violation and other status offenses

Formal handling

- 1. Formal handling occurs when the juvenile is taken before the juvenile court or intake officer for their decision on the proper disposition.
- 2. Generally, the following situations require formal handling of the juvenile.
 - a. Delinquent acts that if committed by an adult would be felonies.
 - b. Delinquent acts involving weapons.
 - c. Delinquent acts involving aggravated assaults and batteries.

- d. When the police arrive at the scene of domestic violence and discover a child at risk.

Taking juveniles into custody

In accordance with § 16.1-246, no juvenile may be taken into immediate custody except under the following circumstances:

1. With a legal detention order.
2. When the child is alleged to be in need of services, and two conditions exist:
 - a. There is clear and substantial danger to child's life or health.
 - b. Custody is necessary to insure child's appearance before court.
3. When, in the arresting officer's presence, a child commits a crime and the officer believes custody is necessary for protection of the public interest.
4. The officer has probable cause to believe a child has committed an offense that if done by an adult would be a felony.
5. The officer has probable cause to believe a child has committed a misdemeanor offense involving shoplifting (§ 18.2-103), assault/battery, or carrying a weapon on school property (§ 18.2-308.1).
6. The officer has probable cause to believe that a child has either run away from home or is without adult supervision at such hours of the night and under such circumstances where the officer reasonably concludes that there is a clear and substantial danger to the child's welfare.

7. The officer has probable cause to believe that a person committed to the Department of Juvenile Justice as a child has run away or has escaped from a jail or detention home.
8. The officer has probable cause to believe that a child has run away from a residential facility or home where he or she had been placed by the court or an appropriate social services agency.
9. The child is believed to be in need of inpatient treatment for mental illness (§ 16.1-340).

General guidelines for taking juvenile into custody

1. Do not take custody of a juvenile or assume an overly authoritative position when the purpose can be accomplished by asking appropriate, permissible questions at the location of contact.
2. When stopping juveniles on the street, detain juveniles for the briefest time that will permit the purpose of the stop to be accomplished. The decision of either formal or informal handling shall be made in a reasonable time.
3. If it is necessary to take the juvenile into custody, do so with the least possible embarrassment to the juvenile and his or her family. Unless there is special justification for doing otherwise, don't remove the juvenile from his or her home.
4. Refer to § 16.1-247 for a specific outline of duties of the arresting officer when the juvenile court offices are open or closed.
5. Regardless of the disposition of the juvenile in custody, officers shall make every reasonable attempt to notify parents or guardians and inform them of the circumstances.

Transportation of juveniles

1. No juvenile under 18 shall be transported in the same vehicle with adults suspected of or charged with criminal acts (§ 16.1-254 applies).
2. Follow handcuff procedures as outlined in this procedure.

Legal aspects of confinement of juveniles

1. Virginia law requires juveniles who are taken into custody to be released to a suitable parent or guardian or otherwise suitable person, after the facts have been ascertained and under certain conditions. Detention of the juvenile is permissible under the following circumstances (per § 16.1-248.1):
 - a. The juvenile has committed an act that would be a Class 1 misdemeanor or a felony if committed by an adult.
 - b. The seriousness of the present or past offenses, other pending charges, the legal status of the juvenile, and other aggravating or mitigating circumstances all pose an unreasonable danger to public safety.
 - c. The release of the juvenile would pose a clear and substantial threat of harm to the juvenile's health or life.
2. § 16.1-249 puts certain restrictions on the place of confinement. No person known or alleged to be under the age of 18 shall be confined in any jail or other facility with adults except under certain circumstances as detailed in the statute.
3. § 16.1-249.G states that if a juvenile 14 years of age or older is charged with an offense which, if committed by an adult, would be a felony or Class 1 misdemeanor, and the judge or juvenile intake officer determines that secure detention is required, the child may be detained not longer than six hours in a temporary lock-up or juvenile ward pending transfer to a juvenile facility. This room or ward may be located in a building with a jail but the room or ward must

be separate and removed from adults, must be under constant supervision, and must be approved by the State Board of Corrections for the detention of juveniles.

Questioning juveniles

1. When questioning a juvenile in custody, the same rules and procedures used for an adult must be followed. Under no circumstances shall the child, any more than an adult, be compelled to answer questions either by physical force or psychological pressure or deceptions. Utilize JCCPD to assist as outlined in this Policy and Procedure Manual.
 - a. While the officer may be conducting a non-custodial interview, the juvenile may construe it to be a custodial interrogation. When conducting an interview or an interrogation with a juvenile, the officer shall consider the duration of the questioning, and the juvenile's age, mental capacity, education, and experience.
2. No juvenile can be compelled to answer any questions that may tend to incriminate him or her. Juveniles are entitled to the full *Miranda* warnings and these rights must be explained in the presence of parents, circumstances permitting, guardian, or counsel.
3. When questioning a juvenile, officers shall not prolong the interview beyond what is needed in order to complete their investigation. Also, one officer shall handle the interrogation if at all possible in order to lessen the chance of the juvenile feeling intimidated or pressured. If an officer interrogates a juvenile of the opposite sex, the officer should request the presence of another officer if one is available.
4. Officers are reminded that the rules governing searches, frisks or pat-downs, reasonable suspicion, and probable cause all apply to juveniles.

Written citations/summonses

An officer may use the Virginia Uniform Summons, just as for an adult, in the following situations:

1. Violation of the traffic laws.
2. Violation of game and fish laws.
3. An arrest for any alcohol-related offense where a parent/legal guardian is available to sign the summons.
4. Violation of tobacco laws.

C. Child Protection

When probable cause exists that a juvenile is without adult supervision at such hours of the night and under circumstances that the officer concludes that a clear and substantial danger to the juvenile's welfare exists, the officer shall:

1. Take the child into immediate custody.
2. Take the child home or have the parents/guardians respond to pick the child up. Take steps to reasonably assure that the child is not being placed into a dangerous situation, i.e. domestic or child abuse. Contact JCCPD to respond and assist if necessary.
3. The officer shall complete an offense/incident report on the matter and issue a verbal warning, Kingsmill violation, or summons as appropriate.

D. Status Offenses

Investigations of runaways

Officers taking a report of a runaway child shall perform the following:

1. Have the parent or guardian review the original report for its accuracy, particularly for verification that the birth date and physical description of the child are as stated.
2. Complete an incident report on the matter.
3. Broadcast a lookout for the runaway juvenile.
4. If the parents or guardian have previously taken fingerprints or have a current picture of the child or used an identification kit, obtain the same.
5. Contact JCCPD to provide a copy of the Department report and any other documentation, pictures, etc., and so that they may respond to take their own report. Request the JCCPD enter the appropriate information into VCIN and NCIC.

Taking runaways into custody

When probable cause exists that a juvenile has run away from home, the officer shall perform the following:

1. Local
 - a. Take the child into custody.
 - b. Verify runaway youth status through JCCPD.
 - c. Notify the intake officer of the juvenile court of the action taken, who will then determine whether to: (Use JCCPD)

- 1) Place the child in a youth shelter.
- 2) Refer to the Department of Social Services.
- 3) Release the juvenile to a parent, guardian, legal custodian, or other person acting for a parent.
- 4) Release the juvenile.
- 5) Contact JCCPD to complete a Virginia Missing Children Information Clearinghouse Report.

In any event, officers shall complete incident reports for any runways taken into custody and notify JCCPD of the same.

2. Out-of-town

- a. Take the child into custody and verify runaway status with the other jurisdiction through JCCPD.
- b. Request JCCPD respond to take custody of the child and handle the matter.
- c. Complete an incident report.

3. Truant

- a. When custody occurs because a juvenile is a reported truant by school officials, or an officer reasonably determines because of the child's age and circumstances that a juvenile is a suspected truant, the juvenile shall be taken into custody and delivered to the appropriate school personnel, parent or guardian, and released.

- b. The officer shall complete an incident report.

E. Detention Orders and Warrants

Release or detention of juveniles charged with delinquent acts

1. Whenever possible, officers shall release a juvenile to a parent or person acting for a parent, who, (1) is available and willing to provide supervision and care; and (2) promises to bring the juvenile before the court when requested. However, the arresting officer shall seek a detention order or petition from the judge, intake officer, or magistrate to detain a juvenile whenever there is probable cause to believe that the juvenile committed a felony.
2. The officer shall inform the intake officer of arrests in cases of all felonies and Class 1 misdemeanors and whether a parent or custodian of the juvenile has been notified of the arrest.


Handling of escapees

1. Immediate custody of escapees:
 - a. Juveniles who are escapees from jail, a detention home, or other institution in which they were placed by order of juvenile court, Child Protection Services, or other licensed child welfare agency may be taken into immediate custody when:
 - 1) A detention order or warrant is known to be on file in this or another jurisdiction.
 - 2) An officer has probable cause to believe that a juvenile has escaped or run away from jail, detention home, residential child care facility, or home in which they were placed by the court, the

Department of Social Services, or a licensed child welfare agency.

2. Return or placement of escapees

- a. Whether juvenile court is open or closed, the juvenile may be returned and released to the facility from which the juvenile escaped or fled.
- b. When court is open or closed and the juvenile is not released to the facility from which the juvenile escaped or fled, the officer shall contact the intake officer of the court who will determine where the juvenile will be placed.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Elements of a Crime	Number: 620
Effective Date: 08/29/2005	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\620 Elements of a Crime	

I. PURPOSE:

The purpose of this procedure is to establish a resource for officers to use to keep abreast of the elements of various crimes.

II. POLICY:

It is the policy of the KMPD that all officers will have a working knowledge of the various type of criminal activity that can occur at Kingsmill.

III. PROCEDURE:

A. Definitions of crime, felony, misdemeanor, probable cause, totality of the circumstances:

1. Crime is a wrongful act or omission against society for which the state prescribes punishment.
2. Felonies are crimes punishable with death or confinement in a state correctional facility. There are six classes of felonies in Virginia according to the severity of punishment.

Class 1: Death or imprisonment for life

Class 2: Imprisonment, 20 years to life

Class 3: Imprisonment, 5 to 20 years

Class 4: Imprisonment, 2 to 10 years

Class 5: Imprisonment 1 to 10 years, or at the discretion of the jury or court, either confinement in jail for up to 12 months or a fine of not more than \$2500, or both penalties.

Class 6: Imprisonment for 1 to 5 years; or, at the discretion of the jury or the court, confinement in jail for up to 12 months or a fine of not more than \$2500, or both penalties.

The court may impose imprisonment and a fine, or imprisonment only.

3. Misdemeanors are crimes punishable by incarceration in jail for not more than 12 months and not more than \$2500 fine or both. There are four classes of misdemeanors in Virginia according severity of punishment, but only first and second class misdemeanors carry jail terms.

Class 1: Confinement in jail for up to 12 months, or a fine up to \$2500, or both

Class 2: Confinement in jail for up to 6 months, or a fine up to \$1000, or both

Class 3: A fine not exceeding \$500

Class 4: A fine not exceeding \$250

4. Probable cause is the constitutionally established standard of reasonableness required to justify both arrests and searches and seizures.

Probable cause is established when given the totality of the circumstances, that a person of reasonable caution and prudence believes that the accused either committed, or is committing the alleged crime.

Probable cause is not: Proof beyond a reasonable doubt, bare suspicion or hunch, a mathematical probability.

Probable cause is judged by the courts through a common sense approach focusing upon the “practical considerations of every day life,” and not an “overly technical or legalistic analysis.” It is a reasonable belief.

5. Totality of the circumstances

The Supreme Court recognizes that when establishing the reasonableness of an officer’s conclusions that a crime has, or is being committed and that the suspicion is reasonably directed at the particular individual, the following help determine the totality of the circumstances:

- a. An officer’s observation
 - 1) Sensory perceptions
 - 2) Physical evidence
 - 3) Actions by the suspect, (fight or flight)
 - 4) Statements of the suspect
- b. Other sources of information
 - 1) Reports
 - 2) Tips
 - 3) Witnesses
- c. Pattern of criminal behavior
 - 1) High crime area

d. Training and experience of officer

e. Inferences and deductions

B. Elements of a crime

Every crime is composed of elements or component parts, all of which must be present and provable beyond a reasonable doubt for someone to be convicted. Should one of the elements be missing, either no crime, or a lesser crime will exist.

With only a very few exceptions, all serious crimes must contain three elements: The criminal act, the mental element or intent, and concurrence that links the act with the intent.

In some cases, an omission to act is sufficient to constitute the act because there is a legally required duty to act.

C. Type of intent

1. General intent is the conscious state of mind toward the criminal act done and includes knowledge of the nature and consequences of the act being done.
2. Specific intent is intent required as an element of a crime over and above the general intent required for the commission of the criminal act and usually requires that a specific outcome was desired. For example, to commit burglary, in addition to the general intent to commit the breaking and entering of the dwelling house, there is the added or specific intent to commit a felony or larceny therein.

D. Principal and accessory

Principals and accessories are considered parties to the commission of a crime although each is involved in a different way.

A principal in the first degree is the main actor in the commission of a crime even if the crime was committed using an unknowing individual.

A principal in the second degree is a person also present during the commission of the crime, or who is at least nearby or constructively present, and who is participating in the crime because he is aiding and abetting, the principal in the first degree in the commission of the crime.

An accessory before the fact is a person who was not actually or constructively present during the commission of the crime, but is still considered a participant because he is the one who procured, instigated, counseled, advised, or commanded the crimes commission before it was carried out.

An accessory after the fact is not a participant in the crimes commission. However, he knows the crime has been committed and knows of the principals or accessory before the facts participation in the crime. With this knowledge the accessory after the fact then aids or assists a principal or accessory before the fact in the form of personal help to evade punishment.

E. Larceny

Larceny is the wrongful or fraudulent taking of personal property belonging to another with the intent to permanently deprive the owner thereof.

1. Grand larceny

- a. Larceny of personal property worth \$5.00 or more, and the property is taken directly from, or upon, the person, using only the physical effort necessary for the larceny without threat or intimidation.

- b. Larceny not from the person of another of goods and chattels of the value of \$1,000 or more.
- c. Larceny not from the person of another of any firearm, regardless of the firearm's value.

2. Petit larceny

- a. Larceny of personal property worth less than \$5.00 and the property is taken directly from, or upon, the person without physical force, threat, or intimidation against the person.
- b. Larceny of personal property worth less than \$1000 and the property is not taken directly from, or upon, the person.

F. Extortion

Extortion is the threat of injury to the person, property, or character of another against the accusation of an offense against another to gain pecuniary benefit or evidence of indebtedness from another. Obtaining property, money, etc., by the use of force, threat, or intimidation.

Extortion is a felony.

G. Embezzlement

Embezzlement is a form of larceny.

Embezzlement is the wrongful appropriation by someone to his own use or benefit, with the intent to permanently deprive the owner thereof, of the personal property of another which has been entrusted to him by virtue of his employment or office.

If the value of embezzled property is \$1000 or greater, it is a felony, under \$1000 is a misdemeanor.

H. Forgery

Forgery is the making of a false writing or materially altering a writing, which, if genuine, would apparently be legally effective, or foundation of legal liability.

There must be a writing. The one who forges must intend to defraud or prejudice the rights of another. It is not required that the forger personally benefits.

Forgery is a felony.

I. Uttering

Uttering occurs when a person knowing a writing to be false, offers it to another as genuine with the intent to defraud the receiver.

Uttering can be either a felony or misdemeanor.

J. Receiving stolen property

Receiving stolen goods means receiving, buying, or aiding in concealing stolen property, knowing it to be stolen and with dishonest intent.

Someone must have previously stolen the property other than the accused.

Over \$1000 is a felony, less than \$1000 is a misdemeanor.

K. Malicious Mischief

Damaging or destroying or taking and carrying away the real or personal property of another.

Damaging or destroying, which are also described by other terms such as defacing, breaking down, injuring, etc., means that the property has by such acts had its utility or value lessened.

Carrying away includes property such as a gravestone, war monuments, and so on, but the intent is not larcenous.

The acts are done willfully and with malice.

Generally, this is a misdemeanor.

L. Trespass

Trespass means the entering or remaining upon the real property of another without lawful authority and after having been forbidden to do so.

The forbidding may be posted on the property, oral or in writing and given by the owners, leases, or custodians lawfully in charge of the real property.

Class 1 misdemeanor.

M. Arson

Arson means to maliciously destroy by use of any explosive or to maliciously burn in whole or part any dwelling house, building created for public use or other building, lock, dam, or other structure or personal property.

Arson is a felony.

N. Assault

Assault is an attempt to offer to do immediate bodily harm to another intentionally and with apparent present ability to do so.

Attempted battery assault means the target crime of battery (unlawful touching) was not completed.

Words alone are not enough to constitute the act.

The bodily harm must be immediate and not future.

The victim is placed in reasonable or well-founded fear of immediate bodily harm because of the over act and apparent present ability to do immediate bodily harm.

Assault does not include battery.

Generally, this is a misdemeanor.

O. Battery

Battery is the unlawful touching of another, however slight, when done willfully or in anger.

An unlawful touching is one without justification or excuse. The touching can be by the actor's own hand or by some means set in motion by him/her.

Battery always includes assault.

Battery is a misdemeanor.

P. Robbery

Robbery is the wrongful taking and carrying away of the personal property of another, or business, with intent to permanently deprive the other of the property (which is larceny) and the taking is from the person of the victim or in his presence, against his will, by the use of force, threat, or intimidation regardless of value.

Robbery is a felony.

Q. Abduction

Abduction (kidnapping) means to unlawfully take, seize, transport, detain, or secrete another by force, threat, intimidation or deception with intent to extort money or pecuniary benefit or intent to defile that person or abduction of a female under sixteen for the purposes of concubine or prostitution with the intent to deprive that person of his/her liberty or to withhold or conceal him/her from one lawfully entitled to his/her charge.

Abduction is the intent to deprive another of his/her liberty (false imprisonment). Moving the victim from one place to another is not required. It can include "abduction by detention."

Abduction is a felony.

R. Indecent Exposure

Indecent exposure is the intentional obscene exposure of one's person or private parts in a public place, or getting someone else to so expose him or herself.

Can including the act of mooning and urinating in public.

Indecent Exposure is a misdemeanor.

S. Rape

If any person has sexual intercourse with a complaining witness who is not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will by force, threat, or intimidation of or against the complaining witness or another person, or (ii) through the use of the complaining witness's mental incapacity or physical helplessness, or (iii) with a child under the age of thirteen as the victim, he or she shall be guilty of rape.

Rape is a felony.

T. Sexual battery

Sexual battery is sexual abuse against the will of another through use of force, threat, or intimidation, or by the victim being under 13 years of age.

Sexual battery can be either a misdemeanor or felony.

U. Perjury

Perjury is the willful and false swearing of one to whom an oath is legally administered on any occasion and which touches any material matter or thing.

Perjury is a felony.

V. Impersonating a law enforcement officer

To falsely assumes or exercise the functions, powers, duties, and privileges incident to the office of sheriff, police officer, marshal, or other peace officer, or any local, city, county, state, or federal law-enforcement officer, or who falsely assumes or pretends to be any such officer

Impersonating a law enforcement officer is a misdemeanor. The second or subsequent offense is a felony.

W. Filing a false police report

Defined: Giving of a false report of a crime to law enforcement officials with the intent to mislead.

Filing a false police report is a misdemeanor. Filing a false report against another person because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin, it is a felony.

X. Shoplifting, concealment

There are three acts, which constitute the crime of concealment:

1. Willfully concealing or taking merchandise
2. Altering price tags or other price markings
3. Counseling, assisting, aiding or abetting another in any of these acts.

Generally, concealment occurs the moment an individual conceals the merchandise regardless of their location.

Shoplifting occurs when the individual takes the concealed or unconcealed merchandise beyond the cash registers and out of the store.

Both are forms of larceny. Over \$1000 is a felony, less than \$1000 is a misdemeanor.

Y. Fraud

Fraud does not represent a specific crime but is a general label for a number of offenses that have in common the deceiving of another by some intentional misrepresentation of a fact to cause that other person to give up something of value.

Fraud is a misdemeanor or felony.

Z. Obtaining money under false pretenses

A form of larceny by obtaining ownership of money or property of another through intentional misrepresentation.

Obtaining money by false pretenses is a misdemeanor or felony.

AA. Defrauding an innkeeper

Intentional misrepresentation to the victim, (owner/keeper of hotels, motels, campgrounds, boarding houses, restaurants, etc) that the defrauder will pay for the goods or services or credit for which the defrauder has obtained.

Defrauding an innkeeper can be a misdemeanor or felony.

AB. Stalking


Any person who on more than once occasion engages in conduct directed at another person with the intent to place, or with the knowledge that he conduct places, that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member shall be guilty of stalking.

Stalking is a misdemeanor.

AC. Credit card fraud

Credit card fraud is when a person with the intent to defraud, uses for the purpose of obtaining money, goods, services or anything else of value a credit card, or number which he knows is expired or revoked, has not been issued, or without the consent of the cardholder.

Credit card fraud can be a misdemeanor or felony.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Securing of Incident Scenes	Number: 648
Effective Date: 07/25/2005	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\648 Securing of Incident Scenes	

I. PURPOSE:

The purpose of this procedure is to establish a procedure for securing incident scenes.

II. POLICY:

It is the policy of the Department that the KMPD will secure incident scenes to help ensure preservation of evidence and accurate investigations.

III. PROCEDURE:

Incident scenes may have to be controlled for a variety of reasons. The area may be a crime scene, a scene of a slip and fall accident, a vehicle accident, property damage, etc.

When the need to control and secure a scene arises, the following must be completed:

1. Establish a perimeter. A physical barrier may or may not be needed. If a physical barrier is necessary, KMPD has a supply of caution tape, and/or traffic cones that can be utilized. Although this is the easiest way to establish a physical barrier, a physical barrier may not be the most appealing way to establish a perimeter. For example, it is not good policy to string caution tape across the resort lobby. Instead, use additional officers or Kingsmill employees to keep unauthorized individuals from entering the affected area.


When establishing the barrier, using tape, cones, manpower, etc. to establish the perimeter several feet out from where the incident occurred. Ensure the entire incident scene is within the perimeter. This reduces the likelihood of contamination of the scene.

2. There should only be one officer in charge of the perimeter. The other perimeter officers or employees will follow the officer in charge's direction. The ranking officer on scene, or officer appointed by the supervisor, is the officer in charge. There should only be one entry point and exit point to the perimeter. The officer stationed at the entrance/exit of the perimeter must record the date, time, and name of everyone entering or leaving the perimeter.
3. Individuals not having authorization into the perimeter will be advised to please move back. Those on the interior of the perimeter must have a bona fide reason for being on the inside of the perimeter. To be on the inside of the perimeter to take photographs is a valid reason, and to be on the inside of the perimeter to simply see what is going on is not a valid reason. The officer in charge should explain to any affected tenant the reason for the perimeter and ask their assistance in ensuring their employees or customers do not interfere.
4. As soon as the investigation is completed, or as portions of the scene are released, the area should be immediately reopened.
5. All signs of the physical barricades will be removed as the scene is reopened.

Note: There may be times when as opposed to establishing one large perimeter involving large or several areas, etc., that it is more effective to establish a number of smaller perimeters thus having less impact on those not involved with the incident. The supervisor should make this decision as necessary.

Note: While establishing a perimeter for a crime or incident scene on Kingsmill property is easy due to the fact that the KMPD are agents for such property, the same ease does not

apply to privately owned residences. Only sworn law enforcement officers may establish and control access to a perimeter at a private residence or upon private property; and only when a crime or the likelihood of a crime has been committed within the curtilage or upon the property of that private residence. JCCPD should be contacted to assist in these cases. Refer to Policy & Procedure 601 – Search Warrants as appropriate.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: 650 Evidence	Number: 650
Effective Date: 02/12/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\650 Evidence	

I. PURPOSE:

The purpose of this procedure is to establish the guidelines for the handling of evidence by Department personnel.

II. POLICY:

It is the policy of the KMPD that all evidence will be handled in accordance with this procedure.

III. PROCEDURE:

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. It is imperative, therefore, that each officer carefully processes a crime scene not to overlook or contaminate or destroy evidence. Physical evidence appears in many shapes, sizes and forms, thereby necessitating various recovery, preservation, and submission techniques. The officer or investigator shall be prepared to collect, identify, and package the evidence so that it will not be changed in form and value when it reaches the laboratory or is needed in a court proceeding.

When dealing with evidence collection, JCCPD will almost always be involved with the case and handling of evidence, as many cases will involve evidence that need a larger storage area or more collection resources than the KMPD can provide. JCCPD will generally be the lead investigating agency in these types of cases.

The officer collecting the evidence shall maintain the chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law. Notify JCCPD to assist in the collection, submission, and/or storage of evidence. The evidence shall not be removed from Kingsmill unless it is being sent off to be analyzed by a laboratory through JCCPD, being turned over to JCCPD or other authority having jurisdiction, is needed for court proceedings, or is being disposed of in accordance with Policy & Procedure 651, Property Disposal.

When collecting evidence, care must be given to ensure the evidence is disturbed as little as possible when further processing, i.e. fingerprints are to be attempted to be obtained. Firearms seized as evidence are to be rendered to a safe condition.

The Evidence Collection Log and the Evidence/Property Custody Document shall be completed for any evidence maintained by department personnel.

Evidence obtained, but later determined to no longer be of evidentiary value shall be disposed in accordance with Policy & Procedure 651, Property Disposal.

Evidence shall not be stored with non-evidentiary property.

Evidence shall be tagged by the investigating officer. The tag shall contain the Department case number, defendant, and date the property was entered into evidence.

Annually, the Chief of Police or his designee shall review with each officer the status of any stored evidence to ensure it continues to be maintained or that it is properly disposed of.

Evidence that is not turned over to JCCPD for processing, storage, etc. will be maintained by the investigating officer. Note that KMPD shall not store explosive, hazardous materials, unsanitary materials, etc without the permission of the Chief of Police. Again, refer to Policy & Procedure 651, Property Disposal.

For evidence relating to cases heard in court: Once the court case is adjudicated, including all appeals, a destruction of evidence order shall be obtained from the court of record and destroyed in accordance with Policy & Procedure 651, Property Disposal. This should be conducted in the presence of a supervisor.

KINGSMILL POLICE DEPARTMENT

EVIDENCE/PROPERTY CUSTODY DOCUMENT

Log #:

Name of person property received from:

Address (Include Zip Code):

{ } Owner

{ } Other

Location from where obtained:

Reason Obtained:

Date/Time


[illegible]

Chain of Custody (Sign and Print your name)

[illegible]

EVIDENCE COLLECTION LOG

OFFICER	DATE	DEFENDANT	CASE #	WHERE STORED	COURT DISPOSITION
Evidence Collected:					
Evidence Collected:					
Evidence Collected:					
Evidence Collected:					
Evidence Collected:					
Evidence Collected:					
Evidence Collected:					
Evidence Collected:					
Evidence Collected:					

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Property Disposal	Number: 651
Effective Date: 02/17/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\651 Property Disposal	

I. PURPOSE:

The purpose of this procedure is to establish the guidelines for the disposal of property in the Department's possession.

II. POLICY:

It is the policy of the KMPD that all property in the Department's possession will be disposed of in accordance with this procedure.

III. PROCEDURE:

Property in the Department's possession not of evidentiary value shall be maintained for a period of 60 days. All efforts to contact the rightful owner shall be made. After 60 days, all unclaimed property, not of evidentiary value, shall be donated or destroyed.

Property not of evidentiary value shall not be kept with property or evidence that is of evidentiary value. Refer to Policy & Procedure 650, Evidence.

JCCPD will be contacted and requested to assist with the destruction of all contraband, alcohol, and weapons and related paraphernalia as necessary.

Legally possessed weapons shall only be returned to their rightful owner upon proof of ownership and so long as any court proceedings or appeal limits are not pending.

Department employees cannot make claims against property recovered by the Department.

Owners making claims to property must show ownership, i.e. provide a serial number or be able to substantially describe the property in question. Contact a supervisor if a question on whether to release property arises. Notify the Chief of Police of any disputes over a claim to property that cannot be conclusively resolved.

Perishable or unsanitary items shall not be held. If needed for evidentiary value, pictures shall be taken, the Chief of Police, and as necessary, the Commonwealth's Attorney will be contacted prior to disposal.

Hazardous materials shall not be held. If needed for evidentiary value, pictures shall be taken, the Chief of Police, and as necessary, the Commonwealth's Attorney will be contacted prior to disposal. Contact the Chief of Police for all hazardous materials prior to any handling, storage, or disposal.

Individuals submitting lost property may make a claim for said property and receive such only after the 60 days waiting period has elapsed and the rightful owner cannot be contacted. Weapons and drug contraband shall not be returned unless, in the case of a legally possessed weapon, the rightful owner is identified or upon approval of the Chief of Police.


Any item of evidentiary value shall not be destroyed, returned to its rightful owner, or disposed of in any other approved manner until the Commonwealth Attorney authorizes its release or destruction, any court proceedings have reached final disposition, and all appeal periods have been exhausted.

All final disposition of property whether returned, destroyed, donated, etc, shall be recorded.

All property or items to be donated must be first approved by the Chief of Police prior to donation.

All property not of evidentiary value and not immediately able to be returned to its proper owner, while in control of the Department, shall be tagged. The tag shall have recorded the date, time, and location found. In addition the tag will have recorded the Department's report number.

All property not of evidentiary value, while in control of the Department, shall be recorded in the Department's report writing system. The initial report will include date, time, and location of said item, who found it, if a claim is being made, and the claimants or submitters information, and where the item is being stored. The report shall also include all efforts made attempting to return the property to its rightful owner. Upon disposition of the item, an addendum to the original report will be made showing the date and disposition of the item.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Missing Persons	Number: 701
Effective Date: 02/02/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\701 Missing Persons	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for handling missing person situations.

II. POLICY:

It is the policy of the KMPD that the Department will document, utilize other agencies, and attempt to locate reported missing persons.

III. PROCEDURE:

This procedure applies to all Department personnel.

People are reported missing for many reasons: some people leave home voluntarily for personal reasons; some missing person reports are unfounded; some suffer from medical conditions such as Alzheimer's Disease; and some people may disappear for unexplained reasons but under suspicious circumstances. The role of the responding officer, however, is critical in identifying the circumstances surrounding missing persons and in identifying persons at risk. Each officer shall conduct thorough investigations of missing persons, with particular care in instances involving missing children and those who through mental or physical impairment cannot care for themselves. Each officer, therefore, shall prepare necessary reports, notify JCCPD, and request appropriate VCIN/NCIC entries by JCCPD.

A. General:

1. No waiting period exists before taking a missing-persons report. Further, the initial report may be taken in person or by telephone.
2. A person is considered missing when his or her whereabouts is unknown and knowledgeable persons regard the disappearance as unusual or uncharacteristic.
3. The missing-person report may be deemed critical if the officer taking the report has reason to suspect:
 - a. foul play or suspicious circumstances; or
 - b. the missing person may be unable to safeguard or look out for him- or herself, regardless of age; or
 - c. a risk of suicide; or
 - d. a risk of accident (while boating or swimming, for example); or
 - e. the missing person is a mental patient who may endanger him- or herself or others; or
 - f. the missing person suffers from a physical or mental incapacity that may be life threatening if not under care.

If any of the above conditions are met, the James City County Police Department and the Chief of Police shall be contacted.

4. A report of a missing juvenile should not be assumed to be a runaway unless investigation yields this finding.

B. Preliminary investigation:

The officer or other report taker shall gather the following information for every missing-persons report:

1. Name, age, physical description of missing person.
2. Relationship of reporting party to the missing person.
3. Time and place of the missing person's last known location and the identity of anyone in the missing person's company.
4. Behavior of the missing person, including whether the person has gone missing before, and relevant habits or patterns.
5. Recent history of problems or trauma such as illness, domestic violence, substance abuse, history of mental illness, use of prescription drugs.
6. Extent of any search for the missing person.
7. Indications of missing money or belongings.
8. Determine if any recent photographs are available and if so obtain them.
9. Determine if any other identifiable means are available, i.e. fingerprints from a child identification kit. If so, obtain.

C. Follow-up investigation:

Following the preliminary missing-person report, the supervisor may direct a search, if necessary and information received suggest that the missing person may be in the immediate area. A follow-up inquiry includes the following steps. JCCPD must

be contacted and requested to assist with the investigation and search and steps outlined below.

1. If the missing person is a child, with a parent's permission and under their supervision, search the child's home and surrounding area, as appropriate.
2. Obtain fingerprints and dental records or dentist information, if available.
3. Contact the medical examiner's office and local hospitals for injured or deceased persons meeting the description of the missing person.
4. Conduct interviews with persons who were in the area where the missing person was last seen, or who may work in or frequent the area.
5. Conduct interviews with co-workers, family, friends, schoolmates, teachers, counselors, social case workers, or others to help determine whether the missing person might have left voluntarily or was coerced into a kidnapping or prostitution.
6. If abduction of a child by a stranger is suspected, contact the FBI.
7. Following receipt of the initial missing-person report, the JCCPD will provide the information to their dispatcher who shall verify whether any of the following criteria is met. If so, information on the missing person shall be entered into VCIN/NCIC. These criteria apply to persons of any age.
 - a. The missing person has a proven physical or mental disability and may subject him- or herself or others to danger.
 - b. The missing person is in the company of another under circumstances that indicate danger.

- c. The missing person may have disappeared involuntarily under circumstances that suggest abduction or kidnapping.
- d. The missing person is an un-emancipated juvenile.
- e. The person has been missing subsequent to a disaster.

D. Case closure:

1. If a competent adult missing person is located, officers shall advise the person that he or she was the subject of a missing-person investigation and
 - a. ascertain if the person wishes his or her family or the reporting party notified of his or her whereabouts; and
 - b. arrange to notify the reporting party or family member, if permitted.
2. Officers shall inform the reporting party of the wellbeing of the person who had been reported missing. Unless the law compels another course of action, the Department shall comply with the located person's wishes not to make his or her whereabouts known.
3. Before closing a missing-person case, officers shall question the located person to establish the circumstances and to ensure that no criminality was involved.
4. If the adult does not appear to be able to care for himself, contact the JCCPD to respond and assume custody of the adult until an appropriate agency can determine competence and responsibility for the adult.
5. Reports:

A missing-person report is retained indefinitely until the complainant cancels or clears the record or until the missing person has been located. Do an addendum to the original report as to the recovery.

6. Contact JCCPD to notify that the adult has been located.

CHILDREN

A. Preliminary:

JCCPD shall be contacted for assistance with all reports of missing children. The Chief of Police shall be immediately contacted for any reports of missing children whereby the child may be in danger, i.e. abduction, need for medication, exposure to the elements, etc.

1. If the missing person is a child, in addition to the questions outlined above, the officer or report taker must ascertain if the child
 - a. may be with an adult who might harm him or her;
 - b. may have been abducted by a parent;
 - c. has previously run away, threatened to do so, or has had inexplicable absences; or
 - d. may be living under abusive or dysfunctional conditions; or
 - e. has any medical conditions that may affect health or judgment.
2. A search for the child shall examine the local neighborhood with special reference to friends' houses, usual play areas, parks, etc.

B. Schools:

1. Ascertain the name and location of the school the child attends and identifying information on anyone who may be responsible for private transportation to and from the school.

C. Case closure:

1. When a missing child has been located, officers shall ensure that medical care is provided immediately, as appropriate.
2. Question the child about the circumstances of his or her disappearance and identify any persons who may be criminally responsible or whether an abusive or negligent home environment contributed to the child's disappearance. If there is any question as to abuse or criminal circumstances, have JCCPD take temporary custody of the child until they determine who the child so be turned over to. If no abuse or criminal circumstances exist, ensure the child is returned to the parent or guardian. If there is any doubt, maintain custody of the child until the child can be turned over to the JCCPD.
3. Notify JCCPD of the recovered child.
4. Complete an addendum to the original report regarding recovery.

D. Documentation requirements:

1. Officers shall ensure that the JCCPD responds and request the responding officer complete the Virginia Missing Children Information Clearinghouse Report, Form SP183, on any child reported missing.

E. Searches

Unless it is known that an adult or child is missing due to criminal circumstances whereby it is readily apparent that the child or adult was removed from the area, a preliminary search must always be conducted.

The search must be a coordinated effort with the JCCPD. Other agencies or volunteers may also wish to assist in the search efforts.

The Chief of Police will be contacted for any search efforts.


A command post should be established to coordinate all search efforts. The command post should have maps of the area, pictures of the missing, any other identifiable information, and any other pertinent information to assist in the search. The command post will be made up at a minimum of one KMPD and one JCCPD officer or representative.

Communications to the search groups should be available with the number to KMPD dispatch being issued to the search groups so they can relay any necessary information.

Those assigned to search should be assigned in such a way so as to be thorough and not counter-productive.

All activities of the command post and search teams will be documented.

Working with the JCCPD, consideration to utilizing the County's reverse phone system or statewide Amber Alert System must be considered and requested if deemed appropriate given the circumstances.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Sexual Assault	Number: 702
Effective Date: 01/15/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\702 Sexual Assault	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for responding to sexual assaults.

II. POLICY:

It is the policy of the KMPD that officers will respond to sexual assault situations in a professional manner operating within the scope of this procedure.

III. PROCEDURE:

Sexual assault is a humiliating and often terrifying and brutal crime. It can happen to a man as well as a woman and to a child as well as an elderly person. It includes any sexual conduct which a person is forced into without his or her consent (*Virginia Code* § 18.2, Chapter 4, Article 7). Each victim requires strong support from medical, legal, law enforcement, victim/witness, and social service personnel.

The crime of sexual assault is, at times, misunderstood. In order to deal effectively with those who have survived a sexual assault and educate others about the crime, law enforcement must understand that rape and other sexual assaults are not crimes of passion, but acts of criminal aggression, most of them violent. The offender, not the victim, is responsible for the sexual assault.

Victims react to an attack in a variety of ways. The stereotype of a hysterical woman calling the police is just that, a stereotype. Many victims are calm and composed. The emotional state of the victim immediately following the assault is one of intense emotional shock. That shock may be expressed as hysteria, anger, fear, or as outward calm. But the disbelief and shock are usually the underlying feelings.

Reporting the crime is often difficult for victims. The FBI estimates that a large percentage of sexual assaults are not reported. Victims of sexual assault may have difficulty deciding what to do after the crime. Official reports have many uses. Once the report is taken, it can be kept on file for future use. As rapists are recidivists (repeaters), law-enforcement officers, with the aid of several written reports, can often identify the person based on his similar mode of operation and description.

Officers who first come into contact with a sexual assault victim may be the most important people the psychologically and physically violated victim will see. It is important to remember that a rape undermines the victim's sense of control. The victim must be allowed to regain a feeling of control by making decisions and by being listened to in a supportive, nonjudgmental way.

"Sexual assault" means those offenses involving sexual penetration/contact with any person by force or threat of force, fear, or intimidation, or any attempts to force sexual penetration/contact on any person.

The James City County Police Department shall be contacted for any and all reports of a sexual assault.

A. Report of sexual assault

- a. The report of a sexual assault can come from several sources: the victim, a relative of a victim, another jurisdiction, or from the hospital. Upon any Department personnel receiving a report of a sexual assault, the following steps will be taken:


1. Obtain as much information as is known as to when the alleged assault occurred, type of crimes committed, where the crime scene is located, description of suspect, etc.
 2. Dispatch and the shift supervisor must be immediately notified.
 3. If the alleged crime just occurred, a description and last known location will be provided to other Department personnel and the JCCPD.
 4. The shift supervisor will respond and make contact with the victim.
 5. Medical attention will be obtained for the victim.
 6. The shift supervisor will ensure that the crime scene is isolated and protected. Nothing should be moved, cleaned, or otherwise disturb the crime scene.
 7. JCCPD will be contacted to respond for investigation and collection of evidence. The shift supervisor will turn over any investigative notes to JCCPD who will conduct the investigation.
 8. The shift supervisor will ensure that Department personnel assist JCCPD as necessary, i.e. standing by the crime scene.
 9. The Chief of Police will be contacted.
 10. A Department report will be completed.
- b. If the assault occurred within the last 72 hours, explain to the victim the necessity of **not** performing the following activities: washing self or clothes, brushing teeth, eating, drinking, smoking, douching, combing hair or putting on make-up, going to the toilet, and touching or moving anything at crime scene. If

the victim has already destroyed some evidence, reassure victim, but ask not to do any more "cleanup."

- c. Encourage the victim to go to the hospital for treatment and evidence collection. Advise the victim that a JCCPD officer will either escort or meet with her/him there. (Note: the Virginia Supreme Court pays expenses related to the PERK - Physical Evidence Recovery Kit exam). The Criminal Injuries Compensation Fund applies, per *Virginia Code* § 19.2-368.18.

Note: If the victim reporting the alleged sexual assault does not wish the Department, or even JCCPD to respond, do not force the victim to provide their identity. Rather, obtain as much information as the victim provides, ask questions to seek any clarification, encourage the victim to seek medical help, and encourage the victim to reconsider making him or herself known to law enforcement. After this notification by the victim, contact the shift supervisor, JCCPD, and the Chief of Police to relay all known information and to determine what the next course of action may be.

Note: If the alleged suspect and victim reside in the same dwelling that other temporary living arrangements for the victim may need to be obtained. Department officers should be working closely with JCCPD to ensure arrangements are made for the victim. Notify the Chief of Police immediately with any questions or concerns.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Domestic Violence	Number: 703
Effective Date: 01/15/2004	Review Date: 06.01.2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\703 Domestic Violence	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for responding to calls regarding domestic violence.

II. POLICY:

It is the policy of the KMPD that only sworn officers will respond to calls of domestic violence and then shall operate within the scope of this procedure.

The KMPD considers domestic disturbance/violence situations to be a high priority. As such, the Department must exercise leadership in the community when responding to domestic violence and recognize that intervention can make a difference in the lives of those involved. The Department promotes a policy of arrest in cases of domestic violence when appropriate.

III. PROCEDURE:

Only sworn Department personnel may respond to calls for service regarding domestic situations.

Department personnel responding to domestic disturbance calls shall: 1) attempt to restore order; 2) arrest and take into custody the person the officer has probable cause to believe, based on the totality of the circumstances, was the predominant physical

aggressor unless there are special circumstances which would dictate a course of action other than an arrest; 3) provide safety and security for victim(s); and 4) provide appropriate referrals in an effort to help prevent future abuse.

All code sections contained in this policy refer to the Code of Virginia unless otherwise noted.

DEFINITIONS:

- A. Cohabit means to live together in an intimate relationship.
- B. Domestic violence shelters/programs means services that are provided for victims, including children, who have been physically or emotionally abused. Services may include crisis intervention, counseling, shelter, escorts to court, food, clothing, and transportation.
- C. Family abuse, as defined in §16.1-228, means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member.
- D. Family or household member, as defined in §16.1-228, means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months,

cohabited with the person, and any children of either of them then residing in the same home with the person.

E. Predominant Physical Aggressor (§19.2-81.3) A law-enforcement officer having probable cause to believe that a violation of §18.2-57.2 or §16.1-253.2 has occurred shall arrest and take into custody the person he has probable cause to believe, based on the totality of the circumstances, was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than an arrest. The standards for determining who is the predominant physical aggressor shall be based on the following considerations:

1. Who was the first aggressor;
2. The protection of the health and safety of family and household members;
3. Prior complaints of family abuse by the allegedly abusing person involving the family or household members;
4. The relative severity of the injuries inflicted on persons involved in the incident;
5. Whether any injuries were inflicted in self-defense;
6. Witness statements; and
7. Other observations.

F. Protective order is a court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, plus other measures (see § 16.1-279.1). A protective order may be valid up to two years.

Types of protective orders:

1. Emergency Protective Order/EPO
2. Preliminary Protective Order/PPO
3. Full Protective Order/PO

(Statutes relevant to Protective Orders include: §§ 16.1-251, -253.1, -253.2, -253.4, -279.1, 18.2-60.4, 19.2-81.3, 152.8 through -152.10). For further discussion of protective orders, see section on protective orders.

- G. Stalking, as defined in § 18.2-60.3, is any person who on more than one occasion engages in conduct, either in person or through any other means, including by mail, telephone, or an electronically transmitted communication, directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member. (Class 1 misdemeanor).

RESPONSIBILITIES:

A. Police Personnel

1. In accordance with the Code of Virginia, officers shall make an arrest in domestic assault and battery cases when the predominant physical aggressor is identified and/or when a protective order has been violated. The Department promotes a policy of arrest in these situations and/or when other offenses related to domestic abuse have occurred (e.g. stalking, threats).
2. Department personnel shall refer victims of domestic violence to appropriate community resources (mental health agencies, medical

doctors, legal assistance agencies, victim/witness assistance programs, and domestic violence shelters/programs). Where possible, officers shall help victims directly access referral agencies in order to help reduce the possibility of further violence.

3. Department personnel shall receive training on domestic violence and its impact. Personnel must be trained to confront unexpected violence and recognize that disturbance calls can be dangerous to responding officers.

B. Dispatch

1. When officers are dispatched to complaints of domestic violence, the dispatcher shall attempt to determine and advise responding officers of the following:
 - a. Name and location of caller;
 - b. Whether the crime/incident is in progress or has already occurred;
 - c. If weapons are involved or present in the home;
 - d. If anyone is injured and if a medic is needed;
 - e. Whereabouts and identity of the assailant/aggressor;
 - f. Presence of children or witnesses;
 - g. Alcohol or drugs involved;
 - h. History of calls to the address or previous acts of violence;
 - i. Whether a Protective Order is in effect; and

- k. Any other information that may be applicable to the situation.
- 2. Dispatch will attempt to maintain telephone contact until the officers arrive in order to provide support to the victim and provide updates to responding officers.
- 3. Two sworn Department personnel shall be dispatched to all calls of domestic violence, and JCCPD shall be notified and requested to provide back up if only one officer is available.

RESPONSE GUIDELINES:

A. Arrival and Approach

- 1. Obtain all available information from the dispatcher before arrival and be mindful that the audible siren, if used, could alert a would-be assailant to an officer's position.
- 2. Officers should use caution when approaching the scene and should look and listen in order to obtain additional information before making contact, if possible.
- 3. When possible, officers should wait for back-up, discuss a strategy, and approach the dispute scene in pairs.
- 4. Observe the location of the dispute before contacting the complainant. Consider the surroundings. Park the marked car a short distance away. Each officer should follow a separate approach to the scene of the dispute, maintaining maximum cover and an escape route. From this point on, officers should remain within sight of one another, if possible.

5. 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).

B. Contact

1. Officers should identify themselves as law enforcement officers by name, give an explanation of their presence, and request entry into the home when appropriate. Ascertain identity of the complainant, and ask to see him or her and any others that are present in the home.
 - a. Officers shall not accept statements that the call was a mistake without investigating further.
 - b. Officers shall not leave or clear the call without first interviewing the complainant.
2. Secure the scene and summon medics if needed.
3. If entry is refused, officers should explain that they must make sure there are no injured persons inside. If no one responds to knocking, officers shall try to establish verbal contact and/or contact by phone.
4. Where there is probable cause to believe that, unless immediate entry is made, someone is likely to be seriously injured or killed; officers may force entry into a residential premise.
 - a. In deciding 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 officers left to guard the site.
 - (3) Whether the suspected offense involved violence.
 - (4) Whether officers reasonably believe that person(s) may be armed.
- 5. If the complainant has asked for law enforcement assistance in retrieving personal property from their residence, officers must first determine if the complainant has lawful authority to do so. If so, officers may stand by for a reasonable period of time in order to preserve the peace but advise the disputants that rights to any disputed property can only be determined by the courts.
- 6. Once inside, establish control by:
 - a. Inquiring about the nature of the dispute;
 - b. Separating disputants;
 - c. Remaining aware of potential weapons in surroundings;
 - d. 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).
- 7. Secure the disputants away from weapons or potential weapons, to the extent possible, while they are being interviewed.

C. INVESTIGATION:

1. Ascertain the following information by interviewing the disputants and any witnesses:
 - a. What happened;
 - b. Any injuries, who caused them, and what weapons or objects were used;
 - c. Relationship of involved parties;
 - d. Any threats made against victim or others;
 - e. Any court cases pending against assailant or any Protective Orders in effect; and
 - f. Any other information pertinent to the investigation.
2. Officers shall contact the on-call Child Protective Services worker if a child is abused, neglected or if neither parent can reasonably ensure the child's safety and well-being.

D. ARREST

1. Officers having probable cause to believe that a violation of §18.2-57.2 (Assault & Batter Family/Household Member) or §16.1-253.2 (Violation of a Protective Order) has occurred shall arrest and take into custody the person the officer has probable cause to believe, based on the totality of circumstances, was the predominant physical aggressor unless there are special circumstances which would dictate a course of action other than arrest (§19.2-81.3). The Juvenile Intake Officer should be contacted if the offender is a juvenile.

2. Officers shall remain mindful that an assault may have occurred despite the lack of visible bruises or injuries.
3. Officers shall not instruct victims to obtain warrants in domestic assault cases or when a protective order has been violated as officers themselves shall obtain the warrants in accordance with §19.2-81.3.
4. If the violator has left the scene, warrants should be secured as soon as possible.

E. VICTIM SERVICES

1. Complete an incident report and provide the victim with information on how to obtain a copy if requested.
2. Advise the victim of the importance of preserving evidence.
3. Explain protective orders to the victim.
4. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essential personal items and/or important papers.
5. Assure the victim that the Department will assist in future emergencies and explain measures for enhancing his or her own safety.
6. Officers shall assist victims in obtaining transportation to shelters, hospitals, magistrate, or other appropriate locations based on the need.
7. If necessary, officers may transport victims within a reasonable distance.

F. EMERGENCY PROTECTIVE ORDERS (See Appendix A)

1. In every case in which a law-enforcement officer makes an arrest for Assault and Battery against a Family or Household member in violation of §18.2-57.2, the officer shall petition for an Emergency Protective Order (EPO) as authorized in §16.1-253.4 when the person arrested and taken into custody is brought before the magistrate, except if the person arrested is a minor, a petition for an emergency protective order shall not be required (§19.2-81.3).
2. Regardless of whether an arrest is made, if the officer has probable cause to believe that a danger of acts of family abuse exists, the law-enforcement officer shall seek an emergency protective order under §16.1-253.4, except if the suspected abuser is a minor, a petition for an emergency protective order shall not be required (§19.2-81.3).
3. The respondent shall be served with the order as soon as possible. The officer shall provide a copy of the EPO to the JCCPD Dispatcher to enter the relevant information into VCIN as soon as possible and update the entry upon service of the order.
4. The original order shall be submitted to the issuing judge or magistrate, a copy provided to the JCCPD Records Section (KMPD's Keeper of Records), and the officer shall provide a copy to the victim.
5. The order shall be entered into VCIN forthwith (§16.1-253.1) by JCCPD.
6. The Code of Virginia (§18.2-308.1:4) prohibits any person subject to a protective order from purchasing or transporting a firearm while the order is in effect.

G. DOCUMENTING THE INCIDENT

1. All incident reports of domestic violence shall be documented by completing a written Preliminary Investigative Report.

2. Include in all reports of domestic violence:
 - a. Facts and circumstances of domestic violence including a description of why one disputant was deemed the predominate physical aggressor;
 - b. Victim's statements as to the frequency and severity of prior incidents of abuse by the same family or household member;
 - c. The victim's statements as to the number of prior calls for law enforcement assistance;
 - d. Any statements made by the aggressor;
 - e. What referral information was provided;
 - f. Why no arrest was made nor warrants sought; and
 - g. Any other information pertinent to the investigation.
3. If children were present during a domestic violence situation, a copy of the incident report shall be forwarded to Child Protective Services by the reporting officer.
4. Regardless of whether an arrest is made, the officer shall provide appropriate information to the victim, both orally and in writing, about legal and community resources available.

H. DOMESTIC INCIDENTS INVOLVING LAW ENFORCEMENT PERSONNEL

1. No special privilege will be given to any active or former law enforcement officer, including officers from other agencies, who become involved in a domestic violence situation. The shift supervisor shall be notified

immediately when a law enforcement officer is involved in a domestic-related incident.

2. If an involved party is an employee of this agency and the incident occurs in Kingsmill, the shift supervisor shall respond to investigate.
 - a. If probable cause exists, the supervisor shall arrest and gather evidence as appropriate.
 - b. The supervisor shall also notify the Chief of Police and the Commonwealth's Attorney of such an arrest in a timely manner.
 - a. At the discretion of the Chief of Police, he has the option to request incidents of this nature involving Department personnel be investigated by the James City County Police Department.
3. The Chief may also require an internal administrative investigation into incidents involving KMPD officers.

APPENDIX A
(PROTECTIVE ORDERS)

A. Emergency protective order (EPO) (domestic violence)

1. The EPO aims to protect the health or safety of **any person**. **Regardless of a decision to arrest**, if an officer has at least a reasonable belief that family abuse has occurred and there exists probable danger of further abuse, the officer shall petition a judge or magistrate to issue an EPO. (See § 16.1-253.4.)
 - a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he or she can request an EPO directly from a magistrate or the Juvenile and Domestic Relations Court.
 - b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an EPO.
 - c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, and provide other relief.
2. An officer can petition for an EPO by telephone or in person.
3. The EPO expires 72 hours after issuance. If the expiration would occur when court is not in session, then the EPO expiration is delayed until 5 p.m. of the next business day. Note: a law-enforcement officer may request an extension of an EPO if the person in need of protection is mentally or physically incapable of doing so. The victim can petition for a preliminary protective order before the expiration of an EPO.

4. The officer shall complete form DC-626 and serve a copy to the respondent as soon as possible. **The order cannot be enforced until the abuser has been served.** The dispatcher shall contact JCCPD dispatch to enter the relevant information into VCIN upon receipt and update the entry upon service of the order.
5. The officer shall submit the original order to the issuing judge or magistrate, provide a copy to the victim, and attach a copy to the incident report.

B. Emergency protective order (EPO) (stalking)

1. The victim of stalking may obtain an EPO once he or she has sworn an arrest warrant for the offense under § 18.2-60.3 (see also § 19.2-152.9-.10). The abuser can be anyone, not necessarily a family or household member. **The EPO cannot be issued until an arrest warrant has been obtained.**
 - a. An EPO for stalking may order the stalker to stop the threatening behavior, prohibit the stalker from contacting the victim in any way, and provide other relief.
2. An officer can request a warrant and an EPO by telephone or in person under a reasonable belief that stalking has occurred and will occur in the future. Further, the victim can request an EPO in person at the office of a magistrate or the General District Court Clerk's Office.
3. Provisions A.3-5 above apply.

C. Preliminary protective order (PPO) (domestic violence)

1. An abused/family household member may petition the Juvenile and Domestic Relations Court for a PPO (see § 16.1-253.1). After an *ex parte*

hearing and based on immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred, the court may issue a PPO (protecting the petitioner or his or her family, or both). At the hearing where the PPO is issued, a hearing date for a permanent or full protective order shall be set. The PPO is valid for 15 days.

- a. The PPO may order the suspect to stop the abusive behavior, prohibit contact between parties, order the abuser out of a shared home, grant exclusive possession over a home or car, and award temporary custody of children.
- b. A victim does not have to have an EPO in order to obtain a PPO.
- c. **The victim** must petition the Juvenile and Domestic Relations Court for a PPO.

- 2. The JCCPD Records Section shall enter the order into VCIN upon receipt, which record shall be updated upon service of the order.

JCCPD shall serve the PPO on the abuser as soon as possible.

D. Preliminary protective order (PPO) (stalking)

- 1. Generally, the provisions of C above apply in stalking cases. The victim must go to the Juvenile and Domestic Relations Court of the jurisdiction where the stalking occurred to petition for the PPO.
- 2. A PPO may order the abuser to stop stalking behavior, prohibit contact between parties, and provide other relief as necessary.

E. Full protective orders (domestic violence and stalking)

1. Domestic violence: In addition to the restrictions and prohibitions placed in a PPO, the full protective order may require an abuser to pay for the victim and children to live elsewhere, and for the abuser to receive treatment or counseling.
 - a. The victim and the abuser must attend a protective order hearing at the Juvenile and Domestic Relations Court.
 - b. The full order is valid for up to two years.
2. Stalking: The full protective order observes the same general restrictions and prohibitions of a protective order for domestic violence.
 - a. The victim and the abuser must attend a protective order hearing at the Juvenile and Domestic Relations Court.
 - b. The full order is valid for up to two years.


F. Full faith and credit

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

G. Purchase or transportation of a firearm by a person subject to protective orders

§ 18.2-308.1:4 prohibits any person subject to a protective order for domestic violence or stalking (as defined in the statutes cited in this order) from purchasing or transporting a firearm while the order is in effect, punishable as a Class 1

misdemeanor. Firearms transported or purchased in violation of this law shall be confiscated and subject to forfeiture.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Child Abuse/Neglect	Number: 704
Effective Date: 01/15/2004	Review Date: 06.01.2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\704 Child Abuse/Neglect	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for the investigation of child abuse and neglect.

II. POLICY:

It is the policy of the KMPD that to help ensure the safety and welfare of children that all reports of child abuse and neglect will be promptly addressed.

III. PROCEDURE:

Only sworn Department personnel may respond to a complaint of child abuse or neglect. Should a non-sworn officer be the first contact of a complainant, that non-sworn officer will request a sworn Department officer to respond to initiate an investigation.

If the offense rises to the level of a felony, JCCPD shall be contacted to respond to be the primary agency investigating and handling the allegation of abuse or neglect and for making notifications to the various agencies having jurisdiction.

A. General responsibilities

1. As required by *Virginia Code* § 63.2-1509, officers who have reason to suspect that a child is abused or neglected shall complete a report on the

matter and contact the Department of Social Services through their toll-free child abuse and neglect hotline (800-552-7096). Officers shall coordinate with Child Protective Services (CPS) and Juvenile and Domestic Relations Court (JDRC) as appropriate. Again, utilize JCCPD if necessary.

a. Officers shall evaluate the circumstances of the possible abuse or neglect and decide whether the child requires immediate removal to a place of safety or whether an alternate course of action is more appropriate. In any case, officers shall communicate all pertinent information to CPS as soon as possible: CPS and the officer shall jointly determine a course of action. The investigative authority of CPS is outlined in § 63.2-1502.

b. If the child's circumstances are such that continuing in his or her place of residence or care presents an imminent danger or if evidence of abuse is perishable or subject to deterioration before a hearing can be held, and a court order cannot be obtained immediately, then the officer shall take the child into custody. Refer to §§ 63.2-1517 and 16.1-246 for further guidance on emergency removal of children.

(1) The officer shall notify the JDRC and within 72 hours shall obtain an emergency removal order per § 16.1-251. The **emergency** removal order is not necessary if JDRC holds a hearing within 72 hours of the child's removal and issues a **preliminary** removal order. Note: The 72-hour period may be extended if it expires on a weekend or other legal holiday.

2. Department personnel shall be trained and knowledgeable about child abuse and neglect, their effects on children, and how to identify them.
3. All personnel interacting with child victims shall use developmentally-appropriate communication skills.

4. All officers shall know and regularly review the sections of the *Virginia Code* that pertain to crimes most commonly committed against children:

- a. **Child abuse** -- §§ 63.2-100, 16.1-228 (definitions)
- b. **Child neglect** -- § 18.2-371 (contributing to delinquency, abuse, or neglect), § 18.2-371.1 (abuse or neglect), § 18.2-314 (failure to secure medical attention for an injured child)
- c. **Sexual exploitation of children** -- § 18.2-61 (rape), § 18.2-371 (statutory rape)
- d. **Child abduction/kidnapping** -- § 18.2-47 (abduction and kidnapping), § 18.2-48 (abduction with the intent to extort money or for immoral purpose), § 18.2-49 (threatening, attempting, assisting in abduction), § 18.2-49.1 (violation of court order regarding custody and visitation)

B. Dispatcher responsibilities

- 1. The dispatcher must decide if the child is in imminent danger (due to injury, threat, or abandonment). If so, two Department sworn officers shall be sent to the child immediately. JCCPD will also be contacted and requested to respond
 - a. If the alleged abuser is a caretaker (parent, guardian, or other legally-sanctioned adult), then CPS has an investigative role. If not, then law enforcement has the primary investigative role.
- 2. The dispatcher shall obtain the following information to give to the Department sworn officer and JCCPD responding officer:
 - a. Child's name, age, and address;

- b. Child's present location;
 - c. Parents'/guardians' names and addresses;
 - d. Nature and extent of injury or condition;
 - e. Complainant's name, location, and relationship to the child; and
 - f. History of any previous injury to the child and identification of the person responsible.
- 3. It is important to give support and reassurance to the complainant regarding the appropriateness of the report and its confidentiality, if applicable.
 - 4. If there is a report of possible sexual assault, refer to sexual assault procedures.

C. Patrol responsibilities

- 1. Obtain all pertinent information from the dispatcher before arrival.
- 2. Initial contact
 - a. If the Department sworn officer suspects child abuse, he or she shall explain the law-enforcement role in ensuring the health and safety of the child and explain his findings to the responding JCCPD officer.
 - b. If entry to the home is refused and the officer feels entry is necessary, he/she may gain entry in one of several ways.

- (1) In a non-emergency, obtain a court order or a search warrant from a magistrate or juvenile court judge (§ 16.1-246 applies).
 - (2) In an emergency, forced entry without a warrant is legal when there is probable cause that a child is in danger.
- c. The officer shall immediately ensure the safety of the child. Summon an ambulance or administer First Aid, if necessary. Reassure the child that he or she is safe now and that the child has done nothing wrong.
3. Transport the child victim to a safe place, if necessary. This may include a local shelter. The officer shall confer with CPS to decide on the appropriate placement.
4. If the child is a victim of sexual assault, refer to sexual assault procedures.
5. Interviewing the victim.

JCCPD should take the lead on any interviewing of the victim.

- a. Child victims require special treatment. To minimize the number of times the child will have to tell his/her story, coordinate with other agencies (CPS), the courts, and the commonwealth's attorney before interviewing. If the child is the victim of possible parental abuse, consider the following strategies:
 - (1) The child may be too young to interview (a child's capacity to deal with information differs from an adult's).
 - (2) Observe and note child's reactions during the initial contact.

- (3) Interviewing the victim of child sexual abuse requires particular skills.
 - (4) Usually the parents should not be present during the interview of the child (the child may be afraid to tell the truth).
 - (5) The officer must be sensitive to the emotional stress of the child due to the interview itself (some children may not even understand that the behavior of the parents has been abusive or neglectful).
 - (6) The officer shall not appear to be taking sides against the parents. Children will generally become defensive if someone criticizes their parents, even if they agree.
 - (7) The interview shall be conducted in language at the child's developmental level.
 - (8) The interview shall always include what will happen next and how the officer will use the child's information.
 - (9) Provide reassurances to an anxious child victim by expressing belief in the child's story and an understanding of the child's dilemma but do not make promises.
- b. Allow a supportive person to be present during the interview for a child's emotional comfort. The supportive person might be a parent, grandparent, or other adult whom the child trusts.
 - c. At the beginning of the interview, the officer shall attempt to gain the child's confidence. The officer shall introduce himself or herself to the child, give the purpose of his or her presence, and conduct an


informal, friendly interview with the child. If the interview is tape-recorded, allow the child to test his or her voice before beginning.

- d. The officer must try to determine the emotional state of the child. Is the child ready to tell the truth and to talk about the incident? If not, delay the interview to a more appropriate time.
- e. The interviewer must be sensitive to time. Younger children have shorter attention spans and the interview may need to be divided into several sessions to allow the child victim time to play or vent excess energy between sessions.
- f. Provide a comfortable, child-friendly environment. Have a supportive person remain for the interview. Take reasonable steps to relax the child and allow for a more thorough interview.
- g. If the officer decides that protective custody is needed, the officer shall be guided by the provisions of §§ 16.1-251, -252, and -253. § 63.2-1517 allows an officer to take a child into custody for 72 hours without the prior approval of the parents or guardians under specified circumstances. To meet the letter and spirit of the relevant laws, the officer shall consider the totality of circumstances to include
 - (1) the maltreatment in the home, present or potential;
 - (2) evidence of abuse, torture, or neglect by the parent;
 - (3) the parents' refusal to obtain needed medical or psychological care of the child;
 - (4) evidence that the parents cannot provide for the child's basic needs; and

- (5) a history of prior offenses/allegations in which the child is the victim.
- 6. Interviewing witnesses (including the parents/guardians).
 - a. Create an atmosphere of support and understanding. Remain non-judgmental.
 - b. The officer must communicate in a friendly manner and allow the adults to express their anger and fears concerning the incident.
 - c. Assess resistance to the interview. It may be in the form of denial, uncooperative attitude, or explanations of how uncontrollable the child is.
 - d. If the officer suspects criminality, constitutional safeguards must be scrupulously observed. The officer may need to advise the suspect of *Miranda* rights before conducting the interview.
 - e. If parental child abuse is suspected, interview each parent separately and be alert to any apparent vagueness or inconsistencies in the explanations each gives for the allegation. Parents shall be told the reason for the interview and be treated with respect. Parents should not be interviewed at their home.
 - f. Witnesses may be reluctant to discuss a family matter with an officer (due to fear of retaliation or because of breaking confidentiality). Officers shall explain the use of any information provided and any confidentiality protocol that applies.
- 7. If a crime scene can be determined, set up a perimeter to protect it and advise JCCPD to assist with processing of the scene.

D. Investigator responsibilities

1. Child victims have little power and depend on law-enforcement officers and social services agencies to take action in whatever way is needed to lessen their victimization. In collaboration with the commonwealth's attorney, CPS, and other relevant authorities, the JCCPD investigator shall determine whether or not criminal prosecution is the best means to achieve that end. Short of an arrest, protective and removal orders may be appropriate.
2. The investigator shall place a high priority on coordinating and communicating at every component of the case with appropriate social services agencies (e.g., CPS, Juvenile and Domestic Relations Court, court-appointed guardian, or child advocate).
3. Either the investigator or the patrol officer must report any child abuse/neglect to the Department of Social Services. A copy of the offense report must be sent of Social Services. Under § 63.2-1509, law-enforcement officers are mandated reporters of abuse or neglect.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Protective Orders	Number: 705
Effective Date: 09/06/2005	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\705 Protective Orders	

I. PURPOSE:

The purpose of this procedure is to outline the various protective orders and the handling of the same.

II. POLICY:

It is the policy of the KMPD to comply with state statutes, rules, and regulations as it relates to protective orders.

III. PROCEDURE:

This policy applies to only sworn KMPD personnel. Non-sworn KMPD personnel should refer to Policy & Procedure 116, Public Safety Officer/Dispatcher Limits of Authority.

The KMPD should always be the primary agency handling the requesting, issuing, and enforcement of the various protective orders contained within this policy unless the protective order is associated with a felony charge. All request, issuing, and enforcement of the various protective orders shall be documented.

To issue emergency custody orders (ECO). Magistrates have the authority to issue various emergency custody orders dealing with persons who may be mentally ill or who may be experiencing medical emergency problems. These orders authorize law

enforcement to take custody of such person to a mental health professional, if it is a mental health-related problem, or to a medical facility, if it is a medical problem, for evaluation. Certain statutory findings are required for each type of process and if probable cause determination is made by the magistrate, the person may be held in custody up to four hours.

To issue temporary mental health-related detention orders (TDO). Magistrates have the authority to issue detention orders upon finding that a person is mentally ill and in need of hospitalization, and presents an imminent danger to him or herself or others, or is so seriously mentally ill as to be substantially unable to care for himself, and the person is incapable of volunteering or unwilling to volunteer for treatment. Prior to the magistrate conducting the probable cause hearing for issuance of a temporary detention order, a mental health professional will conduct an evaluation of the person. The mental health professional then presents the results of the evaluation to the magistrate during the probable cause hearing. In many cases this evaluation will have resulted from the magistrate's issuance of an emergency custody order. The temporary detention order authorizes the detention of such person in a mental health care facility for additional evaluation prior to the commitment hearing. A commitment hearing is held by a judge or special justice and must be conducted within forty-eight hours from the execution of the temporary detention order. The forty-eight hours detention may be extended, however, if such time period terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. In such cases, the commitment hearing will be held the next day court is open.

A. Protective order

A court order of protection on behalf of an abused family/household member that restrains the abuser from further acts of violence, may order the abuser to refrain from further contact, vacate the residence, relinquish custody of a vehicle, provide temporary child support, plus other measures (see § 16.1-279.1). A protective order may be valid up to two years.

Types of protective orders:

1. Emergency protective order (EPO)
 - a. for domestic violence
 - b. for stalking or violent crimes resulting in serious bodily injury
2. Preliminary protective order (PPO)
 - a. for domestic violence
 - b. for stalking or violent crimes resulting in serious bodily injury
3. Full protective order (PO)
 - a. for domestic violence
 - b. for stalking or violent crimes resulting in serious bodily injury

(Statutes relevant to protective orders include §§ 16.1-251, -253.1, -253.2, -253.4, -279.1, 18.2-60.4, 19.2-81.3, 152.8 through -152.10). For further discussion of protective orders, see section VI.

B. Emergency protective orders (EPO) (domestic violence)

1. The EPO aims to protect the health or safety of **any person**. **Regardless of a decision to arrest**, if an officer has at least a reasonable belief that family abuse has occurred and there exists probable danger of further abuse, the officer shall petition a judge or magistrate to issue an EPO. (See § 16.1-253.4.)
 - a. If circumstances make it impossible or inappropriate for an officer to obtain the EPO, the officer shall advise the victim that he or she can request an EPO directly from a magistrate or the Juvenile and Domestic Relations Court.
 - b. The victim does not need to press charges or swear a warrant. The presence of the victim or suspect is immaterial to obtaining an

EPO.

- c. An EPO may order a stop to abusive behavior, prohibit contact between parties, order the abuser out of a shared home, and provide other relief.
2. An officer can petition for an EPO by telephone or in person.
3. The EPO expires 72 hours after issuance. If the expiration would occur when court is not in session, then the EPO expiration is delayed until 5 p.m. of the next business day. Note: A law-enforcement officer may request an extension of an EPO if the person in need of protection is mentally or physically incapable of doing so. The victim can petition for a preliminary protective order before the expiration of an EPO.
4. The officer shall complete form DC-626 and serve a copy to the respondent as soon as possible. **The order cannot be enforced until the abuser has been served.** The JCCPD clerk/dispatcher shall be provided with a copy of the EPO in order to enter the relevant information into VCIN upon receipt and update the entry upon service of the order.
5. The officer shall submit the original order to the issuing judge or magistrate, provide a copy to JCCPD Records Section, provide a copy to the victim, and attach a copy to the incident report.

B. Emergency protective order (EPO) (stalking/serious bodily injury)

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

- a. An EPO for stalking or serious bodily injury crimes may order the respondent to stop the threatening behavior, prohibit the stalker from contacting the victim in any way, and provide other relief.
2. An officer can request a warrant and an EPO by telephone or in person under a reasonable belief that stalking or a violent crime resulting in serious bodily injury has occurred and will occur in the future. Further, the victim can request an EPO in person at the office of a magistrate or the General District Court Clerk's Office.
3. Provisions A.3-5 above apply.

C. Preliminary protective order (PPO) (domestic violence)

1. An abused/family household member may petition the Juvenile and Domestic Relations Court for a PPO (see § 16.1-253.1). After an *ex parte* hearing and based on immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred, the court may issue a PPO (protecting the petitioner or his or her family, or both). At the hearing where the PPO is issued, a hearing date for a permanent or full protective order shall be set. The PPO is valid for up to 15 days.
 - a. The PPO may order the suspect to stop the abusive behavior, prohibit contact between parties, order the abuser out of a shared home, grant exclusive possession over a home or car, and award temporary custody of children.
 - b. A victim does not have to have an EPO in order to obtain a PPO.
 - c. **The victim** must petition the Juvenile and Domestic Relations Court for a PPO.

2. The police/sheriff's records clerk shall enter the order into VCIN upon receipt, which record shall be updated upon service of the order. This must be done by JCCPD.

[Note: A law enforcement agency shall serve the PPO on the abuser as soon as possible.]

D. Preliminary protective order (PPO) (stalking/serious bodily injury)

1. Generally, the provisions of C above apply in stalking or serious bodily injury cases. The victim must go to the General District Court of the jurisdiction where the stalking or serious bodily injury crime occurred to petition for the PPO.
2. A PPO may order the respondent to stop stalking or violent behavior, prohibit contact between parties, and provide other relief as necessary.

E. Full protective orders (PO) (domestic violence and stalking/serious bodily injury)

1. Domestic violence: In addition to the restrictions and prohibitions placed in a PPO, the full protective order may require an abuser to pay for the victim and children to live elsewhere, and for the abuser to receive treatment or counseling.
 - a. The victim must attend a protective order hearing at the Juvenile and Domestic Relations Court. The abuser must have notice and opportunity to attend the hearing.
 - b. The full order is valid for up to two years.
2. Stalking or Serious Bodily Injury: The full protective order observes the same general restrictions and prohibitions of a protective order for domestic violence.

- a. The victim must attend a protective order hearing at the General District Court. The abuser must have notice and opportunity to attend the hearing.
- b. The full order is valid for up to two years.

F. Full faith and credit


Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in Virginia. This applies to all orders in which the respondent has received notice and opportunity to attend a protective order hearing. Enforcement of out-of-state protective orders **does not** require that they be registered in Virginia. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however, if the violator has not been served with it.

G. Purchase or transportation of a firearm by a person subject to protective orders

§ 18.2-308.1:4 prohibits any person subject to a protective order for domestic violence or stalking/serious bodily injury (as defined in the statutes cited in this order) from purchasing or transporting a firearm while the order is in effect, punishable as a Class 1 misdemeanor. Firearms transported or purchased in violation of this law shall be confiscated and subject to forfeiture.

H. Offender violation of protective orders

Violations of protective orders are arrestable offenses and are generally Class 1 misdemeanors but may be a felony depending on the offense committed. Officers observing the violation should take the offender into custody and transported to the magistrate's office for obtaining and service of the appropriate arrest warrant. For allegations of offender violations not committed in the presence of an officer, the victim should be referred to JCCPD and the magistrate's office to obtain a warrant.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Traffic Enforcement	Number: 706
Effective Date: 02/02/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\706 Traffic Enforcement	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for traffic law enforcement, preventive patrol, proactive enforcement, and relationships with motorists, and pedestrians.

II. POLICY:

Traffic law enforcement involves all activities or operations that relate to observing, detecting, and preventing traffic law violations and taking appropriate action under the circumstances. Enforcement not only involves arrests and citations, but also includes warnings to drivers and pedestrians to prevent them from committing minor violations. Traffic enforcement may react to observed violations, at accidents, or in response to community concerns, or may be proactive to prevent traffic violations. However, overzealous enforcement without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to accidents and that prevent hazards to vehicular and pedestrian traffic.

III. PROCEDURE:

This procedure applies to Department sworn personnel only. Only sworn Department personnel may take traffic enforcement action, i.e. traffic stop, investigating traffic

accidents, etc. Non-sworn Department personnel observing any traffic concerns, infractions, or other traffic related matters shall report them immediately to dispatch so that either sworn Department personnel or JCCPD can respond to handle the situation as appropriate.

A. General

Officers shall enforce the same laws consistently under similar circumstances. Before taking any enforcement, officers must consider the circumstances of the law violation and decide on a course of action that relies on experience, training, and judgment. Further, traffic laws shall be enforced without regard to race, sex, nationality, location of the operator's residence, or the nature of the vehicle (type, model, whether commercially or privately operated).

B. Types of enforcement actions

1. Warnings

Officers may issue warnings to a violator whenever a minor traffic infraction is committed in areas where traffic accidents are minimal, or when the act may be due to ignorance of a local ordinance that may be a unique violation or a violation of which the driver may not be aware. In their discretion, officers must recognize that a properly administered warning can be more effective than any other type of enforcement. All warnings given in lieu of a Virginia Uniform Summons shall either be recorded on a Kingsmill Warning notice or recorded on the Daily Activity Report and in the Alliance CAD program by the dispatcher.

2. Virginia Uniform Summons (VUS)

A VUS shall be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

3. Physical arrest

In compliance with *Virginia Code* § 46.2-940, officers shall make a physical arrest and take the violator before a magistrate when the officer believes that

- a. the violator has committed a felony; or
- b. the violator is likely to disregard the summons issued under § 46.2-936 (arrest for misdemeanors); or

C. Handling special categories of violators

1. Non Virginia residents

Officers may consider use of warnings for non-residents who commit minor, non-hazardous violations. If appropriate, officers may arrest non-residents by issuance of a summons. If the circumstances of § 46.2-940 are met, officers shall take non-resident violators directly before a magistrate.

2. Juveniles

Juvenile traffic offenders are prosecuted in Juvenile and Domestic Relations Court and that shall be so noted on the summons. Officers issuing a traffic summons to juvenile offenders shall advise them of their options regarding prepayment or court appearance and that a parent or guardian must accompany them when they appear before the court.

3. Foreign diplomatic or other consular officials

- a. Diplomatic immunity is granted by the United States Government. Generally, immunity may apply to diplomats, members of their

families, and employees of diplomatic missions concerning acts performed in the course of their official duties.

- b. Different levels of immunity exist. The burden is on the diplomat to claim immunity and show the appropriate U.S. State Department-issued credentials. Dispatch maintains a State Department manual on how to handle and verify diplomats. Use JCCPD to assist as necessary.

4. The Lieutenant Governor and members of the General Assembly

During the session of the General Assembly and for five days before and after the session, the Lieutenant Governor, members of the General Assembly, the clerks, the clerks' full-time assistants, and the sergeants-at-arms of the Senate and House of Delegates shall be privileged from custodial arrest for most traffic offenses. They are not immune from misdemeanor or felony arrests. *Virginia Code* §§ 30-6, 30-7, and 18.2-8 apply.

5. Military personnel

Military personnel who are passing through may be treated as non-residents or, if from this area, as residents.

6. Members of Congress

- a. Members of Congress may not be detained for the issuance of a summons while they are in transit to or from the Congress of the United States.
- b. If a member of Congress is stopped for a traffic infraction, upon presentation of valid credentials, he or she shall be released immediately. The officer may then obtain a summons for the

member of Congress covering the observed violation and make arrangements to serve the summons at a time when the member of Congress is not in transit to or from Congress or on official business.

D. Information regarding traffic summons

The VUS shall be completed whenever a motorist is to be charged with a motor vehicle violation. Officers shall advise drivers of the following:

1. The court appearance schedule.
2. Whether the court appearance by the motorist is mandatory.
3. Whether the motorist may be allowed to pay the fine before court and enter a guilty plea.
4. Answer the motorist's questions about the summons as thoroughly as possible.

UNIFORM ENFORCEMENT POLICIES FOR TRAFFIC LAW VIOLATIONS

A. Speed violations

Officers shall clearly demonstrate the violator's speed in court by competently explaining the method of measuring the violator's speed and the circumstances.

B. Other hazardous violations

Be able to articulate the degree of hazard in a particular location that justified the issuance of a summons. The hazard may be based on the previous accident history of location with a current directed patrol emphasis.

C. Equipment violations

With only annual inspections required of vehicles, summonses may be issued for any essential equipment defects.

D. Public carrier/commercial vehicle violations

In issuing a summons, consider traffic congestion, lack of parking, and carrier needs for delivery access. Repetitive violators shall be cited.

E. Multiple violations

Officers may issue summonses for all appropriate violations. In the event of multiple violations, officers may issue a summons for the most serious violation and warn on others. Avoid issuing multiple summonses only because the violator is argumentative.

F. Newly-enacted laws

The law usually does not provide for a grace period when new laws take effect. Officers, though, may use discretion in observing a reasonable grace period before issuing a summons for the following:

1. A violation of a newly enacted traffic law.
2. Speeding violations in an area that the speed limit has been reduced.
3. Expired state license tags or expired state inspection stickers for approximately one week after their expiration.

G. Inspections

Officers may stop any motor vehicle or trailer to inspect its equipment, operation, serial or engine numbers, or any property-carrying motor vehicle or trailer to inspect

its contents or load (§§ 46.2-103 and -104 apply). These stops shall be used judiciously and reasonably.

TRAFFIC LAW ENFORCEMENT PRACTICES - General

A. Normal traffic enforcement involves patrol by officers who observe and handle traffic violations during the performance of their duties.

1. Area patrol involves traffic enforcement within the officer's assigned area of responsibility.
2. Directive patrol involves traffic enforcement with concentration on a particular section of roadway.
3. Directed patrol instructions can specify enforcement in an area, or at a specific location, depending on the nature of the hazard/violation.
4. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic at a particular location.
5. Officers are encouraged, when completing reports or conducting other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location where the mere presence of the vehicle will serve to remind other drivers to comply with traffic laws.

B. Objectives of traffic stops

1. The two primary objectives of any traffic stop are
 - a. to take proper and appropriate enforcement action; and
 - b. to favorably alter the violator's future driving behavior.

2. Achievement of these objectives requires the officer to evaluate the violator's mental and physical condition when assessing the facts of the violation itself. In achieving these objectives, officers must exhibit flexibility to minimize conflict or argument with the violator.

C. Traffic violator/officer relations

1. Rules to be followed in all traffic stops:
 - a. Be alert at all times for the unexpected.
 - b. Be absolutely certain that the observations of the traffic violation were accurate.
 - c. Present a professional image in dress, grooming, language, bearing, and emotional stability.
 - d. Be prepared for the contact by having the necessary equipment and forms immediately available.
 - e. Decide on the appropriate enforcement action based upon the violator's driving behavior, not attitude. In most cases, decide on the formal enforcement action before contacting the violator. Exceptions include stopping an out-of-state driver who has committed a violation that would not be a violation in his jurisdiction, such as making a right turn on a red light. The officer may then decide to issue a warning rather than a citation.
2. Before making a vehicle stop:
 - a. Maintain a reasonable distance between the violator and the patrol vehicle.

- b. Locate a safe spot to stop the vehicle.
 - c. Activate the emergency lights and, when necessary, the siren to signal the vehicle to stop.
 - d. Advise the dispatcher of the intention to stop the particular vehicle, and give the following information:
 - (1) The location of the stop.
 - (2) The vehicle's license tag number and a description when necessary.
 - e. The officer shall position the patrol vehicle approximately one-half to one car length behind the violator's vehicle. The patrol vehicle shall be positioned so that it will offer the officer some protection from oncoming traffic. This position shall be two feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer, and all other traffic.
3. Additionally, when stopping a vehicle in which the occupant(s) is (are) deemed to present a hazard to the officer's safety, perform the following actions.
- a. Request a backup unit and calculate the stop so that the backup unit is in the immediate area before making the actual stop;
 - b. Train the unit's auxiliary lights (spotlight) on the occupant(s) of the vehicle when applicable;
 - c. When necessary use the vehicle's public address system to give instructions to the occupant(s) of the violator's vehicle.

4. Hazards

- a. On multi-lane roadways, the officer shall insure the safety of the violator during the lane changes by gradually changing from lane to lane with the violator until the right side of the roadway is reached.
- b. Should the violator stop abruptly in the wrong lane or in another undesirable location, the officer shall direct him or her to move to a safer location. Officers shall use the public address system to instruct violators to move to a safer location. If the officer's oral directions and gestures are misunderstood, the officer shall quickly leave the patrol vehicle and instruct the violator.
- c. At night, officers shall exercise caution in selecting an appropriate place for the traffic stop. Once the violator has stopped, to maximize officer safety, use the spotlight and set the head lights for high-beam, and employ emergency bar lights and emergency flashers.

5. Approaching the violator

The following steps in stopping and approaching a traffic violator are intended to provide maximum safety for the officer, the violator, and other users of the roadway. Varying conditions regarding the engineering of the particular traffic way, the urgency to stop the violator (drinking driver), and the existing volume of traffic may require adjusting or altering the recommended procedure. Follow these procedures unless circumstances dictate another reasonable method.

- a. The officer shall leave the patrol vehicle and be continuously alert for any suspicious movement or actions on the part of the violator or other occupants in the violator's vehicle.

- b. The officer shall approach from the rear of the violator's car, look into its rear seat, and stop behind the trailing edge of the left front door. This position shall be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position and at the same time keep all occupants of the vehicle in view.
- c. In cases where the violator's car has occupants in both the front and rear seats, the officer shall approach to the trailing edge of the left front door, alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the officer. From this position, the officer can communicate with the violator and keep all occupants in view.
- d. In traffic stops made by two-officer patrol vehicles, the passenger officer shall handle all radio communications, write all notes, and act as an observer and cover for his or her fellow officer. At no time shall the two officers approach the violator together along the same side of the violator's vehicle.
- e. Conduct operator license or vehicle information checks as appropriate.

6. Communicating with the violator

In transacting business with the violator, the officer shall observe the following rules.

- a. Greet the violator courteously with an appropriate title.
- b. Inform the violator what traffic law he or she has violated and the intended enforcement action (do not keep the violator in suspense).

- c. Ask for and accept only the violator's driver license and vehicle registration. If the driver offers money, the officer shall refuse it and advise the driver of the illegality of the offer.
- d. If the driver has no driver's license, obtain another document of identification.
- e. Allow the driver to discuss the violation. Do not argue, berate, belittle, or otherwise orally abuse the violator.
- f. Complete the forms required for the enforcement action or administer an oral warning, if appropriate.
- g. Explain to the violator exactly what he or she is supposed to do in response to the action taken and how this action will affect him or her.
- h. If the enforcement action requires a court appearance, make sure the violator knows where and when to appear. Explain any alternatives to the violator, but do not predict the actions of the court.
- i. Be alert to any emotional stress exhibited by the driver. If stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.

7. Conducting the transaction

- a. Return the violator's driver's license, registration, and a copy of the warning, if given.
- b. Release the defendant after he or she:

- (1) signs the summons, and
 - (2) receives a copy of the summons.
- c. Assist the violator in safely re-entering the traffic flow.
- d. Do not follow the violator.

D. Stopping a known or suspected felon

- 1. Special procedures shall be used in vehicle stops when the occupants are reasonably believed to be armed and dangerous. When an officer locates a vehicle driven by a known or suspected felon, the officer shall notify the dispatcher immediately of the suspect's location and give a thorough description of the vehicle and its occupants. The officer shall keep the suspect vehicle in view and request sufficient assistance in making the stop. JCCPD will be contacted by Dispatch to assist.
- 2. The officer shall keep support units informed of the suspect's location and direction of travel to aid their approach with minimal use of emergency equipment. The suspect vehicle shall not be stopped unless absolutely necessary until adequate support is available and in position. Circumstances may, however, dictate a one-officer felony vehicle stop.
- 3. The following procedures shall be used in effecting the stop:
 - a. The officer shall plan to stop the suspect vehicle in a location that presents minimal danger to other citizens.
 - b. When conditions are appropriate and support units available, the officer shall move into position to the rear of the suspect vehicle.

- c. The officer shall signal the violator to stop, using all emergency equipment to warn other traffic.
- d. The violator shall be stopped on the extreme right side of the road.
- e. If the violator is known to be armed and dangerous, the officer shall have his weapon easily accessible and ready for immediate use.
- f. When the suspect vehicle begins to stop, the officer shall turn off the siren and turn on the public address system.
- g. The officer shall park the patrol vehicle so that it provides maximum protection and cover.
- h. At night, the officer shall focus all lights on the interior of the suspect vehicle.
- i. The officer shall leave the patrol vehicle quickly but remain behind the door and accessible to the public address system microphone.
- j. The officer making the stop is in command and shall direct each occupant, using the public address system, to get out of the vehicle and into the appropriate search position. First, once suspects are stopped, the officer shall order the driver to shut off the motor and drop the keys on the ground outside his door. Next, the officer shall order occupants to place their hands, palms up, on the ceiling of the vehicle. Officers shall then order occupants to exit the vehicle on the driver's side only, one at a time. Occupants shall then be ordered to lie face down on the ground.
- k. If a public address system is not available, the officer shall give voice commands if they can be heard; if this fails, the officer should consider that the commands have been heard but ignored.

Consistent with training, the officer shall consider other options before leaving a position of cover.

- l. To reduce confusion, the officer shall instruct support officers, as appropriate, and shall be the only officer to direct the suspects.
- m. The support officers shall cover the arresting officer and remain on the curbside of the vehicle until all occupants are in the search position.
- n. Officers shall exercise extreme caution not to get within each other's line of fire.
- o. When all occupants have been removed from the vehicle, the support officers shall move to cover the arresting officer while the suspects are searched.
- p. Arrestees shall be searched and handcuffed before transportation.

E. Persons charged with revoked/suspended operator's license

The VUS shall be issued when an officer has stopped a motorist who is driving with a revoked or suspended operator's license (§ 46.2-301). An officer who sees a person driving who is known to be under suspension or revocation may swear out a warrant if unable to stop the violator.

F. Speed enforcement

Excessive speed is a major cause of death and injury on the national highways. Officers shall uniformly enforce speed laws within Kingsmill. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

1. Pacing

The officer shall follow the vehicle being paced at a constant interval for a distance adequate, normally two or more city blocks, to obtain a speedometer reading. Speedometers shall be calibrated at least every six months and calibration filed with the clerks of the district and juvenile courts.

2. Radar

Radar shall not be used for "filler" or "slack" officer time, but shall be applied where vehicle speed is a hazard to other motorists or pedestrians. The following guidelines govern the use of radar, which shall always be operated in compliance with manufacturer's instructions. All Departmental radar units meet current NHTSA standards.

- a. The radar unit must be properly installed in the vehicle and connected to the appropriate power supply.
- b. Operators must thoroughly understand the effective range of the radar unit so observations can support the speed meter readings.
- c. The operator must choose an appropriate location in accordance with the directions of his commanding officer relative to traffic accident experience in which speed has been identified as a contributing cause. The location must also be conducive to the effective and safe operation of radar.
- d. The radar unit shall be calibrated to ensure accuracy in checking speed. The operator must follow the manufacturer's recommended specific methods of checking calibration without exception. Officers shall report promptly any problems with the operation of radar units.

- e. In court, officers must establish the following elements of radar speed:
 - (1) The time, place, and location of the vehicle, the identity of the operator, the speed of the vehicle, and the visual and radar speed check;
 - (2) The officer's qualifications and training in the use of radar;
 - (3) Proper operation of the radar unit;
 - (4) Proof that the unit was tested for accuracy before and after use by an approved method;
 - (5) Identification of the vehicle;
 - (6) The speed limit where the officer was operating and where the signs were posted.
- f. The Day Shift Sergeant is responsible for the upkeep, maintenance, and calibration of radar units, maintenance of records, and as appropriate the certificates are filed with the clerks of district and juvenile courts.

DUI ENFORCEMENT PROCEDURES

JCCPD will be requested to assist with DUI's as deemed necessary by the officer or shift supervisor.

A. Laws

It is unlawful for any person to drive or operate any motor vehicle, engine, or train while under the influence of alcohol or while under the influence of any narcotic

drug of any nature. The term motor vehicle includes pedal bicycles with helper motors (Mopeds), while operated on the public highways (§§ 18.2-268.1 to -268.12).

B. Responsibilities

Officers shall be alert for suspected DUI offenders. Officers shall use and document standardized roadside sobriety tests. In addition, the portable alco-sensor, if available, shall be offered to each suspected driver. Officers must carefully document the behavior of the DUI beginning with observations of driving. Once the violator has been stopped, the officer shall note the suspect's appearance, responses to stimuli, speech, admissions of drinking, or drug ingestion.

C. Breathalyzer

The Breathalyzer is located at the regional jail and will only be operated by qualified personnel.

D. Sobriety tests

1. Officers shall administer a minimum of three field sobriety tests from the following list. The list names the most commonly administered tests.

- a. Gaze nystagmus (only if properly certified)
- b. Walk and turn
- c. One-leg stand
- d. Reciting of alphabet
- e. Finger count
- f. Nose find

Officers may employ additional tests, but they must be performed in the same order and manner every time.

2. If the operator fails the roadside tests, an alco-sensor shall be offered if available (§ 18.2-267). The operator may refuse the alco-sensor test, and shall be advised of his/her right to refuse.
3. At the officer's discretion or if the operator fails the alco-sensor test, he/she shall be arrested for DUI and taken before the magistrate.
Note: The alco-sensor shall be used only on suspected DUI offenders.
4. If an officer suspects that the vehicle operator was driving under the influence of both alcohol and drugs, or drugs alone, he may require the operator to have a blood test performed **in addition to** testing for alcohol. Blood samples shall be analyzed by the Division of Forensic Science for evidence of alcohol and for various illegal, prescription, and over-the-counter drugs.
5. The officer shall make a full written report of the circumstances of the DUI arrest, formation of probable cause, and witnesses' observations.

E. Arrest

The arresting officer shall perform the following:

1. Advise the arrestee that any person, whether or not licensed by Virginia, who operates a motor vehicle in this state gives implied consent to have a sample of his blood or breath taken for a chemical test to determine the alcoholic content of this blood or for the presence of drugs if such person is arrested for violation of §§ 18.2- 266, -266.1, -268.2 (Implied Consent Law).
2. If the arrest occurs as a result of operation of a motor vehicle on private residential property, the Implied Consent Law (§ 18.2-268.2) does not apply. Although it does not apply, the officer shall try to obtain consent from the arrested person to submit to a chemical analysis of the suspect's blood or

breath. Officers requesting blood or breath samples under these conditions are conducting a custodial interrogation. Therefore, the arrested subject shall be advised of his or her *Miranda* warnings before consent is requested. The officer shall make all reasonable attempts to obtain a blood or breath sample.

a. *Miranda* is not required before the driver takes sobriety tests, or otherwise before questioning.

3. Advise the arrestee that he or she may elect to have either a breath or blood sample taken, when available, but not both unless the officer suspects the presence of drugs. It is not a matter of defense for the driver in court that neither test was available.
4. If the arrestee refuses the available test, advise him or her that unreasonable refusal of the test constitutes grounds for the revocation of the driver's license and that a separate charge shall be placed to which he or she will have to answer in court.
5. If he or she still refuses, the arrestee shall be advised of the Implied Consent Statute and penalties by the magistrate. If the arrestee refuses to sign a declaration of refusal that shall be presented to the arrestee at this point, then the magistrate may sign the form certifying the refusal.

F. Blood test procedure

1. Take the arrested person to a physician, registered professional nurse, graduate laboratory technician, or other technician designated by order of the circuit court acting upon recommendation of a licensed physician, who shall withdraw blood for the purpose of determining its alcoholic content and drugs (§ 18.2-268.5 applies).

2. The arresting officer shall also witness the doctor or technician taking the blood sample and ensure that an alcohol solvent is not used to cleanse the withdrawal location. The officer shall initial the vial labels (on two vials) before the doctor or technician seals the vials in their containers. The initial shall be placed on the label where it does not interfere with the date written by the doctor or technician who took the blood sample (§ 18.2-268.6 applies).
 - a. The medical person taking the sample shall place his or her name and the name of the accused on the label of each vial with the date and time the blood was taken.
 - b. The arresting officer shall take possession of the two vials and seal them in two containers designed to hold them. The officer shall, before the end of the tour of duty, mail one vial to the Division of Forensic Science.

The arresting officer shall further perform the following:

- (1) Place the name of the arrested person, officer's name, date and time of arrest on the blue container.
- (2) Mail the other container to the laboratory selected by the accused, if the accused so directs. If the accused does not recommend disposition of the sample at this time, the officer shall request that JCCPD keep the sample in their Department refrigerator for up to 72 hours.
- (3) Destroy the container if no such direction is received in writing within 72 hours.

G. Breath analysis

1. Chemical analysis of a person's breath shall be performed by anyone possessing a valid license, issued by the Division of Forensic Science. This may include the arresting officer or anyone participating in the arrest. In the event the Breathalyzer is inoperable or a licensed operator is not available, this test is deemed not available.
2. The type of equipment and the methods used to perform breath analysis shall accord with the regulations of the Division of Forensic Science.
3. The testing officer shall issue a certificate of breath alcohol analysis which indicates that the test was conducted per the manufacturers' specifications, the equipment on which the test was conducted has been tested in the last six months and was found to be accurate, the name of the accused, the date, the time the sample was taken from the accused, the alcohol content of the sample, and by whom the sample was examined.

H. Accident investigation

If the DUI suspect has been involved in a traffic accident, officers shall also undertake the following:

1. Identify any witnesses who saw the suspect operating a motor vehicle.
2. Question the witness about the suspect's condition, actions, and statements immediately after the accident.
3. Establish a time line from the time of the accident to the time of arrest.
4. Question the witnesses and the suspect about what, if anything, the suspect ingested between the time of the accident and the officer's arrival.

SPECIAL TRAFFIC PROBLEMS

A. Identification and referral of driver recommended for reexamination to the Department of Motor Vehicles (DMV)

During routine traffic law enforcement activities, officers frequently encounter persons whom they suspect of being incompetent, physically or mentally disabled, or having other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In all such cases, in addition to whatever enforcement he or she may take, the officer shall notify DMV of these findings or suspicions, giving the violator's full name, date of birth, operator license number, and a brief description of the disability noted. A driver deficiency report may be used for this purpose.

B. Pedestrian and bicycle safety

1. The Chief of Police shall review the traffic accident records at least annually to determine what enforcement actions are needed to provide a proactive pedestrian/bicycle safety enforcement program, if necessary. The Chief of Police may recommend to officers enforcement measures including steps to:
 - a. Reduce or eliminate human environmental factors leading to accidents.
 - b. Reduce or eliminate the behavior, decisions, and events that lead to the accidents.


VIII. ESCORTS

A. General rules

1. Officers shall not provide emergency escorts for private vehicles. If a medical emergency exists, then an ambulance should be summoned. Non-emergency escorts, deemed appropriate by the officer or supervisor, are authorized.
2. Officers may provide escorts of vehicles with oversize or hazardous loads.
3. Officers may provide cash escorts for the Resort.

ROADBLOCKS AND CHECKPOINTS

The Department does not conduct roadblocks or checkpoints without the direct authorization from the Chief of Police. The only exception is for checkpoints at the gates to ensure compliance with access procedures into Kingsmill. These checkpoints may only be used in this manner and for no other purpose unless authorized by the Chief of Police.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Accident Investigation	Number: 707
Effective Date: 02/17/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\707 Accident Investigation	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for responding to and investigating accidents.

II. POLICY:

It is the policy of the KMPD that officers will respond to all accidents to render aid, investigate, document, and as necessary, place appropriate charges.

III. PROCEDURE:

Accident report and investigation, general

Accidents occurring on private property are not reportable to DMV regardless of amount of damage or injury with the exception of felony hit and run and felony reckless driving.

An officer shall respond to and prepare a report for all reported accidents.

An officer shall respond to and prepare a FR-300 report of any accident involving any of the following:

1. Death or injury. Notify the Chief Police.

2. Property damage in excess of \$500.
3. Hit and run.
4. Impairment due to alcohol and drugs.
5. Hazardous materials. Notify Chief of Police and Safety Officer.
6. Any accident involving Kingsmill property, vehicles, equipment, or facilities.

Officers shall exchange information to all involved parties that received damage or injury. This information includes: name of driver(s), address of driver(s), insurance information, vehicle information, time, and date. The release of the accident report and other documentation is prohibited without the consent of the Chief of Police.

As appropriate, and during the course of investigation, a sworn officer working an accident will issue a Virginia Uniform Summons for any traffic infraction.

Officers shall report any traffic discrepancies or patterns that potentially may result in future accidents to their supervisor.

Accident scene responsibilities

The first officer to arrive at an accident scene shall perform the following:

1. Administer emergency medical care (basic life support measures) pending arrival of rescue personnel.
2. Summon additional help as required (officers, rescue, tow truck).
3. Protect the accident scene.
4. Preserve short-lived evidence (broken parts, skid marks).

5. Establish a safe traffic pattern around the scene.
6. Locate witnesses and record key accident information.
7. Expedite removal of vehicles, persons, and debris from the roadway except for fatal accidents.

The officer assigned to an accident shall have the responsibility and authority to request assistance from any other officers, or other authority having jurisdiction, as needed. He or she becomes the primary investigating officer in charge at the scene unless the supervisor deems it more appropriate to assign another officer these responsibilities.

Accident scene

A. Collecting information

1. At the scene of the accident, the investigating officer shall gather appropriate information for a report. Information to be collected at the scene may include, but is not limited to, the following:
 - a. Interview principals and witnesses and secure necessary identity/address information.
 - b. Examine and record vehicle damage.
 - c. Examine and record the effects of the accident on the roadway or off the roadway on private or public property.
 - d. Take measurements as appropriate.
 - e. Take photographs as appropriate.

- f. Collect and process evidence.
- g. Exchange information among principals.

B. Follow-up activities

1. Follow-up activities that may be necessary include the following:
 - a. Obtain and record formal statements from witnesses.
 - b. Reconstruct the accident.
 - c. Submit evidentiary materials for laboratory examination.
 - d. Prepare accident or offense reports to support charges arising from the accident.
2. In a particularly serious accident involving severe injuries, fatalities, or multiple vehicles, it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, accident crash team specialists, or other specialists. Expert assistance shall be requested through the Chief of Police. Officers, with approval of the supervisor, may contact JCCPD or the VA State Police to request they respond to assist in the initial investigation of the accident.
3. At the accident scene, the officer may take immediate enforcement action and issue a Virginia Uniform Summons. In death cases, the Commonwealth's Attorney may decide the appropriate charge.
4. If the investigating officer concludes that the accident was caused by a person driving under the influence of intoxicants (DUI) and the defendant is still at the scene, the DUI arrest shall be made before transport.

5. In other traffic-related investigations, when the officer leaves the scene of the offense and later identifies an offender or offense, arrest warrants may be obtained. The summons can be issued at the hospital after the accident scene has been processed.

Accident scene procedures

1. Upon notification of an accident, the officer assigned shall proceed directly to the accident location. The patrol vehicle shall not be parked at the scene in a manner that will endanger other pedestrians, motorists, or citizens. The officer shall consider using the vehicle as a shield to protect the scene as well as him- or herself. The officer shall leave the vehicle emergency lights on.
2. During periods of reduced visibility or darkness, the officer shall wear a reflector safety vest when investigating the accident. Officers shall use flares or traffic cones to create an illuminated warning pattern to alert other drivers, if necessary. Note that flares may be dangerous at accidents where hazardous materials may be present.
3. In case of fire danger from leaking or ruptured gas tanks or where the accident may involve hazardous materials, the on-scene officer shall summon the fire department.
 - a. All patrol vehicles are equipped with a copy of the current emergency response guidebook to aid in identifying vehicles carrying hazardous materials. The guidebook illustrates hazardous materials placards and identifies and describes the relevant hazard, appropriate emergency procedures, and evacuation procedures.
 - b. Any officer arriving at the scene of such an accident who sees hazardous materials placards shall immediately summon the fire department. The fire department will assume control of any scene


involving hazardous materials and all officers shall provide support as required. The investigation of the accident shall begin after approval by the fire department.

4. Any property belonging to accident victims shall be protected from theft or pilferage and, if owners are not present, it shall be taken into custody, tagged, and held for safekeeping until the victims claim it if such property cannot be secured inside the victim's vehicle.
5. For cleanup of non-hazardous materials from the accident area, contact the KCSA. Request that any wrecker service that responds to also assist with the cleanup. The Chief of Police must be contacted for any vehicle fluid that enters into the drainage system.
6. If either driver is not present at the accident scene, do not assume that it is a hit/run unless further inquiry indicates the possibility. Perform the following actions if the incident appears to be a hit/run.
 - a. As soon as practicable, transmit the description of the vehicle and driver to dispatch, along with the direction of travel and time elapsed since the incident.
 - b. Process the accident scene as a crime scene.

Disabled vehicles

1. Officers shall not push or tow any vehicle with a patrol vehicle.
2. Because of the risk to radio and emergency equipment, officers shall not connect jumper cables to a patrol vehicle to start a citizen's vehicle. Summon a wrecker or utilize the Department's portable jump-start kit.

3. Officers shall inform vehicle owners who are unable to start their vehicle or unable to have it towed, if the vehicle can be legally parked, that it may remain on the street or other location for 24 hours. After that time, the vehicle is subject to tow at the owner's expense.
4. Officers should not push a vehicle if there is a danger, or strong potential of a resulting injury.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Vehicle Towing	Number: 708
Effective Date: 02/17/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\708 Vehicle Towing	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for the towing of vehicles by Department personnel.

II. POLICY:

It is the policy of the KMPD that officers will only tow vehicles as outlined in this procedure.

III. PROCEDURE:

Accident

Any vehicle involved in an accident shall be removed to the shoulder of the road or elsewhere as soon as possible after officers have obtained necessary investigative information. Vehicles shall be removed from the shoulder without unnecessary delay.

1. Vehicles may be removed to the shoulder of the road or other legal parking spot that does not obstruct or impede vehicle travel on the roadway. Officers shall not use departmental vehicles to push cars.
2. If the procedure above is not possible and a traffic hazard results, the officer may order towing of the vehicle at the owner's expense. Always check with the

vehicle owner to determine if they have a preferred tow service they wish to use to tow their vehicle.

Emergency

Any vehicle found illegally parked in the vicinity of a fire, traffic, or airplane accident or area of emergency that creates a traffic hazard or interferes with the necessary work of police, fire, or other rescue workers may be towed on an officer's orders at the owner's expense. Vehicles being used by radio, TV, and press are exempt unless they obstruct police, fire, or rescue operations. Media needs authorization from the Chief of Police for entry into Kingsmill.

Impeding/danger to traffic

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except in cases of mechanical breakdown or accident. If a disabled vehicle is not promptly removed and creates a traffic hazard, the officer may order the vehicle towed at the owner's expense.

Blocking driveway or parking area

Any officer discovering or having report of any motor vehicle, trailer, or other vehicle blocking a driveway or parking area, or obstructing or interfering with the movement on any driveway or parking area without the land owner's permission may order the vehicle towed at the owner's expense. Attempts to contact vehicle owner should be made prior to towing.

Unattended traffic hazard/violation of law

Officers may tow any unattended motor vehicle found on a KCSA-maintained street or grounds that constitutes a traffic hazard or is parked in such a manner as to be in violation of the law.

Abandoned vehicle

Whenever any motor vehicle is abandoned upon KCSA property without the permission of the KCSA or KMPD, the officer may order it towed at the owner's expense.

A vehicle may be presumed to be abandoned if it lacks a current license plate, a valid state inspection, and it has been left unattended on KCSA property for more than 24 hours.

Removal from private property

Residential property owners may act immediately to have vehicles towed that are occupying their property without the owner's permission. KMPD shall not authorize or assist in the towing of vehicles from a residentially owned property.

Evidence/crime involvement

Upon supervisory approval, vehicles that are of an evidentiary value, or involved in the commission of a crime and need to be maintained as evidence or processed for evidence shall be towed at the request of the officer, under the assistance of the JCCPD or the Commonwealth Attorney. Contact the Chief of Police to notify of the situation. Only a sworn officer shall be the primary investigating officer in any matter relating to a vehicle that is of evidentiary value or involved in the commission of a crime.

Driver that is arrested

A vehicle driven by a driver that is subsequently arrested, i.e. DUI, outstanding warrants, etc. and the vehicle is legally and safely parked, shall be locked and left there if the arrestee consents, but for not longer than 24 hours. The arrestee may turn the keys over to a friend or relative who will move the vehicle or the suspect may request a particular garage tow the vehicle. KMPD will not accept any keys to the vehicle. If the suspect (1) does not consent to locking and leaving a legally and safely parked vehicle or (2) refuses to allow a friend or relative to move the vehicle, or (3) does not request a particular tow service to move an

illegally parked or hazard-creating vehicle, the officer may order it towed for safekeeping at the owner's expense.

Towing procedures:

- A. Officers shall know under which provisions and laws the vehicle shall be towed.
- B. Preferably, use the vehicle owner or operator's choice of towing company.
- C. If the owner/operator does not wish to specify a towing firm or is not available to make a choice, the officer shall ask the dispatcher to send a wrecker.
- D. In an emergency involving major traffic congestion due to a disabled vehicle, the officer shall so notify the dispatcher and shall request a wrecker.

If the vehicle involved in an emergency is larger than the normal passenger vehicle or pickup size, or requires a flatbed wrecker, the officer shall so advise the dispatcher who has a separate list of specially equipped wrecker services.

- E. Dispatchers shall log each instance of calling a tow service. The dispatcher shall log the time he or she called the tow service.
- F. When the wrecker arrives on the scene, the officer shall advise the dispatcher of time of arrival and any other subsequent problems.
- G. Dispatchers shall be notified of all requests to tow vehicles by officers or owners of private property and shall record date, time, place towed from and to, license number, make or model, and color of vehicle in the towed vehicle log.

Inventory

A. Authority and purpose

A motor vehicle inventory is an administrative procedure designed to protect vehicles and their contents while in **departmental** custody. Any motor vehicle inventory must strictly observe the provisions of this procedure. The purpose of the inventory is to protect the owner's property and to protect the Department against claims and possible dangers. Inventories may be conducted without a warrant or probable cause when:

1. The vehicle has been lawfully seized or impounded pursuant to the arrest of the driver.
2. Towing the vehicle for violations, safety reasons, or other purposes as defined by law and this procedure when the owner is not at the location of the tow when the vehicle is towed.

B. Inventory vs. search

An examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent to search for evidence is not an inventory but a vehicle search. Only sworn officers shall conduct searches of motor vehicles and only within the boundaries of established policy and procedure and relevant law.


Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked shall not be inventoried.

A vehicle inventory report shall be completed whenever an officer assumes responsibility for towing a vehicle, and shall complete an inventory at the location where the vehicle was seized unless reasons of safety or practicality require the inventory to take place later.

Before the vehicle is removed, officers shall obtain the signature of the tow truck driver on the inventory report and provide the tow driver a duplicate copy of the report.

C. Inventory procedures

1. The scope of the inventory includes all open and closed containers and compartments and any locked containers or compartments as long as the officer has a key. Locked or sealed items shall not be forcibly entered if doing so will damage them. In general, the inventory extends to all areas of the vehicle in which personal property or hazardous materials may reasonably be found.
2. Officers shall not force open a vehicle's trunk or glove compartment to inventory the contents.
3. Any evidence, contraband, fruits or instrumentalities of a crime discovered during an inventory shall be handled per evidence procedures.
4. Item which may pose a danger, i.e. explosive devices, hazardous material, etc. shall result in the authority having jurisdiction being contacted, i.e. state police.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Animal Complaints	Number: 710
Effective Date: 01/30/2004	Review Date: 04/21/2021
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\710 Animal Complaints	

I. PURPOSE:

The purpose of this procedure is to establish the guidelines for the handling of animal complaints.

II. POLICY:

It is the policy of the KMPD that complaints involving animals will be handled according to this procedure.

III. PROCEDURE:

Animals Running at Large

Officers will attempt to make contact with domestic animals running at large. If the animal does not appear approachable and friendly, then the officer shall secure the area and contact animal control to request that they respond to obtain the animal.

If the animal does appear approachable and friendly, the officer shall use caution and approach the animal. The officer should spend a few moments establishing a relationship with the animal to help reduce the animal's potential stress of the situation. A good way to approach an animal is by kneeling to the animals' level and using positive reinforcement. Offer a hand to allow the animal to sniff and then slowly pet the animal

for a moment. At any time if the animal shows aggression, the officer shall fall back and contact animal control to assist.

Once contact has been made with the animal and the officer is able to interact with the animal, attempt to determine if there are any markings or tags on the animal in an attempt to identify its owner. If the owner is identified, the officer will contact Dispatch and request that the owner respond to the officer's location and obtain the animal.

If the owner is contacted but unable to respond, the officer should return the animal to the residence.

If the owner is unable to be contacted but the owner's residence is on property, then the officer may return the animal to the residence and leave it there providing that the animal can be secured and has access to fresh water. In this instance, a message shall be left with the owner and the officer will follow-up with the resident to describe the situation, actions taken, and issue the appropriate warnings.

If the owner is unable to be contacted or determined, then the officer shall take possession of the animal and have it transported to the Department's temporary storage kennel. Again, if at any time, the animal shows aggression, the officer will request JCC Animal Control to respond to take possession of the animal.

The Department maintains a temporary kennel that can be erected and moved in a pickup truck. Also the Department owns portable crates for transportation if needed.

If after 24 hours in the Department's possession the animal's owner cannot be contacted or determined, the day shift supervisor shall contact JCC Animal Control and request that they respond to take possession of the animal.

If the owner is contacted while the animal is at the temporary storage kennel, the shift supervisor will request that the owner respond to the kennel to obtain their animal. Upon the owner obtaining their animal, if necessary, a written notice of violation shall be issued to the owner for all violations involving the animal.

At all times that an animal is in the Department's possession and located at the temporary storage kennel, the animal shall have access to fresh water. If the animal appears to be hungry, or has been kept for longer than 4 hours, the appropriate animal food will be obtained for the animal. The kennel will be maintained and policed for animal waste. When handling animal waste, officers should use gloves, shovel, etc. as appropriate.

If there is a question regarding appropriate ownership and subsequent release of an animal in the Department's possession, request that the owner produce documentation of ownership or contact animal control to respond and assist with proof of ownership prior to releasing the animal.

All actions shall be documented in the Department's report.

Observed and Unobserved Animal Violations

Upon observation of a violation of Kingsmill's rules and restrictions or of James City County's animal code, the officer shall issue either a verbal or written warning to the animal's owner. Repeated offenses involving the same animal or residence, or upon observation of animal cruelty or other code violation, may also result in the issuance of a Virginia Uniform Summons by sworn officers upon observation of an offense. All warnings will be documented in the Department's report and entered into the Alliance database.

Owners, for first time animal offenses of complaints such as excessive barking, should receive a verbal warning prior to any written warnings unless the officer deems the circumstances warrant a written warning for the first offense.

Owners with animals running at large and the owner is not present shall result in a written warning for the first offense. If the owner is present while the animal is running at large and it is a first offense, officers may use discretion and issue a verbal warning for a first offense.

Officers responding to an animal complaint and upon arrival not being able to substantiate the complaint will not be required to complete a report, but rather will ensure Dispatch has logged the call for service and resulting disposition of nothing found or unfounded.

Complaints involving animal cruelty or similar type violations, when able, will be referred to James City County Animal Control for handling.

When a violation involving a domestic animal belonging to a resident or a guest of a resident is observed by Department personnel, the violation and resulting actions taken shall be entered under the address of the residence involved. These violations include, but are not limited to, dogs running at large, excessive barking, failure to register an animal, and accidental bites. A report shall also be taken for verified animal complaints.

Repeated violations from the same animal(s) belonging to the same resident may result in the resident being charged by James City County Animal Control, under County code. Notify the Chief of Police of repeated violations involving the same animal or residence.

When responding to a residence in reference to an animal complaint and upon arrival the officer does not observe any violation, an entry still must be made into the Alliance database referencing the nature of the complaint and that it was unfounded upon officer arrival.

When responding to a general area in reference to an animal complaint and upon arrival the officer does not observe any violation, an entry into the Alliance database does not need to be made unless the complainant specifies a particular residence. In this instance, an entry into the Alliance database will be made for the particular residence referencing the complaint and that it was unfounded upon the officer's arrival.

Animals in violation not belonging to a resident or a guest of a resident shall be entered into the Alliance database under the owner's name.

Animal Bites

If a dog is reported to have bitten an individual, the Department will respond to take a report. The responding officer will obtain any necessary medical assistance. Upon determining the owner and the current status and location of the animal in question, the officer shall contact James City County Animal Control to relay what has occurred. JCC Animal Control will determine whether or not they will respond. The officer must document JCC Animal Control's actions, or lack of actions, in the report to include whom the officer spoke with from JCC Animal Control, whether or not they responded, and any action taken. The officer will ascertain whether or not JCC Animal Control will contact the Health Department for notification. If JCC Animal Control will not contact the Health Department, then the officer shall do so. If the officer is able to obtain verification of rabies shots, the officer will notify the victim of the same. Record all actions in the officer's report.


Destruction of Animals

Authorization is given for the discharging of the Department-issued firearm, while on duty, to destroy animals in crisis or that pose an immediate threat to an individual or domestic animal. An animal in crisis may include apparent rabid animals or animals that appear critically injured and in pain. Prior to the discharging of the firearm, the officer shall:

1. Attempt to contact James City County Animal Control to determine if they will respond to handle the matter, circumstances permitting. If so, stand by with the animal until they arrive. If they are unable, unwilling, or the animal will not remain in the immediate area, or is an immediate threat to individuals or other domestic animals, proceed to the next step.
2. Ensure that the direction of fire will not endanger the life or property of others.
3. Destroy the animal.
4. Coordinate removal and disposal of the animal.

5. Complete a report and inform the Chief of Police.

Domestic animals may not be destroyed by officers unless the domestic animal poses an immediate threat to an individual and there are no other immediate, practical means available to reduce that threat.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Burglar Alarms	Number: 715
Effective Date: 12/31/16	Review Date: 04/21/2021
Location: I:\KMPD Groups\Policies & Procedures & General Orders\P&P\715 Burglar Alarms	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for responding to burglar alarms.

II. POLICY:

It is the policy of the KMPD that officers will respond to burglar alarms within the scope of this procedure.

Alarm devices are a means of notifying the police that a robbery or burglary is in progress when the use of a telephone is impractical or impossible. Officers of the Kingsmill Police Department will exercise sound judgment and proceed with extreme caution when answering any type of alarm call. Despite the large number of false alarms, no police officer can afford to become complacent in their response to alarms.

III. PROCEDURE:

Only sworn Department personnel shall be dispatched to calls of an unknown burglar, panic, or silent alarm, or a burglary in progress call.

Non-sworn Department personnel may only respond to a verified false burglar, panic, or silent alarm or an actual burglary whereby there is no possibility that the suspect is in the area of the crime scene or that the alarm can sufficiently be determined to be false, i.e. dispatch talking to the homeowner.

A. Upon receipt of a burglar, panic, or silent alarm, or a burglary in progress, dispatch will dispatch two sworn Department personnel to respond to the location of the alarm or burglary in progress. If two sworn Department personnel are not available, then the dispatcher shall contact JCCPD to request assistance. For a burglary in progress, dispatch shall contact JCCPD to request assistance.

1. While officers are responding, the dispatcher shall attempt to determine if the location to which the officers are responding has any unique information about that location, i.e. resident is on vacation, past domestic issues, no known problems, etc., and relay that information to responding officers.

B. Upon officer arrival, the officers shall park their vehicles in such a manner and in such a location so as to provide the officers with reasonable and safe reactionary distances between the location of the alarm or burglary, and the officers. Normally, responding units will respond under silent conditions.

1. Prior to approaching the residence or other location, the officer will request that the dispatcher attempt to make contact with the resident or other person who may be authorized to be on the premises at that time. Dispatch will attempt to make phone contact. If phone contact is made, the dispatcher will attempt to inquire if an emergency exists. The dispatcher will request that the resident or other authorized individual exit the building or residence and approach the officers who are on-scene. Prior to the person meeting the officers, the dispatcher shall obtain and pass along to the on-scene officers the name of the person and their clothing description for verification by on-scene officers. The officers will then meet the person and verify that an emergency condition does not

exist, or that if a burglary or other crime has occurred, that the suspect is no longer at that location. If the person meeting the on-scene officers is unwilling or unable to meet the officers, then consideration must be given to the fact that a crime is in progress including possibly a hostage situation. If it is a potential hostage situation, unless dire exigent circumstances exist, the officers' actions should be to establish a perimeter and contact JCCPD to request assistance and await their arrival. Due caution must be exercised with an individual only willing to meet an officer at the front door, as the individual may be being held against their will with the suspect controlling the individual. Any individuals meeting on-scene officers must provide identification, or other means, to verify their authorization for being at that location.

2. If the dispatcher is unable to make contact with the resident or with any authorized individual at the alarm location, then the dispatcher will notify the responding officers as such. The officers, using caution and appropriate approach tactics, shall approach the residence or building and perform an exterior check of the premises observing for any signs of entry, forced or otherwise. Officers should safely attempt to look into the residence or building through windows or other means in an attempt to determine if an abnormal condition appears to exist.
3. If the officers discover a point of entry into the residence or building and it appears to be a forced entry, officers should request that Dispatch contact JCCPD, and request they respond to assist in checking the location. Upon JCCPD arrival to assist, or upon Department personnel entering the location, officers on-scene should request Dispatch to clear the radio air, and all radio traffic shall cease with the exception of emergency radio traffic dealing with the situation at hand. The location must be checked and cleared to ensure that there is no one requiring medical assistance and that a suspect is no longer at that location. Officers should only disturb the potential crime scene as necessary to ensure that a suspect does not remain on location. Once the residence


has been cleared for suspects and there is evidence of a crime, a perimeter will be established until JCCPD, if not already on location, arrive to assist with the processing and investigation of the situation.

4. If the officers, when conducting the location check, do not discover an open door or any other form of unauthorized entry, and the location appears secure, then the officers will notify Dispatch of the same. The dispatcher will then attempt to contact the key holder of the location, if known, and request that they respond to the location so that the officers may enter the location to verify that no crime has taken place. If the key holder is unwilling or unable to respond, the officers will clear the location. If the key holder is more than 30 minutes away, or if there are other calls for service, then the officers will clear the location until the key holder arrives. In these cases, the dispatcher should notify the key holder responding that they should contact dispatch upon arrival, and prior to entering the location, so that officers can respond and perform the necessary check of the location to determine if a crime has occurred and that if one has, that the suspect is no longer at that location. When the key holder responds, the key holder shall be requested to stay at a safe distance from the location while the officers clear the location of any suspects. If the key holder, after the location is cleared by officers, enters and determines that a crime has been committed, then the key holder will be requested not to interfere with the crime scene until it can be processed by the officers and JCCPD.
5. If dispatch makes contact with a resident or other individual who believes that there is a suspect in the residence or building, then Dispatch will attempt to keep the caller on the line while officers respond. JCCPD shall be contacted in this instance and be requested to respond. The dispatcher will ascertain from the caller where the caller is located in the residence or building, how many other individuals are in the location including their locations, and what causes the caller to believe there is a

suspect at that location, i.e. strange noises, hearing unfamiliar voices, etc.

Occasionally alarm systems will malfunction. Any concerns of malfunctioning alarm systems will be brought to the attention of the day shift supervisor. The day shift supervisor is responsible for working with those residents or other individuals who may have a malfunctioning system in an attempt to get the matter corrected.

The Chief of Police shall be notified immediately for all verified burglaries or similar crimes.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Robbery	Number: 716
Effective Date: 02/17/2004	Review Date: 01/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\716 Robbery	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for responding to robbery complaints.

II. POLICY:

It is the policy of the KMPD that officers will respond to robbery complaints within the scope of this procedure.

III. PROCEDURE:

Only sworn Department personnel shall be dispatched to calls of a robbery in progress or a robbery related alarm, i.e. holdup or panic alarms.

Non-sworn Department personnel may only respond to a verified false robbery-related alarm, or actual robbery whereby there is no possibility that the suspect is in the area of the crime scene after being verified through dispatch on an on-scene sworn officer.

Upon receipt of a robbery in progress or a robbery-related alarm, Dispatch will dispatch two sworn Department personnel to respond to the location of the alarm or robbery in progress. The dispatcher shall contact JCCPD to request assistance.

While officers are responding, the dispatcher shall attempt to determine if the location to which the officers are responding has any unique information about that location, i.e. resident is on vacation, past domestic issues, no known problems, etc., and relay that information to responding officers.

Upon the officers' arrival, officers shall park their vehicle in such a manner and in such a location so as to provide that officer with reasonable and safe reactionary distances between the location of the alarm or robbery, and the officer.

Prior to approaching the residence or other location the officers will request that the dispatcher attempt to make contact with the resident or other person who may be authorized to be on the premises at that time. Dispatch will attempt to make phone contact. If phone contact is made, the dispatcher will attempt to inquire if an emergency exists. The dispatcher will request that the resident or other authorized individual exit the building or residence and approach the officers on-scene. Prior to the person meeting the officers, the dispatcher shall obtain and pass along to the on-scene officers the person's name and clothing description for verification by on-scene officers. The officers will then meet the person and verify that an emergency condition does not exist, or that if a robbery or other crime has occurred, that the suspect is no longer at that location. If the person meeting the on-scene officers is unwilling or unable to meet the officers, then consideration must be given to the fact that a crime is in progress including possibly a hostage situation. If it is a potential hostage situation, unless dire exigent circumstances exist, the officers' actions should be to establish a perimeter and contact JCCPD to request assistance and await their arrival. Due caution must be exercised with an individual only willing to meet an officer at the front door as the individual may be being held against their will with the suspect controlling the individual. Any individuals meeting on-scene officers must provide identification, or other means, to verify their authorization for being at that location.

If the dispatcher is unable to make contact with the resident or with any authorized individual at the alarm or robbery location, then the dispatcher will notify the responding officers as such. The officers, using caution and appropriate approach tactics, shall approach the residence or building and perform an exterior check of the premises


observing for any signs of entry, forced or otherwise. Officers should safely attempt to look into the residence or building through windows or other means in an attempt to determine if an abnormal condition appears to exist.

If the officers discover a point of entry into the residence or building and it appears to be a forced entry, officers should request that dispatch contact JCCPD and request they respond to assist in checking the location. Upon JCCPD arrival to assist, or upon Department personnel entering the location, all radio traffic shall cease with the exception of emergency radio traffic dealing with the situation at hand. The location must be checked and cleared to ensure that there is no one requiring medical assistance and that a suspect is no longer at that location. Officers should only disturb the potential crime scene as necessary to ensure that a suspect does not remain on location. Once the residence or building has been cleared for suspects and there is evidence of a crime, a perimeter will be established until JCCPD, if not already on location, arrive to assist with the processing and investigation of the situation.

If dispatch makes contact with a resident or other individual who believes that there is a suspect in the residence or building, then Dispatch will attempt to keep the caller on the line while officers respond. JCCPD shall be contacted in this instance and be requested to respond. The dispatcher will ascertain from the caller where the caller is located in the residence or building, how many other individuals are in the location including their locations, and what causes the caller to believe there is a suspect at that location, i.e. strange noises, hearing unfamiliar voices, demands by a robber, etc.

Occasionally, alarm systems will malfunction. Any concerns of malfunctioning alarm systems will be brought to the attention of the day shift supervisor. The day shift supervisor is responsible for working with those residents or other individuals who may have a malfunctioning system in an attempt to get the matter corrected.

Any verified robberies or similar crimes inside Kingsmill require the immediate notification of the Chief of Police.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Abduction, Kidnapping, and Hostage Procedures	Number: 717
Effective Date: 02/17/2004	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\717 Abduction, Kidnapping, and Hostage Procedures	

I. PURPOSE:

The purpose of this procedure is to establish the guidelines for the Department's response to abduction, kidnapping, or hostage situations.

II. POLICY:

It is the policy of the KMPD that abduction, kidnapping and hostage situations will be handled within the scope of this procedure.

III. PROCEDURE:

Only sworn Department personnel shall respond to reports of abductions, kidnappings, or hostage situations that are in progress.


Hostage and barricaded situations pose a threat to the public and police personnel.

Given the potential risks, the JCCPD will be called in these situations.

Upon KMPD officers' arrival, KMPD will establish a perimeter and continue evacuating the area as necessary. Upon JCCPD arrival, both JCCPD and KMPD will work together to control the perimeter, establish contact with the suspect, and work to resolve the situation, and notifying affected Departments when it is safe to resume normal operations. An incident command post will be established, refer to *Incident Command* procedures.

The Department's primary role for crimes of this nature that have already been committed and where the suspect is no longer on property is to render or summon any medical aid, secure and protect the crime scene, and await JCCPD to respond.

Immediately contact the Chief of Police as soon as practicable.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Dangerous Weapons	Number: 718
Effective Date: 10/03/2005	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\718 Dangerous Weapons	

I. PURPOSE:

To help insure the safety of KCSA employees, Kingsmill guests, homeowners, and related assets by prohibiting any unauthorized or illegal dangerous weapons on Kingsmill property.

II. POLICY:

It is the policy of the KMPD that dangerous weapons are not allowed to be brought onto Kingsmill property.

III. PROCEDURE:

This procedure applies to Kingsmill personnel, its vendors, contractors, and guests.

Direct any questions regarding this procedure to the Chief of Police.

Kingsmill Resort and Spa is privately owned, therefore resort management has the authority to regulate the carrying, displaying, etc., of dangerous weapons or prohibited items. Similarly, the Kingsmill Community Services Association, KCSA, has the same authority on the KCSA roads, recreation centers, etc. that it controls or manages. This procedure does not apply to private homeowners and their rights on their individually owned property within the residential community.

Definitions:

- A. Dangerous weapon is an unauthorized or illegal firearm or any item that could be used to inflict serious bodily injury or death. These may include, but are not limited to, straight blade knives, daggers, lock-blade knives, folding knives, or pocket knives greater than 3 inches.
- B. Prohibited item is any item that can be used to inflict harm or injury; examples of which include, but are not limited to, ice picks, scissors, screw drivers, and razors.

Employees

Employees, other than sworn KMPD officers, are prohibited from carrying any dangerous weapons or prohibited items onto the property of the Kingsmill Resort and KCSA-controlled areas, etc. This does not apply to the storage of the same in an individual's personal vehicle within the scope of the Code of Virginia as it relates to the transportation and storage of weapons.

Employees that use knives, etc. as part of their work are authorized by their department management on what items are authorized for use in the performance of their duties. These items should be kept in a secure location at work when not in use. However, if the employee elects to transport the items on their person, they must be transported in a secure container and not visible to other individuals.

Employees that do not comply with this procedure are subject criminal charges depending on the offense committed

Law enforcement

Law enforcement personnel are authorized to carry weapons used in the normal course of their duty. Law enforcement members displaying their weapons must be in a

recognizable uniform, conceal their weapons, or have their badge displayed next to their weapon where it is recognizable.

Guests

Guests staying at the resort, or visiting in KCSA-controlled areas that arrive with weapons should be informed that Kingsmill is a privately-owned community and resort prohibiting the carrying of weapons by individuals in these areas. Encourage resort guests to use the in-room safes that are provided at no cost or secure the weapon in their personal vehicle. Encourage residential guests to secure the weapon at the host residence or in their personal vehicle. Individuals that do not comply with the request may be subject to trespassing, notify the Kingsmill Police Department.

Kingsmill residents

Kingsmill residents are also prohibited from carrying weapons within the Kingsmill Resort or other Kingsmill Resort-owned property and KCSA-controlled areas. Kingsmill residents should be requested to return the weapon to their residence or secure it in their private vehicle.


KMPD Response

All weapons complaints require that 2 sworn officers be dispatched. Public safety officers are not to be dispatched to a weapons complaint. If two sworn KMPD officers are not involved, the JCCPD must be contacted to assist.

Responding officers must use sound approach procedures when approaching an individual that may have a weapon. The vast majority of times the response will be in regard to an individual not knowing that this is private property and that weapons are prohibited. However, this cannot always be assumed to be the case and caution and due diligence must be exercised.

Upon approach, the officers should announce who they are and why they are there. Investigate the matter and attempt to seek compliance if there is, in fact, a violation. Officers should explain that this is private property and attempt to seek compliance. Those who will not comply or violate any of the various statutes of the Code of Virginia may be subject to criminal charges as necessary.

Again, this procedure does not apply to weapons upon a homeowner's property. A homeowner has the right to bear lawful arms on their own private property as allowed by the Code of Virginia.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Hazardous Material Incidents	Number: 725
Effective Date: 02/09/2004	Review Date: 01/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\725 Hazardous Material Incidents	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for responding to hazardous material incidents.

II. POLICY:

It is the policy of the KMPD that officers shall operate within the scope of this procedure as it relates to hazardous material incidents.

III. PROCEDURE:

Hazardous materials are occasionally transported through, or around, Kingsmill. The possibility, therefore, of an accident involving a vehicle carrying hazardous substances is a reality. The extent of damage from an accident involving toxic or otherwise dangerous substances depends on the response of emergency personnel and their ability to correctly identify and handle such incidents. The Department expects officers to be competent in basic skills and abilities necessary to identify the presence of hazardous materials and perform "first responder" services. The Department does **not** expect officers to exercise duties or responsibilities beyond the first-responder stage.

DEFINITIONS

Contamination

The direct or indirect contact between officers and a hazardous substance. Officers shall consider contamination to be an injury that could result in illness, injury, or death.

Exposure

The concurrent presence of law-enforcement officers and hazardous materials under uncontrolled circumstances. Exposure may result in injury, illness, or death.

Officers shall treat exposure as contamination even though no symptoms are evident. Known contamination requires medical attention and monitoring.

Hazardous material

Any solid, liquid, or gas that by its nature can cause injury, illness, death, property damage, or environmental degradation. **Radiological material** meets this definition except that it contains radioactive elements.

PROCEDURES

A. General

Because of the hazard that might exist or may develop through an accident, especially a derailment or overturned vehicle transporting hazardous materials, officers must exercise extreme caution. Therefore, officers shall take the following actions.

1. At the scene of any incident or accident where hazardous materials may have been exposed, officers shall request Dispatch to summon the JCCFD which shall assume authority and responsibility for emergency procedures.

- a. Officers shall advise Dispatch as soon as possible of the exact location of the hazardous materials incident, injuries, and safe approach routes for emergency vehicles.
 - b. Officers shall rescue injured persons at the hazardous materials site **only if** they are properly equipped. Officers shall not unduly risk contamination.
2. If officers discover any evidence of leaking liquid or vapor, they shall assume that an exposure has occurred with possible contamination of people or facilities and shall:
- a. Seal off the area until positive identification can be made by the fire department.
 - b. Summon back-up units to establish a perimeter, setting up roadblocks or barricades as appropriate.
 - c. Evacuate the area and detain people as necessary.
- (1) If the nature of the hazardous materials does not permit approaching the scene, keep **at least 300 feet away** and keep bystanders **at least 1500 feet away**.
 - (2) If the hazardous materials incident involves radiological materials, keep **at least 2000 feet away**.
3. Supervisors shall summon back-up units and JCCPD to establish a perimeter, as necessary, or order evacuation or detention of people. Supervisors shall instruct personnel to avoid **any** contact with liquids or fumes, to eliminate **any** sources of ignition, and not to eat nor drink near the scene. The on-scene supervisor shall construct a command post, if appropriate. The on-scene supervisor shall advise Dispatch to notify

JCCPD, the Chief of Police, and other appropriate personnel as necessary. The dispatcher shall make these contacts and relay the following information:

- a. Location of incident or accident.
 - b. Nature and type of hazardous material involved.
 - c. Shipper (if known) of hazardous material.
 - d. Nature of environment (i.e. Resort area, residential area, outside the gates, etc.)
 - e. Size of container and estimated amount of material discharged or leaked.
4. Approach the accident scene upwind if possible and only if the hazard is known with proper safeguards being taken. If radiological materials are involved, **do not** approach. Await fire department personnel or HAZMAT teams who have special monitoring equipment.
- a. Note that communicable disease protective equipment, leather gloves, or chemical agent gas masks provide **no** protection from hazardous materials.
 - b. Note that personnel may not be able to recognize hazardous materials immediately, although they are present. Some hazardous gasses are invisible and odorless.
 - c. If the officer observes any or multiple incapacitated victims as a result of the hazardous material, do not enter the area. Instead maintain a perimeter not allowing unaffected individuals into the contaminated area until properly equipped personnel arrive.

- d. If individuals possibly contaminated attempt to leave the area, isolate them together away from the hazardous area and away from unaffected individuals until they can be decontaminated.
- 5. Normal accident investigation procedures or re-entry into the affected area shall be suspended until the on-scene authority has given appropriate clearance.
- 6. In the event the hazardous material spill did not occur on Kingsmill property, but rather in close proximity (i.e. the brewery, Rt. 60 railroad tracks, or the Surry Nuclear Power Station), the supervisor will work with the command post for the incident response determining how the spill will affect Kingsmill and any appropriate response required. Notify the Chief of Police and the appropriate personnel as necessary.

B. Identification of hazardous materials

Identification of hazardous material by the carrier may be accomplished by the following.

1. Placards

Placards are displayed at the front, rear, and on both sides of all vehicles (including rail cars) hauling hazardous materials; however, experience has shown that placards are sometimes either not displayed or have misidentified the cargo. Some placards are made of paper that may have burned before the officer's arrival. When on duty, each patrol officer shall carry a departmental brochure identifying placards in use.

- a. Red placards indicate flammable materials.
- b. Rust placards indicate explosive materials.

- c. White placards indicate poisonous materials.
- d. White/black placards indicate corrosive materials.

2. Driver

When the accident involves a truck, the driver may be able to supply information about the load transported; however, the driver is not required to know a great deal about cargo or emergency measures for handling it except for explosives. In case of explosives, the driver is required to have in possession and be familiar with documents containing procedures to be followed in the event of accident or delay.

3. Shipping papers

- a. Where the hazardous material is transported by truck, the driver is required to have a copy of the shipping papers that show the name of the materials, classification, and quantity. By using these papers and the Emergency Response Guide, the officer can identify the hazard associated with the material and ways of handling it. Officers shall record the name of the materials, classification information, and quantity.
- b. Where the hazardous material is transported by rail, the shipping papers will be located in the engine and will have attached to them instructions for handling all hazardous materials on the train. Additionally, a manifest is located in the engine listing each car on the train and its contents in order from the engine back. If the conductor is not available or incapacitated when emergency personnel arrive, officers shall obtain the manifest from the engine compartment.

4. MSDS Sheets

To supplement the placarding system, many shippers of chemicals provide the drivers with Materials Handling Safety and Data Sheets (MSDS Sheets) that provide emergency information. Although MSDS sheets are subject only to voluntary use, the officer shall ask the driver for them.

5. Each officer's vehicle is furnished with a copy of the U.S. Department of Transportation guidebook on hazardous materials that contains identifying information on chemical products, first-responder hazards, and specific countermeasures.

C. Evacuation

1. When the possibility of an evacuation of all residents or inhabitants of part or all of Kingsmill exists, the following shall be considered:
 - a. Manpower requirements
 - b. The method of notifying persons to be evacuated (i.e., door to door, PA system, use of local radio stations, Reverse 911, etc.)
 - c. The size of area and number of people living there to be evacuated
 - d. Area maps
 - e. Use of mass transportation to move evacuated persons
 - f. Housing of evacuated persons, where possible, in public schools
 - g. Security of evacuated areas to prevent looting, and premature return (the fire chief shall make the decision when it is appropriate for people to return home)

2. The on-duty supervisor shall consult with the fire chief and the HAZMAT coordinator on any decision to evacuate an area. The supervisor shall effect the evacuation upon order of the fire chief. In the event of evacuation, the supervisor shall establish a command post, ensuring that the following tasks are undertaken.
 - a. Establish an emergency communications link with appropriate authorities.
 - b. Evaluate the size of the area and number of people to be evacuated.
 - c. Assign personnel to notify people through use of a PA system or door-to-door contact.
 - d. Notify the Chief of Police and appropriate personnel.
 - e. Arrange for mass transportation.
 - f. Arrange for security of evacuated areas.

D. Key contact agency information requirements

The key contact agencies and persons are available for evaluation and assistance in the handling of hazardous material incidents and evacuation. Every effort shall be made to obtain the following information before contacting these agencies:

1. Location of the accident.
2. Hazardous material involved and shipper, if known.
3. The color and number of any labels on the carrier or cargo.

4. Type of environment resort or residential.
5. Size of the container and amount of product leaking.
6. If rail, location of hazardous material car from the head of the train, car number, and description of car (i.e., tank car, box car, etc.).
7. The initial and number of aircraft, if any.


E. Post-incident responsibilities

1. All Kingsmill officers involved in the incident shall prepare and submit after-action reports to the Chief of Police concerning all law enforcement activities including:
 - a. The cause of the incident and all tasks undertaken to control the incident;
 - b. The number of enforcement and emergency services personnel involved in the incident;
 - c. The number of deaths and injuries resulting from the incident and cost in damaged property;
 - d. Cost of manpower and equipment used to control the incident;
 - e. Comments on the usefulness of emergency plans and policies and recommendations for updating or revising plans and policies.

E. Key Agencies

Depending on the hazardous materials involved, one or more of the following agencies shall be contacted:

1. Chemical Transportation Emergency Center (CHEMTREC), 800-262-8200
2. Environmental Protection Agency's National Response Center, 800-424-8802
3. Virginia Department of Emergency Management, 804-674-2400, Richmond.
(Use this number for radiological emergencies, toxic substances.)
4. Etiological (disease-causing agents) agents: Department of Health, Office of Epidemiology, 804-864-8141, Richmond.
5. Hazardous chemicals: Department of Emergency Management, Richmond, 804-897-6500.
6. Virginia State Department of Emergency Management/HAZMAT team: 804-674-2400
7. Department of Agriculture and Consumer Services, 804-786-3501, Richmond.
9. Water Control Board, Department of Environmental Quality, 1-804-698-4000 or 1-800-592-5482.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Bomb Threat, Potential Explosive Devices, Handling Suspicious Mail or Packages, Exposure to Chemical, Radiological, or Biological Agents	Number: 803
Effective Date: 02/12/2004	Review Date: 01/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\803 Bomb Threat, Potential Explosive Devices, Handling Suspicious Mail or Packages, Exposure to Chemical, Radiological, or Biological Agents	

I. PURPOSE:

The purpose of this procedure is to establish the guidelines for the Department's response to bomb threats, potential explosive devices, handling suspicious mail or packages, exposure to chemical, radiological, or biological agents.

Bomb threats and actual bomb emergencies present a serious threat to police officers, the public, and to property. In this age of Terrorist activity, more actual bombing of public and private buildings are occurring. The police must be able to effectively respond to all bomb threats, assess the situation, and handle every situation in an efficient manner, so as to provide for the safety of the general public. Additionally, the police must be able to properly investigate bomb threat/bomb emergency situations in order to apprehend the party or parties responsible

II. POLICY:

It is the policy of the KMPD that the Department will operate within the scope of this procedure.

III. PROCEDURE:

General

- A. The dispatcher, upon receiving a bomb threat, will notify shift sergeant, or in his absence the acting Supervisor, who will respond to the scene. The patrol officer will also respond. Dispatch should contact JCCPD for assistance.
- B. The above units will respond non-emergency silent run. Once on the scene, radio transmissions will be avoided. If a bomb is present, a radio transmission can cause premature detonation of electric initiators.

Communications between officers on the scene and Dispatch will be through the use of telephone, or an officer can be sent several blocks away to transmit messages using the police radio. An outer perimeter will be established to prevent any unnecessary persons from entering the area.

- C. If the building has not been evacuated upon arrival, the responsible party (i.e., resort manager, front desk attendant, etc.) should be advised of possible risks of the occupants. The decision to evacuate will be left to the person responsible for the building.

The person who received the call will be questioned as to exactly what was said including:

1. Time of call.
2. Said time of detonation.
3. Specific bomb location.
4. Caller's identity (i.e., male, female, adult, juvenile).
5. Voice characteristics, accent, manner of speech, etc.
6. Background noises.

An investigation of the incident will be made by the KMPD Officer, and a Preliminary Investigation Report will be filed.

- D. If a search is desired or deemed necessary, it should be conducted by persons familiar with the building accompanied by Fire or Police personnel. The person responsible for the building should solicit volunteers to search the areas in which they normally work to look for unusual or out of place objects. Searchers are to be instructed not to disturb or touch any unusual objects found, not to turn lights on or off, and not to activate any electrical equipment. The search should be made with the use of flashlights. Do not use radios when approaching or searching the area and DO NOT SMOKE.
- E. If a detonation time was given by the caller, reentry should not be made until at least twenty minutes after the given time. This provides a safety factor in case there is a bomb not located during the search.
- F. The decision to allow occupants to reenter the building will be left to the person responsible for the building. No recommendation to reenter will be

made by KMPD personnel. If the Officers feel comfortable with occupants reentering, the statement should be advisory in nature:

EXAMPLE: "I have no objections to reoccupying the building; however, the decision to do so is yours."

- G. If an unusual device or bomb is believed to have been found, do not attempt to disarm or move it in any manner. The explosive may contain an anti-disturbance device, and should be approached only by explosive experts. The main concern is to safeguard lives by isolating the area. Evacuate occupants and bystanders from the danger zone, at least 500 feet. JCCPD will have Fire and Rescue Units called to the scene to stand by for bomb disposal.
- H. If there is an actual bomb explosion, JCCPD will have an investigator called to the scene and the FBI Norfolk Office will be notified. The scene will remain protected by the KMPD and JCCPD officers, by maintaining a 500 ft. perimeter, until arrival by the FBI to begin scene processing. Officers/Investigators will give any assistance requested by the FBI.
- I. In the event of an explosion, the responding officer will submit a written report relating all facts of the incident.

**See Bomb Threat Questionnaire attached to this policy. For distribution to anyone who may be the recipient of a bomb threat.

Bomb Threat Questionnaire

****Stay calm** **Complete this checklist as you talk to the caller****

Date: _____

Time call received: _____

Phone number displayed on caller ID: _____

Phone number call received on: _____

Exact words of caller: _____

Questions to ask caller

Where is the bomb? _____

When will it explode? _____

What type of bomb is it? _____

What does it look like? _____

Why are you doing this? _____

Where are you calling from? _____

Where do you work? _____

What is your name? _____

Characteristics of the caller (Circle or complete appropriate response)

* Sex: Male Female

* Possible Race: _____

* Approximate age: _____

* Speech: nervous angry matter of fact righteous
 incoherent excited apologetic calm
 other _____

* Does voice sound familiar? Yes / No If yes, then who? _____

* Background noise: Describe background noise (Laughter, office, street noises, etc).

Does it sound familiar, if yes, where does it sound like it is coming from?


Person taking call: _____

Time call completed: _____

Time KMPD notified: _____

KMPD report #: _____

****Follow Bomb Threat procedures** **Provide this questionnaire to KMPD****

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Evacuation Procedures	Number: 804
Effective Date: 02/12/2004	Review Date: 01/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\804 Evacuation Procedures	

I. PURPOSE:

The purpose of this procedure is to establish the guidelines for evacuation procedures.

II. POLICY:

It is the policy of the KMPD that Department personnel will operate within the scope of this procedure.

III. PROCEDURE:

It is critical to ensure evacuations are handled in a calm, professional, and purposeful manner. Many times injuries to people and damage to property are greater during the actual evacuation than the injuries and damage initially occurring with the incident at hand.

Employees should at all times know at least two paths of escape from any point of a building they are working or passing through. These two paths should not lead out the same direction. Rather, each path should be in a distinctly different direction than the other. This is necessary in the event that if one of the paths is cutoff due to the incident, that the other should be available. Employees should periodically exit a building or area from exit points that they normally do not use. This helps an employee become more familiar with alternate exit paths.

Emergency evacuation maps should be posted in each building and where exit from a facility is not readily obvious. The maps will contain at least two separate and distinct exit points from the maps posted location. The map should also include the location of the nearest fire extinguishers and manual fire pull stations. The map may also include a listing of those critical operations an area may want to shut off during an evacuation. Posted with, or on, the evacuation map will be evacuation meeting points for the affected building or area.

Emergency exit signage will be correctly placed, in working order, and free from obstruction of view at all times.

When notified of a need for an evacuation, Dispatch should get as much information known as to the reason for evacuation, location of evacuation, number and location of trapped or injured individuals, any other significant information, i.e. gas leaking, fire, broken water pipes, etc. KMPD will notify the appropriate outside agencies such as fire and rescue. KMPD will also notify the Chief of Police and other necessary personnel.

KMPD officers are not trained in building rescue and thus should only assist people as they come out of a building or area being evacuated – not go into the building to evacuate.

The caller should be advised that where applicable, critical systems should be shut down. The types of critical systems referred to here are those systems which may hinder the evacuation or add more danger to the emergency at hand. For example, gas systems and ovens may be attempted to be shut down if it is safe to do so during an evacuation. Those critical systems deemed to be desirous to shut down during an evacuation should be posted on the evacuation maps in the affected buildings as a reminder to KCSA and resort employees as to what systems should be attempted to be shut down.

Dispatch should advise the caller that if the reason for the evacuation is due to a fire or other dire emergency, activates an emergency fire pull station if the building or area is so equipped. This will help notify others in the affected area or building of the need to

evacuate. During more controlled evacuations where it is not essential to have individuals out of a building as quickly as possible, the fire manual fire pull stations should not be activated.

Below is a copy of the matrix that KCSA and the resort use to identify meeting points:

Building/Area	Primary Assembly Point	Alternate Assembly Point	Inclement Weather Assembly Point
Conference Center	Employee parking lot	Sports Club parking lot	Sports Club
Sports Club	Sports Club parking lot	Employee parking lot	Conference Center
Marina	Marina parking lot	Sports Club parking lot	Sports Club
Tennis Center	Tennis Center parking lot	Operations parking lot	Operations Building
Eagle's	Parking lot in front of Eagle's	Employee parking lot	Conference Center
Golf Shop	Bag drop area	Employee parking lot	Conference Center
Woods Course Maintenance	Woods Course Maintenance parking lot	Laundry parking lot	Laundry building
Woods Course Club House	Woods Course parking lot	Woods Golf Course Maintenance parking lot	Woods Golf Course cart storage
Laundry Building	Laundry building parking lot	Woods Golf Course Maintenance parking lot	Woods Golf Course Maintenance building
Operations Building	Parking lot by Tennis Center	Employee parking lot	Tennis Center

Real Estate Office	Real Estate parking lot	Marriott parking lot	KCSA
Human Resources	Employee parking lot	Bag drop area	Conference Center
KCSA	Front parking lot of 309 McLaws	Center island in rear of 309 McLaws	Real Estate office
Golf Maintenance	Golf maintenance parking lot	Golf maintenance employee parking	Equipment storage shelter
Ordinaries/Riverview Villas	Parking Lot of affected building	Parking lot of next closest Ordinary/Villa	Closest available Resort building

Individuals mustering at the evacuation points must remain there until the all clear signal is given by KMPD who will be working with the appropriate agencies/departments to determine when it is safe to re-enter the affected building or area. KCSA and/or Resort Management are responsible for ensuring these individuals remain in the evacuation meeting locations. In the event that an individual will not remain at the evacuation meeting point, the management member should obtain the individuals name and record it to show they have been accounted for. If Management, in conducting their headcount, determines that individuals are unaccounted for and may be missing, they are to contact KMPD immediately to relay that information.


If it is determined that during the evacuation individuals become trapped, KMPD should determine the location and approximate number of trapped individuals. The KMPD officer will ask Dispatch to relay the information to the JCC Fire and EMS. Someone should be posted near the trapped location but at a safe distance to direct rescue personnel to the area of entrapment. Only trained rescue personnel should ever attempt a rescue of trapped individuals.

If during an evacuation individuals appear incapacitated but not trapped or in any other apparent danger, officers should not attempt to enter into the area to remove the incapacitated individuals. These individuals may have succumbed to something that is

airborne and by attempting to enter area, rescue individuals not properly equipped may also fall victim to the conditions present. Instead, remain at a safe distance, and do not allow other individuals to enter into the affected area until the appropriate rescue personnel arrive. Advise Dispatch of your findings.

If the evacuation is due to a possible explosive device, the minimum initial evacuation distance from the device is 500 feet both vertically and horizontally from the affected building or area.

A command post will be established near the scene of any evacuation as necessary. Refer to *Incident Command* procedures.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Power Failure	Number: 805
Effective Date: 02/13/2004	Review Date: 01/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\805 Power Failure	

I. PURPOSE:

The purpose of this procedure is to establish a guideline for the handling of power failures.

II. POLICY:

It is the policy of the KMPD that the Department will operate within the parameters of this procedure.

III. PROCEDURE:

Preparation

Power failures can occur at any time and for a variety of reasons: Too much power demand on a power system, a car accident that damaged a utility pole, a malfunctioning transformer, or even a squirrel that has chewed through a transmission line – all are reasons a power failure may occur. Power failures can be described as brown outs or black outs. A brown out is when power remains, but not at full capacity – lights will be notably dimmer, systems requiring more power may not work, power may be intermittent. A black out occurs when power goes out and remains out.

KMPD must be prepared for power failures. KMPD should have at least one storage location for emergency equipment. Examples of emergency equipment to be stored are flashlights, batteries, and a battery operated radio. In the event the equipment is issued for an emergency, the individual issuing the equipment should record to whom the equipment was issued to. It is important that this equipment is checked regularly to ensure it is in working order. It is also important that this equipment only be used in a case of emergency such as a power failure and immediately returned when the emergency has passed.

A further way to prepare for power failures is to always ensure paths of egress are always free from obstruction. It may be difficult to see an open fire door that is in the path of the emergency exit when the power is out. Additionally each department should take ownership in their life safety measures that are in place. For example, always ensure immediate repair of exit signs that are not properly illuminated.

When power failures occur, remain calm. Generally with power failures there is no immediate emergency – there is just no power. Take the time to think the process through and utilize your resources such as the KMPD Safety Officer. Work together to formulate a plan and put that plan into action.

When a Power Failure Occurs

When Dispatch is notified of a power failure, the dispatcher should get as much detail that is known about the power failure – location of failure, if reason for failure is known, etc. Also, if there are any resulting injuries, elevator entrapments, or other immediate safety issues. KMPD will notify the power company and any other outside agency as necessary.

Employees, guests, and other individuals in the affected area of the power outage may need to be moved to an area with power if available. This is the responsibility of the building owner (KCSA or the Resort). The Resort Conference Center and Sports Club, as well as KCSA's Mounts Bay Rec Center, will have emergency generator back-up power and should be considered as primary gathering points for affected individuals.

Communications is vital during this or any type of emergency. The phone system should work during a power failure and should be used as the main means of communication. Cell phones and the police radio system are an alternate use of communications.

For extended power outages, coordination of relief for KMPD employees maintaining the gates must be done.

Any noted discrepancies with the power outage should be noted to prevent the same in the future. Report safety related discrepancies to the KMPD Safety Coordinator.

For extended residential power failures, KMPD shall increase patrols, contact individuals on the keep check list, and provide any other assistance available to the community.

KMPD Generators


KMPD has a generator at each gate for use during power failures.

When the need for the use of a generator arises, the generator must be started and allowed to warm up for 5 minutes. During that time, locate the breaker box for the location and turn off the breaker for the power feed from the power company. Turn the breaker on for the power feed from the generator. After the generator has warmed up, plug in the power cord and begin running power off of the generator.

The generator will only be able to run partial equipment at the gates.

Never fuel a generator with the generator running. When refueling the generator, always check the oil level and add as necessary.

When not in use, the generators need to be exercised monthly, running them for at least 15 minutes. This is the responsibility of the day shift supervisor and/or the KMPD Safety Officer.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Terrorism Threat Level Response	Number: 810
Effective Date: 05/01/2006	Review Date: 06/01/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\810 Terrorism Threat Level Response	

I. PURPOSE:

The purpose of this procedure is to establish a protocol for responding to the various terrorism threat levels as determined by the Department of Homeland Security, DHS.

II. POLICY:

It is the policy of the KMPD that when establishing appropriate levels of physical security at Kingsmill that the DHS terrorism threat level will assist in determining what level of physical security will exist given the national threat level at the time.

III. PROCEDURE:

The Department of Homeland Security, DHS, has the following color-coded threat assessment matrix.

SEVERE – Severe risk of terrorist attacks (Red)
HIGH – High risk of terrorist attacks (Orange)
ELEVATED – Significant risk of terrorist attacks (Yellow)
GUARDED – General risk of terrorist attacks (Blue)
LOW - Low risk of terrorist attacks (Green)

DHS constantly assesses threat information and other threat variables and assigns a threat level within the matrix based on all information known at a given time. This threat level can change frequently or remain static over a period of time. Based on the threat level, the Kingsmill Police Department, KMPD, will enact the following measures.

Low (Green) – Low risk of terrorist attacks

Normal Operations

Guarded (Blue) – General risk of terrorist attacks

Normal Operations

Elevated (Yellow) – Significant risk of terrorist attacks

Normal Operations and –

- Ensure all Department phone lists are up to date
- Review of training on suspicious behavior and awareness training
- Liaison with local law enforcement
- Liaison with federal law enforcement as necessary
- Employee communication regarding pertinent security policies and procedures
- Ensure emergency equipment is accounted for and in operating condition
- Ensure emergency plans and Department procedures are current
- Ensure an adequate supply of physical barriers is on hand and stage as necessary

High (Orange) – High risk of terrorist attacks

Normal operations, including steps at the elevated (yellow) level and –

- Traffic at gates restricted to left hand lane only or additional officer assigned to right entry lane
- Random vehicle sweeps at the gates
- Increased manpower for patrol
- Install signs at gates explaining the increased security levels due to threat level


Severe (Red) – Severe risk of terrorist attacks

Normal operations, including steps at the elevated (yellow), high (orange) levels, and –

- 100% positive identification on residents, guests, contractors, visitors, and vendors

- 100% vehicle sweeps at the gates
- Daily briefings with KCSA Board President, KCSA Executive Director, and Kingsmill Resort General Manager

Note that at any time a specific threat is determined to be directly related to the resort that a checkpoint may be established at the intersection of Kingsmill Road and Mounts Bay Road with the established measures instituted at that location.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Active Shooter Incident Plan	Number: 811
Effective Date: 01/01/2017	Review Date: 10/04/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\811 Active Shooter Incident Plan	

I. PURPOSE:

This procedure establishes and outlines the Department's Active Shooter Incident Plan (ASIP) that shall be used in the event an active shooter incident occurs within Kingsmill Community or related property (Kingsmill Resort, KCSA/KMPD Office Building).

II. POLICY:

Recognizing that active shooter incidents are diverse in nature and often evolve quickly, this procedure shall be used as a guide to dictate major functions of the Department in such a situation. These functions include, identifying, containing or neutralizing a threat, provide necessary assistance to aid the injured, secure the incident scene, make proper chain of command notifications and coordinate actions or responses with other emergency service agencies.

Should an active shooter incident occur within the Kingsmill Community or related property, it is the policy of this Department to:

A. Authorize responding law enforcement officers to use any force necessary, including deadly force, to neutralize the threat from an active shooter situation.

1. Deadly force is used when it is unreasonable to use any other means and to protect the life of a civilian or an officer, including self-defense, when the officer has probable cause to believe that the suspect poses a significant and

immediate threat of death or serious physical injury to the officer or others and, where feasible, some warning shall be given. See KMPD Policy 118: Use of Force, for complete policies and procedures.

- B. Utilize, if possible, immediate action and rapid deployment methods by responding immediately to the incident scene and deploying law enforcement personnel to neutralize or contain threat.
- C. Contain and secure the area to prevent any further injury or threat expansion and preserve possible evidence or crime scene.
- D. Respond to and assist all injured persons once threat is neutralized or threat area is significantly contained, to allow for medical assistance to be provided to outlying areas.

III. PROCEDURE:

Definitions

Active Shooter- An armed person or person(s) that is/are actively engaged in deadly physical force against other persons within a confined or populated area.

Active Shooter Incident Plan (ASIP) - A detailed outline of the basic principles, tactics and functions of a coordinated law enforcement response to an active shooter.

Active Shooter Incident / Situation - An event or location where an active shooter is or has been identified and is or was engaged in the purposeful and continuing effort of killing others.

Contact Team - Designation for law enforcement personnel that is or will enter threat area and engage or restrict movement of active shooter.

Deadly Force - Is the use of a firearm or the intentional use of weapons, tactics, or maneuvers targeting lethal areas that is likely to result in death or serious physical injury.

Immediate Action and Rapid Deployment - A quickly coordinated and fast response with minimum personnel, by which, entry is made to a threat zone for the purpose of neutralizing or containing an active shooter and prevent any further violence.

Inner Perimeter - The immediate area surrounding an active shooter or a crime scene.

Outer Perimeter - The outlying area of an active shooter incident that encompasses the inner perimeter and is used as an operational area to manage or control an incident.

Threat Area/Zone - A defined location of danger that had or continues to have an active shooter and/or victims contained within.

Procedure

- A. Department members will not unreasonably endanger themselves or another person to conform to each specific guideline of this policy. Best judgment should be utilized with the goal of saving as many lives as possible, prevent further victims, and contain the threat area from spreading.
- B. First Department member on scene, regardless of rank, will determine or attempt to verify that a true active shooter situation is taking place and will be designated as temporary incident commander.
 - 1. Request immediate assistance from all other law enforcement personnel in the immediate area.
 - 2. Notify KMPD Dispatch of the situation and request that additional resources be notified and dispatched.


- a. Dispatch shall contact James City County Police and Fire departments, notifying them of an active shooter event, and request immediate assistance.
 - b. Kingsmill Chief of Police will be notified and advised of situation.
- C. Initial law enforcement personnel on scene.
 - 1. Immediate law enforcement officers on scene, but no fewer than two, shall coordinate and attempt a plan of immediate action and rapid deployment to the threat area, if possible. Designated as contact team.
 - a. Determine location of threat area, suspect(s), description(s), actions, and weapons involved.
 - b. Communicate plan of action/deployment with Dispatch to ensure responding personnel are aware of actions and locations of law enforcement on scene.
 - c. Tactically engage threat area with the primary goal of neutralizing or significantly containing active shooter threat.
 - i. Withdraw from threat area if unable to neutralize threat.
 - a.) Move to an area of reasonable safety, stage for incoming law enforcement personnel, and contain threat to prevent expansion.
 - b.) Render first aid to injured parties outside threat area or anywhere else that is feasible and safe to do so.
 - d. Ensure threat is neutralized by tactically surveying the threat area for any further suspects or hazards.

- i. Engage as necessary or disengage if unable to immediately neutralize any further threats.
 - e. Return to initial staging area or expand area farther out should the situation dictate.
 - f. Threat area should contain only one contact team at a time. This will reduce the likelihood of a potential officer on officer incident.
 - 2. If initial law enforcement on scene determines that a plan of immediate action and rapid deployment to the threat area is not feasible or possible, do the following:
 - a. Secure the area surrounding threat to prevent expanding of the incident area.
 - b. Designate a staging area as a temporary command location until supervisory or rank staff arrives.
 - c. Continually assess the situation for changes, respond as appropriate, and communicate actions or status to Communications Officer.
- D. First on-site supervisor or rank staff to arrive at incident location.
- 1. Incident Commander responsibilities will immediately be turned over to highest ranking officer of Kingsmill Police Department, James City County Police Department, or Virginia State Police by temporary incident commander with most up to date briefing.
 - a. All Department personnel on scene or communicating remotely will organize and respond at the direction of Incident Commander (IC).

- b. Establish inner, outer perimeters and a command post as situation dictates.
- c. Designate staging or operational area to coordinate efforts and personnel.
- d. Make appropriate additional notifications to local, state, and federal counterparts requesting assistance, as needed.

Considerations

- E. No comments or official Department statements should be made to the Media or citizens/community at large without prior authorization (or direction) from Kingsmill Chief of Police.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Computer Log On/Off Procedures	Number: 901
Effective Date: 02/23/2004	Review Date: 10/04/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\901 Computer Log On/Off Procedures	

I. PURPOSE:

To give all Department personnel the proper log on/off procedures for the computer and ensure that the same personnel are knowledgeable in the use of the Company computer system. This will include **NETWORK, GMAIL, AND ALLIANCE** procedures.

II. POLICY:

Department personnel will use the proper procedures to access the computer(s) at the Department's authorized workstations.

III. PROCEDURE:

When a new employee starts with the department, the Office Manager, or designee, will have the third party IT contractor set up the network login information for each employee. From that time on the following instructions will be followed.

A. THE INITIAL SIGN ON PROCEDURE

1. Hold down the keyboard keys CTRL, ALT and DEL all at the same time.
2. This will bring up a log on box. Log in with your assigned user name and password. (See Figure 1)

3. This will bring up your local computer screen. (See Figure 2)

Figure 1

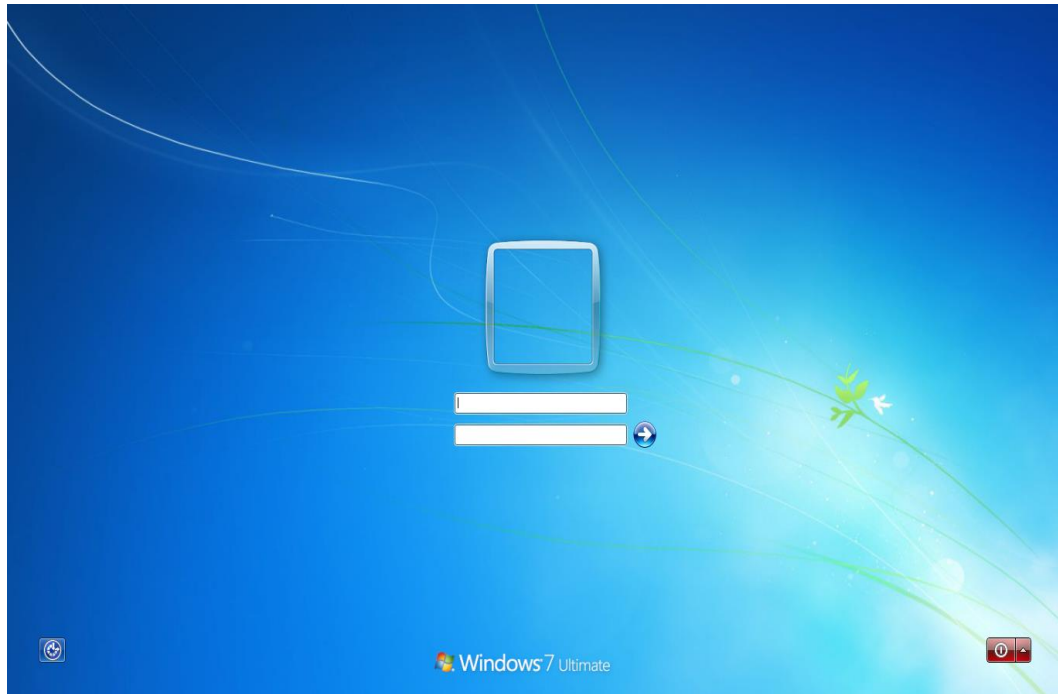
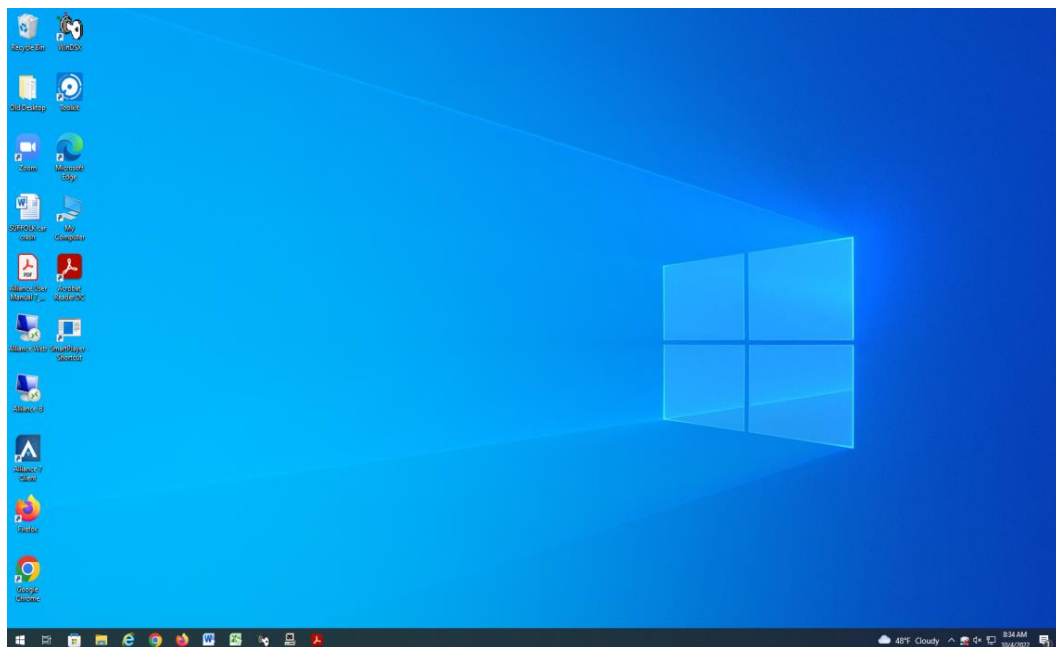


Figure 2



B. GMAIL SIGN ON PROCEDURE

1. The sign in for Company email is through Gmail. On your local computer screen, or the “home page”, click on an internet browser such as Firefox, Chrome, etc. (See Figure 3)
2. Type www.google.com into the web browser's search bar. (See figure 4)
3. Click on **GMAIL** at the top, right-hand corner of the window. (See Figure 5)
4. Type in your Username and click “Next”. (See Figure 6)
5. Type in your Password and click “Next”. You should now be in your Company email account.

Figure 3

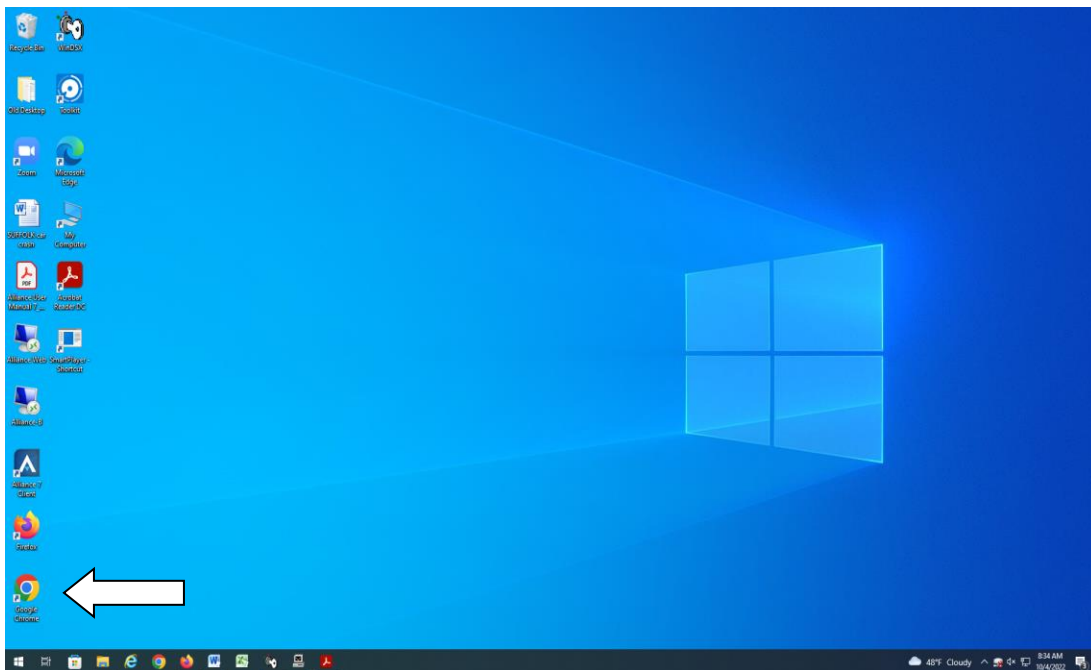


Figure 4

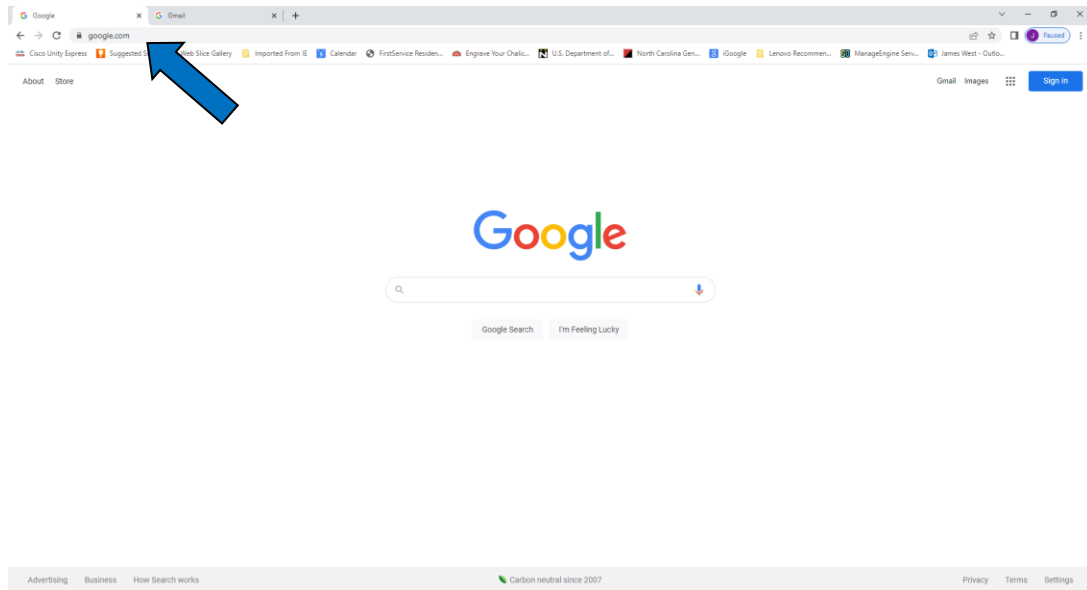


Figure 5

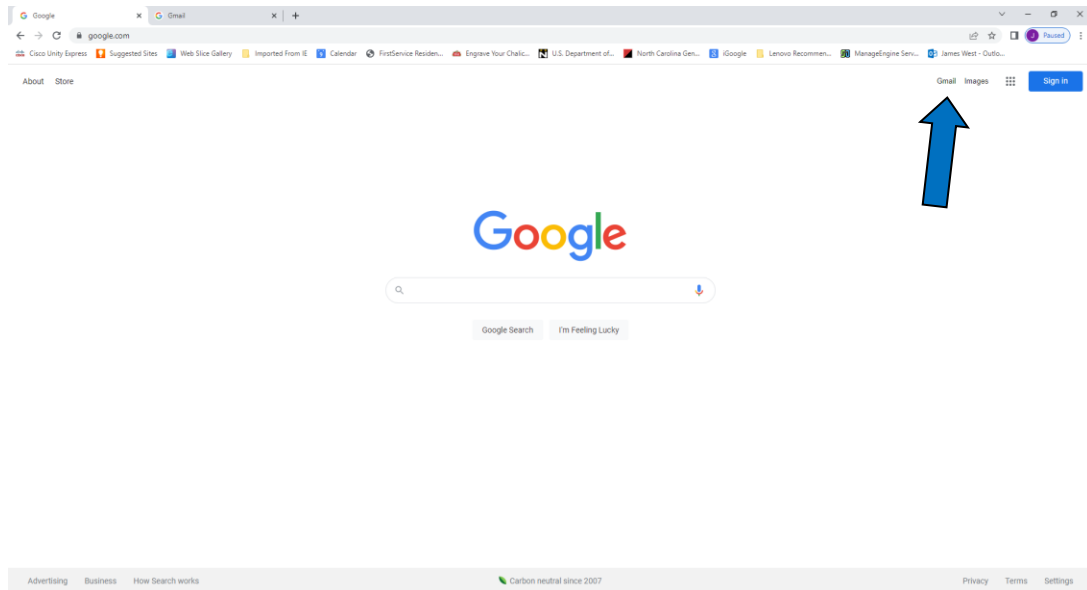
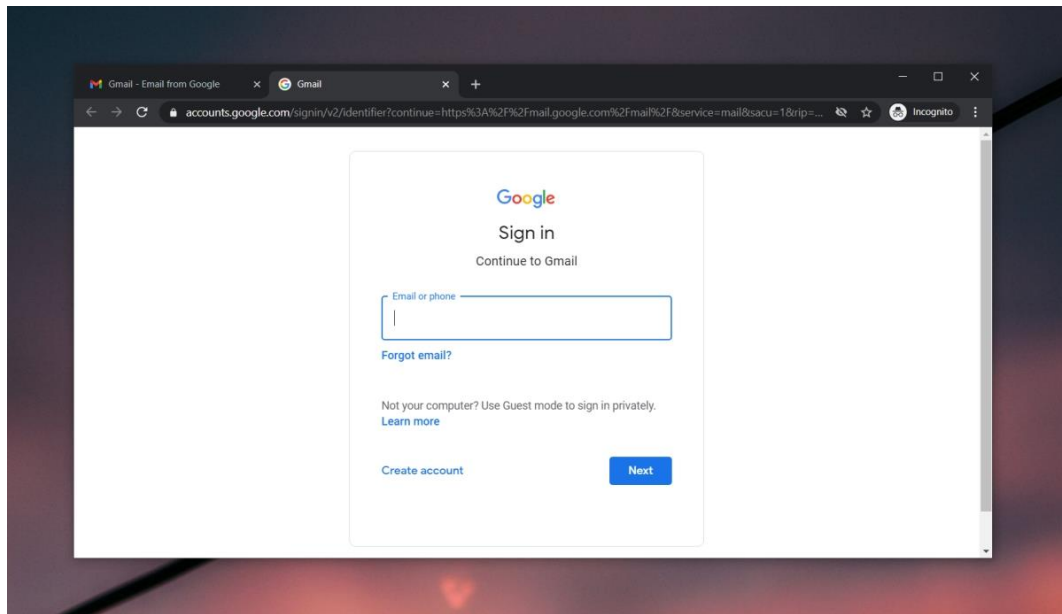


Figure 6



C. SIGNING INTO ALLIANCE

1. Open your home page and double click on the Alliance icon.
(See Figure 7)
2. Sign in using your username and password. (See Figure 8)

Figure 7

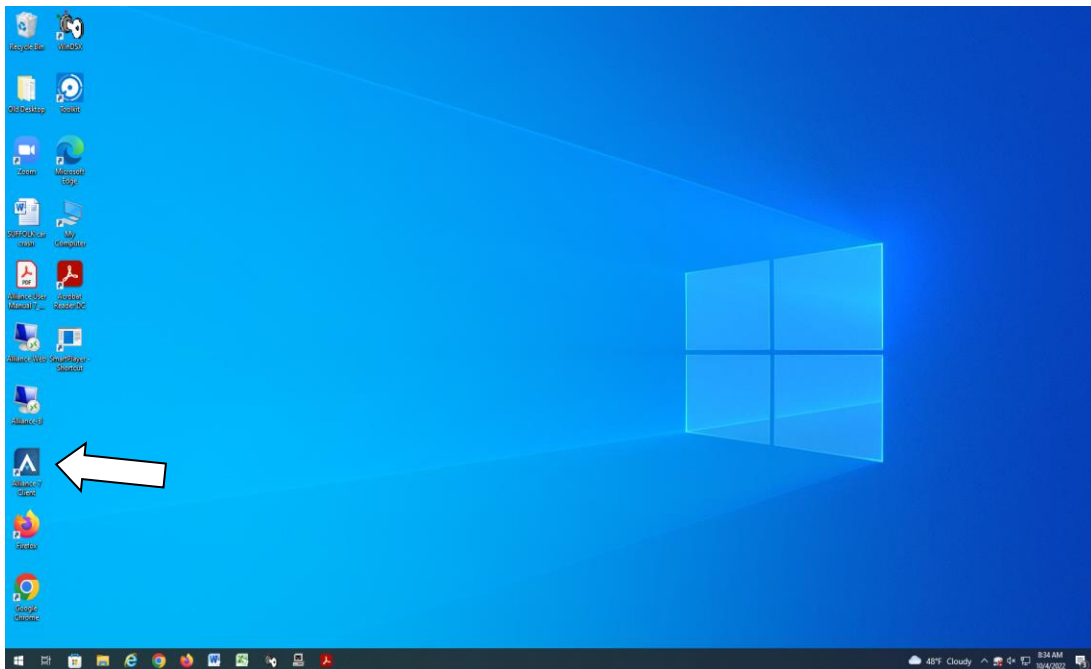


Figure 8



D. SIGN IN TO DSX

1. Open your home page and double click on the WinDSX icon.
(See Figure 9)
2. Sign in using your username and password. (See Figure 10)

Figure 9

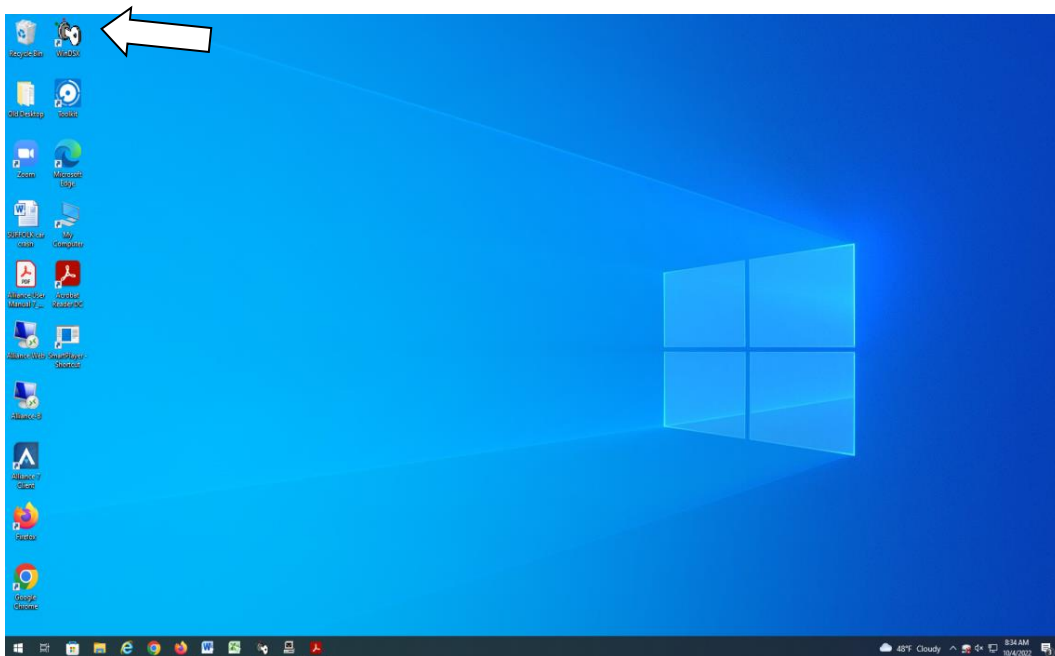
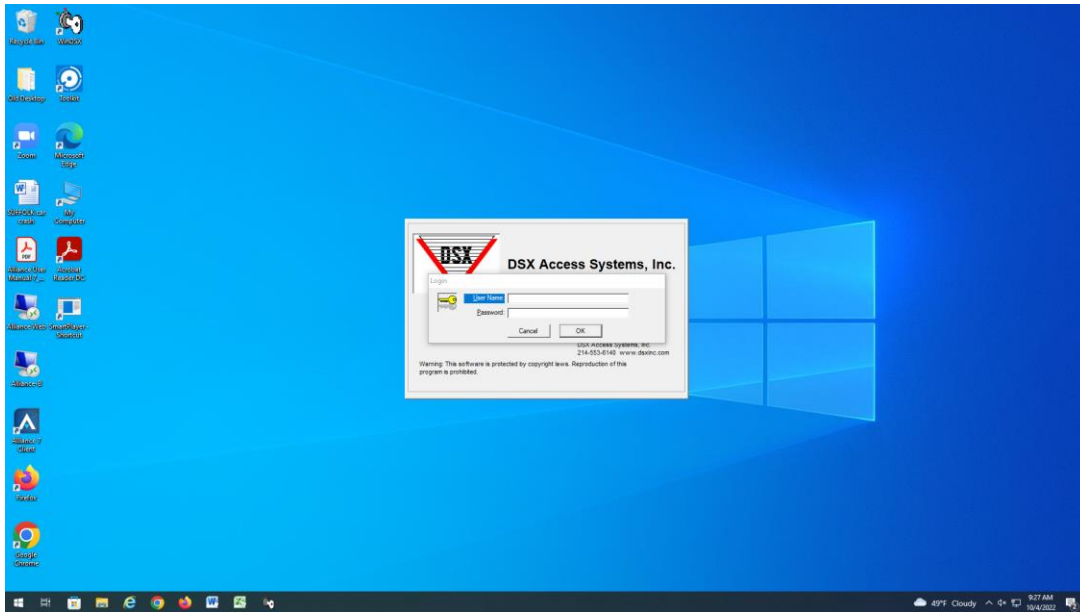


Figure 10



E. SIGNING INTO MAIN DRIVES/FOLDERS

1. The main “Drives” that you will be concerned with are:
 - a. “U” - this is your personal drive for you to keep any documents you want to have access to but do not want to be open to other users.
 - b. “I” - is the drive for “KMPD” files such as the pass down folder, training folder, schedule folder, and other department files.
 - c. To get to these files, click on the File Folder icon at the bottom menu bar on the screen. (See Figure 11)
 - d. Double click on the folder you’d like to access. (See Figure 12)

Figure 11

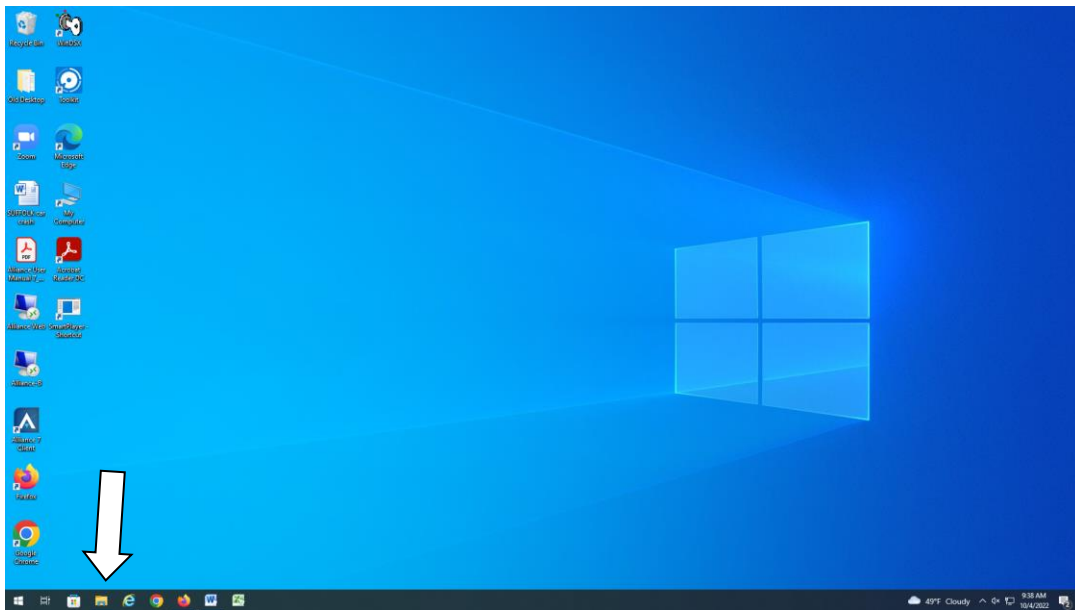
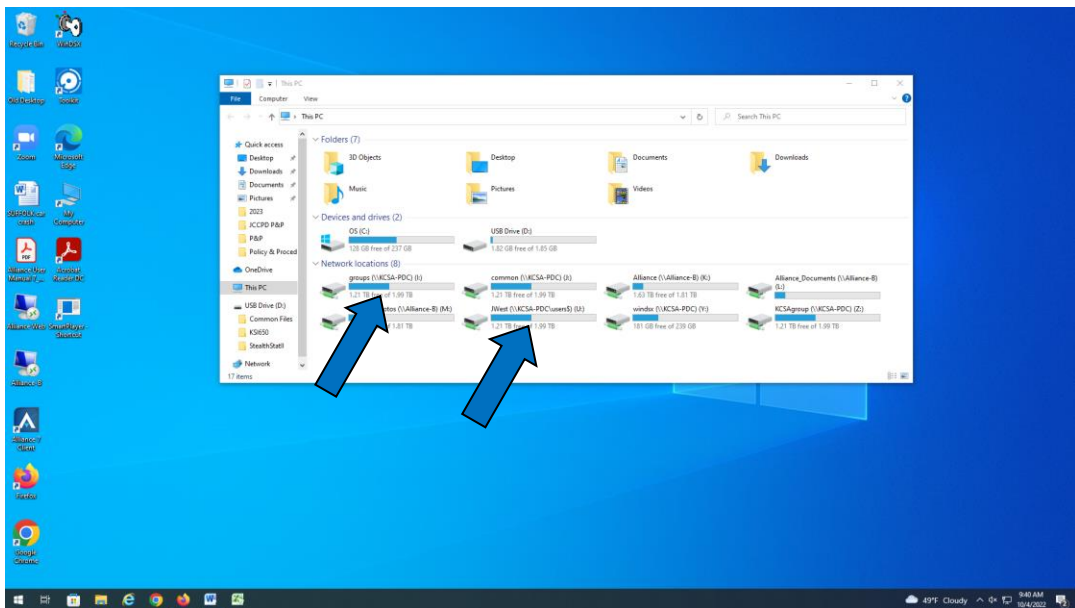


Figure 12

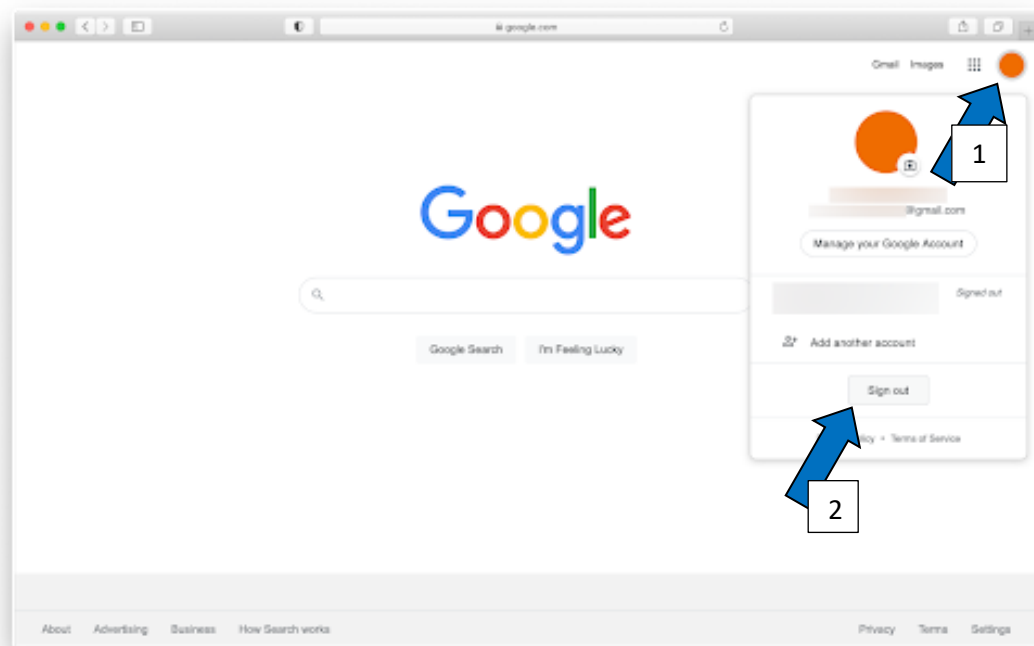


F. SIGNING OFF OF YOUR COMPUTER

When you are ready to close out your computer you will follow the instructions below:

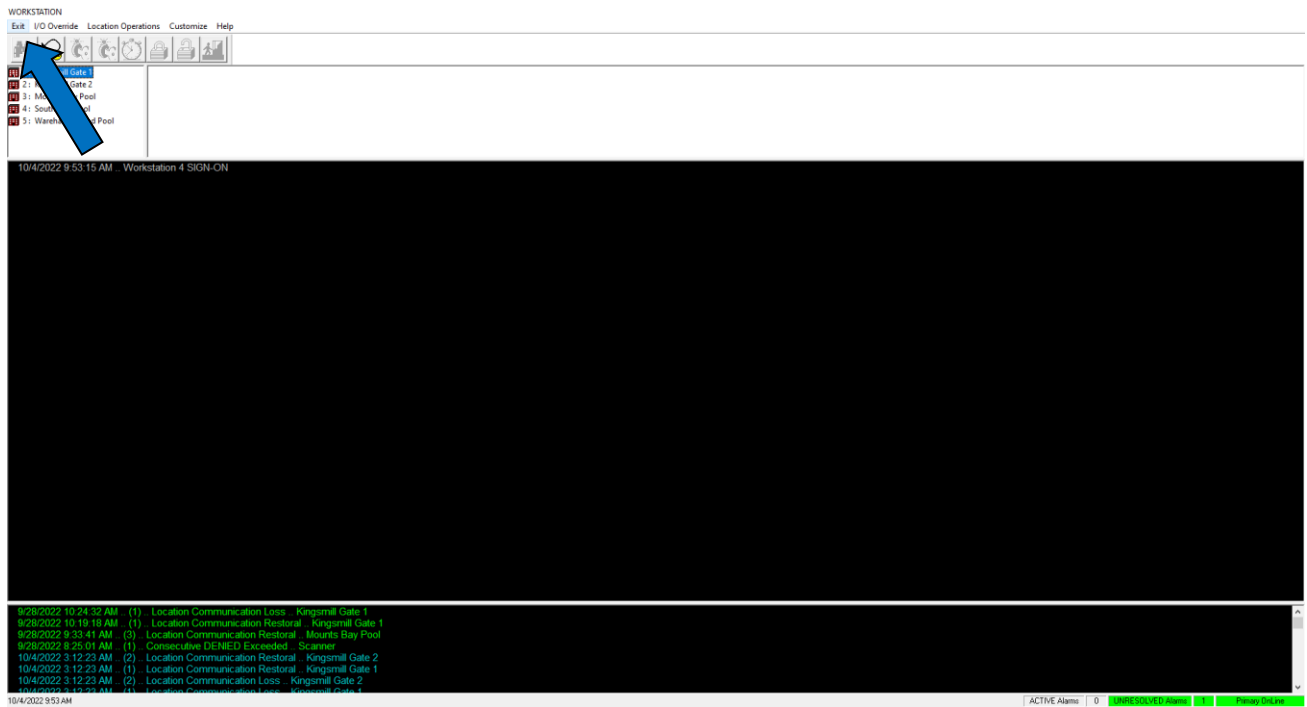
1. Close out “Gmail” by clicking on the picture or letter of your first name in the top, right-hand corner of the screen. (See Figure 13)
2. Click on the “Sign Out” icon. (See Figure 13)

Figure 13



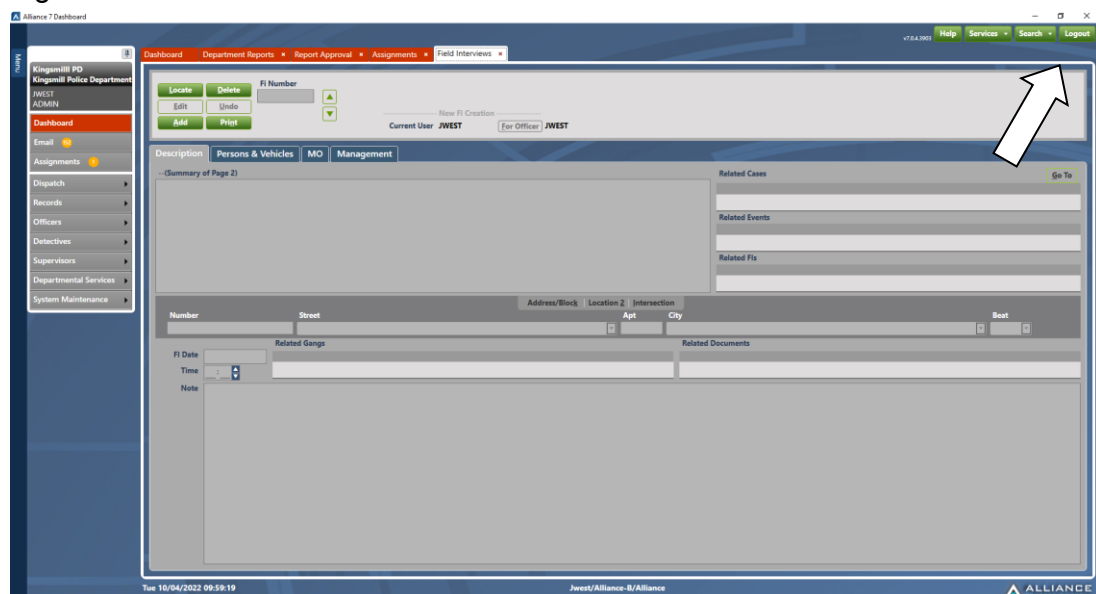
3. After closing out “Gmail” go to the open DSX program. Click on “Exit” at the top, left-hand section of the screen. Then, click on “Sign Out”. (See Figure 14)

Figure 14



4. After closing out “DSX”, go to the open Alliance program. Click on “Exit” at the top, right-hand corner of the screen. Then, click on “Logout”. (See Figure 15)

Figure 15




5. Finally, return on the original screen/homepage, go to the “Start” button located at the bottom left-hand section of the screen, RIGHT CLICK, and go to “Shut down or Sign out” button. Toggle to the right and click on “Sign Out”. (See Figure 16)

Figure 16



- 6) Now, you are completely out of the computer system and the CTL>ALT>DEL box should be on the computer screen. If you followed all directions correctly, you will have backed out of the computer system successfully.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Dispatch Quick Reference Charts	Number: 902
Effective Date: 02/23/2004	Review Date: 10/04/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\902 Dispatch Quick Reference Charts	

I. PURPOSE:

To give KMPD dispatchers a quick access reference system to perform tasks without having to look in numerous locations and several manuals. This “flip chart” has been put in place to enable them quick access to policies, procedures and critical information.

II. POLICY:

A quick reference system will be located at Dispatch, maintained and updated as needed, for the use of the dispatchers during their tour of duty.

III. PROCEDURE:


- A. It is the responsibility of each individual dispatcher to be familiar with all information included in the “flip chart” as well as any other locations where information may be located as it pertains to their job as a dispatcher.
- B. The “flip chart” is located on the dispatchers console at the 199 gate house on Mounts Bay Road.
- C. The “flip chart” contains emergency procedures and phone numbers as well as other information that is used on a daily basis.
- D. The chart includes, but is not restricted to, the following:

1. KMPD officers home phone numbers (which are not given out)
2. Kingsmill emergency contacts with phone numbers
3. Distribution list for incident reports
4. KCSA contractors
5. Alarm company procedure and phone numbers for Corporate Homes and River Bluff condominiums
6. Emergency protocol for inclement weather situations
7. "Corporate Key" sign out procedure
8. MOD emergency protocol
9. 10-codes, signal codes, and phonetic alphabet
10. Kingsmill area numbers
11. Physical address for all resort buildings (also in Alliance Database)
12. Outside emergency contacts to include phone company, power company, gas company, etc.
13. Legal memos
14. Dispatch shift duties
15. Computer access and maintenance memos
16. Bomb threat protocol

17. Kingsmill employee injury procedures

18. Map of the resort

All Full-time dispatchers will be responsible for keeping the “flip chart” updated. If there are any additions to the “flip chart” it will have to be approved by the day shift sergeant.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Completion and Distribution of Department Incident Reports	Number: 903
Effective Date: 02/23/2004	Review Date: 10/04/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\903 Completion and Distribution of Department Incident Reports	

I. PURPOSE:

This procedure was established to provide a guideline on the proper completion and distribution of incident reports.

II. POLICY:

Dispatchers shall follow the guidelines established below for completing and distributing incident reports to appropriate management for review as required.

III. PROCEDURE:

- A. Once an officer has transmitted all information required to complete the report, the dispatcher will “assign” the report in Alliance to the officer.
- B. Officers are to complete the report by the end of the shift, or get authorization from the shift sergeant to delay the report. A report should never be delayed more than 24 hours from the time it occurred.
- C. Each shift sergeant is responsible for checking over and approving the report in Alliance before the end of the shift. Another shift sergeant can fill in as an approver if asked to do so.
- D. Once approved, the Office Manager will review the reports for distribution to the

proper personnel.


1. All resort reports get distributed to the following people:
 - a. General Manager
 - b. VP of Resort Operations
 - c. VP of Food and Beverage
 - d. VP of Club Operations
2. KCSA reports involving damage to KCSA property, injury to KCSA employees, and/or KCSA liability get distributed to the following people:
 - a. KCSA Executive Director
 - b. KCSA Director of Operations
3. All KMPD Sergeants and the Chief of Police will review all reports in Alliance daily.

The list of names for the above positions will change over time, so the list of names, email address, and contact numbers will always be in the “flip chart” at Dispatch.

No reports concerning crimes against persons, where there is a need to protect the victim, will be distributed without a Supervisor's approval.

All other reports will be sent electronically unless otherwise noted by a supervisor.

When the reports are written by the officers, and have been approved by the Shift Supervisor, or his designee, they are to be prepared for electronic distribution. Refer to Policy & Procedure 905, Electronic Distribution of Department Incident Reports.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Electronic Distribution of Department Incident Reports	Number: 905
Effective Date: 02/23/2004	Review Date: 10/04/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\ 905 Electronic Distribution of Department Incident Reports	

I. PURPOSE:

To establish guidelines for electronic distribution of incident reports.

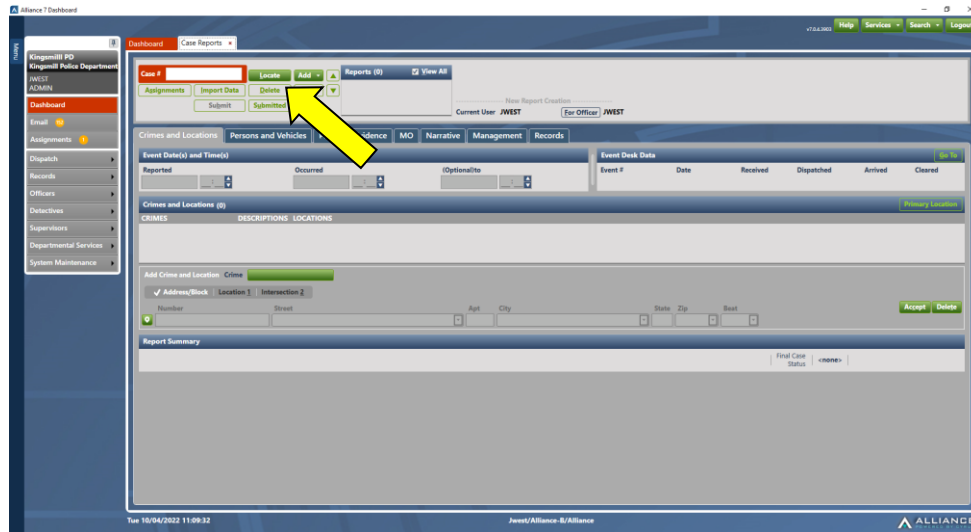
II. POLICY:

It shall be the responsibility of the dispatcher on duty to e-mail reports to the appropriate persons/departments at the end of their shift upon supervisor's approval. These reports will be put on a computer link as directed by the administrative sergeant. The shift supervisor will check at the end of their shift to make sure the reports have been transferred to the proper file to be e-mailed.

III. PROCEDURE:

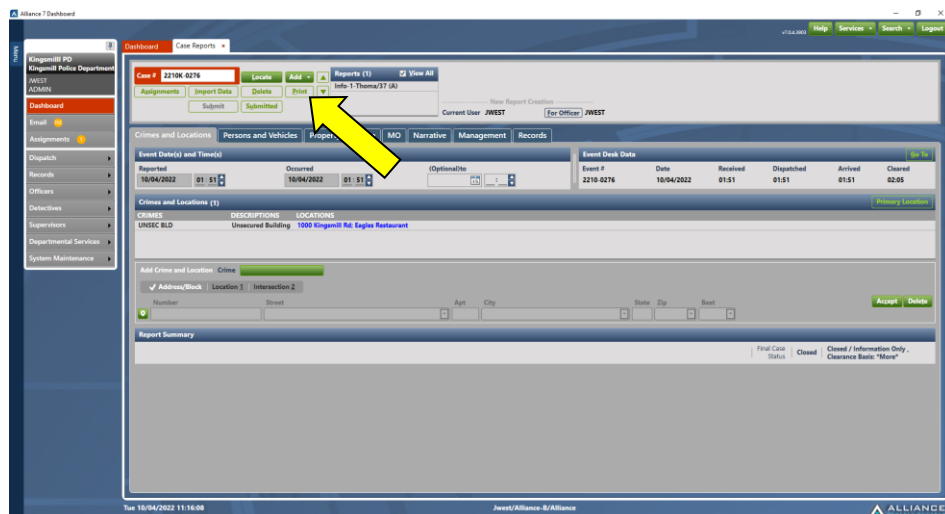
After the officer has finished a report, and the shift supervisor has approved it in Alliance, the Office Manager will take the following action to place the reports in the appropriate locations:

- 1) In Alliance, go to "Case Reports" and click on the "Locate" icon.

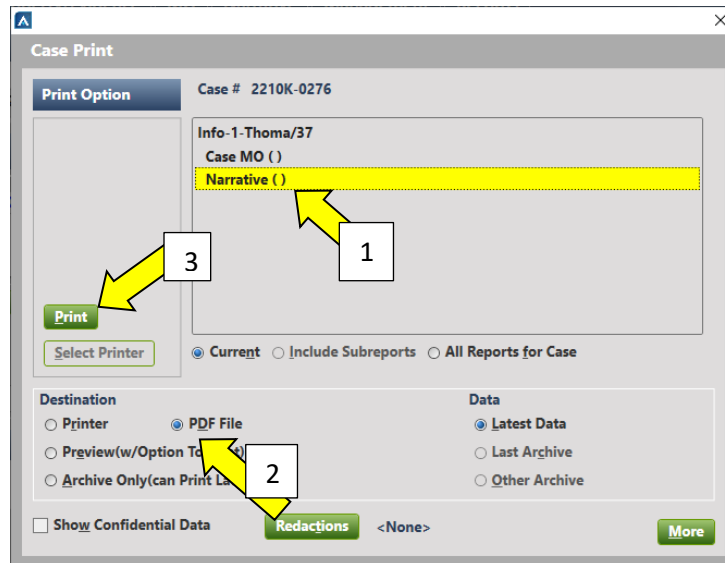


2) Enter the case number or date range and click “Locate”.

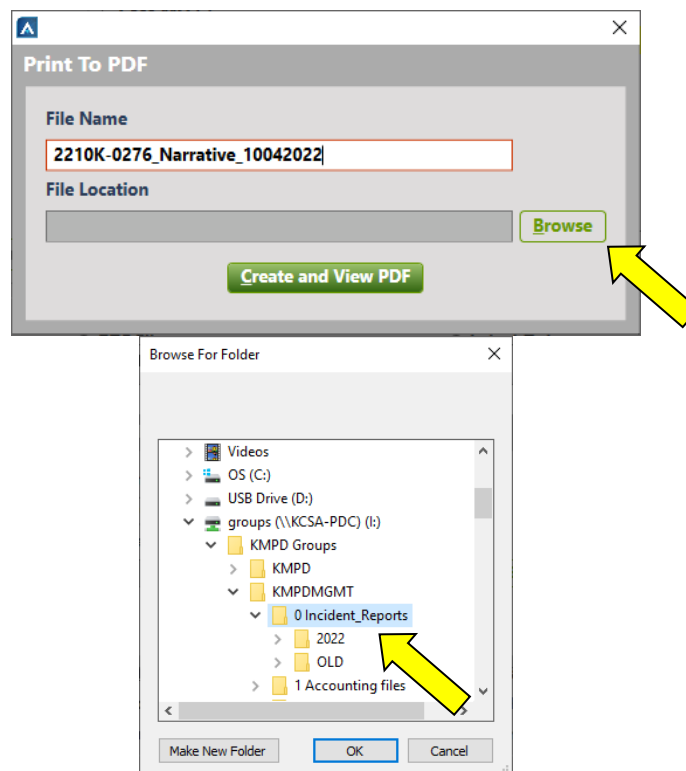
3) The report is now on the screen. Click the “Print” icon.



- 4) Click on “Narrative” and then click the PDF File” button below in the Destination section.



- 5) “Browse” the file location and select the location to save the report.
I:\KMPD Groups\KMPDMGMT\0 Incident_Reports\YEAR\MONTH\DATE





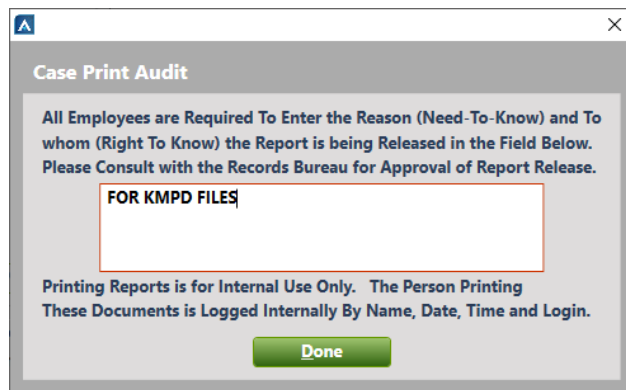
Print To PDF

File Name

File Location

6) Once it is in the selected file, click on the “Create and View PDF” button.

7) Enter a reason for saving the report and click on the “Done” button.



Case Print Audit

All Employees are Required To Enter the Reason (Need-To-Know) and To whom (Right To Know) the Report is being Released in the Field Below. Please Consult with the Records Bureau for Approval of Report Release.

Printing Reports is for Internal Use Only. The Person Printing These Documents is Logged Internally By Name, Date, Time and Login.

8) A .pdf copy of the report is saved in the incident reports folder.

9) Your report will come up to show what it will look like when printed.

10) Go into the Incident Reports folder and place an “R” in front of any resort reports to differentiate between the resort reports and the residential reports. Example: R2210-0257 is a resort report; 2210-0257 is a residential report.

10-04-2022

FileHomeShareView

« KMPD Groups » KMPDMGMT » 0 Incident_Reports » 2022 » 10 October » 10-04-2022

Search 10-04-2022

Quick access

OneDrive


This PC

USB Drive (D:)

Network

Name	Date modified	Type	Size
2210K-0276_Narrative_10042022	10/4/2022 11:30 AM	Adobe Acrobat D...	132 KB
2210K-0282	10/4/2022 8:36 AM	Adobe Acrobat D...	129 KB
R2210K-0268	10/4/2022 8:15 AM	Adobe Acrobat D...	128 KB
R2210K-0272	10/4/2022 8:29 AM	Adobe Acrobat D...	125 KB
R2210K-0276	10/4/2022 8:30 AM	Adobe Acrobat D...	125 KB

5 items 2 items selected 256 KB

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: House Checks	Number: 907
Effective Date: 02/23/2004	Review Date: 10/04/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\907 House Checks	

I. PURPOSE:

To provide a policy for residents to request house checks, for dispatchers to record the house checks, and for the officers to physically check the houses.

II. POLICY:

Blank house check forms will be kept available for residents at both gatehouses and can be downloaded on the Kingsmill Police website. Dispatchers will maintain and record house check information. Road officers will periodically check on homes during routine patrol and document the same.

III. PROCEDURE:

- 1) House check forms will be available at both gatehouses and online at all times.
(Figure 1)

Figure 1

KINGSMILL POLICE DEPARTMENT	
HOUSE CHECK REQUEST	
DATE_____	OFFICER ACCEPTING FORM_____
NAME_____	ADDRESS_____
TELEPHONE NUMBER_____	DATE LEAVING_____RETURNING_____
CAN BE REACHED AT: PHONE _____	ADDRESS_____
IN CASE OF EMERGENCY CONTACT:_____PHONE #_____	
LIGHTS LEFT ON:_____	
LIST NAMES/S OF PERSON/S THAT MAY BE COMING TO YOUR HOUSE:_____	
SPECIAL INSTRUCTIONS:_____	
IN THE EVENT THERE IS A PROBLEM WITH MY HOUSE AND THE POLICE ARE UNABLE TO CONTACT THE ABOVE PERSON. I REQUEST THE POLICE DEPARTMENT TO TAKE APPROPRIATE ACTION AND CONTINUE TRYING TO CONTACT THE ABOVE PERSON OR MYSELF. () YES () NO	
SIGNATURE OF RESIDENT MAKING REQUEST_____	

- 2) Residents will drop off house check forms, at Dispatch or drop them off at the 60 Gatehouse or 199 Gatehouse. The person actually receiving the House Check from the resident, or getting them from the "Pass Return" box, will check to make sure all pertinent information is on the form and that the form is signed by the resident. If the forms were left in the "Pass Return" box, and they do not have all pertinent information, the officer should attempt to contact the resident to complete the information. If unable to contact the resident, a notation should be made on the house check form and signed by the original officer before giving it to the dispatcher. If the forms are dropped off at the Rt. 60 Gatehouse, the officer receiving the form is required to get the form to the dispatcher before the end of his/her shift.
- 3) The dispatcher will place the Keep Check Form on the clipboards. There are two clipboards, one clipboard for the "Residential" side of the property and one for the "Resort" side of the property. Below is the break down for the two clipboards.


RESIDENTIAL OFFICERS CHECKS

Southall Road & Sides
Quarterpath Trace
North Quarter
Tazewell's Hundred
Tutter's Neck
Colston's Crossing
Fairfax Woods
Burwell's (all sections)
Braywood

RESORT OFFICERS CHECKS

Wareham's Pond Rd. & Sides
Winster Fax
Littletown Quarter
Archer's Mead
Yeardley's Grant
Moody's Run
Randolph's Green
The Enclave

- 4) During the 7 am – 3 pm shift and while daylight lasts on 3 pm - 11 pm shift, the road officers will go by Dispatch and pick up the House Check forms for the area they are assigned (Resort or Residential) and physically check each house to be sure the residence is secure after which the officer will date and initial the back of the House Check Form.
- 5) If the road officer, checking the homes, finds a discrepancy at a residence, he is to have a supervisor respond to his location to assist in a search or to verify the discrepancy, so that it can be noted on the House Check Form.
- 6) When the road officer completes the house checks he is to return the house checks to Dispatch and inform the dispatcher of the number of house checks he/she completed, so that the dispatcher can record the number on the "Dispatch Monthly Report".
- 7) When the resident returns:
 - a) If the resident returns early, the dispatcher needs to pull the House Check off the clipboard (making a notation that it is an early return) and put the house check in the KMPD envelope. The House Check will be filed in the resident's file in the KCSA office.

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Dispatch Monthly Report	Number: 909
Effective Date: 02/23/2004	Review Date: 10/04/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\909 Dispatch Monthly Report	

I. PURPOSE:

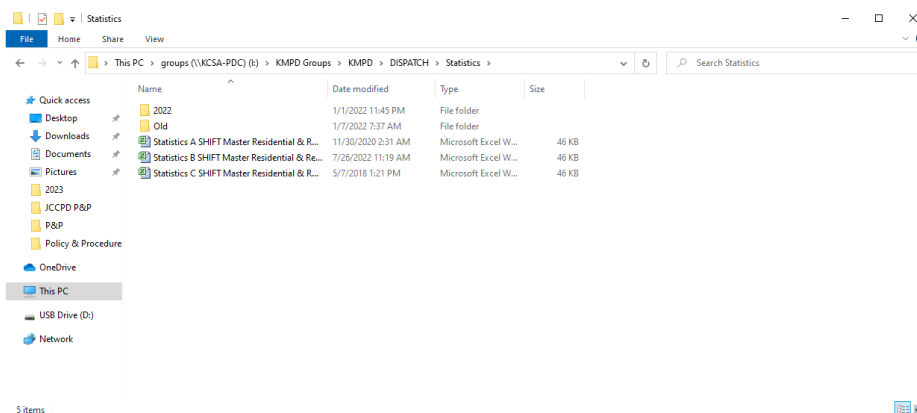
To establish a procedure for the compiling of information from the dispatch log to complete the monthly status report for the KCSA Public Safety Committee and KCSA Board of Directors monthly meetings.

II. POLICY:

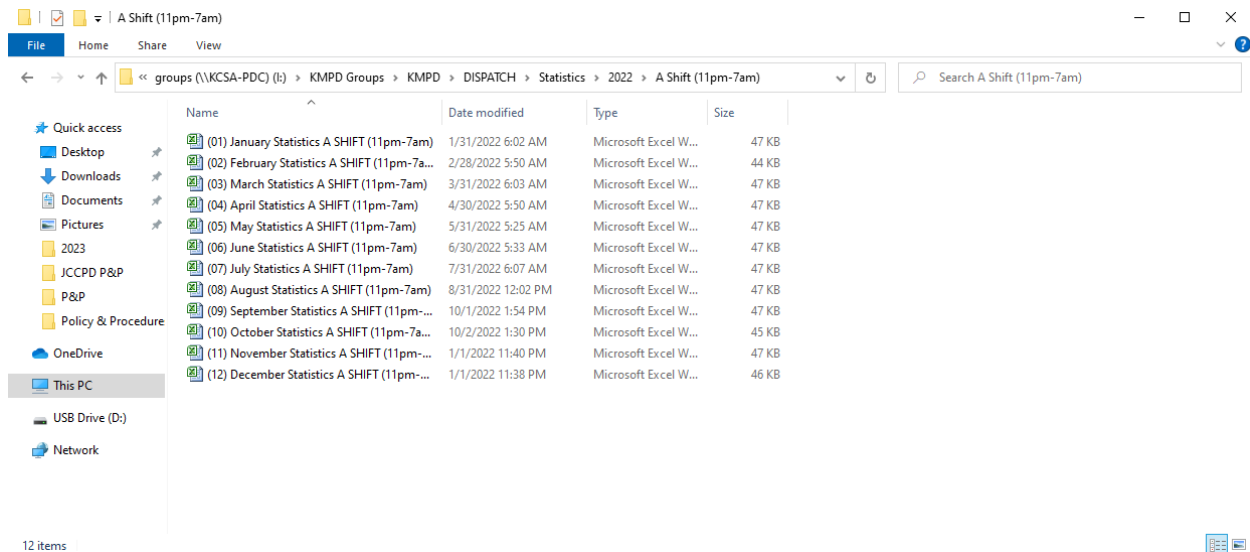
On a daily basis dispatchers will update all necessary information for the monthly report.

III. PROCEDURE:

A form; for the recording of statistics from the Alliance database, is on the “I” drive on all KMPD computers. This form can be found in the “Dispatch” folder, which is in the “KMPD” folder on the “I” drive. I:\KMPD Groups\KMPD\DISPATCH\Statistics




Each report has a monthly folder within the main “Statistics” folder, and each shift has its own folder, as well.



With two reports for each shift, one report for the “Resort” and one report for “Residential”, these files are saved in a MS Excel Spreadsheet where there are two tabs at the bottom, left-hand section of the screen. Each shift dispatcher should follow the steps below to assure that the information is entered correctly and saved into the proper location for the “Monthly Report” to the Public Safety Committee and the KCSA Board of Directors. It is imperative that this information is accurate.

- A. Compile information from the Dispatch Log as required completing the report on a daily basis. Each shift will be responsible to gather the information for that shift, and the shift supervisor is responsible for verifying the information added to the report.
- B. The compiled information shall be entered on the form located on the “I” drive of the computer.
- C. At the end of each shift the dispatcher should complete all information and the shift supervisor should check this information along with the “Dispatch” log and

3

 KINGSMILL POLICE	Approver: Jim West, Chief of Police
Subject: Security Awareness Form	Number: 915
Effective Date: 07/26/2005	Review Date: 10/04/2022
Location: I:\KMPD Groups\Policies, Procedures, and General Orders\915 Security Awareness Form	

I. PURPOSE:

The purpose of this procedure is to establish the procedure for the use of the Department's Security Awareness Form.

II. POLICY:

It is the policy of the KMPD to utilize this form to notify individuals with discrepancies discovered concerning their home or vehicle.

III. PROCEDURE:

The Security Awareness Form should be utilized at any time a discrepancy is noted with a residence or vehicle, and the owner cannot be contacted by other means, i.e. by phone.

Examples include, but are not limited to:

- Finding an open door/window on a house check
- Vehicles illegally parked, i.e. parked on the street overnight
- Flat tire on a vehicle
- Keys discovered for a house or car where someone can obtain them, i.e. someone left their keys in their car door
- Headlights left on a vehicle

- A report was taken in reference to a vehicle accident/incident
- A report was taken in reference to a residence incident

Upon an officer observing a need to complete the Security Awareness Form, that officer will complete the form in its entirety including:

- Completing date/time/and officer section
- Completing the appropriate section of the form – left side for homes and right side for vehicles
- Note the observed discrepancy
- Note the action taken
- Record the report number, if applicable
- Record any additional comments, if necessary

Once the form is completed, remove the original and leave it with the residence or vehicle. The yellow carbon copy will be submitted at the end of the officer's shift. If a report was done, the yellow carbon copy will be attached to the original report.

Note: When leaving the original Security Awareness Form on a vehicle; place the form under the driver's side windshield wiper and preferably in a departmental envelope to protect the form.

Note: When leaving the original Security Awareness Form at a residence do not leave the form visible to others, i.e. posted on the front door. By doing so, it can signal that a resident may be out of town. If an open door/window was found leave the Security Awareness Form in the residence where it is likely to be seen, i.e. the kitchen table. If entry into a residence is not made, then place the form in a department envelope and leave it in such a way as to not attract attention from passerby's or others who may stop at the residence. Only sworn law enforcement officers may enter a residence that is found to be unsecured.

The Security Awareness Form can also be used for vehicles and buildings in the resort area, corporate homes, and KCSA areas, i.e. the recreation centers. For resort and

corporate homes, leave the original form with the Manager on Duty, MOD, or forward to the appropriate department head. For the KCSA areas, forward the form to the KCSA Executive Director or the KCSA Recreation Manager.