



AMHERST POLICE DEPARTMENT

Handbook – Administration



Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.101	Mission Statement	Revised Date:
<p><i>Original Signature on file maintained in APD Records</i> <i>Division</i></p> <p><i>Robert A. Shiflett II</i>, Chief of Police</p>		VLEPSC Standards: ADM.03.05

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MISSION STATEMENT

The mission of the Amherst Police Department is to work in partnership with the residents and businesses of the community to provide a safe and secure environment. With community service as our foundation, we are driven to enhance the quality of life, by remaining proactive in identifying and remedying potential problems. We nurture public trust by holding ourselves to the highest standards of performance and ethics.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.102	Goals and Objectives	Revised Date: July 19, 2021
<p><i>Original Signature on file maintained in APD Records</i> <i>Division</i></p> <p><i>Robert A. Shiflett II</i>, Chief of Police</p>		VLEPSC Standards: ADM.04.01

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I. POLICY

It is the policy of the department to provide written goals and objectives and see that they are reviewed annually and, if updated, made available to all agency personnel.

II. PURPOSE

The purpose of this order is to establish goals and objectives that are communicated to all employees providing for a unit of purpose and direction. Periodic evaluation and updating of goals and objectives serve as a basis for measuring progress.

III. PROCEDURES

The Goals and Objectives of the Amherst Police Department

1. Preservation of individual rights as guaranteed by the Constitution of the United States of America.
2. To protect the life, individual liberty, and property of all people within the Town of Amherst, Virginia.
3. Effectively enforcing federal, state, and local laws and ordinances.
4. To develop and actively pursue a positive relationship with the members of the community.
5. Create and maintain a feeling of confidence in and support for the Amherst Police Department on the part of other organizations with which it comes in contact, particularly those agencies that are a part of the criminal justice system.



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6. Aggressively investigating criminal offenses in order to identify arrest and assist in the prosecution of persons whom commit crimes.
7. Recover lost and stolen property, identify its owner, and ensure its prompt return or provide safekeeping until such property is disposed of consistent with law or policy.
8. Arrange for the delivery of emergency services that police are particularly equipped to provide.
9. To foster a positive working environment for police employees.
10. Ensure that the governing body of the Town of Amherst receives the greatest benefit for the dollars expended for police services.
11. Maximize, to the extent possible, the development and job satisfaction of departmental employees. This will enable the department to attract, retain, and secure the commitment of qualified personnel, which is necessary to accomplish the department mission and goals.
12. All department personal, sworn and not sworn, shall review policy handbook on a yearly basis, and as policies are updated.
13. Policy handbook is located in the reception room on bookshelf, as well as on computers in network folder, and distributed to employees on a flash drive.
14. All department employees, sworn and not sworn, must sign off on directives log after reading policy handbook, and as policies are updated. Directive log is located on bookshelf in reception room.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.103	Organization of the Manual	Revised Date:
<i>Original Signature on file maintained in APD Records Division</i>  , Chief of Police		VLEPSC Standards: ADM.09.01, ADM.09.02, ADM.18.03

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I. POLICY:

Both professional law enforcement administration and the management of liability require a manual that governs the activities of a Police Department. A manual of policies, rules and regulations, and procedures guides the day-to-day legal and ethical functioning of a police department. To that end, the Amherst Police Department's activities shall be reflected in this manual and disseminated to each member of the department. These are reviewed as needed and any changes are made known to department personnel. A copy will also be available in the front office in both written/printed and electronic form.

II. PURPOSE:

This regulation outlines the organization of the manual and its authority and defines the terms, policy, rules, and procedures.

III. DEFINITIONS:

- 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 interests and desires of the community. Each policy, rule, or procedure will begin with an agency policy statement.
- B. A rule is a specific prohibition or requirement governing the behavior of employees.

Rules permit little deviation there from. Violations of rules normally result in administrative sanctions.
- C. A regulation, which may contain one or more rules, is an administrative order governing organizational matters, e.g., leave policy, off-duty employment and promotions.



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Similar to rules, regulations permit little if any deviation there from. Violations of regulations normally result in administrative sanctions.

D. General Orders govern police operations.

Violations of General Orders may result in administrative sanctions. General Orders constitute a guide to behavior in given situations. Officers may depart from General Orders but only if, in their professional judgment, the situation warrants and with the approval of their Supervisor. Officers must be prepared to justify their actions. In this manual, ‘directive’ is synonymous with ‘General Order.’

E. 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 action in a particular situation to perform a specific task within the guidelines of policy.

F. A memorandum either (1) provides useful, specific information to officers not amounting to a formal order, or (2) constitutes a directive affecting specific behavior for a specific event or period of time.

Memoranda are not part of this manual. Departmental Memorandums may be issued by the Chief of Police or designee. Squad Memorandums may be issued by any Supervisor.

G. The manual is a collection of rules, regulations, General Orders, and procedures of the Department.

IV. ORGANIZATION OF THE MANUAL

A. The manual is divided into three components: Rules and Regulations, General Orders, and Procedures.

1. Rules and Regulations govern conduct, personnel, and administrative procedures or rules.
2. General Orders contain operational guidelines.
3. Procedures define a manner of proceeding on a course of action.

B. Rules and Regulations are numbered consecutively, General Orders are numbered consecutively, and Procedures are numbered consecutively. Individual pages are numbered consecutively within a given Regulation, General Order, or Procedure.

C. The Chief of Police authorizes this Policy Manual. No General Orders, Rules and Regulations or Procedures are valid unless approved and signed by the Chief of Police. The Chief of Police and Major are the only positions authorized to modify General Orders.



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- D. Within the context of any Rule or Regulation, the use of the word ‘shall’ connote an action or behavior that is mandatory and unequivocal. The words ‘may’ or ‘can’ connote an action or behavior that is optional.
- E. Within the context of any Rule or Regulation, General Order, or Procedure, any reference made to the Chief of Police connotes either the Chief of Police or designee.
- F. Any Officer or civilian member of the Department may suggest or recommend changes to the Chief of Police concerning the Policy Manual. The final decision belongs to the Chief of Police.
- G. The Agency will update and revise the policy manual as needed. The policies will be read, and a determination made as to whether the policy meets all standards and is being followed by the agency. Critical issues such as Use of Force, Property and Evidence, Firearms, Domestic Violence, Pursuits, Limits of Authority, Search Warrants, Operation of Police Vehicles, and Patrol should be reviewed annually or as scheduled and revised, if necessary. Changes in law or procedures should be addressed promptly. If changes are made, a copy of such changes shall be given to each employee to add to their policy manual, along with training if necessary.
- H. All policies will remain in effect until revised or retracted.
- I. Each Department employee is advised how to access the Department Policy Manual.
- J. Each employee will sign a Policy Manual Receipt Log (Attachment A) upon receiving new or revised policies.
- K. As an employee receives a copy of the policy manual, she/he shall sign an acknowledgement of receipt (Attachment B) for their copy of the policy manual for the Accreditation Manager.

Attachments:

- Attachment A – Policy Manual Receipt
- Attachment B – Directive Receipt Log



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.104	General Rules of Conduct	Revised Date:
<u>Original Signature on file maintained in APD Records Division</u>  , Chief of Police		VLEPSC Standards: ADM.01.02, ADM.05.01, ADM.07.04, PER.03.06, PER.04.01, PER.09.01

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I. POLICY

All Amherst Police Department employees will behave in a manner, both on and off duty, which will not bring discredit to themselves or the Department. Employees shall remain true to the ethics of the law enforcement profession and service to the public.

II. PURPOSE

The Amherst Police Department expects its personnel to maintain the highest standards of appearance and conduct. The public similarly expects such high standards. Police Officers wield considerable power over the citizenry, power that is carefully circumscribed by state and federal law, and, ultimately, by the Constitution and Bill of Rights. Our powers to arrest, seize property, and interfere, at times, with the lives of citizens constitute a public trust. We can help insure that we regard this trust as vital by exemplary performance in our jobs. Performance is not enough: we must always conduct ourselves in an exemplary fashion.

III. CODE OF ETHICS:

All Officers will receive and display the degree of integrity required by the Law Enforcement Code of Ethics.

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

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law of the land and the regulations of my department. Whatever I see or hear of



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a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of duty. It is the policy of the police department that internal business affairs and confidential information dealing with citizens, case reports, investigations, the department in general, and departmental business is to be discussed with no one outside the department and only discussed within the department on a “need to know” basis.

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

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

IV. OBJECTIVES:

- Enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority, while protecting the constitutional rights of all persons.
- Educate and inform the community of the roles of police and citizens in the prevention of crime.
- Foster public participation in crime prevention.
- Value high-quality relations with the community and other law enforcement agencies.

V. GENERAL DUTIES:

A. All Officers of the Department will, at all times, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, Commonwealth of Virginia, and all local ordinances, in accordance with the rules, regulations, policies, procedures, and orders of the jurisdiction and the Department. Officers will be aware that when they act under ‘color of law,’ that the phrase includes not only laws but also policies, procedures, ordinances, common usage, and customs.

B. Obedience to laws, ordinances, rules, regulations:

1. Knowledge of laws and rules: All employees must acquire and maintain a working knowledge of laws of the Commonwealth of Virginia; ordinances of the Town of Amherst; and the orders, rules, procedures and policies of the Department.



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2. Employees of the Department will obey all federal and state laws both off and on-duty. They will also obey all laws and ordinances of the Town of Amherst, or other jurisdictions in which the employees may be present. Employees will obey all rules, regulations, directives, and orders as may be issued by the Department. The term 'employees' includes both sworn and non-sworn personnel. Any violations of federal, state and local laws will be reported to direct supervisors as soon as possible. Convictions of misdemeanors and felonies will be disciplined accordingly.
 3. Employees of the Department will obey all lawful orders issued to them by competent authority. Specific rules of conduct that govern every action or behavior of employees cannot be established. Any act or omission contrary to good order, discipline, or accepted standards of conduct may subject an employee to disciplinary action.
 4. Supervisory Officers of the Department will not knowingly or willfully issue any order in violation of any law or ordinance or of any rule, regulation, or general or special order of the Department.
 5. To permit effective supervision, direction, and control, employees should promptly obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. In the event an employee is given two apparently lawful but different orders that may be in conflict, the last order given should be complied with unless the order is retracted or modified. In the event an employee receives conflicting orders, the employee should inform the person giving the last order of the conflict of orders. That person giving the conflicting order should then resolve the conflict and may order the employee to comply with the latest order. In the event the conflicting order is not altered or retracted, the receiving employee will not be held responsible for disobedience of the order or directive previously issued. If an employee is given an unlawful order by a superior the employee shall report this action to the Chief of Police.
 6. No employee of the Department is required to obey any order which is contrary to the laws of the United States, State of Virginia, or ordinances of the Town; however, such refusal to obey is the responsibility of the employee, and the Officer will be required to justify the action. If in doubt as to the legality of an order, Officers shall request the issuing Officer to clarify the order or to confer with higher authority. An Officer may not be disciplined for questioning the legality of an order.
 7. All members shall take care to observe and respect the civil rights of citizens, as the term 'civil rights' is commonly understood.
- C. Performance on duty: While on duty, employees shall devote their time and attention to the service of the Town and the Department and shall direct and coordinate their efforts in a manner which will establish and maintain the highest standard of efficiency.



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- D. Protection of human life: Human life is our most precious resource. Therefore, responses for police service to situations that threaten life or that may involve the use of deadly force are of extreme concern to the department and are given the highest priority.
- E. Officers shall render, or cause to be rendered, assistance to any individual in need of medical assistance or transportation.
- F. An Officer who arrests and takes into custody a member of another law enforcement agency shall immediately notify his own supervisor and the Chief of Police. Officers must take whatever action is appropriate to the circumstances, including issuance of citations or making an in-custody arrest. That the person cited or arrested is a police officer shall make no difference. Any contact made with another government entity regarding their employees, other than of a routine nature will be handled by the Office of the Chief of Police.
- G. Evidence in the form of contraband will be stored in the departmental evidence storage before and during trial, if the court requires. Following trial or other legal proceeding, the officer whose case involves the contraband shall notify the Evidence Custodian, who shall apply to the court for a destruction order. Upon receiving the order, the custodian shall conduct, or cause to be conducted, the destruction, taking care to obtain a witness, and documenting the destruction on the department's property destruction form. The officer conducting or supervising the destruction shall so notify the court and provide appropriate documentation.
 - 1. The Evidence Custodian shall report evidence not contraband obtained during an investigation to the appropriate court and dispose of it according to the court's recommendation.
 - 2. Officers shall not give away evidence to anyone. Further, officers shall not appropriate any evidence or other property for their own use under any circumstances. However, property may be turned over for departmental use by the court.
 - 3. If any citizen refuses to accept returned property that was used as evidence or otherwise acquired by the department, the property shall be destroyed (if perishable) or auctioned, if appropriate, under supervision of the Chief of Police or Town Manager.
- H. Officers who encounter lost/found property shall report the property on an IBR Report. The items should be packaged and labeled accordingly, including an incident number. It is to be given to the Evidence Custodian who will log it into a property record in the IBR. The property will then be placed into the lost and found area of the property room where, if not claimed, it will have to be maintained for 5 years according to the [Code of Virginia, § 55-210.2:1](#). After the 5 years, it will be disposed of within 6 months once legal requirements have been met. Officers shall document the circumstances and describe the property. The officer shall make a reasonable effort to ascertain the owner of the property and return it as soon as possible. Should the property be released back to the rightful owner the officer should complete a return property form which should be signed by the owner.



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- I. On any official matter whatsoever, members shall not knowingly make any false statements or misrepresentations of the facts.

- J. If an officer, while off-duty, witnesses a violation of the law committed in his presence which, in his professional judgment, demands immediate attention, he may make an arrest providing:
 - 1. The law violation was committed in the Town of Amherst, and
 - 2. The officer does not use his own personal vehicle to chase or pursue the violator, but observes all traffic laws applicable to citizens, and
 - 3. The officer displays police identification (badge of authority) to the violator and announces his/her purpose, and
 - 4. The officer can make the arrest without jeopardizing his/her own safety, the safety of the violator, or that of the public, and
 - 5. The officer calls on-duty officers if at all possible.

K. Staff Meetings

It will be the policy of the Amherst Police Department to conduct staff meetings on a regularly scheduled basis.

- 1. Departmental Meetings
 - a. Departmental meetings with mandatory attendance of all employees may be held at any given time.
 - b. The date(s) and time(s) of the meetings shall be at the discretion of the Chief of Police.
- 2. These meetings shall be called to discuss the following (but shall not be limited to):
 - a. Departmental fiscal budget
 - b. Departmental objectives and goals (immediate)
 - c. Departmental objectives and goals (long range)
 - d. Any changes in departmental organizational structure
 - e. Other matters of concern
- 3. Attendance is not required when staff personnel are:
 - a. Attending court
 - b. On vacation leave



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- c. Death in the immediate family
- d. Required training
- e. Personal sickness or sickness in the immediate family where the officer's attendance is needed

L. Bribes, Gifts, Gratuities, Rewards

1. Employees will not solicit any gifts, gratuities, loans, or fees where there is any direct or indirect connection between the solicitation and their departmental employment, except for charitable programs and contributions.
2. Employees will not accept any gift, gratuity, or other thing of value, the acceptance of such might tend to influence directly or indirectly the actions of the employee or any other employee in any manner of official business or might tend to cast an adverse reflection on the department or any employee thereof.
3. Employees will not accept any gift, gratuity or reward in money, or other considerations for services in line of duty to the community, or to any person, business or agency except lawful salary and that authorized by [§ 15.2-1711 of the Code of Virginia](#).
4. Employees of the department found to have accepted bribes shall be dismissed with prejudice.

M. Employee Conduct:

1. Employees of the department will display respect for their superior officers, subordinates, and associates. When on-duty and in the presence of the public, superior officers shall be addressed or referred to by rank.
2. Employees of the department will address their subordinates, associates, supervisors, or members of the general public courteously and will not use abusive, violent, insulting or provoking language which could be deemed insulting to any person or group, to include racial or ethnic background.
3. Employees of the department will be civil, courteous, and honest at all times. They will maintain an even disposition and remain calm, regardless of provocation, in executing their duties. They will refrain from gossiping or speaking rumors detrimental to the department or another employee.
4. Employees of the department will cooperate and coordinate their efforts with other employees to insure maximum effectiveness. This high degree of cooperation and coordination will extend to other law enforcement organizations and government agencies.

- N. An officer will not display cowardice in the line of duty or in any situation where the public or another police officer might be subjected to physical danger. Unless incapacitated



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themselves, officers will aid, assist, and protect fellow officers in time of danger or under conditions where danger might reasonably be impending.

- O. Employees of the department shall not use or attempt to use their official position, badge, or credentials for personal or financial gain.

- P. Alcohol, Drugs, Tobacco
 - 1. Employees of the department will not appear for regular duty, or be on regular duty, while under the influence of intoxicants to any degree whatsoever or with an odor of intoxicants on their breath.
 - 2. Employees of the department will not drink any alcoholic beverage while on duty. Officers assigned to Drug Task Force or any other special assignments may, in plainclothes, drink limited quantities while on duty when necessary to accomplish the police mission.
 - 3. Regardless of whether the case objectives have been met, sworn employees will not consume more than two (2) alcoholic beverages to the extent their judgment or ability to operate a motor vehicle is impaired.
 - 4. In the event of an emergency recall, each officer must determine fitness for duty if alcohol has been consumed. A supervisor will be consulted and asked to confirm or deny, as appropriate, the officer's judgment in the matter. No adverse actions will be taken if, in an emergency recall, the officer believes that he/she is too incapacitated for duty, says so, or is told so by a supervisor, before actually going on duty.
 - 5. Employees of the department will not use any narcotic, stimulating, or dangerous drug while on-duty or off-duty unless prescribed by a physician. Employees using any prescribed drug or narcotic or any medicines that could possibly induce impairment of their performance will notify their supervisor.
 - 6. Officers of the department will not smoke or use chewing tobacco while engaged in traffic control, on an investigation, or while otherwise in contact with the public. The use of smoke tobacco inside the police department building is also strictly prohibited.

Q. Public Appearances

If an officer receives a request to make a public presentation or appearance, or publish an article concerning his/her duties, he or she shall apply for permission from his/her supervisor. If approved, the request shall be forwarded to the Chief of Police for final approval. The department wishes no interference with the First Amendment rights of officers. The department can and will, however, authorize appearances or writings that represent the agency.



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R. Courtroom Appearances

All employees will treat courtroom appearances with the utmost importance. Further, as a rule, employees must arrive at the court early enough to check the docket, if necessary, and confer with the prosecutor. Employees shall observe the following rules:

1. If an employee receives subpoenas requiring appearance in different courts at the same time, he or she should honor the first subpoena received. If, however, a circuit or higher court issued one of the subpoenas, it shall receive precedence over one issued by a district court.
2. A subpoena receives precedence over an order issued by a supervisor. In any event, the employee must notify his or her supervisor of the court appearance.
3. Refer to **ADM.128, Uniforms**, for the proper court appearance dress.
4. When testifying, employees will remain attentive, face the jury when giving testimony, and speak in a clear, audible tone. Employees will respond to questions asked by the judge or attorneys and will not argue, interject, or offer an emotionally charged response to any remark or question.
5. Each employee shall be familiar with the laws of evidence and will testify truthfully on any matter

S. Harassment

1. Employees shall adhere to the Amherst Town Personnel Policies, which includes the Sexual Harassment policy.
2. While not specifically defined under of the Town of Amherst policy, the Amherst Police Department will also adhere to the following definition for “Other Unlawful Harassment.”
3. The Amherst Police Department will not tolerate sexual harassment, other unlawful harassment or actions.
4. Consequences
 - a. Supervisors who allow sexual harassment to continue or who fail to respond accordingly to allegations of such harassment will be subject to disciplinary action, up to and including termination of employment.
 - b. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.



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- c. The Chief of Police will promptly advise the Town Manager of any allegation involving sexual or unlawful harassment.
5. Complaint process:
- a. All investigations conducted by the APD into allegations of sexual harassment shall be confidential.
 - b. Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to the appropriate supervisor or the Chief of Police.
 - c. Any supervisor who becomes aware of possible sexual or other unlawful harassment shall immediately advise the Chief of Police.
 - d. The Chief of Police or designee and the Town Manager will ensure that all allegations of sexual or other unlawful harassment are investigated and that immediate and appropriate corrective action is taken, according to and as stated within the Town's Personnel Policy Manual, Grievance Procedures Section.

T. Discrimination

1. Employees shall adhere to the Amherst Town Personnel Policies, which includes the Sexual Harassment policy.
2. While not specifically defined under of the Town of Amherst policy, the Amherst Police Department will also adhere to the following definition for "Other Unlawful Harassment." Conduct that results in discrimination, that is demeaning to another person, or undermines the integrity of the employment relationship.
3. The Amherst Police Department will not tolerate discrimination, other unlawful harassment or actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, disability, or any another legally protected characteristic.
4. Consequences
 - a. Supervisors who allow discrimination to continue or who fail to respond accordingly to allegations of such discrimination will be subject to disciplinary action, up to and including termination of employment.
 - b. Anyone engaging in discrimination will be subject to disciplinary action, up to and including termination of employment.
 - c. The Chief of Police will promptly advise the Town Manager of any allegation involving discrimination.



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5. Complaint process:

- a. All investigations conducted by the APD into allegations of discrimination shall be confidential.
- b. Any employee who wants to report an incident of discrimination should promptly report the matter to the appropriate supervisor or the Chief of Police.
- c. Any supervisor who becomes aware of possible discrimination shall immediately advise the Chief of Police.
- d. The Chief of Police or designee and the Town Manager will ensure that all allegations of discrimination are investigated, and that immediate and appropriate corrective action is taken, according to and as stated within the Town's Personnel Policy Manual, Grievance Procedures Section.

U. Memberships

No member of the department shall be a member of any organization which advocates the violent overthrow of the government of the United States, the Commonwealth of Virginia or any unit of local government, or participate in any organization which has a purpose, aim, objective or any practices which are contrary to the obligations of a law enforcement officer under these rules and regulations.

V. Reporting Arrests, Court Action, Civil Cases

1. Employees of the department will immediately report to their supervisor any arrests or court action, except divorce proceedings instituted against them.
2. Any employee of the department who becomes involved in any accident, incident, or altercation, or any problem which may come to the public attention will give oral notification as soon as possible and, within twenty-four hours, an in writing notification to his/her supervisor. Supervisors will forward relevant information through the chain of command as rapidly as possible.
3. Employees shall keep all complaints, arrests information, or other official business confidential. Employees shall not indulge in gossip about departmental business.

W. Suggestions

Employees of the department wishing to make suggestions for the improvement of the department, may communicate either orally or in writing, through proper channels such suggestions to the Chief of Police.

X. Money Expenditures



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1. There will be no expenditures of money or financial obligations incurred in the name of the department by any employee without permission from the Chief of Police.
2. No employee shall imply or accept financial liability for loss or damage on behalf of the town. Any inquiries concerning financial liability will be referred to the town attorney or town manager.

Y. Leave, Resignations, and Dismissal

1. Leave

- a. Employees of the department will not be absent from duty without first obtaining permission from their supervisor.
- b. Employees of the department, in situations requiring emergency leave or sick leave, must notify their supervisor as soon as possible.

2. Resignations

An employee must provide at least two weeks written notice of his/her intent to resign. For further regulations, refer to the Town Personnel Manual.

3. Dismissal

If employee conduct results in dismissal the following will be given to the employee:

- a. a statement citing the reasons for dismissal and
- b. the effective date of dismissal.

Z. Duty

1. Employees of the department will report for duty at the time and place specified by their assignment or orders and complete the number of hours on duty required by their assignment.
2. Employees of the department, while on duty, will remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.
3. Officers of the department, while on duty, will not engage in any activity or personal business, which would cause them to neglect their duty, keeping personal conversations or associations to an appropriate minimum while on duty
4. Officers shall identify themselves to any person requesting an officer's name, rank, and badge number.



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5. All officers shall maintain a telephone at their home. Officers shall notify their supervisor of their telephone number, address, and any changes thereof.
6. All officers shall, in a timely fashion, complete and submit all forms and reports required by the department and the laws of the Commonwealth.
7. Officers shall not provide information from VCIN/NCIC-based checks to citizens.
8. If injured, officers shall promptly notify their supervisor of the injury and the circumstances of it.
9. Officers, while on duty, shall constantly keep the dispatcher informed of their whereabouts. To this end, officers will keep their portable radios charged, turned on, and in their immediate possession at all times.
10. Officers shall maintain a professional attitude and manner when communicating by radio. Officers shall communicate in plain language, abiding by FCC requirements and the requirements of the department.
11. Officers shall not loiter at the police office but shall use the office for professional purposes. Each officer is responsible for the cleanliness and upkeep of the office.
12. Clean desk policy—the desk is to be cleared off upon leaving. This rule will assist in keeping confidential records more secure, as well as maintaining a neat, clean office and desk.
13. Officers must carry police identification with them at all times on duty. In addition, while on duty, officers shall carry and maintain a valid driver's license.

AA. Property and Equipment

1. Employees of the department will be responsible for the proper care and use of department property and equipment assigned to or used by them and will promptly report to their supervisors any loss, damage, destruction, or defect therein.
2. Employees of the department will operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Employees are required to wear seat/safety belts when operating a police vehicle. Whenever a police vehicle is involved in an accident, the operator will notify a supervisor immediately. Under no circumstances will an officer investigate his or her own accident. Preferably, a senior officer or officer of higher rank will conduct the investigation. If necessary, a State Police Trooper will be called out. Refer to **OPR.212, Traffic Accident Investigations**.



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3. At the beginning of a tour of duty, employees will examine any vehicle assigned to them and report operational deficiencies, damage or defects to their supervisor. Failure to report damage or defects will create the presumption that the employee inspected the vehicle and found no damage or defects. The employee, in this case, will be held responsible for damage found by subsequent shifts.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.105	Department Organization and Authority	Revised Date: October 26, 2020
<p><i>Original Signature on file maintained in APD Records Division</i></p> <p> , Chief of Police</p>		<p>VLEPSC Standards: ADM.01.01, ADM.03.01, ADM.07.01, ADM.07.02, ADM.07.04, ADM.09.01, ADM.22.03, ADM.24.01, ADM.25.01, OPR.01.07, PER.02.01, PER.02.02</p>

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

I. POLICY:

The Department is established by the [Code of Virginia, § 15.2-1700, 15.2-1704, 15.2-1723](#) and shall consist of a Chief of Police and such regular officers and employees as may be specified by the Town Council. The Police Department shall be under the general supervision of the Town Manager. The Chief of Police shall be the Chief Executive Officer of the Police Department and shall at all times enforce the applicable rules and regulations or those for the government of the police prescribed by the Town Manager. The Chief of Police reports directly to the Town Manager. Police Officers shall take the oath of office and are charged with enforcing the laws of the Commonwealth of Virginia, the United States Constitution, and all the ordinances of the Town of Amherst. At minimum the wording in the oath of office shall include the wording required by the [Code of Virginia § 49-1](#). Jurisdiction of the Police Department is limited to one mile beyond the Town boundaries; or as enlarged by statute (In accordance with the [Code of Virginia § 19.2-350](#)); or when another Department requests assistance; or when enforcing laws on property owned by the Town but outside its boundaries; or extends past the Town boundaries to the County, depending on the current Sheriff, which is subject to change—ask the Police Chief for clarification. The organization of the Police Department will support the effective and efficient accomplishment of Departmental responsibilities and functions.

II. PURPOSE:

The purpose of this order is to describe the organization of the Police Department and to assign responsibilities, functions, and duties.

III. PROCEDURES:

A. Organizational structure:



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1. The Chief of Police is responsible for the direction of all activities of the department. This direction will be accomplished through written and oral orders, policy, directives, guidelines, and guidance as well as by personal leadership.
2. The Department organizational structure includes persons who are assigned specific responsibilities that include activities directly related to carrying out or supporting the Department's objectives. All employees are expected to obey any lawful order of a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank.
3. The Department shall consist of a Police Chief, Major, Investigator, Sergeants, and as many Police Officers as determined by the Town Council and are required to protect and serve the community. The Department also includes Auxiliary Police Officers and full-time/part-time administrative staff, as approved. The Organizational Chart outlines the Department's Table of Organization (following this policy).
4. The Chief of Police is responsible for the direction of all activities of the Department. This direction will be accomplished through written and oral orders, policies, directives, guidelines, and guidance as well as by personal leadership. Both *Code of Virginia* and policy define certain areas of operation and administration where the Town Manager or other officials have full responsibility or share responsibility with Police Department officials.
5. The Chief of Police or designee is responsible for the communications function. This position is responsible for communicating Department needs to the Amherst County Sheriff's Office and Public Safety.
6. The Major is primarily responsible for exacting the proper performance of Police duty from all Sergeants, as dictated by the Department Organizational Chart. The Major occupies the top level of supervision under the Chief of Police and directs the operations and administration of the Department.
7. The Major/Sergeant are responsible for the operation and administration of their assigned Bureaus, exacting the proper performance from the personnel assigned to said Bureaus.
8. The Support Service Bureau Commander has responsibility of the Evidence/Property and Traffic Enforcement functions of the Department.
9. The Major is responsible for the efficient performance of the Investigator/Sergeant and Officers assigned to their squads as well as general Police responsibilities necessary for the safety and good order of the community. Police officers report directly to the Major, as dictated by the Department Organizational Chart. Sergeants will provide information to oncoming shifts of the previous shifts' activities. The Investigator/Sergeant reports directly to the Major, as dictated by the Department Organizational Chart.



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10. Detectives' responsibilities consist of general duties performed in conjunction with patrol duties and assignments usually consist of specific cases to be followed to conclusion. Detectives report directly to the Major.
11. Officers are responsible for general police responsibilities necessary for the safety and good order of the community. Officers report directly to the Sergeant/Major.
12. Every officer and civilian are issued a Town Employee Handbook, which contains all Personnel Rules and Regulations; Risk Management Policies; and Communicable Diseases Policy and are instructed how to access the Department Policies. If there is any conflict between the Police Department Policy Manual and the Town Employee handbook, the handbook is considered the presiding source.

B. Chain of Command:

1. The Chief of Police has full control over Department activities. In the absence of the Chief of Police, the Major shall take command and notify the Chief of all decisions that he may make in the absence of the Chief. If the Chief and Major are not available, the Investigator shall be in charge until the Chief or Major is available.
2. The Major will report to and be accountable to the Chief of Police.
3. The Investigator will report to and be accountable to the Chief of Police.
4. Patrolman, including Auxiliary Officers (if applicable) and Community Service Officer(s), will report to and be accountable to the Sergeant/Major.
5. Personnel assigned to administrative/clerical duties will report to and be accountable to the Chief of Police.
6. Each employee is responsible to only one supervisor at any given time.
7. Each organizational component is under the direct command of only one supervisor.
8. During exceptional situations, the senior officer on scene is in charge until someone of higher authority arrives and is briefed.

C. Span of Control

For any major event in which all or most of departmental personnel will be on duty, plans for the event will clearly delineate the command and structure and consider span of control.

D. Authority and responsibility:



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1. At every level within this Department, personnel must be given the authority to make decisions necessary for the effective execution of their responsibilities.
2. Each Departmental employee will be held fully accountable for the use of, or failure to use, delegated authority. Any employee who has any questions concerning his delegated authority should bring such questions to the attention of his supervisor for prompt resolution. Legal questions may be referred to the Commonwealth’s Attorney.
3. Any gross improper use of authority or failure to accept authority will be reported through command channels as rapidly as possible.
4. Supervisory personnel are accountable for the performance of employees under their immediate control.
5. The Investigator shall be in command of patrol officers at a crime scene once he arrives.

E. Direction, obedience to orders:

The Chief of Police is the Chief Executive of the Department. As such, the Chief of Police has full authority and responsibility for the management, direction and control of the operation, and administration of the Department. Both the *Code of Virginia* and policy define certain areas of operation and administration where the Town Manager has full responsibility or shares responsibility with the Chief of Police.

F. Dispatchers:

Dispatchers are employed by and under the direct control of the Communications Center. They answer all emergency 911 calls and dispatch our officers to the call. The Communications Center assists in running Driver’s license and criminal histories and criminal histories when requested by sworn personnel.

G. Complaints

1. Department personnel with complaints against other police personnel except the Chief of Police must present such complaints to their supervisor. An officer dissatisfied with the decision of the supervisor may appeal to the next chain of command up to the Chief.
2. Complaints by department personnel against the Chief of Police must be presented to the Town Manager.

IV. JOB DESCRIPTIONS

A. Chief of Police

Serves as Chief Law Enforcement Officer of the town; plans, implements, and supervises all activities of the Police Department.



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The duties involve responsibility for the protection of citizens and property through the enforcement of laws and ordinances. Coordination with other law enforcement agencies, formulation of rules, regulations and procedures, and supervision of all personnel assigned to the Police Department are important facets of this position.

Supervision in the form of general policy guidelines is received from the Town Manager. Performance is judged on the degree to which law and order are maintained.

Examples of Duties Characteristic of this Position

1. Plans, lays out, and directs the work of the Police Department; makes work assignments and evaluates work performance through review of reports and personal observation to ascertain adherence to proper law enforcement methods and procedures.
2. Develops and enforces compliance with rules and regulations of the Police Department; investigates cases of non-compliance and takes any necessary disciplinary action.
3. Performs all personnel functions of the Police Department; makes and approves all personnel assignments; ensures that all personnel are properly trained and meet all applicable statutory training requirements; supervises in-service training and arranges necessary outside training.
4. Directs and assists in the investigation of any civil and criminal violations committed in the jurisdiction of the town; maintains liaison and cooperates with state and federal law enforcement agencies; obtains and evaluates evidence; attempts to apprehend violators and testifies at criminal proceedings; cooperates with prosecution officials.
5. Supervises the preparation of all necessary reports submitted to the Town Manager and Council, State Law Enforcement Administration, and Federal Bureau of Investigation; prepares budget estimates and controls the expenditure of allotted funds; supervises inventory control, maintenance, and issuance of assigned equipment and vehicles; requisitions supplies; and recommends purchase of necessary equipment.
6. Promotes a favorable public image of the Police Department; encourages subordinates to present a courteous attitude when dealing with the public; responds to citizen complaints and questions in a cooperative, informative manner; and speaks before civic groups emphasizing positive aspects of law enforcement.
7. Performs, on occasion the duties of other members of the department, such as writing traffic summons or investigating automobile accidents.
8. Investigates reports of discrimination made by employees

Qualification Standards



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Possess any combination of education and/or experience equivalent to a bachelor's degree from an accredited college or university with major course work in criminal justice, police science, or related field. Experience should include day to day administration of law enforcement operations, budget development and management, community policing, and policy development and implementation.

Supervisory experience, excellent public relations skills, and a willingness to work in a team-oriented environment are essential. It is expected that the Chief of Police will be highly visible in the community and accessible to employees of the department.

Comprehensive knowledge of police administration and methods; thorough knowledge of scientific methods of crime detection, criminal identification, and radio communication; thorough knowledge of current laws and ordinances and geography of the town; ability to supervise and direct the work of others, deal tactfully and cooperatively with other law enforcement agencies and officials, and react quickly and confidently in emergency situations; completion of all statutory training requirements.

B. Investigator

Employees in this class perform investigative and general law enforcement work in order to preserve public peace and order; to protect lives, property, and rights of the public, and to enforce the laws, and to diminish crime and provide a safe environment in the Town of Amherst. Work involves conducting criminal investigations, interviews and interrogations; patrolling the Town of Amherst to deter crime or apprehend and/or arrest violators or suspects. The employee is subject to the usual hazards of law enforcement work. Performs related work as required. Reports to the Chief of Police and the Major.

Examples of work duties

1. Handles all major investigations.
2. Performs other related duties as assigned
3. Assists in the hiring process; selects applicants to be interviewed; and performs background checks.
4. Investigates crimes and accidents for the purpose of obtaining facts and evidence for presentation in court; visits crime scenes, interviews victims and witnesses, collects evidence, and pursues leads.
5. Presents case reports and information to obtain indictments.
6. Works with investigators in surrounding departments to solve cases.
7. Patrols highways in a police vehicle; apprehends law violators; issues warning or summons or makes arrest.



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8. Assists in such tasks as quelling fights, disorders, and riots and participating raids and searches; investigates complaints and takes appropriate action.

Qualification Standards for Investigator

Applicants shall have a high school diploma or equivalency certificate (such as a G.E.D.) and five years of experience as a police officer. Must be in good physical condition and must possess a valid Virginia Motor Vehicle Operators License with a satisfactory driving record.

Ability to direct and coordinate the activities of subordinate personnel; knowledge of state and local traffic and criminal laws and police methods and ability to deal firmly and courteously with the public; good physical condition and appearance; completion of all statutory training requirements.

C. Major

Serves as a supervisor to patrol officers and community service officer(s). Supervises and directs the activities of patrol investigations and evidence collection.

The work involves responsibility for the daily supervision and evaluation of subordinate personnel. The duties include dissemination of policies and procedures to subordinates, interpretation of these policies and procedures, assurance of compliance with departmental policies, and assignment and coordination of duties of subordinates. General supervision is received from the Chief of Police.

Examples of Work Duties

1. Supervises Patrol Division's enforcement of state and local traffic and criminal laws; promotes and assures good public relations; insures proper conduct and appearance of all subordinates.
2. Assists in the preparation and compilation of various reports; carries out directions of the Chief of Police; keeps the Chief informed of all police activities and occurrences within the town; confers with the Chief on all non-routine problems requiring decisions of a policy nature.
3. Coordinates police work in connection with such activities as festivals, parades, etc. where more than one area is concerned or more personnel are required than is available in a single area.
4. Serves as the administrative head during times when the Chief is out of town.
5. Performs other related duties as required or assigned.



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6. Responsible for vehicle maintenance and inventories.
7. Coordinates and assigns training schedules with the Officers.
8. Assists in the hiring process; selects applicants to be interviewed; and performs background checks.

Qualification Standards for Major

Applicants shall have a high school diploma or equivalency certificate (such as a G.E.D.) and five years of experience as a police officer. Must be in good physical condition and must possess a valid Virginia Motor Vehicle Operators License with a satisfactory driving record.

Ability to direct and coordinate the activities of subordinate personnel; knowledge of state and local traffic and criminal laws and police methods and ability to deal firmly and courteously with the public; good physical condition and appearance; completion of all statutory training requirements.

D. Patrol Officer/Patrol Officer First Class

Performs general duty police work involving the enforcement of state and local laws and ordinances for the purpose of protecting life and property.

Work consists of routine patrol tasks performed in accordance with prescribed regulations and requires a detailed knowledge of motor vehicle laws and all criminal laws. Good public relations must be established and maintained to make law enforcement effective. Discretion, courtesy, and tact must be exercised in determining whether the nature of a violation justifies a warning or arrest, in assuring persons that their constitutional rights are being respected, and in firmly handling belligerent, excited, or recalcitrant individuals. Apprehending law violators is frequently dangerous, involving travel at high speed on the highways and the use of firearms. The officer works alone the major portion of the time, exercising independent discretion when faced with emergencies involving apprehension of law-breakers and traffic accidents. Supervision is received from the Major.

Examples of Work Duties

1. Patrols highways in a police vehicle; apprehends law violators; issues warning or summons or makes arrest.
2. Investigates crimes and accidents for the purpose of obtaining facts and evidence for presentation in court; visits scene of traffic accidents, clears road of bystanders; places flares if needed, and keeps traffic moving; cares for injured persons and administers first aid as required.
3. Assists in such tasks as quelling fights, disorders, and riots and participating raids and



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- searches; investigates complaints and takes appropriate action.
4. Directs traffic to relieve congestion; assists motorists by giving traffic information and advice as called upon; answers questions from the public on laws governing motor vehicle operation and laws and rules governing human conduct in general; directs traffic at school crossings.
 5. Appears in court as a witness in criminal and civil cases.
 6. Patrols business and residential areas; investigates suspicious circumstances; insures that doors and windows of business establishments are secure after business hours.
 7. Performs routine maintenance on assigned police vehicles, such as checking the oil and filling the gasoline tank.
 8. Performs other related duties as required or assigned.

Qualification Standards – Patrol Officer

Applicants shall have a high school diploma or equivalency certificate (such as a G.E.D.) Must be in good physical condition and must possess a valid Virginia Motor Vehicle Operators License with a satisfactory driving record.

Have the ability to operate a motor vehicle, ability to deal firmly but courteously with the public. Familiarity with traffic laws and criminal laws, some skill in the use of firearms; good powers of observation and memory; good judgment and ability to react logically under conditions of stress; good record relative to character and reputation in the community. Must demonstrate ability to satisfactorily complete statutory training requirements.

Qualification Standards – Patrol Officer First Class (Title)

In addition to the qualifications for Patrol Officer, Patrol Officer First Class will have no less than five (5) years of consecutive law enforcement service and having no disciplinary action within the last 18 months of service and hold at least two 40-hour DCJS specialized training certifications.

Special Note: This title is not considered a promotion and carries no monetary increase in pay but is designed to recognize dedicated police officers.

E. Auxiliary Officer

Performs general duty police work involving the enforcement of state and local laws and ordinances for the purpose of protecting life and property.

Work consists of routine patrol tasks performed in accordance with prescribed regulations



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and requires a detailed knowledge of motor vehicle laws and all criminal laws. Good public relations must be established and maintained to make law enforcement effective. Discretion, courtesy, and tact must be exercised in determining whether the nature of a violation justifies a warning or arrest, in assuring persons that their constitutional rights are being respected, and in firmly handling belligerent, excited, or recalcitrant individuals. Apprehending law violators is frequently dangerous, involving travel at high speed on the highways and the use of firearms. The officer works alone the major portion of the time, exercising independent discretion when faced with emergencies involving apprehension of law-breakers and traffic accidents. Supervision is received from the Major.

Examples of Work Duties

1. First and foremost, work duties for Auxiliary Officers will be based on their experience and follow all DCJS mandates set forth.
2. Patrols highways in a police vehicle; apprehends law violators; issues warning or summons or makes arrest.
3. Investigates crimes and accidents for the purpose of obtaining facts and evidence for presentation in court; visits scene of traffic accidents, clears road of bystanders; places flares if needed, and keeps traffic moving; cares for injured persons and administers first aid as required.
4. Assists in such tasks as quelling fights, disorders, and riots and participating raids and searches; investigates complaints and takes appropriate action.
5. Directs traffic to relieve congestion; assists motorists by giving traffic information and advice as called upon; answers questions from the public on laws governing motor vehicle operation and laws and rules governing human conduct in general; directs traffic at school crossings.
6. Appears in court as a witness in criminal and civil cases.
7. Patrols business and residential areas; investigates suspicious circumstances; ensures that doors and windows of business establishments are secure after business hours.
8. Performs routine maintenance on assigned police vehicles, such as checking the oil and filling the gasoline tank.
9. Performs other related duties as required or assigned, including special assignments such as traffic direction, working community events, and any other functions where they are needed.

Qualification Standards – Auxiliary Officer

Applicants shall have a high school diploma or equivalency certificate (such as a G.E.D.)



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Must be in good physical condition and must possess a valid Virginia Motor Vehicle Operators License with a satisfactory driving record.

Have the ability to operate a motor vehicle, ability to deal firmly but courteously with the public. Familiarity with traffic laws and criminal laws, some skill in the use of firearms; good powers of observation and memory; good judgment and ability to react logically under conditions of stress; good record relative to character and reputation in the community. Must demonstrate ability to satisfactorily complete statutory training requirements.

In addition to the qualifications for Patrol Officer, Auxiliary Officers will have no less than five (5) years of consecutive law enforcement service and having no disciplinary action within the last 18 months of service and hold at least two 40-hour DCJS specialized training certifications.

F. Accreditation Manager

Ensures departmental compliance with accreditation requirements. Maintains and updates policy and procedures to comply with standards, state law, and federal law.

Examples of Work Duties

Ensures department is in compliance with accreditation standards. Gathers and maintains documentation to support accreditation compliance. Collects and analyzes data on department activities. Attends VLEAC meetings. Performs legal research. Assists in the preparation of the department's strategic plan. Assists in the preparation and assures the adherence to all orders, rules, and regulations concerning the activities of the office staff. Answers questions and concerns of employees and or citizens. Effectively communicates with all people. Undergoes training as required by the Chief of Police. Performs related task as required and assigned.

Qualification Standards

The accreditation manager operates under the general direction and supervision of the Chief of Police. The Accreditation Manager has the primary responsibility for the attainment and maintenance of accredited status for the Amherst Police Department from the Virginia Law Enforcement Professional Standards Commission (VLEPSC).

Essential Job Functions

- a) Reviews and analyzes all department rules, regulations, policies and procedures to ensure compliance with VLEPSC standards.
- b) Consults with the Sheriff and the Major on all matters of departmental policy.
- c) Identifies areas of non-compliance and makes recommendations to the Sheriff to correct deficiencies.
- d) Researches and identifies areas of need and develops programs, polices and/or procedures to address those needs.
- e) Involves all members of the department in the accreditation process.
- f) Maintains liaison with the Virginia Law Enforcement Coalition (VALEAC).



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- g) Attends quarterly VALEAC meetings.
- h) Organizes the compliance/documentation files.
- i) Determines whether changes in the department's written directive system would be advantageous in view of compliance/documentation requirements.
- j) Orients all departmental personnel to the accreditation process.
- k) Reviews and approves compliance documentation.
- l) Develops new or revised programs, procedures, functions, etc., required to achieve compliance with applicable standards.
- m) Conducts self-examinations prior to any mock or on-site assessment to test compliance with applicable standards.
- n) Submits compliance documentation to VLEPSC and/or the Sheriff as required.
- o) Monitors new or revised policies and procedures for effectiveness and recommends changes as identified.
- p) Remains abreast of new developments in law enforcement technology that may benefit the accreditation process and Sheriff's Office effectiveness.
- q) Prepares and distributes applicable memoranda.
- r) Maintains liaison on a state and regional basis with other agencies interested or participating in the accreditation process.
- s) Maintains a computerized file of all departmental rules, regulations, policies and procedures.
- t) Remains abreast of new state and federal laws which may affect the department and initiates programs and/or policies to ensure compliance with applicable laws.
- u) Researches and prepares special reports as may be assigned.
- v) Performs other related work as required.

Qualification Standards

Possess a demonstrated knowledge and/or experience in all the functional components of the department. Thorough knowledge of department rules, regulations, policies and procedures. Ability to establish and maintain effective working relationships throughout all levels of the department. Possess exceptional organizational skills. Possess exceptional communication skills, both oral and in writing. Ability to administer, plan and train. Initiative and willingness to make significant decisions, delegate tasks and accept responsibility for the outcomes. Willingness and dedication to see the accreditation process through to the end. Ability to be analytical in nature. Ability to effect change with minimal resistance. Ability to deal effectively with the public. Considerable knowledge of Amherst Police Department's organization and administrative procedures. Compatibility with the Chief of Police's management style and philosophies. Thorough knowledge of Commission standards.

Any combination of education and experience equivalent to graduation from high school.

G. Assistant Accreditation Manager

Ensures that the Department meets all accreditation standards as required by the Virginia Law Enforcement Professional Standards Commission (VLEPSC). Helps manage the Department's accreditation process to include ensuring compliance and training and various types of presentation to department personnel. Develops, writes, revises, and



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manages the department's policy handbook and forms to meet accreditation standards. Regularly reviews proofs of compliance. Corrects noted deficiencies through policy, training, or other administrative measures. Reviews standards and ensures the department remains in compliance. Stays abreast of all aspects of the accreditation process to include proposed changes or amendments to the standards.

Example of Work Duties

Perform miscellaneous filing and typing. Maintain a neat and orderly work area. Attend trainings as required for the performance of his/her duties. Works with and helps maintain the department's policies and procedures, assists with the implementation of new policies, and maintains filing system for the Virginia State Accreditation files. Keeps the Chief of Police informed of all matters dealing with the department's policies. May attend training which deals with the accreditation process or other training as deemed necessary. Types from rough draft technical reports and correspondence. Other duties as assigned by the Chief of Police.

Qualification Standards

Applicants shall have a high school diploma or equivalency certificate (such as a G.E.D.) Possess typing ability; a good geographical knowledge of the town and county and ability to read maps. Mental alertness, clerical aptitude; general knowledge of business English and mathematics; general knowledge of office equipment and its uses; general knowledge of filing systems and principles; ability to type accurately; ability to deal firmly but courteously with the public; good powers of observation and memory; good judgment and ability to react logically under conditions of stress; good record relative to character and reputation in the community. Must have the ability to satisfactorily complete any statutory training requirements. Good physical condition.

Performs with little guidance clerical duties requiring the interpretation and application of administrative rules and regulations. Positions in this class perform a variety of functions and may perform clerical functions for more than one office. Positions in this class require participation in a wide variety of duties, requiring usage of clerical skills, broad program knowledge, independence and initiative. Work is performed under the general supervision of the Chief of Police.

H. Administrative/Office Assistant

Performs difficult technical protective service work dispatching law enforcement in response to emergency situations. Position requires sitting for long periods, communications is required for conveying detailed instructions to others accurately and quickly. Good hearing is required to receive detailed information through oral communications and/or to make fine distinctions in sound. Shift work for this position may be required. The Administrative Assistant performs a combination of related clerical, typing and dispatching tasks of moderate difficulty. Typical tasks are of a constantly recurring nature but require the incumbent to be familiar with a number of possible work



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methods and to choose processes applicable in a variety of situations. Typing from corrected or rough copy is also characteristic of positions in this class. The Chief of Police gives supervision to this position.

Example of Work Duties

1. Greet visitors; answers inquiries and refers inquiry to proper person.
2. Answer routine and emergency telephone calls.
3. Perform miscellaneous filing and typing.
4. Maintain a neat and orderly work area.
5. Attend trainings as required for the performance of his/her duties.
6. Works with and helps maintain the department's policies and procedures, assists with the implementation of new policies, and maintains filing system for the Virginia State Accreditation files.
7. Keeps the Chief of Police informed of all matters dealing with the department's policies.
8. May attend training which deals with the accreditation process or other training as deemed necessary.
9. Types from rough draft technical reports and correspondence.
10. Other duties as assigned by the Chief of Police.

Qualification Standards

Applicants shall have a high school diploma or equivalency certificate (such as a G.E.D.) Possess typing ability; a good geographical knowledge of the town and county and ability to read maps. Mental alertness, clerical aptitude; general knowledge of business English and mathematics; general knowledge of office equipment and its uses; general knowledge of filing systems and principles; ability to type accurately; ability to deal firmly but courteously with the public; good powers of observation and memory; good judgment and ability to react logically under conditions of stress; good record relative to character and reputation in the community. Must have the ability to satisfactorily complete any statutory training requirements; good physical condition.

Performs with little guidance clerical duties requiring the interpretation and application of administrative rules and regulations. Positions in this class perform a variety of functions and may perform clerical functions for more than one office. Positions in this class require participation in a wide variety of duties, requiring usage of clerical skills, broad program



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knowledge, independence and initiative. Work is performed under the general supervision of the Chief of Police.

I. Non-Sworn Volunteers

Non-sworn volunteer members have NO police authority and are to be unarmed and will be at least eighteen (18) years of age with a high school diploma or certificate of equivalency (G.E.D.). In order to maintain member status, volunteers will complete a minimum of ten hours per month of service to the Amherst Police Department.

Examples of Work Duties

1. Assist in administration of the department as directed by the Chief of Police,
2. Under certain circumstances and proper supervision and training may be used as manpower for traffic control.

NOTE: The Amherst Police Department prohibits discrimination in the workplace (see Town of Amherst policy). To report discrimination in the workplace employees will report it to their supervisor. If the supervisor is the person in question of discrimination, then the employee will report it directly to the town manager.

V. SHIFT ASSIGNMENTS, ROTATIONS, AND ZONES

- A. The Chief of Police, Major, and Administrative staff generally work 8:00am – 4:30pm, Monday through Friday. The Chief of Police is able to make his/her own hours as long as he/she meets the required time in pay cycle.
- B. Patrol Officers are assigned to one of 2 squads (A, B, and Special Services). The Special Services Section reports directly to the Major or senior officer.
- C. The Patrol Section works 9-hour shifts, with the exception of Special Services, which work when the event is needed. Information is provided to the next shift by either email or a printed form.
- D. Personnel work fixed shifts which are seniority based.
- E. On duty personnel provide shift coverage until the relieving personnel check into service.

VI. RECORDS & REPORTS

- A. Any original criminal, incident, and accident reports that may be stored in the Records Office are not to be removed without the express permission of the person in charge of the records office.



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- B. After entry into the Department Records Management System (RMS) all crime reports shall be reviewed by the Major or designee for review and assignment for follow-up.
- C. A copy of all accident reports involving injury or property damage over \$1,500.00 shall be sent to the Department of Motor Vehicles.
- D. A monthly Incident Based Report (IBR) Crime Report will be forwarded to the Virginia State Police.
- E. Documentation and/or reporting for the following incidents will be conducted if the incident is alleged to have occurred in the Town service area to include:
 - 1. Citizen reports of crimes;
 - 2. Citizens requests/calls for service;
 - 3. When an employee is dispatched or assigned;
 - 4. Criminal cases initiated by law enforcement employees;
 - 5. Non-criminal cases initiated by law enforcement employees;
 - 6. Incidents resulting in custodial arrests; and
 - 7. Incidents resulting in the issuing of summonses.

VII. DISCRIMINATION COMPLAINTS:

All forms of discrimination as described in the Town Employee Handbook are strictly prohibited. The Human Resources Director has overall responsibility for handling discrimination complaints, and any Departmental employee may report their discrimination complaint to the Human Resources Director. The Chief of Police is directly responsible for the enforcement of this policy and will instruct the Major or other personnel to conduct an immediate investigation of all such complaints.



AMHERST POLICE DEPARTMENT

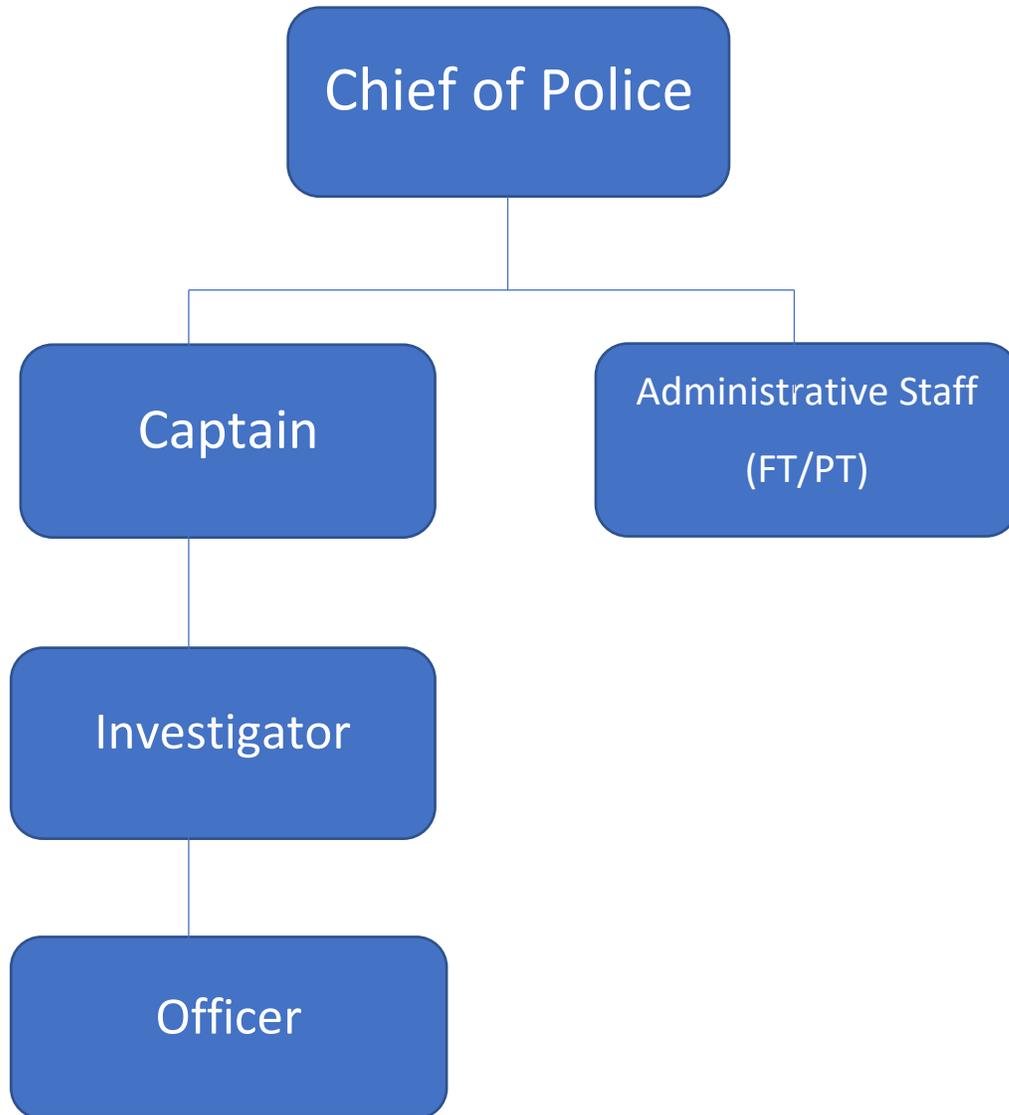
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Town of Amherst Police Department

Organizational Chart

(revised 07/29/2021)





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Amherst Police Department – GENERAL ORDER		Effective Date: June 17, 2021
ADM.106	Auxiliary Officers	Revised Date:
<p><i>Original Signature on file maintained in APD Records</i> <i>Division</i></p> <p><i>Robert A. Shifflett II</i>, Chief of Police</p>		<p>VLEPSC Standards: ADM.01.01, ADM.03.01, ADM.07.01, ADM.07.02, ADM.07.04, ADM.09.01, ADM.12.01</p>

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VIII. POLICY:

The Department is established by the [Code of Virginia, § 15.2-1700](#), [15.2-1704](#), [15.2-1723](#) and shall consist of a Chief of Police and such regular officers and employees as may be specified by the Town Council. The Police Department shall be under the general supervision of the Town Manager. The Chief of Police shall be the Chief Executive Officer of the Police Department and shall at all times enforce the applicable rules and regulations or those for the government of the police prescribed by the Town Manager. The Chief of Police reports directly to the Town Manager. Police Officers shall take the oath of office and are charged with enforcing the laws of the Commonwealth of Virginia, the United States Constitution, and all the ordinances of the Town of Amherst. At minimum the wording in the oath of office shall include the wording required by the [Code of Virginia § 49-1](#). Jurisdiction of the Police Department is limited to one mile beyond the Town boundaries; or as enlarged by statute (In accordance with the [Code of Virginia § 19.2-350](#)); or when another Department requests assistance; or when enforcing laws on property owned by the Town but outside its boundaries; or extends past the Town boundaries to the County, depending on the current Sheriff, which is subject to change—ask the Police Chief for clarification. The organization of the Police Department will support the effective and efficient accomplishment of Departmental responsibilities and functions.

IX. PURPOSE:

The purpose of this order is to establish the Amherst Police Department Auxiliary officers.

X. PROCEDURES:

A. Organizational structure:

1. The Chief of Police is responsible for the direction of all activities of the department. This direction will be accomplished through written and oral orders, policy, directives, guidelines, and guidance as well as by personal leadership.



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2. The Department organizational structure includes persons who are assigned specific responsibilities that include activities directly related to carrying out or supporting the Department's objectives. All employees are expected to obey any lawful order of a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank, as well as the training requirements set forth in the *Code of Virginia*.
3. The Department shall consist of a Police Chief, Major, Investigator, Sergeants, and as many Police Officers as determined by the Town Council and are required to protect and serve the community. The Department also includes Auxiliary Police Officers and full-time/part-time administrative staff, as approved.
4. Officers are responsible for general police responsibilities necessary for the safety and good order of the community. Officers report directly to the Sergeant/Major.
5. Every officer and civilian are issued a Town Employee Handbook, which contains all Personnel Rules and Regulations; Risk Management Policies; and Communicable Diseases Policy and are instructed how to access the Department Policies. If there is any conflict between the Police Department Policy Manual and the Town Employee handbook, the handbook is considered the presiding source.

B. Chain of Command:

1. The Chief of Police has full control over Department activities. In the absence of the Chief of Police, the Major shall take command and notify the Chief of all decisions that he may make in the absence of the Chief. If the Chief and Major are not available, the Investigator shall be in charge until the Chief or Major is available.
2. The Major will report to and be accountable to the Chief of Police.
3. The Investigator will report to and be accountable to the Chief of Police.
4. Patrolman, including Auxiliary Officers and Community Service Officer(s), will report to and be accountable to the Major.
5. Each employee is responsible to only one supervisor at any given time.
6. Each organizational component is under the direct command of only one supervisor.
7. During exceptional situations, the senior officer on scene is in charge until someone of higher authority arrives and is briefed.

C. Span of Control

For any major event in which all or most of departmental personnel will be on duty, plans for the event will clearly delineate the command and structure and consider span of control.



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D. Authority and responsibility:

1. At every level within this Department, personnel must be given the authority to make decisions necessary for the effective execution of their responsibilities.
2. Each Departmental employee will be held fully accountable for the use of, or failure to use, delegated authority. Any employee who has any questions concerning his delegated authority should bring such questions to the attention of his supervisor for prompt resolution. Legal questions may be referred to the Commonwealth’s Attorney.
3. Any gross improper use of authority or failure to accept authority will be reported through command channels as rapidly as possible.

E. Direction, obedience to orders:

The Chief of Police is the Chief Executive of the Department. As such, the Chief of Police has full authority and responsibility for the management, direction and control of the operation, and administration of the Department. Both the *Code of Virginia* and policy define certain areas of operation and administration where the Town Manager has full responsibility or shares responsibility with the Chief of Police.

F. Complaints

Department personnel with complaints against other police personnel except the Chief of Police must present such complaints to their supervisor. An officer dissatisfied with the decision of the supervisor may appeal to the next chain of command up to the Chief.

XI. JOB DESCRIPTION

Performs general duty police work involving the enforcement of state and local laws and ordinances for the purpose of protecting life and property.

Work consists of routine patrol tasks performed in accordance with prescribed regulations and requires a detailed knowledge of motor vehicle laws and all criminal laws. Good public relations must be established and maintained to make law enforcement effective. Discretion, courtesy, and tact must be exercised in determining whether the nature of a violation justifies a warning or arrest, in assuring persons that their constitutional rights are being respected, and in firmly handling belligerent, excited, or recalcitrant individuals. Apprehending law violators is frequently dangerous, involving travel at high speed on the highways and the use of firearms. The officer works alone the major portion of the time, exercising independent discretion when faced with emergencies involving apprehension of those who break the law and traffic accidents. Supervision is received from the Major.

Examples of Work Duties



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1. First and foremost, work duties for Auxiliary Officers will be based on their experience and follow all DCJS mandates set forth.
2. Patrols highways in a police vehicle; apprehends law violators; issues warning or summons or makes arrest.
3. Investigates crimes and accidents for the purpose of obtaining facts and evidence for presentation in court; visits scene of traffic accidents, clears road of bystanders; places flares if needed, and keeps traffic moving; cares for injured persons and administers first aid as required.
4. Assists in such tasks as quelling fights, disorders, and riots and participating raids and searches; investigates complaints and takes appropriate action.
5. Directs traffic to relieve congestion; assists motorists by giving traffic information and advice as called upon; answers questions from the public on laws governing motor vehicle operation and laws and rules governing human conduct in general; directs traffic at school crossings.
6. Appears in court as a witness in criminal and civil cases.
7. Patrols business and residential areas; investigates suspicious circumstances; ensures that doors and windows of business establishments are secure after business hours.
8. Performs routine maintenance on assigned police vehicles, such as checking the oil and filling the gasoline tank.
9. Performs other related duties as required or assigned, including special assignments such as traffic direction, working community events, and any other functions where they are needed.

Qualification Standards – Auxiliary Officer

Applicants shall have a high school diploma or equivalency certificate (such as a G.E.D.) Must be in good physical condition and must possess a valid Virginia Motor Vehicle Operators License with a satisfactory driving record.

Have the ability to operate a motor vehicle, ability to deal firmly but courteously with the public. Familiarity with traffic laws and criminal laws, some skill in the use of firearms; good powers of observation and memory; good judgment and ability to react logically under conditions of stress; good record relative to character and reputation in the community. Must demonstrate ability to satisfactorily complete statutory training requirements.



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In addition to the qualifications for Patrol Officer, Auxiliary Officers will have no less than five (5) years of consecutive law enforcement service and having no disciplinary action within the last 18 months of service and hold at least two 40-hour DCJS specialized training certifications.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.107	Limits of Authority	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p>  <p>, Chief of Police</p>		<p>VLEPSC Standards: ADM.02.01, ADM.02.02, ADM.02.03, ADM.02.04, ADM.02.05</p>

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I. POLICY

The officers constituting the Amherst Police Department are vested with the power to enforce the criminal laws of the Commonwealth of Virginia and the ordinances and regulations of the Town of Amherst.

II. PURPOSE

The purpose of this order is to state the authority of this department.

III. PROCEDURE

- A. Each officer shall endeavor to prevent the commission of offenses against the laws of the Commonwealth and against the ordinances and regulations of the town.
- B. Each officer shall endeavor to observe and enforce all laws of the Commonwealth and ordinances and regulations of the Town of Amherst. They shall also be responsible to detect and arrest offenders against the same and shall secure the inhabitants from violence and property therein from injury.
- C. Law Enforcement Authority to Enforce Laws

The [Code of Virginia § 15.2-1704](#) gives police officers of cities and towns the authority to enforce the criminal laws of the Commonwealth and ordinances and regulations of the city/town in which they are appointed.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.108	Limits of Authority – Defined	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p> <p> , Chief of Police</p>		VLEPSC Standards: ADM.02.01, ADM.02.02, ADM.02.03, ADM.02.04, ADM.02.05

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I. POLICY

The U.S. Constitution and the Bill of Rights guarantee every citizen certain safeguard from government intrusion into their lives. These safeguards have become the cornerstone for the application of criminal justice in America. Consequently, these safeguards have placed limitations on the authority of police to enforce the laws of the nation, state, and the Town of Amherst. The Department further expects that officers understand the limits and prerogatives of their authority to act. Respect for civil liberties of citizens shall be the paramount concern in all enforcement matters.

II. PURPOSE

The purpose of this order is to define the legally mandated authority for the enforcement of laws, to establish procedures for ensuring compliance with constitutional requirements during criminal investigations, to set forth guidelines concerning the use of discretion by officers, and to define the authority, guidelines, and circumstances when officers should exercise alternatives to arrests and pretrial confinement.

III. PROCEDURE – GENERAL

A. LAW ENFORCEMENT AUTHORITY TO ENFORCE LAWS

1. Section [15.2-1701 of the Code of Virginia](#) authorizes any locality to organize a police force and [Section 15.2-1704](#) invests the police force of the locality with authority to prevent and detect crime, apprehend criminals, safeguard life and property, preserve the peace, and enforce state and local laws and ordinances.



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2. [Section 49-1 of the Code of Virginia](#) requires that all officers, before performing their duties, take an oath whereby they swear to support the Constitution of the United States and the Constitution of the Commonwealth of Virginia.

B. LIMITATIONS ON LAW ENFORCEMENT AUTHORITY

Limitations on law enforcement authority are derived from statutes, federal, state, and local judicial interpretation of laws, opinions of the Attorney General and Commonwealth's Attorney, departmental policies/rules and regulations, and Town administrative decisions

1. Statutory Limitations

These limitations include, but are not limited to:

- a. Enforcement of laws outside the Town limits. [Section 19.2-250 of the Code of Virginia](#) grants authority to enforce state laws one mile beyond the boundaries of the Town except as specified.
- b. [Section 15.2-1725 of the Code of Virginia](#) grants authority to enforce laws on any Town owned property located outside its boundaries. Examples include: sewage treatment plants, water pump stations, and water tanks.
- c. [Section 15.2-1704](#) prohibits officers from enforcing the civil laws of the Commonwealth of Virginia, except (i) to execute and serve temporary detention and emergency custody orders and any other powers granted to law-enforcement officers in 37.1-67.01 or 37.1-67.1, (ii) to serve an order of protection pursuant to [16.1-253.1](#), [16.1-253.4](#) and [16.1-279.1](#), or (iii) to execute all warrants or summons as may be placed in his hands by any magistrate for the locality and to make due return thereof.

2. Judicial Limitations

Courts constantly interpret laws that place limitations on the authority of law enforcement officers. The more common include: Miranda rights/warnings, rulings on search and seizure, eyewitness identification, and lineups.

3. Limitations on Law Enforcement Authority by Local Courts

Occasionally, the local courts may limit law enforcement authority to enforce state statutes and local ordinances. The department manual shall contain relevant orders offering appropriate guidance to officers. These limitations include, but are not limited to:



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- a. The enforcement of certain parking ordinances
 - b. The handling of juvenile offenders
 - c. The issuance of summonses as opposed to arrests/incarceration
 - d. Restrictions relating to the animal control ordinance
4. Limitations on Police Authority by Commonwealth’s Attorney

Occasionally, the Commonwealth Attorney may issue opinions to the Department imposing limitations on officers. These areas include by are not limited to:

- a. Prosecution of certain cases
 - b. Extradition
 - c. Enforcement of certain statutes pending opinions from the Attorney General’s Office
5. Limitations on Police Authority by the Town Manager and Chief of Police

Limitations on police enforcement actions by Town Council, Town Manager, or the Chief of Police include, but are not limited to:

- a. Parking violations,
 - b. Local ordinance (not paralleled by State statute) enforcement.
6. Changes in Laws/Interpretational Limitations

Periodically, changes take place which may impose new limitations on police authority or remove or alter existing limitations. Normally, annual updates on such changes are provided to all personnel by the Commonwealth’s Attorney. In case immediate changes in Departmental operations are required, the Commonwealth’s Attorney’ office may provide information orally and confirm it in writing.

IV. CONSTITUTIONAL REQUIREMENTS – GENERAL:

A. Compliance with Constitutional Requirements During Criminal Investigations

- 1. All officers when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional safeguards. Officers shall ensure that:
 - a. All statements or confessions are voluntary and non-coercive.
 - b. All persons are advised of their rights in accordance with this policy.



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- c. All arrested persons are taken promptly before a magistrate for formal charging.
- d. All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney, should they so desire.
- e. Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial.

B. The Use of Discretion by Officers

1. Officers, by nature of their job, are required to exercise discretion in the performance of their duties. The Amherst Police Department provides officers with written policies, rules, departmental orders, directed patrol assignments, and training in order to aid them in making decisions which govern discretion in performing their duties.
2. General Orders give officers guidelines to consider in exercising their discretion. By definition, General Orders afford officers a window of discretion within which to act. General Orders are to be followed unless unusual or extreme circumstances dictate another course of action. In this case, officers shall make reasoned decisions in the discretion based on good judgment, experience, and training. It is up to the individual officer to consider relevant facts, the situation, and then, using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their subordinates and point out factual errors or alternatives that may be more appropriate.

C. Arrest Alternatives / Pre-Arrest Confinement

1. Under certain circumstances, officers are faced with situations where an arrest and pre-arrest confinement will not be possible. Officers may elect to exercise alternatives such as the issuance of summonses, referral to a social service agency, or simply a warning. An arrest without a warrant is permitted in cases of misdemeanors or when a felony occurs in the officer's presence.

Examples may include:

- a. Mentally or emotionally disturbed persons.
- b. Domestic situations where counseling may be appropriate except where probable cause requires an arrest.
- c. Juvenile offenders.



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- d. Transient persons who need shelter and food.
 - e. Certain misdemeanor cases.
2. Authority to issue summonses in lieu of arrest/confinement
- a. Section [19.2-74](#) of the *Code of Virginia* authorizes police officers to issue a summons in lieu of arrest for persons charged with a misdemeanor criminal offense except D.U.I. and drunk in public. Additionally, Section [19.2-74](#) authorizes the use of summonses when enforcing Town ordinances.
 - b. In determining whether a summons should be used, the officer shall
 - Decide whether the offense committed is serious.
 - Make a judgment as to whether the accused poses a danger to the public or himself.
 - Decide, based on circumstances, whether the person may disregard a summons.
 - Determine if the accused is reasonably likely to cease the unlawful conduct.

Officers should become familiar with Section [19.2-74](#), *Code of Virginia*, and periodically review the provisions contained therein.

3. Informal handling of criminal matters

Officers often deal with situations where the public interest would be better served by social service agencies or crisis and professional organizations. When in the judgment of the officer a better solution to the problem will be achieved by use of alternatives to enforcement, he or she should refer the citizen to a social services agency

4. Use of warnings as an alternative to arrest

The use of warnings may sometimes provide a satisfactory solution to a problem and may enhance the public perception of the Department. Normally, the use of a warning occurs in traffic offenses, but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer should consider:

- a. The seriousness of the offense.
- b. The likelihood that the violator will heed the warning.
- c. The reputation of the violator, i.e., known repeat offender, has received previous warnings, etc.



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5. Limitations on intelligence activity
 - a. Departmental intelligence gathering activities shall be limited to that information concerning criminal conduct that presents a threat to the community.
 - b. Departmental personnel and equipment will 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 or his designee.
 - c. Intelligence information will be collected, used and processed in full compliance with all laws, and will be held in strict confidentiality. Intelligence information will be communicated on a strict need-to-know basis, and employees with knowledge of such information are prohibited from discussing such topics with anyone unless approval has been obtained from the Chief of Police or exigent circumstances exist, in which case documentation shall be required.
 - d. Informants (refer to **OPR.214, Informants**)



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.109	Hiring Sworn	Revised Date: June 29, 2022
<p><i>Original Signature on file maintained in APD Records</i> <i>Division</i></p> <p> , Chief of Police</p>		VLEPSC Standards: PER.01.01, PER.01.02, PER.01.03, PER.01.04, PER.01.05

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I. POLICY

It is the policy of the Amherst Police Department to hire the best police officers possible. To that end, the Department shall practice a regimented, rigorous selection procedure while simultaneously affording equal opportunity to everyone regardless of race, creed, color, sex, national origin, religious beliefs, or age. The Department does not discriminate against people with disabilities and affords them the same access to employment provided to all citizens. Where possible, the Department provides reasonable accommodation to the known disabilities of qualified people. All elements of the selection process will be administered, scored, evaluated, and interpreted in a fair and uniform manner.

II. PURPOSE

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

III. DEFINITIONS

- A. Disability: a physical or mental impairment that substantially limits one or more of the major life activities.
- B. Reasonable accommodation: the modification of existing facilities to render them more accessible to and usable by people with disabilities. Also refers to restructuring the job or modifying work schedules to assist assignment of disabled employee.

IV. QUALIFICATIONS

Per [Code of Virginia § 15.2-1705](#), the minimum qualifications must be met before all applicants for the position of police officer can be hired. These qualifications include:

1. Be a United States citizen.



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2. Be at least 21 years of age.
3. Have a high school diploma or equivalent.
4. Possess or be able to obtain a Virginia Driver's License.
5. Pass a fingerprint based Criminal History Check.
6. Have no convictions of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth.
7. Have no convictions of or pled guilty or no contest to any crimes of moral turpitude, including but not limited to: petit larceny or any offense involving moral turpitude that would be considered a misdemeanor if committed in the Commonwealth.
8. Have no convictions of or pled guilty or no contest to any misdemeanor sex offense in the Commonwealth, another state, or the United States.
9. Have no convictions of or pled guilty or no contest to any domestic violence.
10. Pass a comprehensive background investigation to include:
 - a. School records check,
 - b. Credit history check,
 - c. Employment history, employment reference check,
 - d. Neighbor references/canvas, and
11. Personal reference check.
12. Be administered a drug screen test and pass with negative results.
13. Pass a Polygraph examination, administered by a certified Polygraph Examiner. Must have signed a Conditional Offer of Employment (Attachment A).
14. Pass a Psychological examination, given by a board-certified psychologist.
15. Pass a physical examination given by a doctor selected by the Town.
16. Pass a final oral interview.
17. Any other standards set forth by law (in accordance with the *Code of Virginia*) or by policy of the Criminal Justice Services Board.



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18. All of the above qualifications are at the discretion of the Chief and in accordance with the DCJS.

V. PROCEDURES:

A. The applicant must perform the following:

1. Complete a written application (Attachment B) and submit the application to the Human Resources Director.
2. Arrange with the Chief of Police or designated representative to appear for an interview.

B. The Senior Administrator Assistant shall:

1. Obtain the applicant's driving record from Department of Motor Vehicles.
2. Have applicant sign appropriate release forms (Attachment C and D).
3. If applicant has recently lived outside Amherst County, request records checks through agencies in applicant's previous communities.
4. Obtain references from applicant's current and past employers.
5. Obtain NCIC/VCIN records check.
6. Conduct a fingerprint based Criminal History Check.
7. Send the applicant their final notification, either acceptance or denial.

C. The investigator assigned shall:

1. Conduct a comprehensive background investigation inclusive of items listed under section IV. Qualifications item number nine (9) of this General Order.
2. Provide a completed background investigation file to the Chief of Police.

D. The Human Resources Director or their designee shall administer the written examination.

E. The Chief of Police shall:

1. Interview all applicants and determine if the applicant is suitable to continue in the selection process and provide a Personal History Questionnaire.
2. Ensure that the applicant fully understands the selection process and the conditions and procedures for re-application.



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3. Schedule all applicants for a written exam and a physical agility test, generally to be scheduled for the same day.
 4. Make a *Conditional Offer of Employment*.
 5. Schedule polygraph investigation, applicant must have signed the *Conditional Offer of Employment* at the polygraph.
 6. Schedule a psychological examination.
 7. Schedule a medical examination
 8. Further, no conditional offer will be considered final until after a satisfactory medical evaluation and completion of the background investigation.
 9. Review the comprehensive background investigation.
 10. Ensure that the appointee understands job benefits, health plans, and administrative matters concerning overtime and off-duty employment plus conditions of employment, pension, disability, and contractual obligations.
 11. All employment testing, examinations, interviews, and investigations used in the selection process will be performed by trained personnel.
 12. Prepare a recommendation to be sent to the Town Manager.
- F. Re-application: Unsuccessful applicants may re-apply after ninety (90) days from the date of last application if a vacancy exists.
- G. Lateral entry: A certified police officer from another Commonwealth of Virginia agency or out-of-state agency must meet the criteria set forth above, with the exception of the written examination. If accepted for employment, the officer may not be assigned to attend an entire basic academy, subject to the status of the officer's certification and training.
- H. All applicants will receive written notification of the disposition of their job applications.

VI. VALIDATION OF SELECTION PROCEDURES

The Department's hiring procedures meet standard tests of validity. The Department must be able to validate any selection criteria by showing proof that the process will either predict job performance or detect aspects of candidates' work behavior as related to the position of police officer. The Chief, in consultation with the Town Manager, shall review selection procedures for their validity and utility. Departmental hiring procedures meet the following tests of validity:



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- A. Validity related to criteria: the selection procedure correlates written test scores with pre-determined criteria. A high correlation of the two demonstrates that the test scores predict job performance.
- B. Validity related to construct: the selection procedure measures the degree to which the candidate has certain required traits or characteristics important to police work.
- C. Validity related to content: showing that it represents actual job behavior validates the selection process.
- D. Utility: The Department's selection process also demonstrates utility which refers to the practical value of a component of the selection process based on validity, selection ratio, number of candidates to be selected, and the nature of the job.
- E. Adverse impact: adverse impact refers to a selection procedure that works to the disadvantage of a racial or ethnic group, or of a sex.
 - a. The Department shall reduce adverse impact as much as possible in its hiring procedures.
 - b. The Department retains records of hiring tests to monitor adverse impact.

VII. PROBATION

- A. All newly hired officers shall be considered on probation for one (1) year from date of employment. The same probationary period applies to officers hired through lateral entry.
- B. The date of employment for officers should not exceed thirty (30) days before the beginning of a basic academy class to which the appointee has been assigned, if the officer begins work before a basic academy.
- C. At the end of the probationary year, the Chief of Police shall approve a performance evaluation.
- D. The work performance of each probationary employee shall be evaluated using valid, non-discriminatory procedures as outlined in the Department's **Performance Evaluation Policy, PER.302**.
- E. Probationary employees who wish to protest their ratings have no grievance rights except to request an interview with the Chief of Police.

VIII. BASIC LAW ENFORCEMENT TRAINING

All newly hired Officers with arrest powers shall be required to complete their basic law enforcement certification (in accordance with the *Code of Virginia*, 15.2-1706) and also to



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complete the approved Field Training Program before being certified to patrol alone. The Department of Criminal Justice Services (DCJS) governs the basic law enforcement certification.

IX. RECORDS:

- A. The Town Manager maintains for each employee a personal record that includes all forms completed during the hiring process, all evaluations, complaints, commendations, and assignments.
- B. The Chief of Police maintains and controls all personnel records.
- C. Employees may review their records at any reasonable time upon request to Human Resources.
- D. All personnel records are considered sensitive information available for review to supervisory or investigative personnel who have a need, as determined by the Chief of Police.
- E. Personnel records are the permanent property of the Town.
- F. The Chief of Police will maintain and control all hiring documentation and test results in a secure location for a minimum of three (3) years.

Attachments

- Attachment A – Conditional Offer of Probationary Employment
- Attachment B – Application for Employment
- Attachment C – Authorization for Release of Personal Information
- Attachment D – Consumer Credit Release Information



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.110	Oath of Office	Revised Date:
<u>Original Signature on file maintained in APD Records</u> <u>Division</u>  , Chief of Police		VLEPSC Standards: ADM.01.01, ADM.01.02

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I. POLICY

It is the policy of the Amherst Police Department that all personnel shall be required to take the oath of office before assuming sworn status.

II. PURPOSE

To satisfy the requirements that all personnel prior to assuming sworn status must take an oath of office to enforce the Constitution of the United States, the Constitution of the Commonwealth of Virginia and the ordinances of the Town of Amherst.

III. PROCEDURE

- A. As a part of the appointment procedure, the Chief of Police or designee will contact the Mayor of Amherst to have newly appointed personnel sworn.
- B. The Chief of Police or designee shall be present at all swearing-in ceremonies by the Mayor.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.111	Training	Revised Date: May 2, 2022
<p><i>Original Signature on file maintained in APD Records Division</i></p> <p><i>Robert A. Shifflett II</i>, Chief of Police</p>		<p>VLEPSC Standards: PER.03.03, PER.05.03, PER.09.02, TRN.01.01, TRN.01.02, TRN.02.01, TRN.02.02, TRN.02.03, TRN.03.01, TRN.03.02, TRN.04.01</p>

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

I. POLICY

The Amherst Police Department encourages employees to seek opportunities to develop their knowledge, skills, and abilities. Although all officers must attend a basic academy and periodic in-service training, the department nevertheless tries to arrange participation in specialized or advanced training. Further, the department requires a fair and equitable selection process. Training has often been cited as one of the most important responsibilities in any law enforcement agency. Training serves three broad purposes. First, well-trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations. Second, training results in greater productivity and effectiveness. Third, it fosters cooperation and unity of purpose. Furthermore, agencies are now being held legally accountable for the actions of their personnel and for failing to provide initial or remedial training. The department recognizes the importance of training and is committed to providing the best training available to all personnel. Promotions are based on performance, longevity, and the growth of skills through training and experience.

II. PURPOSE

The purpose of this order is to establish guidelines for career development to include training and promotions.

III. PROCEDURES

A. Responsibilities of the Chief of Police

1. The Chief of Police or his designee shall ensure that the Department maintains or has access to a certified firearms instructor. The Chief of Police shall also ensure that at least one employee receives training in ECD (Taser) Instruction.
2. Annually, the Chief of Police will meet with each employee for career counseling. This counseling shall occur at the same time as the employee’s annual performance evaluation. The counseling shall include an examination of:



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- a. The employee's performance record;
 - b. A review of training programs applicable to the employee's duties;
 - c. Development of an advanced training curriculum based on the needs of the Department and employee.
3. All officers shall maintain current American Heart or Red Cross First Aid/Cardiopulmonary Resuscitation Certifications.
 - a. Officers will receive initial training of AED (Automated External Defibrillators).
 - b. Refresher training will be completed every (2) years.
 - c. AED machines will be tested quarterly and pads checked for expirations date.
 4. The Chief of Police will train, or at minimum, provide information on newly enacted laws and revisions to laws relating to the agency's responsibilities.

B. Transfers

1. The Chief of Police may assign or transfer any employee to a duty assignment that is deemed to be in the best interest of the Department. The Chief of Police will provide skill development to all personnel upon functional reassignment, if necessary, as soon as practical.
2. Employees who request a transfer shall write a memorandum to the Chief of Police to that effect.
3. Occasionally, some job assignments require minimum assignment periods so that the Department may sufficiently benefit from investments in specialized training or education. Minimum periods of assignment shall be determined by the Chief and specified in a departmental order. The Chief of Police reserves the right to establish minimum and maximum terms of service for selected duty assignments he/she deems to be in the best interest of the Department.

IV. TRAINING

A. Attendance

Members of the Department are expected to attend any assigned training programs. Attendance will be documented either by the instructor or in cases where the training is conducted at another facility, those responsible for the training. There are cases where attendance at a training program may be excused, i.e., sickness, court appearance, etc. Any absence must be properly excused by the administrators of the program attended and must comply with directives under which the training program is operated. The time lost must be made up before any certificate of completion may be issued. Certificates of completion will be issued to those students who successfully complete any training program. A copy of such Certificate will be placed in the employee's personnel file.



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B. Training and Related Travel Expenses

1. Expenses:

With the exception of paper and pencils or pens, all expenses incurred by department personnel as a result of required training will be reimbursed based on these guidelines:

Food – Follow Town guidelines, common sense requested. (Receipts required)

Lodging - Receipts required (No set amount, common sense requested)

Try to get state employee rates where accepted.

Transportation - A vehicle will be provided; mileage will be reimbursed if personal vehicles must be used.

Other - Require receipts

If the employee fails to turn in receipts, he/she shall be responsible for all undocumented expenses.

2. Department vehicles are available for transportation to and from training. Scheduling of vehicles shall be the responsibility of the officer attending the training and should be coordinated with a Supervisor. If for some reason a department vehicle is not available, mileage will be paid (at the current rate allowed by the Town), if the trainee travels in his/her personal vehicle. If the officer elects to drive their own personal vehicle and a department vehicle is available, mileage will not be paid.
3. When traveling in a department vehicle, family members, guests, friends, etc., are not allowed to travel with you unless prior authorization is obtained from the Chief. If the officer elects to take any of the above listed personnel with them, they must provide their own transportation.
4. Under no circumstances shall alcoholic beverages be purchased with Town funds or while in a Department vehicle, transported in Department vehicles (unless they are evidence or contraband), or consumed while in Department vehicles.

C. Performance-Based Training

The Department of Criminal Justice Services requires performance-based basic training. This method of training requires the development of performance objectives. The use of performance objectives acquaints the training participants with the information they are required to know, the skills that must be demonstrated, and the circumstances under which the skills will be used. This approach also enables the instructors to relate training directly to the job performance that will be expected by supervisors. An employee who develops



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an outline for instruction of a topic must develop objectives which:

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

D. Lesson Plans

1. Lesson plans are required for all training programs conducted by the Department. It is the responsibility of the individual instructor, whether resident or non-resident, to provide the Chief of Police with a copy of the lesson plan for approval before each training session.
2. The lesson plan should include a statement of the performance objectives, the content of the program, specification of the appropriate instructional techniques, the appropriate references, relationships to the job tasks, responsibilities of the participants for the material taught, and plans for evaluation of the participants. The instructional techniques that might be used include:
 - a. Conferences (debate, discussion, panels and seminars);
 - b. Field experiences;
 - c. Presentations that may include lectures, discussion, demonstrations, etc.);
 - d. Simulations (case study, role-play, etc.)

E. Recruit Training (No Experience)

Newly sworn officers must acquire firearms certification before beginning patrol activities. They then must attend and successfully complete the Central Virginia Criminal Justice Academy, or any other state certified training Academy within one year of hire date. The recruit training shall include:

1. Curriculum based on tasks of the most frequent assignments of officers who complete recruits training; using DCJS Protocols.
2. Compliance with the state training mandates for police officers;
3. All applicable legal requirements relevant to the performance of duties (records, reports, etc.)

F. Field Training Program

New Recruits:

After hiring, recruits must successfully complete an academy's Basic Law Enforcement curriculum, they must also successfully complete the Department's Field Training



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Program. The Field Training Program shall be administered as follows:

1. The Field Training Program shall consist of successful completion of all required training objectives under the direct supervision of the recruits' Field Training Officer. All FTOs shall attend a Field Training Officers course of training and, when due, attend relevant In-Service Training as required. FTO personnel must realize that they are an extension of the academy and may also serve as a liaison with the academy staff.
2. All recruits will complete at minimum the requirements of DCJS form B-13 and the Field Training Report which can be acquired from any FTO. (Refer to **PER.301, FTO**)
3. Each recruit will complete a check-off sheet showing the date that each General Order and Rule/Regulation of Departmental Policy Manual was read.
4. Recruits will rotate field assignments.
5. **The FTO will make sure ALL training is complete and submit all necessary paperwork to DCJS. The Chief must sign off.**

G. Certified Officers Hired by the Department

1. Certified officers newly employed by the Department shall also complete a modified Field Training Program. The modified program includes the following:
2. The modified FTO program shall consist of at least 40 hours of on-the-job training. This training shall be under the direct supervision of the recruits' Field Training Officer (s).
3. Certified officers shall complete only the required portion of the Field Training Report unless other deficiencies are noted by the Field Training Officer(s). If deficiencies are noted, it is the responsibility of the FTO in coordination with the Chief of Police to correct the deficiencies. The FTO shall complete an evaluation of the certified officer upon his/her completion of the Modified Field Training Program.
4. Certified Officers newly appointed as officers of the Department of Police shall complete a check-off sheet showing the date that each General Order and Rule/Regulation of the Department Policy Manual was read.

In this role, the Field Training Officers are supervised by the Chief of Police or designee. Field Training Officers are responsible for the evaluation of new officers as well as reporting and documenting each officer's progress in the Field Training Program. DCJS form B-13 shall be completed in its entirety before an officer is released from field training.

H. Remedial Training



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1. Remedial training is designed to successfully resolve a specific and particular problem or to improve performance in a particular area, within a designated time, and with clearly defined, expected results.
2. Remedial training may be assigned as a result of discipline, counseling, or unacceptable performance.

I. Specialized In-Service Training

Some specific duties may require specialized training before officers can develop and/or enhance the skills, knowledge, and abilities particular to the specialization. Some of the areas requiring specialized training and in-service training include, but are not limited to, the following:

1. Hostage negotiations;
2. Traffic Crash Reconstruction Team;
3. Firearms instructor;
4. Defensive tactics instructor;
5. Narcotics investigations;
6. Management;
7. Administration;
8. Supervision;
9. Personnel policies; and
10. Support Services.
11. Supervised on-the-job training, if any, falls under the responsibility of the Chief of Police's designee.

J. Training Records

1. The Chief of Police shall maintain, in each individual personnel file, a training record which includes:
 - a. Date of training;
 - b. Type of training and number of hours attended;
 - c. Any certificate awarded;
 - d. Attendance record;
 - e. Score (if applicable);
 - f. The identification of the training facility or agency presenting the course;
 - g. The names of all agency personnel receiving the training.
2. The Chief of Police shall maintain files on all in-house training courses or presentations, including:
 - a. Course content (lesson plans);
 - b. Personnel in attendance;
 - c. Performance of individual attending.



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K. In-Service Training

All sworn and civilian personnel of the Police Department will attend in-service school as may be required by law. In addition, members of the Department of Police will be required to attend firearms training and qualification, training at least on a yearly basis but preferable, dependent on available funds, twice a year.

The Training Officers will be responsible to schedule such training sessions, as well as other training as may be determined to be of benefit to the Department and the employee. The Training Officer for the Department is the Major or designee.

Sworn officers assigned to special duties (i.e. Hostage Negotiators, RADAR instructor, ERT team members, and general instructors, firearms instructors, defensive tactics instructors, narcotics enforcement etc.) must continually and regularly attend training and readiness exercises in the field of their expertise. Readiness exercises in the particular field of expertise are encouraged although not mandated on any particular schedule.

L. Civilian Personnel

All newly-appointed civilian personnel will receive the following minimum training from the Chief of Police or his designee:

1. Orientation to the Department's role, purpose, goals, policies, and procedures;
2. Working conditions, rules, and regulations;
3. Responsibilities and rights of employees;
4. On-the-job training in the job to be performed.
5. Civilian employee training may include pre-service and in-service to the discretion of the Chief of Police.

Civilian personnel shall be sent to additional training as necessary. The training coordinator for the civilian employees is the Chief of Police. The civilian employee is the Administrative Assistant/Accreditation Manager.

M. Advanced Education

Employees are encouraged to seek academic achievement beyond that required for initial employment. In addition to personal satisfaction and increased knowledge, advanced education may serve to further career goals and aid in the promotional process

N. Conditions of Employment



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1. Must be a United States citizen;
2. Undergo a background investigation including a finger-print based criminal history records inquiry to the CCRE and the FBI;
3. Possess a high school education or have passed the GED exam;
4. Possess a valid driver's license if required by the duties of office to operate a motor vehicle;
5. Undergo a physical examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed physician;
6. Must be at least 21 years of age;
7. Not have been convicted of or plead guilty or no contest to a felony or any offense that would be a felony if committed in Virginia;
8. Not have produced a positive result on a pre-employment drug screening, if such screening is required by the hiring law-enforcement agency, where the positive result cannot be explained to the law enforcement agency administrator's satisfaction.
9. All criminal justice officers must complete the applicable compulsory minimum entry-level training standards within 12 months of the date of being sworn, unless otherwise provided by an extension;
10. Entry level training must be completed at a certified academy including any exemption or partial exemption requirements of the compulsory minimum training standards process.
11. Entry level training for law enforcement officers and dispatchers requires the completion of minimum hours of field training and on-the-job training respectively, including the submission of the appropriate reporting form.

V. Furthering Education

It is the policy of the Amherst Police Department to encourage further training and higher education to develop members of this department. The Town will assist in paying for this training and education. Refer to the Town Manual's Personnel Policy, VIII. Employee Development.



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- A. Bias-Based Policing – The detention, interdiction, searching or attempting to search, use of force, or other disparate treatment of any person on the basis of race, sex, age, ethnicity, sexual orientation, disability, religion, or other cultural beliefs.
- B. Probable Cause – Facts and circumstances to lead a responsible person to believe that an offense has been or is being committed and that the suspect committed it.
- C. Reasonable Suspicion – Also known as articulable suspicion. Suspicion that is more than a mere hunch but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or information received from reliable sources.

IV. PROCEDURE

A. Responsibilities of the Sworn Employee

- 1. The sworn employee shall be familiar with and observe all precepts of constitutional law and subsequent amendments as detailed in:
 - a. The Constitution of the United States; and,
 - b. The Constitution of the Commonwealth of Virginia.
- 2. The Law Enforcement Officer’s Code of Ethics as a professional corner stone is binding upon every sworn employee.
- 3. With regard to the stopping of vehicles or other police/citizen encounters, the use of race, gender, or socioeconomic characteristics shall not be a factor of consideration in effecting a traffic stop or detaining a person.

B. Responsibilities of the Supervisor

- 1. Supervisors shall periodically monitor the interactions between employees under their supervision and the public. This shall be accomplished by:
 - a. Frequent reviews of in-car video from field units;
 - b. Observation of officer interaction with civilians.
- 2. If inappropriate, unprofessional activity or technique is observed, it shall be the responsibility of the Chief or designee to:



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- a. Address the situation with the sworn employee(s) involved;
 - b. Provide remedial counseling to the sworn employee(s) whose actions are in question;
 - c. Refer the sworn employee(s) for additional training, if deemed appropriate;
 - d. Prepare written memorandum concerning the details of the incident and forward to the Chief of Police as soon as practicable.
3. A complaint of bias-based policing shall require the initiation of an internal affairs inquiry and be thoroughly investigated. (Refer to **Internal Affairs, OPR.245**)

C. Training

1. The Chief of Police or designee shall be responsible to provide periodic reminder and/or instruction concerning the imperatives of professional conduct.
2. As training becomes available, sworn personnel will be assigned to participate in on-going programs concerning the following topics:
 - a. Cultural diversity
 - b. Bias-based policing
 - c. Courtesy and interpersonal communication skills



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learning of issues and responding to them before they become problems, and developing programs to increase community understanding and confidence in current and proposed departmental activities and programs.

2. The department's task is governed by law and policies formulated to guide enforcement of the law and must include consideration of the public will. Responsiveness must be evinced at all levels of the office by a willingness to listen and genuine concern for the problems. The total needs of the community must become an integral part of the programs designed to carry out the mission of the police department.
3. Each employee must be aware of the law enforcement needs of the community and of his assigned area of responsibility. Guided by policy, an officer must tailor his performance to attain the objectives of the police department and to the resolve crime problems in the area he serves. The office shall provide programs to encourage productive dialogue with the public and to ensure that the unity of the police and people is preserved.

B. Community Relations Activities

1. All contacts, official and unofficial, between a department employee and citizens in any grouping in our community constitute a vital part of the police department's community relations program. Ideally, all such contacts would contribute to the development of positive images toward the police department and its employees and activities. The Amherst Police Department will address citizen concerns on a continuous basis.
2. A wide variety of planned community relations activities are undertaken by the police department as a means of increasing public support, dialogue, understanding, and the development of the office's overall community relations policies. Activities include, but are not limited to:
 - a. Formal participation in and liaison with civic, social, business, or other public and community groups.
 - b. Presentation of programs to community groups and organizations addressing crime prevention, as above, or other selected aspects of the departmental programs, objectives, activities, development, successes, and problems.
 - c. During such events a citizen survey may be given. A sample survey is located in the Attachments section and covers at a minimum:
 - 1) Overall agency performance



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- 2) Overall competency of agency employees
 - 3) Officers' attitudes and behavior toward citizens
 - 4) Concern over safety and security within the agency service area as a whole
 - 5) Recommendations and suggestions for improvements
- d. Pre-planned media releases in support of police department programs.
- e. Soliciting and gathering at every opportunity citizen/community input referencing police department policies, practices, and procedures and then utilizing this information in developing and improving department policies, procedures, and responsiveness to community needs.
- f. Determining citizen satisfaction with police service based upon feedback received in group activities, review of inquiries and complaints made, and through the conduct of follow-up surveys and interviews, individually or with groups. Some form of survey will be conducted on an annual basis. Surveys may be conducted in person, by mail, or telephone and may be combined with other law enforcement related matters. Survey of citizen attitudes and opinions should be conducted with respect to overall office performance, overall employee competence, officer's attitude and behavior, overall safety and security concerns, specific owners' safety and security concerns, and recommendations and suggestions for improvement.
3. Community input concerning police department policies, procedures, practices, programs, and training, as well as recommendations and suggestions, will all be considered in the development of future departmental policies and training.

C. Problems, Tension, Complaints

1. The Amherst Police Department is committed to correcting actions, practices, and attitudes that may contribute to community problems, tensions, or grievances. By recognizing such problems at an early stage, preventive action can be taken by the office that might well ward off greater problems in the future.
2. All employees who receive or hear concerns expressed regarding police activities, services, or individuals are encouraged to pass this information to the Chief of Police or designee. A periodic report will be written by the Chief concerning the following:
 - a. Description of current concerns voiced
 - b. Description of potential problems that have a bearing on law enforcement activities within the town



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- c. Recommended actions that address previously identified concerns and problems
The Amherst Police Department is committed to correcting actions, practices, and attitudes
3. The Chief of Police will maintain a secure confidential file of all complaints handled by the police department.
4. Appeals may be filed with Town Hall.

D. Evaluation

Since police department responsiveness to community needs and concerns must be flexible, evaluation of community relations programs must occur on a semi-annual basis. Evaluation by the Chief or a designee will consider citizen surveys, complaints, requests, and inquiries. Emphasis and/or activities will be modified, expanded, or reduced as needed based on this semi-annual evaluation.

E. Goal of Community Relations

In seeking to maximize the quality and level of services provided to the community, the Amherst Police Department has established the following objectives:

1. To support the development of new programs and the perpetuation of existing programs, establishing close ties with and responding to the needs of the community.
2. To correct actions, practices, and attitudes that may contribute to community tensions and grievances.
3. To maximize professional law enforcement behavior by having the lowest possible number of instances of police misconduct and incompetence such as discourtesy, verbal abuse, harassment, excessive use of force, violations of police department rules and regulations, and negligent use of police department equipment.
4. To maximize public esteem, approval, and respect for the police department by maintaining the highest possible number of instances of citizen approval, satisfaction, and commendation.

F. Crime Prevention

Crime prevention and community relations are a fundamental responsibility of every departmental employee. Effective crime prevention requires a comprehensive crime prevention program being presented to a concerned, informed, and supportive citizenry. Our program is to inform and educate and to assist citizens in becoming more crime



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prevention/crime reduction oriented. To this end, we must target all local media, community groups and organizations, neighborhoods, and all businesses and households in the town.

1. Crime prevention is a primary function of this department and aims to create in the minds of Amherst residents and business persons an awareness of the roles they can individually and collectively play in the reduction and/or prevention of crime. The department will then encourage individuals, groups, schools, neighborhoods, or community following programs and activities to reduce/prevent crime.
2. On request, the Chief of Police and other assigned personnel will provide crime prevention recommendations and input to other town departments, boards and commissions, and interested community groups.
3. Crime Prevention Program Priorities
 - a. A significant portion of crime involves unsecured property, inadequately identified property, and inadequate provisions for security. It further appears that local residents commit the great bulk of property crime and that almost all of the minor crime occurring in businesses and residential areas involves local residents. Accordingly, departmental crime prevention programs while only one part of a comprehensive law enforcement effort will target on prevention of property crime.
 - b. Shift supervisors and patrol officers assigned to areas will be responsible for providing needed or requested crime prevention services or for coordinating with other department personnel to see that the services are provided.

G. Educational Programs

1. A variety of crime prevention and community relations educational programs are available to the public upon request and upon availability and staffing. These programs will be designed and put on by the police department during various times of the year (i.e., Cops & Kids, etc.). Included are programs on specific crime prevention problems such as personal security, home security, burglary prevention, robbery, checks, shoplifting, etc. Programs can be conducted at the department or anywhere in the community for all age groups and interests. Programs can include audio and visual materials, handouts, and demonstrations.
2. Requests for educational programs should be directed to the Chief of Police who will coordinate the details and assign responsibility for the activity.



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Amherst Police Department – GENERAL ORDER		Effective Date: July 13, 2020
ADM.114	Ride Along Program	Revised Date: September 25, 2020
<p><i>Original Signature on file maintained in APD Records</i> <i>Division</i></p> <p><i>Robert A. Shiflett II</i>, Chief of Police</p>		VLEPSC Standards: ADM.20.01, ADM.20.02

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I. POLICY

It is the policy of the Amherst Police Department to allow citizens to voluntarily accompany officers during a tour of duty to observe law enforcement activities and better understand the challenges of policing, as long as staffing and operational conditions allow.

II. PURPOSE

The Ride Along Program is designed to allow citizens to observe the department’s function and operations in order to facilitate community policing goals including a commitment to work with the community to solve neighborhood problems and to operate an open, accessible, and accountable agency. The safety of law enforcement personnel and ride along participants shall be the primary concern.

III. PROCEDURES

A. Ride Along Request

1. Ride Along Application forms may be picked up at the Amherst Police Department or Amherst Town Hall, or a PDF version may be emailed.
 - a. The applicant must read, fill out and sign the forms, retain the briefing letter, and turn the application and liability waiver in to any department employee who will then give it to the administrative assistant at least three (3) working days before the desired date of ride along.
 - b. The employee will review the forms ensuring they are complete and include a good contact number and that the briefing letter is understood and retained by the applicant.



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- c. The ride along applicant will then have a criminal and IBR history check done and the results will be printed off and attached to the forms.
 - d. The forms will be forwarded to the Chief of Police who will, in turn, review and sign as approved or denied and forward to the affected shift.
 - e. The Chief or designee will call and arrange the ride along. Said Chief or designee will generally assign one ride along per shift but may schedule more at his or her discretion.
2. In the case of spouses, employees, or interns, the Chief or designee may approve a ride along on the shift they are assigned.
 3. Applicants with felony convictions, serious misdemeanors, or crimes involving moral turpitude shall not be approved to participate in this program.
 4. The Administrative Assistant shall ensure the application forms are maintained for a period of one (1) year.

B. Limitations

1. A person shall not ride unless approval has been granted and the Chief of Police and designee has the properly completed waiver.
2. A ride along will be for a specified period of time not to exceed 5 hours unless approved by the Chief or the officer assigned.
3. Spouses, employees, and interns may participate in the Ride Along Program with the Chief's approval and the waiver on file. Family members must be 18 years of age. Department interns must be 16 years of age or older.
4. No more than one ride along shall accompany an officer at a time unless prior approval is granted by the Chief.
5. Individuals must be 18 years of age or older to ride along.
6. No person shall be allowed to observe law enforcement activities relating to raids or ride with a plain-clothes officer without specific, advance approval of the Chief.
7. Police officers on probationary status shall not be assigned a ride along.
8. No ride along will be approved for a holiday unless requested or previously approved by the affected officer.



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9. Ride Along Program participants shall only be allowed to participate once every thirty (30) days except as approved by the Chief. Amherst Police Department interns, civilian employees, spouses, and town employees are exempt from this limitation; however, a signed ride along waiver must be on file within the past (one) year.

C. Beginning Tour

1. Ride Along participants will be assigned a date and time and must meet their host officer at the Amherst Police Department lobby to begin their tour.
2. If no specified officer is requested by name, the Chief of Police or designee shall appoint the host officer.
3. The observer should be appropriately dressed in business attire or acceptable casual wear; if not, the Chief or designee may cancel the ride along approval.
4. The host officer shall instruct the observer on the following:
 - a. The observer must follow the officer's directions at all times.
 - b. The observer's appearance in court as a witness may be necessary.
 - c. The observer may end the ride along whenever he or she wishes.
 - d. The officer may end the ride along if safety considerations dictate.
 - e. The observer must wear a seat belt when riding in a departmental vehicle.
 - f. The observer shall identify themselves, if asked, as an authorized citizen observer or ride along.
 - g. The observer is not permitted to carry any flashlight, radio, camera, tape recorder, other recording device, or binoculars unless authorized by the Chief.
 - h. The observer shall not carry weapons or restraining devices of any kind. Exceptions may be granted to sworn law enforcement personnel.
 - i. The observers shall not smoke or use smokeless tobacco during the ride along.
 - j. The observers shall not be permitted to work any electronics, radar, lidar, or any equipment which requires certification to operate or is attached to a patrol vehicle.



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D. Observer Conduct

1. Observers shall at all times remain under the complete control of the assigned officer and shall comply with all directions and requests.
2. Observers shall not interfere with investigations in any way by conversing with victims, suspects, or witnesses, handling evidence or equipment, or participating in any enforcement activity unless directed to do so by the host officer per *Virginia Code § 18.2-463* (which prohibits a person from refusing to aid an officer in the execution of his office).

E. Arrests, Transporting, Booking

1. If the host officer feels that it would be reasonably safe to do so, the observer may accompany the officer while transporting or booking prisoners. If the officer believes a problem may arise, the observer should be temporarily transferred to another officer or returned to the police department.
2. Observers shall never be permitted to remain with prisoners in the absence of officers.

F. Ending Tour

Upon completion of the ride along, the host officer will return the participant to the department and thank them for their interest.

G. Prohibited Activities

An officer who has any passenger in their vehicle, other than a sworn employee of the department or other law enforcement officer will consider the safety of the passenger(s) before engaging in or continuing a pursuit. If possible, the passenger(s) should be safely and responsibly removed from the police vehicle in an area which is not an inherent threat to their safety.

Attached:

- Ride Along Program Guidelines
- Briefing Letter
- Release and Waiver



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Board to update their knowledge of town and statistical information and assist in on-going criminal investigations. Crime data searches are available as follows:

1. Frequency of incident by type of crime
2. Date, time, and location of selected crimes
3. Date and time of crime
4. Victim descriptions
5. Suspect descriptions
6. Suspect vehicle descriptions
7. Modus operandi information
8. Physical evidence information
9. Field contacts

Members of the Department may analyze any database they have legal access to. When necessary, the member may directly request assistance from or by the Administrative Assistant for data that may be used to further their investigative or other work-related needs.

B. Request for Use of Department Data by the public or media

Any public concern or media need for data analysis or statistical data shall be directed to the Chief of Police as any other FOI request.

C. Agency Request for Department Statistical Data

1. All requests for Department generated statistical reports from departments shall be directly forwarded to the Administrative Assistant.
2. The Chief of Police shall review the above-generated reports prior to release.

D. Available Sources of Crime Analysis Unit Data

The Administrative Assistant may use any lawfully obtained data, from internal and external sources in the preparation of a report. Data Sources include, but are not limited to:

1. Police Record Management Systems,
2. Calls for Service,
3. Internal Databases maintained by special units,
4. Databases maintained by other local, state or federal government agencies,
5. Census Reports.

E. Requests for reports to meet Department needs

The Administrative Assistant has the ability to design specialized reports to meet Department administrative or investigative needs.

F. Intra-Department Distribution of Crime Statistics



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1. The Administrative Assistant shall routinely make available crime statistical information to all members of the Department, e.g. Incident Based Crime Reports, Hot Sheets, Department Intranet, etc.
 2. The on-going and routinely published statistical reports may be distributed as hard copies or by the Department's computerized information system.
 3. The Administrative Assistant will submit a monthly report to the local newspaper in order to make the department's arrest statistics available to the public. The agency's activity statistics are available on a monthly basis on the town's website.
- G. The Administrative Assistant shall maintain a list of data sources used in its analysis. Before using any new data source, the Chief of Police shall review the source to see how it is to be accessed.
1. The Administrative Assistant will maintain a record of reports generated. The record will include the person requesting the report, description of the requested information, and to whom the information was disseminated.
 2. All reports intended for use by law enforcement personnel will be clearly and prominently marked as such.
 3. The Administrative Assistant will maintain a retrievable copy of all generated reports for a one-year period.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.116	Planning and Research	Revised Date:
<p><i>Original Signature on file maintained in APD Records</i> <i>Division</i></p> <p><i>Robert A. J. Heflett II</i>, Chief of Police</p>		VLEPSC Standards: ADM.10.01

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I. POLICY

The Amherst Police Department performs a variety of planning functions including requests for service, departmental planning and budgeting, liaison with other criminal justice planning activities, and develops operational procedures and policy guidelines. Departmental staff officers under the direction of the Chief of Police perform these functions and related activities.

II. PURPOSE

The purpose of this order is to explain how departmental planning and research functions are performed, to assign responsibilities, and to clarify relationships.

III. PROCEDURE

A. General

1. Planning and research activities are essential to effective management of the Amherst Police Department. Complex demands for law enforcement services and town resources require that this department carefully research operational alternatives and plan future programs.
2. Planning and research functions are performed under the direct supervision of the Chief of Police and include, but are not limited to, the following types of activities:
 - a. Multi-year planning is a function of the Chief of Police, whose duties include long-range (five-year) planning of needs for the department. This includes, but is not limited to, budget, equipment, and manpower needs, based on forecast change of population, service area, etc.
 - b. Operations planning is a function shared by the Chief of Police, Major, and Investigator. In addition to operational plans for events and activities, they develop and maintain standard operational procedures, design preventive patrol activities,



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and publish policies and procedures known as Orders. These orders are reviewed as needed for the purposes of deletion or revision. The Chief of Police has final review and approval of all standard operational procedure changes.

- c. Budgeting is a responsibility of the Chief of Police, with input developed by the staff.
 - d. Development of manpower allocation alternatives is a function of the Chief of Police.
 - e. System analysis is a function of the Chief of Police, who will periodically review the department's information management systems and attempt to introduce appropriate law enforcement application systems as used in departments of our size elsewhere in the United States.
 - f. All staff within functional areas contributes to contingency planning.
 - g. The Chief of Police and Major and/or Investigator will perform traffic accident and enforcement pattern analysis.
 - h. Grant management will be assigned to the Chief of Police for the purpose of seeking funding for various enforcement/training projects.
- B. The Major shall continually analyze field operational activities to ensure adequate resources and enforcement measures are being applied. These field operational activities are based on data collected from crime reports, including such data as:
1. Time of day
 2. Date of the week
 3. Month
 4. Year
 5. Shift
 6. Reporting area
- C. The Chief of Police will ensure the goals and operational objectives for the department are well planned and documented in order to provide for adequate staffing/operational funding for future years. Multi-year considerations will include:
1. Anticipated workload and population trends
 2. Anticipated personnel levels
 3. Anticipated capital improvements and equipment needs.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.117	Records Management	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p> <p> , Chief of Police</p>		<p>VLEPSC Standards: ADM.25.01, ADM.25.02, ADM.25.03, ADM.25.04, ADM.25.05, ADM.25.06, ADM.25.07, ADM.25.08, ADM.25.09, ADM.25.10, ADM.25.11, OPR.12.01, OPR.12.02, OPR.12.04, OPR.12.05</p>

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I. POLICY

It is the policy of the Department that official records be prepared and maintained to document reported police actions, whether originated by a citizen or a Department member. Documents generated by department personnel should contain accurate, clear, and concise information which serves to strengthen the Department's ability to achieve its overall mission.

II. PURPOSE

The Incident Based Reporting system is essential to the effective delivery of law enforcement services. This order outlines the records functions that are necessary for meeting the management, operational, and information needs of the Amherst Police Department.

III. PROCEDURE

A. Functions

1. The Administrative Assistant is responsible for the collection, dissemination, and retention of all information gathered for the Department.
 - a. This responsibility includes ensuring access to all records, including juvenile records, if the person(s) making such request has the proper justification and authorization.
 - b. The *Code of Virginia* ([19.2-389.1](#)) will be strictly adhered to in the collection, dissemination, and retention of Department records pertaining to juveniles. The *Code of Virginia* ([19.2-389.1](#)) regulates:
 - 1) Separation of adult and juvenile arrest identification records, in compliance



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with state code.

- 2) Provisions relating to court-ordered expungement of records,
- 3) Provisions governing disposition of records when juveniles reach adult age per [§ 16.1-309](#), COV,
- 4) Provisions for access to records on a need-to-know basis only, per [§ 16.1-301](#), COV.

Note: Individuals who fail to follow the proper procedures for the request, use, and dissemination of criminal history information will be in violation of the standards of conduct and could be in violation of [§ 9.1-136](#) of the *Code of Virginia* which states that “any person who willfully and intentionally requests, obtains or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information to any agency or person in violation of this article...shall be guilty of a class 2 misdemeanor.” Refer to [§ 19.2-389](#), Dissemination of criminal history record information and [§ 19.2-389.1](#), dissemination of juvenile record information.

2. The functional responsibilities assigned to the Administrative Assistant include report review, report control, records maintenance, records retrieval, dissemination, and the Incident Based Report (IBR).
 - a. Report Review – Report review is delegated to the supervisors. This review is made to ensure the completeness and accuracy of all reports submitted and that all required reports are submitted to the Records Unit.
 - b. The Administrative Assistant will conduct a secondary review of reports to ensure that any attachments to the reports are submitted and the reports are entered into the computer system. The Incident Based Report is generated from computer-stored data and submitted monthly to the Virginia State Police.
 - c. Report Control – The Administrative Assistant will control the availability and confidentiality of all reports and records (physical security of agency files). Exception will be made for reports and transactions of Internal Affairs (IA). The Office of the Chief of Police will maintain IA files.
 - d. Records Maintenance – The Administrative Assistant will maintain all reports and distribute necessary copies to authorized persons/ agencies.
 - e. Report Retrieval – Filing and retrieval of reports will normally be accomplished by the supervisor.
 - f. Incident Number – The incident number is a unique control number assigned to an



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incident through the Amherst County Sheriff's Office Communications Center in order to identify each incident.

- g. Dissemination – Department records will be disseminated to courts, authorized agencies and citizens in accordance with all applicable laws and statutes. The Administrative Assistant is responsible for submitting data generated from completed CCRE forms to:
 - 1) The Virginia Central Criminal Records Exchange
 - 2) Courts
 - h. Incident Based Report – The Administrative Assistant is responsible for submitting the agency's monthly Incident Based Crime Report.
 - i. The Administrative Assistant shall follow the procedures promulgated by the Virginia State Police. The Virginia State Police is responsible for forwarding information from each Department to the National UCR/IBR program.
- 3. The Administrative Assistant and/or the Accreditation Manager shall maintain pre-numbered forms used by the department.
 - 4. All pre-numbered forms will be stored in the APD's front office in the Form Book.
 - 5. This agency maintains an alphabetical master name list in the IBR system and can be searched electronically, once the Chief of Police assigns a username and password.

B. Documentation of Activities

- 1. It will be Department policy to prepare documentation for the following types of incidents, if they were alleged to have occurred in the Town utilizing computerized IBR Incident Reports:
 - a. Citizen reports of crimes, (Computerized Incident Based Report Form)
 - b. Citizen requests or calls for service,
 - c. Incidents resulting in an employee being dispatched or assigned,
 - d. Criminal and noncriminal cases initiated by Department personnel,
 - e. Incidents involving custodial arrests, citations, or criminal summons, and
 - f. Traffic accident data (FR300P form).
- 2. This documentation should be in the form of a completed incident report, citation, or IBR printout.
- 3. All reports and records maintained to document police activity will contain at a minimum the following information, if available:
 - a. Date and time of the initial reporting,



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- b. The name of either the citizen requesting the service, the victim or the complainant,
 - c. Nature of incident,
 - d. Nature, date and time of action taken, if any, by law enforcement personnel,
 - e. Incident number and/or case number,
 - f. Reporting sectors of the incident.
4. The records management system provides for incidents by:
- g. Type,
 - h. Location, and
 - i. Stolen, found and recovered property file.
5. All traffic accidents will be well written and complete before being turned into the Investigator for review. This review is made to ensure the completeness and accuracy of all reports submitted.
6. Personnel shall advise the supervisor of street hazards or other public works hazards, which require immediate attention. Otherwise, municipal works hazards shall be documented on the officer's activity log. The completed data shall be forwarded to the director of the affected department.
7. Roadway problems will be forwarded to Public Works by the Chief of Police.
8. When an incident is reported to the agency by a citizen of our jurisdiction, but we cannot determine the jurisdiction of the offense, we take notes and put them in field notes; and when jurisdiction is determined, the field notes will be used to create a report or be given to the other agency if jurisdiction is determined to belong to another agency.

C. Report Forms

1. Members of the Department will use the appropriate report forms as indicated by the nature of the incident being reported.
2. It is vital to have well-written and complete reports. The IBR system depends on the work product of the officer in the field.
3. The document numbering system used by the Department consists of a unique control number being placed on each written document. Incident reports are given a unique number given out by the Amherst County Public Safety Communications Center.

D. Recording Arrest Information

Each arrest will be documented on an IBR report or an arrest form and will be assigned an incident number to each person arrested.

1. The criminal history is to be run before they are taken before a magistrate.



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2. The fingerprinting is done and is reported to CCRE in accordance with the Code of VA.
3. A photograph of the arrestee shall be taken.
4. The IBR is then updated in the ID Network and FR.300 Report Beam.

IV. WARRANT SERVICE AND RECORDS

- A. To provide for easy access to warrants on file with the Department, all un-served felony papers are housed at the 9-1-1 Center (County). The un-served misdemeanor papers are housed at the 9-1-1 Center (County). This provides the Department with a record system for criminal warrants which allows for twenty-four (24) hour service.
- B. TYPES: The Amherst Police Department may execute Misdemeanor & Felony Warrants.

TERRITORIAL LIMITS: If the warrant is for someone who lives outside our jurisdiction, it will be forwarded to the Sheriff’s office or to the jurisdiction where the wanted person is located.

TIME REQUIREMENTS: Misdemeanor – If service cannot be made within 15 days then the warrant will be housed in the Warrant box in the front office.

Felony –All felony warrants have to go to the Sheriff’s office to be entered into VCIN within 72 hours. If an officer picks up a felony warrant at the magistrate’s office, attempts need to be made immediately to serve. If it cannot be served immediately, the felony warrant shall be turned into Amherst County Public Safety by the end of the officer’s current tour of duty to be entered into VCIN and housed.

Upon receipt of a warrant the following shall be completed:

The warrant shall be logged into the Criminal Papers or Civil Papers module of the Records Management System (ID Networks). All warrants or summons will be considered Criminal while Protective Orders, Detention Orders, etc. will be considered Civil Papers. Papers will be tracked by their last name/number assigned. In addition, the following information will be entered in the criminal and civil papers:

1. Date and time received;
2. Type of process (civil/criminal);
3. Nature of document;
4. Source of document;
5. Name of plaintiff/complainant and defendant/respondent;
6. Officer assigned for service or serving officer;
7. Date of assignment;
8. Method of service;
9. Date of service and/or return;
10. Location of service or attempted service; and
11. Reason for non-service;



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12. Agency case number when the warrant is obtained by Amherst Department of Police Officers;
13. Entered date and name of the Communications Officer;
14. VCIN/NCIC number when applicable.

If the warrant is a felony, it is then entered in the VCIN/NCIC system by the Amherst County Public Safety following the guidelines set forth in the VCIN policy manual.

C. Warrants from Other Jurisdictions

Incoming warrants from another jurisdiction shall be put into the proper module and will be numbered by the system using the above procedures, and after the warrant is executed, the warrant shall be mailed (original) or faxed (copy of original) back to the originating agency.

D. Warrant/Wanted Person File

Wanted persons are normally entered into VCIN/NCIC by the Amherst County Public Safety Communications Center. Criteria and guidelines as listed in the VCIN and NCIC manuals will be followed when making such entries.

Prior to approving any wanted person entry into the NCIC/VCIN system, officers will consult the Commonwealth's Attorney reference extradition/transporting subject if located. The warrant should be entered into agency files before being given to county dispatch for entry into NCIC. All information must be verified before entry. Cancel the entry if arrested.

E. Supervisory Review/Distribution

Every report submitted by an officer will be reviewed by a supervisor for completeness, accuracy, neatness, and legibility.

1. Reports that are not approved will be returned to the writer for the necessary corrections.
2. Upon approval, indicated by the approving supervisor's signature, the report will be forwarded to the Administrative Assistant.

F. Status of Reports

1. The original of all CAD reports will be retained by Amherst County Communications Center and originals of all IBR reports generated by APD Officers will be retained by the Amherst Police Department.
2. Supervisors are responsible for ensuring proper follow-up by assigned personnel. Supervisors should do these every thirty days.



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3. The originals of all traffic accidents will be forwarded to the Investigator for review and approval. If the total damage exceeds the monetary limits established by the Department of Motor Vehicles (DMV) and/or involves injuries and/or fatalities, the report will be forwarded to the DMV. For cases in which the damage is less than the established limit, a Non-Reportable Accident Form will be filed in a separate folder by the Administrative Assistant.

G. Records Security/Evaluation

1. Unsupervised access to records is limited to departmental employees. Other personnel are permitted access under the direct supervision of the Administrative Assistant or Chief of Police. Past Records are stored and locked in a storage area.
2. Reports may be reviewed inside the department with supervision of sworn personnel.
3. Information contained in written reports stored in the Department will be released outside the Department in accordance with the following guidelines:
 - a. Suspect information will not be released,
 - b. Juvenile information will only be released by the Chief of Police and as authorized by the *Code of Virginia*,
 - c. Report narratives shall not be released unless the request is from:
 - 1) A law enforcement agency,
 - 2) A court who has mandated the release via subpoena Ducus Tecum and the Commonwealth's Attorney's office has agreed to the release.
4. The information included above shall not apply to official investigations being conducted by agents of other law enforcement agencies.
5. Department supervisors will have 24-hour access to records information through one or a combination of the following methods:
 - a. Remote terminal access – Criminal, IBR stored electronically can be reviewed 24 hours a day at terminals placed throughout the building, (although information not downloaded or entered is not available)
 - b. Direct access – personnel have access to warrants, 24 hours a day,
 - c. The agency's criminal Record System must be compatible with the requirements of the Virginia Crime Reporting Program
6. This Department follows the procedure for the dissemination of criminal records information as outlined in the *Code of Virginia* [§ 19.2-389](#) and [§ 19.2-389.1](#).



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Noncriminal records must be requested in writing (normally from insurance companies).

Note: Individuals who fail to follow the proper procedures for the request, use, and dissemination of criminal history information will be in violation of the standards of conduct and could be in violation of [§ 9.1-136](#) of the *Code of Virginia* which states that “any person who willfully and intentionally requests, obtains or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information to any agency or person in violation of this article...shall be guilty of a class 2 misdemeanor.”

H. Records Retention

1. The Department shall maintain written documents in accordance with the continuing authority under the Virginia Public Records Act, Code of Virginia [§ 42.1-76](#). No records are to be retained, transferred, destroyed, or otherwise disposed of in violation of this schedule.
2. The Amherst Police Department shall follow the Virginia Records Retention & Disposition schedule.
3. The Chief of Police is the department's records retention and destruction coordinator.

V. EXPUNGEMENT OF RECORD

- A. Records may be expunged by court order or by an order of the Virginia State Police.
- B. In the event an order is received to expunge an arrest record, all records of the arrest will be placed in an envelope and sealed.
 1. These regulations and procedures are applicable to originals, copies, and manual or automated criminal history information records which are used, collected, stored, and disseminated by the Amherst Police Department.
 2. These records include the department arrest report, CCRE arrest report, fingerprint cards, photos, offense reports, and all other documents which indicate that the arrest took place.
 3. Envelopes will be secured in the Chief of Police's Office.
 4. Each envelope is assigned a unique number.
 5. A log with the name of the records contained in the sealed envelope and the unique assigned number is maintained in a locked drawer in the Administrative Assistance's office.



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6. No one shall, under any circumstances, review or disclose any information from such sealed records without an order from the court that ordered the records to be expunged. Violation of this section (Title 19.2-392.3) is a Class 1 Misdemeanor.
7. Orders to expunge records will be carried out in a timely manner and the Administrative Assistant will acknowledge compliance with the ordering agency.

C. Expungement/Sealing of Juvenile Arrest Records

1. Provisions for the expungement and sealing of juvenile arrest records are explained in detail in *Code of Virginia § 16.1-306*.
2. The Chief of Police or Administrative Assistant will be responsible for adhering to those provisions as mandated.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.118	Fiscal Management	Revised Date:
<p><i>Original Signature on file maintained in APD Records</i> <i>Division</i></p> <p><i>Robert A. J. Heflett II</i>, Chief of Police</p>		<p>VLEPSC Standards: ADM.15.01, ADM.15.02, ADM.15.03, ADM.15.04, ADM.19.03, PER.08.01, PER.08.03, PER.08.04</p>

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I. POLICY

By Town Code, the Town Manager is to “prepare and submit to the council the annual budget, after receiving estimates made by the heads or directors of departments...” Town Code also defines the financial responsibilities of the Treasurer and enumerates a variety of financial reports, procedures, and practices that the Chief of Police, as Chief Executive Officer of the Police Department, must comply with.

II. PURPOSE

The purpose of this order is to explain departmental procedures and practices concerning and to assign certain responsibilities for fiscal management within the Amherst Police Department.

III. DEFINITIONS

Capital assets: Tangible or intangible property, including durable good, equipment, buildings, installations, and land.

IV. PROCEDURES

A. Responsibilities

The Chief of Police has the authority and responsibility for fiscal management and fiscal matters for the Amherst Police Department and must comply with financial requirements established in the Town Code and Town Policy.

1. The Chief of Police will be personally involved in departmental financial management.
2. The Administrative Assistant is responsible for a variety of administrative and budgetary actions of a financial nature.

B. Annual Budget:



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1. Annually, in February and March, the department budget for the next fiscal year is prepared. The Major, Investigator and other selected individuals, such as the department firearms instructor, will actively participate in the development of budget lines and provide documents and instructions as to budget line development and justification.
2. Written recommendations and justification for budget lines, particularly those dealing with requests for additional personnel or major new capital item acquisition will be based on detailed operational and activity analysis which will clearly demonstrate need, operational capability to be enhanced, etc. These recommendations will become part of the Chief's budget backup information or may be submitted as part of the budget for consideration by the Town Council and Town Manager.

C. Accounting:

1. The Administrative Assistant or assigned personnel is responsible for maintaining files reflecting certain departmental financial transactions on a fiscal year basis.
2. Monthly budget printouts received from the Town Treasurer will be given to the Chief of Police.
3. Department printouts will include the following information concerning certain, major budget lines:
 - a. Initial appropriation for each line.
 - b. Expenditures, encumbrances, credits made.
 - c. Unencumbered balances.

D. Position Status Control:

1. All persons on the department payroll must be legally employed and filling positions in accordance with budget authorization.
2. In certain situations, such as a pending retirement or resignation, the Chief of Police may request and be authorized by the Town Manager to hire a new employee against a particular position vacancy before the actual termination of the employee in that position. Sufficient funds must be available to cover the double cost.
3. Part-time employees are paid an established hourly rate. The amount of time that part-time employees can work is controlled by the dollar amounts appropriated in the budget lines and by individual employee limits.



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E. Department Funds:

The Amherst Police Department has no cash funds.

F. Cash as Evidence or Found Property

All cash taken as evidence or turned into the department will be properly accounted for. See Property/Evidence Control Policy.

G. Parking Ticket Funds

1. Violators may deposit parking ticket fines with the Town of Amherst Administrative office. The Town of Amherst Administrative office is responsible for the accounting of parking ticket funds and will ensure these funds are turned into the Town Treasurer.
2. Each officer who issues a parking ticket is responsible for the administration and maintenance of parking ticket enforcement. Each officer will ensure the proper follow-up of all unpaid parking tickets.

H. Fees for Copies of Reports:

The Administrative Assistant or designee may distribute copies of departmental reports, as authorized by law. The Town Administrative offices will collect the money from public purchases. Such funds collected will be turned into the Town Treasurer.

I. Property Disposal:

1. In the case of any property sold under court order, the Chief of Police is responsible to ensure prompt deposit of revenue with the Town Treasurer.
2. In the case of public sale of bicycles or other items of lost, found, or unclaimed non-evidentiary items, the Chief of Police is responsible to ensure prompt deposit of revenue with the Town Treasurer.
3. In the case of sale of property of the Town of Amherst, the Chief of Police will turn over proceeds to the Town Treasurer.

J. Purchasing:

All purchasing of Department supplies and equipment will be in compliance with the Purchasing Procedures of the Town of Amherst and as augmented herein.

1. **PRIOR** to any purchases being made, the requestor must fill out a requisition form, which must be approved by the Chief of Police, who will decide the source of supply, and/or purchase procedure. If purchase of an item in excess of \$1000 is granted, a purchase order will be assigned by the Chief or designee.



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2. EMERGENCY procurement of supplies and or equipment can be made after making the proper request with the Chief of Police or designee. A completed copy of the requisition form must follow this up.
3. RENTAL AGREEMENTS for equipment are rare cases, however if equipment must be purchased via a rental agreement, the Chief of Police will work closely with the Town Manager to obtain the equipment and ensure the terms are satisfactory for the department needs.

K. Inventory Control of Property, Equipment and other Assets

1. The Chief or designee is responsible for compliance with Town of Amherst inventory control procedures and will follow the Town of Amherst guidelines for Capital assets.
2. Maintenance of complete records for all Department property, equipment, and other assets.
3. The firearms instructor is responsible for
 - a. Storage and control of all ammunition retained in the Department.
 - b. Periodic weapons maintenance inspection bi-annually on all shotguns and patrol rifles carried in cars and annually of all issued handguns.
 - c. Reporting of any discrepancies, problems, or needed equipment or parts to the Chief of Police.

L. Supplemental or Emergency Appropriation and Fund Transfers

1. Town procedures exist which provide adjustment mechanisms that the Chief of Police may use. Such requests are made to the Town Manager.
2. When emergency situations arise involving any circumstances that could not have been anticipated by prior fiscal planning, the Chief of Police must request additional funding from the Town Manager, which may, in turn, seek Town council approval and authorization.

M. Contracts

1. A contract is developed for maintenance or service agreements as needs arise or are required.
 - a. The Chief of Police has the authorization to represent the Police department on such considerations.



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- b. The Chief of Police will present the contract before the Town Manager for authorization.
 - c. A record of the contract will be filed within the Town administrative office and a copy will be filed in the Police Department for reference.
2. The selection of vendors and bidders is open to any company or individual who can meet the specifications of the item being sought.

The department requires two verbal quotes for amounts between \$1,001 and \$2,500. Three quotes in writing are required for amounts over \$2,501. Town Council approval is required along with three written quotes for amounts of \$5,000 and over. For a state contract, town council approval is required without worrying about quotes.

The quote needs pictures of item, pricing, and features of the item. Multiple quotes should be of the same thing or as similar as possible. If possible, the vendor should be able to service the product after the sale (depending on the product).

3. The monthly council packet has a budgetary report from the Town Treasurer that includes the following:
- a. The initial appropriation for each account or program;
 - b. Balances at the commencement of the monthly period;
 - c. Expenditures and encumbrances made during the period; and
 - d. Unencumbered balance.

The Amherst Police Department does not have a cash fund, meaning there is no cash income, no cash disbursed, nor any need for cash received receipts; thus, there is no need to maintain records, documentation, or invoice requirements for cash expenditures. Since the department does not have any cash funds, a monthly accounting of cash activities for the department is not necessary, nor is an independent audit for the agency's fiscal activities.

The Amherst Police Department fees (IBR/Accident Reports, Parking Tickets, etc.) are to be directed to the Town of Amherst administrative office.

All employees are responsible for the operational readiness of any stored property to make sure that it is in a state of operational readiness. The Chief of Police or designee is responsible for an inspection of all equipment at least twice per year.

The Chief or designee is responsible for making sure that a yearly inventory is completed and that an accurate accounting is done and for accounting for all inventory that is owned by the agency. If inventory has been taken out of service or replaced, then it is to be documented as such on the inventory control sheets. (Equipment valued over \$1,500.00 only)

Any equipment that is owned by the department shall be kept in a state of readiness and documented as such on the inventory control sheet.



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Amherst Police Department – GENERAL ORDER		Effective Date: July 1, 2021
ADM.119	Asset Forfeiture	Revised Date:
<i>Original Signature on file maintained in APD Records Division</i>  , Chief of Police		VLEPSC Standards: ADM.03.01

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I. POLICY

Virginia Code Section [19.2-386](#), *Code of Virginia*, permits law enforcement agencies to benefit directly from the seizure of assets. Whatever assets the Amherst Police Department recovers through the forfeiture process, whether money or property, will be applied to legitimate law enforcement needs. Under no circumstances will personnel select enforcement targets because of expected financial gain accruing to the Amherst Police Department. Enforcement strategies are not dictated by profit.

II. PURPOSE

To outline the Amherst Police Department’s participation in asset forfeiting, and to state responsibilities of the asset forfeiture coordinator.

III. DEFINITIONS

Asset Forfeiture Coordinator (AFC): The officer designated by the Chief to be conversant in state forfeiture laws; identifies assets in case reports and implements legal process to appropriate these assets for department use; performs as liaison to other state and federal agencies, and to courts, as needed.

Assets: Includes both in-kind property and proceeds

In-kind Property: Consists of whatever an agency can put to immediate use; anything of value seized.

Proceeds: Refers to whatever money is received through sale of property not immediately useful.

IV. PROCEDURES

For State initiated seizures, the AFC shall electronically complete and submit the required Department of Criminal Justice Services (DCJS) Asset Seizure reporting forms and notify the Commonwealth’s Attorney of the initiated asset seizure.



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For Federal asset seizures, the AFC shall serve as the Certifying Official for asset forfeitures initiated through the Drug Enforcement Administration (DEA) or other Federal Law Enforcement Agencies when an employee of the Amherst Police Department is a participating member and initiates a [Federal Asset Sharing Request form](#).

The Asset Forfeiture Coordinator (AFC) will review all law enforcement reports to identify property subject to forfeiture and processes all paperwork. The AFC reports to the Chief on all matters pertaining to forfeiture proceedings and manages property seized and stored under asset seizure laws pending forfeiture proceedings. The AFC also coordinates with the Amherst Town Treasurer for the deposit of all cash seized to be deposited into a non-interest-bearing bank account to be held in escrow until forfeiture proceedings are completed.

The AFC shall comply with court orders and remits the proceeds from forfeited asset sales, according to the court order. The AFC shall comply with State and Federal guidelines for asset forfeiture. Where possible, the AFC shall coordinate with other agency representatives, as designated by the Chief, for “pre-seizure” planning meetings to evaluate target assets to ascertain ownership and the existence of liens or encumbrances, and make every reasonable effort to identify innocent lien-holders to avoid inconveniencing them.

The AFC will coordinate with the Commonwealth’s Attorney the commencement of forfeiture action following the conviction of the owner of seized property for offenses which authorize forfeiture of such property in accordance with Section [19.2-386.1](#), *Code of Virginia*. Although forfeiture actions may be commenced prior to a conviction, any forfeiture actions shall be stayed by the court until conviction, in accordance with Section [19.2-386.1.C](#), *Code of Virginia*.

The AFC will also apply to the Department of Criminal Justice Services (DCJS) for return of in-kind property for legitimate law enforcement use. The AFC will also coordinate with the Commonwealth’s Attorney, or other officials as necessary, to obtain a commercial sale of property in appropriate cases. The AFC will ensure that money seized is forwarded to DCJS in check form and to coordinate with the Town finance officer, as necessary. He or she shall also coordinate the sale, destruction, or final disposition of in-kind property forfeited, but not placed into law enforcement use, as well as remit funds from sales of forfeited in-kind property to DCJS for disbursement in accordance with law. The AFC shall also coordinate the return of seized assets to the person who owns the property no later than twenty-one (21) days from the date a stay terminates unless such forfeiture is the result of a lawful plea agreement or the owner of the property has not submitted a written demand for the return of the seized property within twenty-one (21) days of the date the stay terminates in accordance with Section [19.2-386.1.B.\(i-iii\)](#). Requests for adoption of asset forfeiture cash by the Department of Justice shall be completed by the AFC using the [U.S. Department of Justice Request for Adoption of State or Local Seizure form](#) and submit it to the appropriate federal investigative agency within fifteen (15) days of the state or local seizure date unless a waiver is requested and granted.



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The Chief or his designee shall be responsible for monitoring the expenditures of State and Federal asset funds to ensure all expenditures comply with State and Federal law, and that such funds are not used to supplant any aspect of the Amherst Police Department budget.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.120	Liability Protection	Revised Date:
<p><i>Original Signature on file maintained in APD Records</i> <i>Division</i></p> <p><i>Robert A. J. Hight II</i>, Chief of Police</p>		VLEPSC Standards: PER.03.03

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I. POLICY

The department has a liability protection program that will protect employees for actions or omissions directly related to their law enforcement function. Within stated policy limits, this program protects employees from acts or omissions leading to personal injury or death and/or property destruction which, in turn, could lead to civil action against the employee. The department follows the Town Handbook regarding liability protection.

II. PURPOSE

The purpose of this order is to set forth procedures relating to the police liability protection program.

III. PROCEDURES

A. General

The town maintains a liability program to protect police department employees for acts or omissions directly related to their law enforcement function. Liability protection is provided in a variety of ways, typically including officers' liability coverage, vehicle liability coverage, and self-insurance. Since the exact components of the liability protection program are subject to periodic change through contract expiration and renegotiation, any employee desiring to know the specific components then in effect may contact the Chief of Police.

A. Employees Covered

The liability protection program covers all officers and full and part-time civilian employees of the department.

B. Notification of Suit or Claims



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Any employee who receives notice in any form of actual or impending legal suit or claim shall, as rapidly as possible, explain such through command channels to the Chief of Police. The Chief of Police will in turn provide appropriate notification to both the Town Manager and the Town Attorney.

C. Financial Liability

No employee shall imply or accept financial liability for loss or damage on behalf of the town. Any inquiries concerning financial liability will be referred to the Commonwealth Attorney.

D. Acts Not Covered

1. An act or omission committed by an employee that can constitute gross and willful negligence.
2. Officers are expected to display discretion and good judgment in their work. Law mandates some duties, others by custom or tradition. Liability may arise in either case. The department cannot avoid lawsuits; the department can control its liability by demanding strict adherence to the provisions of this manual.
3. Officers are reminded that much litigation against them or the department will focus on the degree to which officers followed a policy or custom (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.
4. Officers may be held liable for misconduct in any of five ways:
 - a. Violation of Virginia criminal law
 - b. Violation of departmental rules and regulations
 - c. Tort against a citizen
 - d. Violation of federal criminal civil rights statutes, 18 U.S.C. Sections 241 and 242.
 - e. Violation of federal civil rights law 42 U.S.C. Section 1983
5. Civil Rights
 - a. Because of the prevalence of civil rights litigation against police officers in federal courts, employees are hereby instructed in the content of 42 U.S.C., Section 1983. An officer is a person acting under color of law. An officer may be held personally liable for violating citizens' constitutional rights.
 - b. 42 U.S.C. Section 1983 reads:

"Every person who, under color of any statute, ordinance, regulation, custom, or



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

- c. Officers are further reminded that the respondent superior concept does not apply to police departments. This principle provides that "the master is responsible for the acts of the servant." Generally, officers, and not their supervisors, are liable for their own misconduct. Again, questions about precisely what actions or behavior are indemnified by the town must be directed to the Chief of Police.

E. Immunity

In court, officers do not automatically receive immunity from lawsuits simply because officers act in good faith. To afford themselves the defense of qualified immunity, officers should learn as much as they can about established constitutional principles. In short, officers must have an objectively reasonable belief in the constitutionality of their actions.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.121	Freedom of Information Act (FOIA)	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p>  <p>, Chief of Police</p>		VLEPSC Standards: ADM.22.01, ADM.22.03

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I. REQUESTS FOR INFORMATION

There is neither a requirement nor a prohibition that a FOIA request must be in writing. The Amherst Police Department will provide a request form for the requestor to fill out with the information that he/she is requesting. This will ensure that the requestor supplies the “reasonable specificity” that the act requires and helps avoid instances where the requestor objects that the information provided was not the correct information. There may be a charge for research and photocopying of records. In some instances, a record, where a verbal request for information for a single record or limited information, can be promptly fulfilled informally and easily. Generally, the Chief of Police is the point of contact, and he can choose to release information or designate the Administrative Assistant or other designee.

If a written or verbal request for information is received, it shall be treated as a formal request: this means an initial response must be made within 5 working days after the request is received. There must be one of the four following responses to the requestor:

- A. Make the requested record(s) available;
- B. Decline in writing to furnish record(s), citing the specific part of the FOIA which exempt them or any other statute which prohibits their release;

Example: Section 16-301, which restricts the release of juvenile records.

- C. If only a portion of the records requested are exempt from disclosure, delete or excise the portion which need not be disclosed, and make the rest available accompanied by a written statement identifying that portion of FOIA or other statute that allows the exemption;
- D. Respond in writing that the requested records cannot be identified within 5 working days, thereby allowing an additional 7 days to identify the records and respond to the request.



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In highly unusual circumstances, a petition may be made to the circuit court for more time to respond, if accommodation cannot be reached between the agency and the requestor.

An agency may recover from the requestor actual costs associated with producing requested records, such as the direct costs for copying or for time spent on researching and locating records. For many of the requests received by law enforcement agencies, such costs may be minimized and may be waived in the interests of public relations and an informed citizenry. In the event that the estimated cost of producing the requested records exceeds \$200, the agency may request payment in advance of processing the request. Actual costs mean precisely that, such as the actual cost per page of photocopying or the hourly pay rate of any staff member involved; there can be no charge for “overhead,” such as electricity, building maintenance, etc.

FOIA does not provide for “standing requests,” as for all future “criminal incident information” reports an agency may produce. FOIA can be applied only to records that already are in existence.

Persons incarcerated in either a state or federal correctional facility cannot request records under FOIA but do retain the right to call for records which may be used as evidence in criminal prosecution in which they are involved.

FOIA does not require an agency to produce a new document if the requested information is not recorded. However, if adapting an existing document can fulfill the request, it must be done. Examples would include making available selected fields from computerized data or redacting information from existing reports written to comply with requests for “critical incident information.”

II. Criminal Incident Information

Criminal incident information is the bulk of FOIA requests, both by media and citizens. As defined in the FOIA, this is minimal information about an event, frequently much less than an agency would typically disclose. For example, suspect descriptions commonly made public in such cases as robbery are not required components of “criminal incident information.” Following is a discussion of each of the required components.

- A. “General description of the criminal activity reported”: This means the nature of the offense, through the specific criminal charge that may be involved need not be specified. For example, “sexual assault” may be used rather than the more specific terms of rape, sodomy, sexual battery, and similar offenses. “Drug law violation” could be used without specifying the substance involved or whether the case involved possession or distribution.
- B. “The date and general location the alleged crime was committed”: A specific date should be generally provided, though in some cases a time frame may be appropriate. While the approximate time an event occurred is not required, it may be provided. Street and block is one of the most frequently used methods of identifying location. However, if a street or block contains only several residences or buildings, use a geographic, community, or subdivision locator identity.



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- C. “Identity of the investigating officer”: Self-explanatory but could include either the officer taking the report or a detective assigned to follow up on a case. While this information must be furnished if a requestor wants it, practically, it generally is not needed as long as there is a point of contact for additional information, such as a public information officer.
- D. “A general description of any injuries suffered or property damaged or stolen”: Phrases such as “stab wound”, “Life-threatening injuries”, or “injuries that were not life threatening” are appropriate. Property may be described in such terms as “construction materials”, “household goods”, or “assorted merchandise”.

Even this minimal amount of information may be withheld if one or more of the following circumstances apply should be released:

1. Jeopardize an ongoing investigation or prosecution;
2. Jeopardize the safety of an individual;
3. Cause a suspect to flee or evade detection;
4. Result in the destruction of evidence.

It is important to note that the “criminal incident information” may be withheld only until the specified damage is no longer likely to occur from the release of the information.

The act also states that nothing in the exemption section should be construed to prohibit the release of information of those portions of “criminal incident information” that are not likely to cause the specified damage.

III. ARREST RECORDS

With the exception of juvenile offenders, the identities of persons arrested, the charges against them, and the status of the charge or arrest must be released without exception. This applies to felony, misdemeanor, and traffic arrests. Any chronological listing of adult arrests is a public document. However, the *Code of Virginia*, reflecting federal mandates, prohibits the dissemination of criminal history record information outside the law enforcement community by law enforcement agencies. Thus, the release of arrest information is commonly understood to apply to “reasonably contemporaneous” arrests. Requestors seeking older information may be advised to check court records that are public.

Note: Individuals who fail to follow the proper procedures for the request, use, and dissemination of criminal history information will be in violation of the standards of conduct and could be in violation of [§ 9.1-136](#) of the *Code of Virginia* which states that “any person who willfully and intentionally requests, obtains or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information to any agency or person in violation of this article...shall be guilty of a class 2 misdemeanor.” Refer to [§ 19.2-389](#), Dissemination of criminal history record information and [§ 19.2-389.1](#), Dissemination of juvenile record information.



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IV. ARRESTEE PHOTOGRAPHS

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

V. PROTECTED INFORMATION

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

Also exempt from mandatory disclosure is information that reveals investigative techniques or procedures, though an agency has the option to disclose these should it so desire. Records of reports to state and local law enforcement agencies and campus police departments of colleges and universities need not be disclosed.

VI. CRIMINAL INVESTIGATIONS

This information enjoys extensive protection. Exempt from disclosure are all complaints, memoranda, correspondence, and relating evidence relating to a criminal investigation (except for “criminal incident information” relating to felonies). Commonwealth’s attorneys are specifically defined as law enforcement officials, so criminal investigative materials remain protected when they are turned over to a prosecutor by a law enforcement agency.

Once again, it is important to note that a law enforcement agency has the discretion to release materials at any time, even though FOIA extends the exemption to disclosure in perpetuity. In many cases, it will be deemed essential to withhold portions of investigative reports even after a case has been adjudicated. On the other hand, there may be portions of some case investigations that would be in the public interest to eventually disclose. FOIA leaves that decision within the sole purview of the law enforcement agency.

VII. OTHER INVESTIGATIONS AND RECORDS



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While stating that all records kept by law enforcement agencies as required under Section 15.2-1722 (Certain Records to Be Kept by Police Chiefs and Sheriffs) shall be subject to FOIA, there are some broad exemptions in furtherance of law enforcement purposes. The one with the most wide-ranging applicability relates to non-criminal incident or other investigative reports or materials. These portions containing identifying information of a personal, medical, or financial nature where the release of such information could jeopardize the safety or privacy of any person are exempted from disclosure. This is a very broad exemption that requires judicious application to avoid accusations of abuse through overly broad application. Examples of information that can and should be protected under this exemption are:

- A. Reports of suicide attempts;
- B. Medical information obtained during unattended death investigations;
- C. Credit card numbers;
- D. Other information recorded on lost property reports;
- E. Response to domestic disputes, in which no violence occurs.

9-1-1 recordings are not wholly exempted under the law. While those involving criminal investigations are wholly protected, these involving non-criminal incidents are only to the extent described above. For example, the words of a caller reporting a medical emergency could be excised from a recording (or deleted from a transcript) in order to protect individual privacy, but many words of the call-taker or dispatcher would be subject to release, as would such related records as response time.

Exemptions are provided for:

- A. Records of background investigations of applicants for law enforcement agency employment or other confidential administrative investigations, examples of which include internal affairs investigations or background checks for conservators of the peace;
- B. Those portions of any records containing plans for or resources dedicated to undercover operations; for example, unmarked undercover vehicles could be excluded from the agency's fleet roster, which would otherwise be released.

Personnel records, with the exception of salaries over \$10,000, and personnel disciplinary actions are exempted from disclosure.

Other records in the possession of a law enforcement agency, as well as correspondence, not falling into any type of the previously discussed exempted categories, are subject to disclosure. This also applies to electronic messages. For example, an e-mail from a Police Chief to a Deputy Chief inquiring about certain aspects of a homicide investigation would be exempt from disclosure as criminal investigative materials. However, an e-mail from the Chief to the Deputy Chief making unkind comments about the Major would be subject to release under



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FOIA (and possibly be the subject of a headline in the local newspaper!).

VIII. OTHER EXEMPTIONS

FOIA contains several other specific exemptions applicable or of interest to law enforcement agencies in addition to those enumerated in Section 2.1-342.2. Found in Section 2.1-342.01, they include:

Examples: Engineering and architectural drawings; operational, procedural, tactical planning, or training manuals; staff meeting minutes or other records which would reveal surveillance techniques, personnel deployments, alarm system technologies, or operational or transportation plans or procedures when disclosure would jeopardize employee safety or the security of any courthouse, jail, or law enforcement facility.

Law enforcement agency records containing specific tactical plans when their disclosure would jeopardize the safety or security of law enforcement personnel or the general public are exempted. Also included in this exemption are:

- A. Records of emergency services containing specific tactical plans related to anti-terrorist activity.
- B. Any information describing the design, function, operation, or access control features of any security system used to control access to or use of any automated data processing or telecommunication system.
- C. Information and records acquired during a review of any child death by the State Child Fatality Review Team.
- D. Confidential records, including victim identity, provided to staff of a rape crisis center or a program for battered spouses.
- E. Computer programs used to process data that may be included within official records.

IX. ENSURING COMPLIANCE

Because of the specific knowledge required and the broad discretion granted to law enforcement agencies, not all personnel of an agency can respond to requests for information. Records secretaries, all administrative personnel, and all supervisor personnel should be knowledgeable of the FOIA requirements. Prompt, polite referral of the requestor to the persons who can help them is mandatory.

X. CONCLUSION

The underlying principle of FOIA is that the public has the right of access to the public's business. Law enforcement activities must be, of necessity, one of the very few areas where that right of access must be limited. The Virginia FOIA, as amended, does this quite effectively



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to insure accomplishment of the law enforcement mission. Nonetheless, law enforcement agencies have an obligation to responsibly to make available to the public, whether represented by a private citizen or a news media reporter, not only that information mandated as release able by FOIA but also additional information which will serve to enhance the public’s understanding of the agency and its work.

Code of Virginia § 2.2-3706

Disclosure of criminal records; limitations

A. All public bodies engaged in criminal law-enforcement activities shall provide requested records in accordance with this chapter as follows:

1. Records required to be released:

a. Criminal incident information relating to felony offenses, which shall include:

- 1) A general description of the criminal activity reported;
- 2) The date the alleged crime was committed;
- 3) The general location where the alleged crime was committed;
- 4) The identity of the investigating officer or other point of contact; and
- 5) A general description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of subdivision a.

Where the release of criminal incident information, however, is likely to jeopardize an ongoing investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in subdivision a shall be construed to authorize the withholding of those portions of such information that are not likely to cause the above-referenced damage;

b. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation; and

c. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest;

2. Discretionary releases. The following records are excluded from the provisions of this chapter but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:



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- a. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than criminal incident information subject to release in accordance with subdivision 1 a;
- b. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 ([§ 2.2-307](#) et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23;
- c. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;
- d. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;
- e. Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public;
- f. All records of adult persons under (i) investigation or supervision by a local pretrial services agency in accordance with Article 5 ([§ 19.2-152.2](#) et seq.) of Chapter 9 of Title 19.2; (ii) investigation, probation supervision, or monitoring by a local community-based probation services agency in accordance with Article 9 ([§ 9.1-173](#) et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or supervision by state probation and parole services in accordance with Article 2 ([§ 53.1-141](#) et seq.) of Chapter 4 of Title 53.1;
- g. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties;
- h. Those portions of any records containing information related to undercover operations or protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations or protective details. Nothing in this subdivision shall operate to allow the withholding of information concerning the overall costs or expenses associated with undercover operations or protective details;
- i. Records of (i) background investigations of applicants for law-enforcement agency employment, (ii) administrative investigations relating to allegations of wrongdoing by employees of a law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement agencies that are made



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confidential by law;

- j. The identity of any victim, witness, or undercover officer or investigative techniques or procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited or restricted under [§ 19.2-11.2](#); and
 - k. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 ([§ 9.1-900](#) et seq.) of Title 9.1, including information obtained from state, local, and regional officials, except to the extent that information is required to be posted on the Internet pursuant to [§ 9.1-913](#).
3. Prohibited releases. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.
- B. Noncriminal records. Records (i) required to be maintained by law-enforcement agencies pursuant to [§ 15.2-1722](#) or (ii) maintained by other public bodies engaged in criminal law-enforcement activities shall be subject to the provisions of this chapter except that those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature may be withheld where the release of such information would jeopardize the safety or privacy of any person. Access to personnel records of persons employed by a law-enforcement agency shall be governed by the provisions of subdivision A 2 i of this section and subdivision 1 of [§ 2.2-3705.1](#), as applicable.
- C. Records of any call for service or other communication to an emergency 911 system or communicated with any other equivalent reporting system shall be subject to the provisions of this chapter.
- D. Conflict resolution. In the event of conflict between this section as it relates to requests made under this section and other provisions of law, this section shall control.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.122	Media Relations	Revised Date: June 29, 2022
<p><i>Original Signature on file maintained in APD Records Division</i></p> <p>, Chief of Police</p>		VLEPSC Standards: ADM.22.01, ADM.22.02, PER.11.01

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I. POLICY

Police operations profoundly affect the public and therefore arouse substantial public interest. The police should make every reasonable effort to serve the needs of the media in informing the public about crime and other police problems. This should be done with an attitude of openness and frankness whenever possible. The media should have access to the information officer who is fully informed about the subject of a press inquiry. Further, they should be told whatever will not impinge on a person's right to a fair trial, impede a criminal investigation, imperil a human life, or seriously endanger the security of the people.

In all other matters dealing with the media on current news, every member of the department should make every reasonable effort consistent with accomplishing the police task in providing the media representatives with full and accurate material.

II. PURPOSE

The purpose of this order is to provide guidelines for types of information that may be released to media representatives, to specify some types of information that may not be released, to identify who may release information, and to establish procedures for media relationships with the department.

III. PROCEDURE

A. General

1. The department is committed to informing the community and the news media of events within the public domain that are handled by or involve the department.
2. The public information function includes:
 - a. Assisting news personnel in covering routine news stories and at the scenes of



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incidents.

- b. Responding to news media inquiries, in person or telephonically.
 - c. Preparing and distributing news releases.
 - d. Arranging for news conferences, as required or requested and being available for on-call responses to the news media
 - e. Releasing information about victims, witnesses, and suspects as allowed by law.
 - f. Coordinating and authorizing release of information concerning confidential departmental investigations and operations. As well as the release of information concerning victims, suspects, and witnesses.
 - g. The Chief of Police will make information available to the public on recognizing employees for exceptional performance or acts.
3. All employees of the department have individual responsibilities concerning the release of information.
 4. The Chief of Police or designee will function as the primary contact for information dissemination to the community and media.
 5. Inquiries concerning departmental policies, procedures, practices, or relationships with other criminal justice agencies will be referred to the Chief of Police. Similarly, the Chief of Police or designee will coordinate all responses to inquiries or the release of information pertaining to department involvement with other public service agencies (e.g., fire department, medical examiner, Commonwealth's Attorney, etc.).
 6. The Chief of Police shall coordinate responses to inquiries and release of information concerning confidential departmental investigations and operations.

B. Information May Be Released as Follows:

1. The officer at the scene with the most information shall gather all information from other officers. This information will be turned over to the Chief of Police or designee for possible press release.
2. In the case of follow-up investigation, the officer conducting the follow-up should provide information to the Chief of Police.

C. Information not releasable – The following information will not be released due to 6th Amendment, statutory, or other restrictions:

1. The identity of victims of sex related crimes.



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2. The identity of any suspect for whom a warrant or summons has not been issued or indictment returned.
3. The existence of any criminal record or any information concerning the character or reputation of the accused or remarks that tend to establish the defendant as a "professional" criminal.
4. The existence or contents of any confession, admission, or statement of the accused.
5. The performance of any examination or test by the accused or the refusal or failure to submit to an examination or test.
6. The identity of actual or prospective witnesses to crimes, other than the victim as mentioned above, or comments on the expected testimony or credibility of any witness.
7. Any opinions as to the innocence or guilt of the accused, the merits of the case, the possibility of any pleas or negotiations, or the value of any evidence.
8. The identity of any juvenile arrested who has not been certified by the Circuit Court as an adult.

NOTE: A judge may authorize release of juvenile identity information when the crime is a Class 3 felony or above or when the juvenile is sentenced as an adult.

9. The names of deceased before the notification of next of kin.
10. Information relating to motor vehicle accident reports specifically prohibited by Section 46.1-409 of the *Code of Virginia*.
11. Comments, which suggest that a defendant has aided in the investigation.
12. Information concerning the planning of raids or other specialized enforcement efforts.

D. Release of Information Pertaining to Juveniles:

1. Criminal Offense – Normally, juvenile's name, address, or other distinctly unique information, which would serve to identify a juvenile SHALL NOT, be released. Age, sex, place of residence and details of the offense MAY be released. Under certain circumstances, a judge may authorize release of identity information.
2. Traffic infractions, except for those listed below, which are classed as misdemeanors - Any information including name, address, etc., are fully releasable.
3. Accidents – If traffic charges are or may be placed as a result of an accident investigation, juvenile identity information will be withheld.



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4. There are eight traffic offenses for which court appearance is mandatory, which cannot be prepaid and which will be used as the basic definition for a traffic/accident "misdemeanor." These eight ARE NOT considered infractions and juvenile identity information SHALL NOT be released. Offenses include:
 - a. Indictable offenses
 - b. Infractions resulting in an accident. (If the juvenile is charged with any violation in an accident, juvenile identity information is NOT releasable. If a juvenile is involved in an accident but is not charged with any violation, identity information is not releasable.
 - c. DUI or permitting another who is DUI to operate vehicle owned by accused.
 - d. Exceeding speed limit by 20 or more miles per hour.
 - e. Reckless driving.
 - f. Driving under suspension or revocation of driver's license.
 - g. Leaving the scene of an accident.
 - h. Driving without being licensed.

E. Crime or Incident Information Release:

Crime or incident information to be released upon media request includes:

1. The type of event or crime and when and where it occurred, to include a brief synopsis of known facts concerning the incident.
2. The identity of the victim or the name of the person who reported the crime. If the victim or complainant requests that his/her name not be used in the media, this request will be given to the media. The media are obligated to respect this request.

NOTE: The Department will be reluctant to release names of children, sexual assault victims, or victims of domestic violence. In some cases, no legal bar exists to releasing such information, but rather the news media have policies forbidding the printing of such information. The release of victim information is an evolving area of law: The department should seek legal advice on what constitutes information appropriate for release.

3. Information concerning property loss, physical injuries, or death (after notification of next of kin).



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4. Information concerning the type of investigation and length of investigation.
5. Information concerning the existence of suspects may be released.
6. If a warrant has been executed, then the name, address, and description of that person will be released. If a warrant has been issued but not executed, and the officer anticipates that the public may provide information to assist in locating the person, this information may be released.

F. Release of Individual Arrest Information:

After arrest of a person other than a juvenile, the following may be released upon media request:

1. Arrestee's name, age, residence, and other factual background information.
2. The nature of the charge upon which the arrest is made.
3. The identity of the investigative agency of the police department and any assisting agencies.
4. The circumstances surrounding the arrest, including the place of arrest and the identity of the arresting officers.
5. Custody status.
6. The dates of various hearings.
7. Photographs of the defendants without the police identification data may be furnished, if readily available in current files.

G. Names of Police Officers:

Names of officers providing information to the media may be given to the media and published, unless the officer(s) involved is/are on an undercover assignment. Addresses and telephone numbers of police personnel will not be released.

H. Media Contacts/Procedures:

1. Normally media representatives either visit the department in person or call seeking information about newsworthy items. Routinely, they should be referred to the Chief of Police.
2. Normally, media representatives will not read the offense reports since non-releasable information may be on the report (e.g., suspect information). Offense reports and accident reports should be carefully checked concerning involvement of juveniles



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before releasing information.

3. At scenes of major fires, natural disasters, or other catastrophic events, or at crime scenes, officers may establish perimeters and control access. News media representatives should not interfere with law enforcement operations at the scene of an incident. As soon as possible, however, media representatives should be assisted in gaining access to the scene when it will not interfere with the law enforcement mission. Officers may deny access for legitimate investigative or safety reasons; additionally, they may not authorize the press to trespass on private property. The media representative is responsible for obtaining any permission necessary once the legitimate law enforcement mission allows access to the scene on private property. Per [Virginia Code § 15.2-1714](#), personnel from information services such as press, radio, and television, when gathering news, shall not obstruct the police, firefighters, or emergency medical services personnel in the performance of their duties at such scene. Such personnel shall proceed at their own risk.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.123	Diplomatic Immunity and Foreign Nationals	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p>  <p>, Chief of Police</p>		VLEPSC Standards: ADM.02.04

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

I. POLICY

The Amherst Police Department shall comply with all instructions of the U.S. State Department relating to the arrest and detention of foreign nationals, deaths of foreign nationals, the appointment of guardians for minors and incompetent adults who are foreign nationals, and the related issues pertaining to the provision of consular services to foreign nationals with whom we come into contact in this town.

II. PURPOSE

The purpose of this general order is to establish guidance for employees that come into contact with foreign nationals or subjects claiming to be a foreign national. The following State Department publications are in the Admin Office in the Foreign Nationals protocol book; Consular Notification and Access as well as Diplomatic and Consular Immunity. The rights of foreign Nationals are referred to in the [Vienna Convention in Articles 5, 36 and 37](#).

III. PROCEDURES

The Blacks’ Law dictionary states that a foreign national is a person owing permanent allegiance to a country other than the United States. A Foreign Consulate is the office or the headquarters of a consul who represents a foreign country in the United States.

A. Requirements pertaining to foreign nationals:

1. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.
2. In some cases, the nearest consular officials must be notified of the arrest or detention of a foreign national, regardless of the national’s wishes. The list of countries which require mandatory notification of consular officials in the event that one of their citizens



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has been arrested is extensive. The State Department shall be contacted for guidance. To determine the foreign national's country, in the absence of any other information, you may assume that this is the country listed on the passport or on other travel documents the foreign national possesses.

3. Consular officials are entitled access to their nationals in detention and are entitled to provide consular assistance.
4. When a government official becomes aware of the death of a foreign national, a consular official must be notified.
5. When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, consular official must be notified.

B. Diplomatic immunity from arrest or detention

1. Upon exhibiting proof of diplomatic immunity, persons shall be released upon being stopped for a misdemeanor traffic violation. If the question arises about this procedure or if a felony arrest is necessary, call and advise the United States Diplomatic Security Command Center (available 24/7/365) at 1-571-345-3146.
2. While a person claiming diplomatic immunity may present any number of identification papers, the only one that is indicative of the level of privilege and immunity is a card issued by the U.S. State Department. The holder's level of immunity will be indicated on the card. If a person claiming immunity does not possess this card and the incident involves a criminal offense, officers may detain the person either at the scene or at the department long enough to verify official status.
3. When encountering a criminal suspect who claims diplomatic immunity, officers shall first take reasonable measures, including pat downs or other legal searches, to ensure the safety of the public or other officers. Verification of the diplomatic claim shall take place after the danger has been neutralized. A criminal investigation shall proceed if no valid diplomatic immunity claim has been made. Interviews, interrogations, seizures of evidence, or issuance of warrants shall proceed per departmental procedure. In a criminal investigation, the Chief of Police or designee shall remain in contact with the U.S. State Department.

C. Suggested Statements to Arrested or Detained Foreign Nationals (If the subject can read and understand the statement below, document the action by having him/her sign that they understand underneath the statement. If the subject cannot understand the written statement below an interpreter must be requested and the documentation may be obtained by the interpreter or a written foreign language version is available in each vehicle in the "Consular Notification and Access Card.")

1. When Consular Notification is at the Foreign National's Option:



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“As a non-United States citizen who is being arrested or detained, you are entitled to have us notify your country’s consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel and may contact your family and may visit you in detention, among other things. If you want us to contact your country’s consular officials, you can request this notification now or any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country’s consular officials?”

I have read and understand that I may have my consular notified of my arrest or detention. I request that my consular be notified,

Signature Date

At this time, I request that my consular not be notified,

Signature Date

1. When Consular Notification is Mandatory:

“Because of your nationality, we are required to inform your country’s consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country’s consular officials as soon as possible.”

I have read the above statement and understand that my consular will be notified of my arrest or detention.

Signature Date

THE FOLLOWING INFORMATION IS NEEDED TO CONTACT THE CONSULAR AND THE STATE DEPARTMENT: NAME, DATE OF BIRTH, PLACE OF BIRTH, PASSPORT NUMBER, DATE OF PASSPORT ISSUANCE, AND PLACE OF PASSPORT ISSUANCE. FOR FURTHER DETAILS PLEASE SEE THE FOREIGN NATIONALS BOOK LOCATED IN THE SQUAD ROOM FOR CONTACT NUMBERS AND FORMS. YOU MAY ALSO VIST THE WEBSITE AT:
<https://travel.state.gov/content/travel/en/consularnotification.html>

D. Rights & Privileges of Foreign Nationals and Diplomatic Immunity (Vienna Convention)

COMMENTARY: Refer to the U.S. Department of State publication “Consular Notification and Access.” (Current Revision)



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.124	Mutual Aid	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p> <p>, Chief of Police</p>		VLEPSC Standards: ADM.13.01, ADM.14.01, ADM.14.02

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

I. POLICY

The Amherst Police Department shall always strive to communicate, coordinate, and cooperate with adjacent local and state law enforcement agencies. This need usually results from an emergency such as a civil disorder, fire, flood, or other disaster. Before the need arises, agencies must clarify and plan emergency procedures. Available state support systems shall be used to support operations.

II. PURPOSE

The purpose of this order is to establish procedures, duties, and responsibilities for providing assistance to or requesting assistance from another law enforcement agency and to provide for the use of statewide law enforcement support systems.

III. PROCEDURE

A. Jurisdiction

1. Generally, the legal jurisdiction of the Amherst Police Department stops at the town limits, as defined in Code of Virginia [§ 19.2-250](#). However, when requested under the signed mutual aid agreement the department may assist in criminal cases, involving offenses against the Commonwealth beyond the corporate limit. This authority may be used for such circumstances as:
 - a. Assisting neighboring law enforcement agencies or the Virginia State Police in handling emergency calls at times when they are unable to respond immediately.
 - b. When an officer observes a felony or serious misdemeanor crime-in-progress within the one-mile zone.



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- c. Mutual aid shall be requested from other law enforcement agencies as appropriate.
2. Whenever a person in the custody of an officer escapes or whenever a person flees from an officer who is attempting to arrest him, the officer, with or without warrant, may pursue the person anywhere in the state and, when actually in close pursuit, may arrest him wherever he is found (*Code of Virginia § 19.2-77*). No officer of the department shall leave the town in pursuit or chase without informing the dispatcher. The Chief of Police or designee shall monitor the pursuit and may order it to cease at any time. Mutual aid shall be requested from other law enforcement agencies as appropriate. Even after approving a pursuit, the Chief of Police or designee shall closely monitor it and shall terminate it if necessary.
3. Supervisors shall closely monitor all pursuits and will terminate them when necessary.

B. Agreements

The Amherst Police Department has entered into a mutual aid agreement with the Virginia State Police and Amherst County Sheriff's Department. State Police mutual aid is provided for under the *Code of Virginia*.

C. Mutual Aid

1. Mutual aid is provided for in *Code of Virginia § 15.2-1724* and *§ 15.2-1730*, as amended. For the purpose of this general order, mutual aid is defined as the short-term assistance given or asked for between the department and neighboring law enforcement agencies during emergencies. The circumstances which require mutual aid, per *§ 15.2-1724*, can include one or more of the following situations:
 - a. Enforcement of laws which control or prohibit the use or sale of controlled drugs (see *§ 18.2-255.2* 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 *§ 37.2-808*);
 - d. Any public disaster, war, fire, flood, epidemic, or civil disorder (per *§ 15.2-1724*).
2. *Code of Virginia § 15.2-1724* – Police and other officers may be sent beyond territorial limits.



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3. *Code of Virginia* [§ 15.2-1730](#) – Calling upon law-enforcement officers of counties, cities, or towns for assistance.
4. Mutual aid may be requested from or provided to another law enforcement agency by the department at the discretion of the Chief of Police or designee; officers must remember, however, that their primary responsibility is providing law enforcement services to our jurisdiction. Normally, outside agency personnel will be used to assist in a show of force, traffic control, mass processing of prisoners, prisoner transportation, and operating temporary detention facilities. There are generally three levels of mutual aid assistance as follows:
 - a. Short duration, approximately 30 minutes or less, where an additional show of force, traffic control, or assistance with prisoner transportation is required.
 - b. Medium duration, approximately one to four hours, where the Chief of Police or designee may request assistance from the neighboring law enforcement agencies and the State Police; however, their role is normally confined to a showing of force, transporting prisoners, or traffic control.
 - c. Long duration, more than four hours, full scale assistance required. The Chief of Police or designee will assist in coordinating additional aid as required.
5. Any long-term support between the department and neighboring law enforcement agencies shall be coordinated in advance (when possible) through a written agreement by law enforcement chief executives that incorporates the following:
 - a. Indemnification of the provider agency and its personnel (i.e., life, health, and liability insurance), and its agencies must understand that one agency's liability insurance will not release an officer's department from liability if the officer's action is negligent. Both agencies may be liable.
 - b. List of resources to be shared.
 - c. Estimate of amount of aid available.
 - d. Payment for certain expenses (e.g., meals, lodging, gas, overtime pay).
6. Occasionally it is necessary to request assistance from a federal law enforcement agency, such as the Federal Bureau of Investigation (FBI), when a bank robbery or major crime (e.g., murder, kidnapping, suspected acts of terrorism, etc.) has occurred and the suspect may have left the state. The Chief of Police or designee shall decide whether or not to notify the FBI or other appropriate agency.



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7. If the department, with the help of neighboring law enforcement agencies and the State Police, is unable to cope with an emergency such as a riot, civil disturbance, or natural disaster, it may call upon the National Guard for assistance. In this event, the procedures as outlined from the office of the Governor dated June 7, 1982 will be followed.

D. National Guard

Only the Governor has the authority to call out the National Guard to active duty (see [§ 44-75.1](#)). Federal equipment and personnel can be used to support local emergencies, to protect life and property in natural disasters, or to protect against invasion or insurrection, per the Governor's authorization. The Chief of Police shall contact the Governor if National Guard assistance is required.

E. Statewide Law Enforcement Support

1. The department is a member of and participates in the use of the Statewide Interdepartmental Radio System (SIRS) and complies with the procedures for its use.
2. The department participates in the use of the Central Criminal Records Exchange (CCRE) and complies with the procedures for the use of this exchange. In addition, the department participates in the Uniform Crime Reporting System administered by the State Police.
3. Some state-owned law enforcement resources may be made available to the department for special use. These resources, and the state agency to contact, include:
 - a. **Canine teams:** Virginia State Police, Amherst County Sheriff, or other local police canine teams, if requested, shall be used for the specific purpose requested (e.g., searches, drug detection, crowd control, and bomb detection). Great caution shall be used in deploying teams in heavily populated or congested areas. Handlers are responsible for compliance with their own agency policies and procedures.
 - b. **Helicopter or fixed-wing aircraft:** Virginia State Police. Normally requested in advance by the Chief of Police to the Superintendent. May be available on an emergency basis through the Virginia State Police.
 - c. **Polygraph:** Virginia State Police. (Private licensed technicians may only be used for internal employment background purposes.)
 - d. **Riot truck and equipment:** Virginia State Police/Amherst Sheriff's Department
 - e. **Bomb disposal:** Virginia State Police.



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- f. **Drug surveillance vans:** Virginia State Police or local departments if available. (This support is also available federally through ROCIC members.)

IV. PROCEDURE - RELATIONSHIPS WITH OTHER AGENCIES

A. It shall be the responsibility of all department personnel to maintain harmonious working relations and communication with the Commonwealth's Attorney; Defense Attorney; District, Juvenile and Domestic Relations, and Circuit Courts; respective Clerk's officers; the local probation and parole officers; jail; juvenile detention home; and any other criminal justice agencies. The department will normally provide all possible information, assistance, and support to these agencies allowed by law.

1. Any serious policy or procedural problems or differences with another agency or its personnel shall be brought to the attention of the Chief of Police who will meet with appropriate personnel of these agencies in order to resolve the problems.
2. During any investigation (or during planning for, arrest or pretrial stages), any questions of law or criminal procedure shall be addressed to the Commonwealth's Attorney or assistant. Questions on law enforcement procedure will be addressed to the supervisor or to the Chief of Police.
3. Any criminal cases referred to the Commonwealth's Attorney which result either in a decision to decline to prosecute or dismiss, due to department mishandling, must be carefully reviewed and appropriate corrective action taken. The Commonwealth's Attorney has been asked to bring such cases to the attention of the Chief of Police
4. The Amherst Police Department works cooperatively with the (Emergency Service Agencies) Amherst Fire Department and, in addition, provides police support as required at fire scenes, jointly investigates arson, and periodically uses Fire Department facilities. Liaison between the Amherst Police Department and the Amherst Fire Department is the responsibility of the Chief of Police to ensure that proper support is provided to all personnel and to maintain harmonious working relationships.
5. The Town of Amherst provides various services to the Rescue Squads of the county. All personnel of the police department are encouraged to maintain close cooperation and a working relationship with the rescue squad and assist them when called upon. Liaison between the Amherst Police Department and the Rescue Squads is the responsibility of the Chief of Police to maintain harmonious working relationships.
6. If a multi-jurisdictional task force is organized for the purpose of investigating or controlling criminal activity, the Amherst Police Department will participate in such task force, provide information and personnel, and cooperate in any other manner as approved by the Chief of Police.

B. All employees of the Amherst Police Department will assist and cooperate with (all other



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criminal justice agencies) federal, state, and local law enforcement agencies in every way possible allowed by law.

C. Referrals

1. Officers of the Amherst Police Department often encounter citizens, adult or juvenile, who need specialized forms of help that the department cannot give, i.e., marriage counseling, mental health counseling, welfare assistance, assistance in handling civil matters, etc. When this situation arises, the citizen should be referred to the most qualified agency to deal with the problem.
2. Officers will carry a copy of such agencies in their cruiser or refer to the copy in the squad room.



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Page: the specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

Post: content shared on a social media site or the act of publishing content on a site.

Profile: information that a user provides about himself on a social media networking site.

Social Media: any category of internet-based resources that integrate user generated content and user participation. This includes, but is not limited to, social networking sites such as Facebook and MySpace, micro-blogging sites such as Twitter and Nixle, photo and video sharing sites such as Flickr and YouTube, wikis such as Wikipedia, blogs, and new sites such as Digg and Reddit as well as chatting or instant messaging on sites.

Social Networks: online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: communication of thoughts or opinions in spoken words, writing, expressive conduct, symbolism, photographs, videotape, or other forms of communication.

Web 2.0: the second generation of the World Wide Web focused on shareable, user generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) sharing information that is intended to be factual that can be edited collaboratively and is not vetted by an official source or company.

IV. PROCEDURES FOR ON-THE-JOB USE

A. Department-Sanctioned Presence on Social Media

1. Determined Strategy

- a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
- b. Where possible, the page(s) should link to the department's official website.
- c. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.

2. Procedures

- a. All department social media sites or pages shall be approved by the Chief of Police or designee and shall be administered by either or.



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- b. All other social media sites or pages that wish to use pictures, videos, or other facsimiles of department officers, uniforms, events, or logos for any reason, but specifically as it relates to promotional or fund-raising efforts, are required to have the materials reviewed and approved by the Chief of Police prior to posting. In addition, pictures or names may require the permission of those in the picture or comment.
 - c. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
 - d. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
 - 1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.
 - 2) Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
 - e. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
 - 1) Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
 - 2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
3. Department Endorsed Use of Social Media
- a. Personnel representing the department via social media outlets are recognized as holding a sensitive position and shall do the following:
 - 1) Identify themselves as a member of the department.
 - 2) Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.



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- 3) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos related to department training, activities, or work-related assignments without written permission from the Chief of Police.
- 4) Not conduct political activities or private business.
- b. Acting as an endorsed agent in the use of social media is prohibited without authorization.
- c. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without the approval of the Chief of Police.
- d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

B. Other Potential Uses of Social Media

1. Social media may be a valuable investigative tool when seeking evidence or information in various situations.
 - a. Search methods shall not involve techniques that are a violation of existing law.
 - b. Social Media may be used to investigate (but is not limited to) the following:
 - 1) Missing persons
 - 2) Wanted persons
 - 3) Gang participation
 - 4) Sex crimes
 - 5) Crimes perpetrated online (i.e., cyber bullying, cyber stalking)
 - 6) Evidence such as but not limited to photos or videos of a crime posted by a participant or observer.
2. Social media may be used for community outreach and engagement through:
 - a. Providing crime prevention tips;
 - b. Offering online-reporting opportunities;
 - c. Sharing crime maps and data;
 - d. Soliciting tips about unsolved crimes (i.e., Crimestoppers)
3. Social media may be used to make time-sensitive notification related to



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- a. Road closures
 - b. Special events
 - c. Weather emergencies
 - d. Missing or endangered persons
4. Social media can be a valuable recruitment mechanism as persons seeking employment and volunteer positions use the Internet to search for opportunities.
 5. Social Media is a valuable tool in performing internet-based background investigations of job candidates. The department has an obligation to include using social media outlets in these investigations.
 - a. Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers unless dictated otherwise by the Chief of Police.
 - b. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.
 - c. Search methods shall not involve techniques that are a violation of existing law.
 - d. Vetting techniques shall be applied uniformly to all candidates.
 - e. Every effort must be made to validate Internet based information considered during the hiring process.
 - f. Potential employees shall be informed that the police department will be searching social media sites as part of the background investigation.

V. PROCEDURES FOR PERSONAL USE

A. Precautions and Prohibitions of Employees

Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.



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2. As public employees, department personnel are cautioned that speech on or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee’s professional duties and responsibilities—is not protected under the First Amendment and forms the basis for discipline if deemed detrimental to the department. Department personnel are advised to strongly consider if their speech and related activity on social media sites will negatively reflect upon their office and department.
3. Department personnel shall not post, transmit, or otherwise disseminate any information (to include photos or videos) to which they have access as a result of their employment without written permission from the Chief of Police or designee.
4. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department, nor shall they post information pertaining to any other member of the department without that member’s permission. As such, department personnel are cautioned not to do the following:
 - a. Display department logos, uniforms, or similar identifying items on personal web pages.
 - b. Post personal photographs of themselves or other law enforcement officers or provide similar means of personal recognition that may cause them to be identified as a police officer of this or any department.
5. Officers who are or who may reasonably be expected to work in undercover operations shall not post any form of visual or personal identification on any social media site.
6. It is forbidden for department personnel to post, or allow to be posted, any photograph or video of any other person using or in control of any departmental uniform or portion of a uniform or other identifiable department equipment or reasonable facsimile thereof.
7. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department’s code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - a. Speech containing obscene or sexually explicit language, images, or acts.
 - b. Any statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.



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- c. Speech involving themselves or other department personnel, reflecting behavior that would reasonably be considered reckless or irresponsible.
8. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination.
9. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
10. Department personnel should be aware that they may be subject to civil litigation for:
 - a. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, that is not legitimate public concern, and that would be offensive to a reasonable person;
 - c. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 - d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
11. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
12. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

B. Personal Use of Social Media While at Work

All department employees shall comply with general internet use policy as well as recognize that time and effort spent in communication on any social media or networking site has the potential for disruption of work. Any such communication shall be done on personal time and not interfere with productivity and, if deemed to do so, may result in disciplinary action.



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C. Reporting of Violations

Any employee becoming aware of or having knowledge of any posting or any website or web page in violation of the provision of this policy, any social media use that interferes with work productivity, or any otherwise negative effects on the department shall notify that employee's supervisor immediately for follow up action.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.126	Computer Usage	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p> <p>, Chief of Police</p>		VLEPSC Standards: OPR.01.06

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

I. POLICY

It shall be the policy of the Amherst Police Department that only the Chief of Police may approve individual computer access to networked systems and to the Internet. Further, those granted access are responsible for ensuring the security of their computer access and will be held accountable for that use.

It shall be the responsibility of the Chief of Police or his designee to maintain and support the various network systems, computers, and associated software and hardware located within the Police Department. No software or software manuals will be duplicated or reproduced in any manner without proper authorization from the Chief of Police or his designee. The Chief of Police will help ensure assigned Internet and e-mail users comply with all Town and Departmental policies.

The Chief of Police or his designee shall have the authority to conduct random monitoring and unannounced inspections of all networked computer systems and all “stand-alone” non-networked computers to ensure compliance with Town and Department policies. The Chief of Police or designee may employ security measures to restrict access to certain computer programs, web sites, etc. and will periodically monitor the Internet activity of those granted access.

No employee should enter the Settings/Control Panel or display icons in order to change any computer desktop setting or path without authorization from the Chief of Police or designee.

II. PURPOSE

The purpose of this policy is to provide guidelines for the use of computers, networks, the Internet, and all associated hardware and software to ensure compliance with local, state, federal, and international laws. This policy is meant to compliment all applicable Town and Departmental policies and regulations, including those regarding electronic communications and Internet use.



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III. PROCEDURE

To request and/or receive computers or computer equipment, access to the Internet or other networked systems, and/or other associated hardware/software, personnel may speak with the Chief of Police or use the chain of command. Upon receipt of approved equipment or access, the employee will agree to all procedures outlined in this General Order. The employee's immediate supervisor will be notified at once if computers or peripheral equipment/software are damaged, stolen, or unauthorized access is believed to have been attempted or gained.

Personnel receiving computers, hardware/software, or access to networks and the Internet will be responsible for maintaining all assigned hardware and software in proper working order and for ensuring the integrity and physical security of the equipment and those systems and technology. It is the employee's responsibility to safeguard not only the hardware assigned but also access to provided databases and other information sources made available to them. Precautions should be taken that include locking unattended vehicles, securing computers in residences or trunks of vehicles, locking offices, and committing passwords to memory and/or keeping written passwords away from computers and safely hidden or locked away.

IV. RESTRICTIONS

- A. The driver of a vehicle shall not operate a computer while the vehicle is in motion. Officers working alone will stop their vehicle and park in a safe manner before attempting to operate an installed or otherwise mobile computer.
- B. Any inappropriate or reckless release of sensitive information will subject the employee to disciplinary action. Unauthorized release of an individual's personal information or sensitive departmental data through negligence or failure to follow guidelines set out in this policy will not be tolerated.
- C. Computer access is made available to personnel to enhance their ability to perform assigned tasks. Due to the danger of computer viruses and the possibility of computer system damage, the following will only be accomplished by the Chief of Police or designee.
 - 1. Installing new applications: New applications must be properly licensed where applicable.
 - 2. Deleting software: The Chief of Police or designee will grant authorization to remove any unauthorized software found on police department computers during routine maintenance, upgrades, or inspections.
 - 3. When relocating computer equipment (even when it is within the same room) check with the Chief of Police first.

- D. Accessing the Internet



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1. Only authorized users may access the Internet.
2. Users shall not:
 - a. Attempt to decode or encrypt information or circumvent system access control.
 - b. Engage in activities that may be harmful to systems or data contained in systems (i.e., creating or reproducing viruses, disrupting services, damaging files, etc.).
 - c. Alter Town Internet access configurations.
 - d. Use or make illegal copies of copyright protected material or utilize Town and/or Department resources to store or transmit such copies.
 - e. Use mail or message services to harass or annoy another person (e.g., intentionally broadcasting unsolicited messages, sending unwarranted mail, etc.).
 - f. Engage in any activity that does not comply with Town and/or Departmental policies and regulations.
 - g. “Browse” any sites containing pornographic material, unless such use is in direct connection with an authorized criminal investigation. Authorization must be obtained in writing from the Chief of Police before such investigations can commence.
3. No department issued computer, “laptop” or other available technology will be shared with any unauthorized or non-departmental personnel.
4. Attempts to gain unauthorized access to any area of the Department's or the Town's mainframe or networked systems are strictly prohibited. This includes, but is not limited to, other employee's mailboxes, passwords or hard drives, networked software programs, etc.

V. MAINTAINENCE/REPAIRS OF SYSTEMS

Contact the Chief of Police or designee immediately for repair/maintenance if any problems are discovered with assigned computers, hardware/software, peripherals, or with either the Department or Town network or Internet connection. Under no circumstances will the employee attempt any maintenance or repairs on their own unless approved by the Chief of Police.

Personnel should notify their immediate supervisor of any maintenance problems that are not resolved in a timely manner.

VI. INSPECTIONS



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Department computers, peripherals, technology, and other associated software/hardware are subject to random, unannounced inspections.

VII. TRAINING

The Amherst Police Department when necessary will have training on assigned hardware/software and peripheral equipment. This may be accomplished by computer classes, assigned in-house personnel, or by other approved means at the discretion of the Chief of Police.

VIII. ENFORCEMENT AND PENALTIES

- A. The Amherst Police Department reserves the right to copy and examine any file maintained on Town or Department resources.
- B. Authorization to access the Internet may be revoked without prior notice.
- C. Violations of this policy will subject a user to disciplinary action.
- D. In the event of a state and/or federal copyright violation, the Town will fully cooperate in providing information for prosecution.
- E. An employee may be required to reimburse the Department for any equipment which is damaged, lost, or stolen due to negligence.

IX. WIRELESS COMMUNICATION – WORK PHONES

A. General

- 1. Wireless Communications – refers to all devices that transmit voice, data, or signals via wireless means. These devices include, but are not limited to, cell phones, radio transmitters, and other computers.
- 2. Two Way Radio – police radio transmitters shall be used in a professional manner for official law enforcement business.
- 3. Departmental Cellular Telephones – these devices are provided to assist officers in carrying out the mission of the Amherst Police Department.
- 4. Other Devices – other devices not specifically mentioned above (i.e., GPS, Satellite Radio, pagers, mobile data terminals, etc.) and not forbidden by another policy or memorandum shall be used in a manner that does not affect the safe operation of a motor vehicle.

Where applicable, the use of these devices should adhere to the guidelines set forth in the beginning of this Computer Usage Policy.



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B. Departmental Cellular Telephones – Work Phones

1. Refer to the above section, IV. Restrictions, for a general list of prohibited activities that also apply to the work phones.
2. Employees exceeding allowable minutes will be accountable for the overages and required to make restitution to the department. Continual abuse of the issued phone may also result in disciplinary action and financial reimbursement and/or termination of cellular phone use. The current plan is unlimited (First Responder Unlimited Plan—**not for personal use**), but that plan is subject to change in future contracts.
3. Confidential conversations should not be held on cellular telephones since they are not a secure means of communication and may be monitored. Confidential or sensitive material should be exchanged over landlines.
4. Regular telephone (landline) service shall be used in lieu of cellular service when readily accessible.
5. While on routine patrol, officers shall refrain from operating cellular telephones, whether personal or department issued, while the vehicle is in motion. There are times however when the need for information is critical to the performance of duty. In these cases, officers are advised to use extreme caution when and how they operate the cellular telephone while the vehicle is in motion. Officers must always use due regard while operating a patrol vehicle, regardless of exigent circumstances.
6. Apps: only work-related apps are to be downloaded (no games). The Chief of Police or designee must approve installation/deletion of apps.
7. The work phone can be checked at any time by the Chief of Police or designee.
8. Photos
 - a. If the phone is used regarding a crime scene, accident, investigation, or other law enforcement activities, notify the Chief of Police or designee as soon as practical.
 - b. If the personal phone is used for this purpose, notify the Chief of Police or designee as soon as practical.
9. Phone usage is for work purposes only.
10. Keep personal phones personal and the work phone professional (i.e., photos, contacts, games, etc.)

Attachment

- Tech Support Request Form



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.127	Inspections	Revised Date:
<p><i>Original Signature on file maintained in APD Records</i> <i>Division</i></p> <p><i>Robert A. J. Heflett II</i>, Chief of Police</p>		VLEPSC Standards: ADM.19.01, ADM.19.02, ADM.19.03

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I. POLICY

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

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

II. PURPOSE

The purpose of this order is to establish policy and procedures for continuous inspection of the Amherst Police Department’s personnel, resources, and operational effectiveness.

III. PROCEDURES

A. Inspection Objectives:

1. To learn whether a task is being performed as outlined in policy and if procedures are followed.
2. To learn whether the anticipated results of orders and standards are achieved.
3. To discover whether Department resources are used to the best advantage.
4. To reveal the existence of needs.



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B. Inspection Responsibilities:

1. Inspections 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, the Major, and the Chief of Police.
2. Inspection responsibilities shall include: personal inspection of employees, the equipment they use, how it is used and cared for, how employees perform their duties, and the result of their efforts. Employees shall respond immediately to correct deficiencies identified during inspections. Additionally, inspectors shall recognize exemplary performance.
3. Each identified supervisor will perform ALL periodic inspections as directed.
4. The specified supervisor shall record the dates and results of each inspection. When appropriate, as a result of an inspection, the supervisor or the Major shall prepare a record of counseling or commendation.

C. Line Inspections:

1. Major or designee shall inspect each officer's uniform and equipment quarterly for clean and neat appearance and new damage.
2. A quarterly inspection for all vehicles will be conducted by the Major or designee and documented on the Monthly Vehicle Inspection Form.
3. On a quarterly basis, inspection shall be done on service weapons that include the pistol, shotgun, M-4 patrol rifle, expandable baton, and electronic control device (taser). These reports will be submitted to the Major.

The Major or designated representative will maintain copies of the inspections.

D. Stored Agency Property Inspections:

The following items have been identified as stored agency property. Inspections will be conducted at a minimum of semi-annually to ensure the items are in a state of operational readiness for immediate deployment if necessary.

1. Semi-annually the Administrative Coordinator will complete and submit a Uniform Inventory to the Major.
2. The Training Coordinator will complete and submit a Weapon and Ammunition inspection/inventory quarterly to the Major.

The Major or designated representative will maintain copies of the inspections.



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E. Staff Inspections:

The staff inspection process is continuous, conducted on a semi-annually basis, and is a quality control mechanism for the Department by providing inspection and analysis of operations performed by all Departmental elements.

1. Goals:

- a. Provide the Chief with a systematic, objective report concerning the Department's efficiency and effectiveness
- b. Inspect all organizational components every three years.

2. Objectives:

Staff inspections are established to determine the following:

- a. Whether policies, rules, and procedures in the Policy Manual are being complied with, and if required documents are current and complete.
- b. If Departmental assets and resources are being utilized to their maximum potential, are accounted for, and are adequate to accomplish the inspected element's assigned responsibilities.
- c. Whether there are deficiencies in personnel integrity, training, supervision, procedures, or policies which may require remedial action by the Chief.

3. Limits of Inspection:

Except as specifically cited by the Chief, the Major has the responsibility and authority to determine the scope of the inspection and when the inspection is completed satisfactorily.

4. Inspection Procedures:

The Chief of Police or designee will conduct the Staff Inspection. A clear and concise report will be prepared at the conclusion of the inspection on the Staff Inspection form. Inspection areas:

- a. Facilities: The Department's facilities will be physically inspected.



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- b. Administration: Organization, discipline, commendations, training, work scheduling, outside employment controls, leave, overtime, communications, and performance evaluations will be reviewed to determine compliance with prescribed directives.
 - c. Files and Systems: Files, logs, Departmental publications, and daily, monthly, quarterly, and annual reports will be inspected for condition, accuracy, and compliance.
 - d. Equipment: Vehicles, weapons, radios, capital assets, emergency items, and equipment will be physically examined to determine maintenance, condition and sufficiency.
 - e. Personnel: Staffing, appearance, equipment, education, training (levels, needs, and effectiveness), and compliant trends will be inspected to determine adequacy and propriety.
 - f. Operations: Determine adequacy of job performance, supervision, morale, motivation, reports, staffing and workload.
- F. Facility Inspections:
- 1. Each locker will be inspected semi-annually for cleanliness and unauthorized items, including stored evidence, by the Administrative Coordinator or the designated representative and documented in the Locker Inspection Form.
 - 2. The Major will inspect accident report files and crime reports monthly.
 - 3. The emergency backup generator will be tested weekly by the Administrator Coordinator and reported as part of the monthly premise check.
 - 4. An annual inventory of all Police fixed assets is conducted by the Town Human Resources Director and assisted by the Evidence/Property Officer. The Town has designated fixed assets as being items that have a one-year life or more, and a cost of \$2,500 or more.
- G. Supervisory Responsibilities and Procedures:

When inspections reveal safety discrepancies or serious service-related problems, they shall immediately be brought to the attention of the Major, through the chain of command. The Major will determine whether the magnitude of the situation requires further documentation which shall be made a separate report.



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Major or designee shall accomplish the following:

- a. Make careful inspections of their subordinates for punctuality, appearance, weapons other necessary equipment, and patrol vehicles.
- b. Monitor subordinates' activities relating to proper radio procedures, call distribution, calls holding, public contacts, and citizen complaints regarding service received.
- c. Within thirty (30) days after any discrepancy is detected, forward a memorandum to the Major through the chain of command, indicating corrective action taken or reasons for not taking corrective action, e.g. required training cancelled.

Attachments

- Attachment A – Inventory Form
- Attachment B – Premise Inspection Form
- Attachment C – Uniform Inspection Form
- Attachment D – Pistol Form
- Attachment E – Shotgun Form
- Attachment F – M-4 Form
- Attachment G – Special/Tactical & Drug Surveillance Equipment Form
- Attachment H – Locker Inspections
- Attachment I – Ammunition
- Attachment J – Armory
- Attachment K – Interceptor SUV
- Attachment L – Interceptor Sedan
- Attachment M – Staff Inspection



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.128	Uniforms	Revised Date: February 5, 2021
<p><i>Original Signature on file maintained in APD Records</i> <i>Division</i></p> <p><i>Robert A. J. Hiflett II</i>, Chief of Police</p>		VLEPSC Standards: PER.03.04

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I. POLICY

Uniform Regulations establish the professional bearing required of all members of the Department while on duty. The regulations contained in this policy offer little or no flexibility. It is the policy of the Department that all members obey uniform regulations. The Chief of Police or designee administers the Uniforms and Equipment Program. Uniforms are worn in their entirety as described in this policy. No one piece of the uniform shall be worn without the other applicable parts while the member is on duty. While working extra-duty assignments in uniform, members shall wear either the Class A or Class B uniform. The Chief of Police may grant written exceptions to this policy for specific positions or assignments in the Department, specific events, and for specified time periods. Any member whose current assignment requires deviation from standards imposed by this policy may make a written request to the Chief of Police for an exception. Any approval for an exception will automatically expire upon change of assignment. Any change in uniform regulations shall be accomplished by constructive suggestion through the appropriate chain of command rather than by custom, lack of enforcement, or selective or discriminatory enforcement.

II. PURPOSE

The purpose of this order is to promote and enhance the professional image of the Department by defining the manner in which uniforms and business attire are worn and to define the standards of personal grooming for sworn and non-sworn members. Specific standards apply to each type of uniform worn to ensure that 1) the public is never in doubt about who represents their Police Department and 2) the uniformity of Police attire supports the Department’s mission.

III. PROCEDURES

General:



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1. Regulation uniforms and equipment are those approved by or issued by authority of the Chief of Police.
2. Only regulation uniforms and equipment may be worn or utilized by sworn or civilian personnel when in uniform.
3. Sworn and civilian personnel who act in a uniformed capacity will be issued an allotment of uniforms and equipment to perform their duties.
4. The care, maintenance, and safekeeping of assigned uniforms and equipment are the responsibility of the employee to whom such items are issued.
5. The issued uniforms and equipment shall be subject to periodic inspections.
6. Damaged or otherwise inadequate equipment shall be immediately reported to the Chief of Police or designee in memorandum, with recommendations, through the employee's supervisor.
7. Line supervisors or their designee are authorized to modify or amend the prescribed uniform in the event of extreme weather conditions on a temporary basis. The line supervisor or designee must be able to articulate to the Chief of Police or his designee why the modification was made.
8. Any court appearances shall require Class A uniform attire
 - a. Class A short sleeve during spring/summer months
 - b. Class A long sleeve and tie during fall/winter months

IV. GROOMING STANDARDS, MALE AND FEMALE MEMBERS:

A. Hairstyles, sworn personnel in uniform:

1. Hair shall be kept neat, appropriately arranged and shall not fall below the bottom of the collar.
2. Pigtails, cornrow braids, dreadlocks and the shaving of designs into the scalp are not permitted. A traditional military short hairstyle does not constitute "shaving". Ponytails are not permitted as they can be used to harm or control the Officer.
3. Bangs shall not protrude below the band of the headgear onto the forehead.



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4. Styling shall be moderate and shall not interfere with proper positioning of the issued headgear.
5. Unnatural hair colors (i.e., green, purple, pink, etc.) are not permitted.
6. Female members with longer hair may be pinned up against the head in a businesslike style or in a French braid.
7. Sideburns shall be neatly trimmed and rectangular in shape. Sideburns shall not extend below the opening of the ear.
8. Members shall be clean-shaven, with the exception of a mustache. Handlebar mustaches are not permitted. Mustaches may not extend below the upper lip line, and no more than ¼ inch in length beyond the edge of the mouth. When tinted, the mustache shall be of approximate tint to the hair on the head.
9. Beards are not permitted, unless the nature of assignment requires deviation. If a medical condition exists which inhibits shaving, a doctor's note shall be submitted, for a defined period of time.

B. Makeup:

1. Cosmetics shall be applied conservatively.
2. Exaggerated, faddish, or unnatural cosmetic styles or colors are not permitted.

C. Jewelry:

1. Earrings:

Sworn female employees may display small, plain button or post type earrings of gold, silver, single stone, or like material and may be worn in each ear. Loop or dangle style earrings shall not be worn.

2. Finger rings:

- a. Members may wear a total of 3 (three) finger rings.
- b. A wedding/engagement set shall be considered as one ring.
- c. With the exception of the wedding/engagement set, those rings bearing sharp surfaces likely to cause injury to others are not permitted.



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3. Exposed jewelry, sworn members and non-sworn members who are in uniform.
 - a. Exposed jewelry permitted shall consist of all jewelry that is visible to the public, with the exception of earrings, finger rings, medic alert devices, wristwatches (or one bracelet in lieu of the wristwatch), and the portion of a necklace that is exposed on the neck (with the remainder of the necklace worn inside the undershirt) when the Class B Uniform is worn or in casual business attire.
 - b. Jewelry that contains religious themes or symbols is permitted, if the religious theme or symbol itself is worn inside the uniform shirt.
4. Medic alert bracelets or other medic alert devices are permitted.
5. One wristwatch is permitted (or one similar bracelet worn in lieu of the wristwatch).

D. Body piercings and miscellaneous body jewelry display, sworn and non-sworn members:

Body piercing and miscellaneous body jewelry display shall consist of any piercing of the body with jewelry that is visible to the public, except earrings as noted in Section C, above. All other visible body piercing is not permitted with the exception of earrings.

E. Tattoos, sworn and non-sworn members:

1. Tattoos shall consist of permanent or temporary, intentional body markings or brands made at the option of the member that are visible to the public.
2. Tattoos shall not display obscene, sexually suggestive, demeaning, or violent images or messages.
3. Excessive numbers of tattoos shall not be made visible to the public. “Excessive” shall consist of exceeding $\frac{1}{4}$ of the exposed body part and those above the collarbone that are visible to the public when wearing the Class B Uniform.

F. Fingernails and nail polish, sworn and non-sworn members:

1. Fingernails that are excessive in length are not permitted.
2. Fluorescent nail polish colors (i.e., green, purple, etc.) are not permitted.

G. Eyewear, sworn and non-sworn members:

1. Members may wear prescription eyewear and/or sunglasses at their options.



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2. Sunglasses may contain green, gray, brown or other conservative tint lenses, and shall have undecorated frames and impact resistant lenses.
3. Mirrored or opaque lenses are not permitted.
4. Prescription eyewear must consist of impact resistant lenses, soft lens contacts, or poly carbon coated glass, and shall have undecorated frames.
5. A strap used to hold eyewear in place is permitted, and must consist of a plain, undecorated fabric or similar material that is clear/brown/black in color.

V. CLASS A UNIFORM GENERALLY:

A. The Class A Uniform shall consist of the winter dress uniform.

B. Components:

1. Long-sleeve uniform, as issued.
 - a. The sleeves shall be extended and buttoned at all times.
 - b. Officers will ensure that articles carried in pockets do not protrude or present a bulky appearance.
 - c. The collar may be worn in the following configurations:
 - 1) Open collar with navy/black crew neck T-Shirt.
 - 2) Buttoned with Department issued tie and tie bar.
 - 3) Open collar with a matching mock turtleneck or dickie.
2. Uniform tie, navy, as issued with tie bar.
3. Uniform trousers, navy, as issued.

Although some uniform items are made of wash-and-wear materials or are treated with a permanent-press finish, officers may need to press these items to maintain a neat appearance. However, before pressing uniform items, officers should read and comply with care instruction labels attached to the items.

4. Shirts



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- a. Unless otherwise directed by the Chief of Police or these regulations, the uniform shirt for sworn personnel will be the dark navy or long-sleeve shirt.
 - b. Command and administrative personnel may wear the dark navy long-sleeve uniform shirt.
 - c. Shirts shall be worn with the badge, name bar, marksmanship medal, and tie.
 - d. Sworn members holding the rank of Sergeant shall position the appropriate rank patch on both sleeves, centered and ½ inch below the Department arm patch.
 - e. Command personnel with the rank of Major shall position the appropriate rank insignia pin (small style) centered on both collar flaps, parallel to and ¼ inch above the horizontal edge of the collar, (only when wearing the dress blouse), or the epaulettes utility cloth insignia.
5. Dress Blouse
- The dress blouse may be worn by sworn members holding the rank of Sergeant or above and selected other officers (personal purchase as authorized by the Chief of Police), as the Uniform of the day, or for special appearances or events. The dress blouse is worn as the Class A Uniform in the following configuration:
- a. Navy, long-sleeve uniform shirt and Department issued tie.

Collar insignia shall be worn by Sergeant and above. The insignia shall be placed in a manner that is visible when the Dress Blouse is worn.
 - b. White gloves can be worn (for special functions such as parades, funerals, and other events).
 - c. All buttons on the blouse are fastened.
 - d. Uniform attachments as issued or authorized.
 - e. The Gun Belt shall be clean and maintained.
6. Footwear, as authorized.
7. Socks, navy or black.
8. Headgear, as issued.



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9. Uniform attachments, as issued or authorized.

VI. CLASS B UNIFORM GENERALLY:

A. The Class B Uniform shall consist of the summer dress uniform.

B. Components:

1. Short-sleeve uniform shirt, as issued.
 - a. The collar shall be worn open, without a tie, with dark navy or black crew neck T-Shirt.
 - b. Officers will ensure that articles carried in pockets do not protrude or present a bulky appearance.
2. Uniform trousers, as issued.
3. Shirts
 - a. Unless otherwise directed by the Chief of Police or these regulations, the uniform shirt for sworn personnel will be the dark navy or black short-sleeve shirt with navy or black crew neck T-Shirt.
 - b. Command and administrative personnel may wear the dark navy or black short-sleeve uniform shirt.
 - c. Shirts shall be worn with the badge, name bar, and appropriate marksmanship medal.
 - d. Sworn members holding the rank of Sergeant shall position the appropriate rank patch on both sleeves, centered and ½ inch below the Department arm patch.
 - e. Command personnel with the rank of Sergeant or above shall position the appropriate rank insignia pin (small style) centered on both collar flaps, parallel to and ¼ inch above the horizontal edge of the collar or the epaulettes utility cloth insignia.
4. Footwear, as authorized.
5. Socks, black or blue.
6. Headgear, as issued.



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7. Uniform attachments, as issued or authorized.

VII. CLASS C UNIFORM GENERALLY:

A. The Class C Uniform shall consist of the Utility Uniform.

1. The Class C Uniform shall consist of khaki utility trousers and a grey, maroon, or black short-sleeve or long-sleeve polo shirt with the Department embroidered badge, rank/last name on the front and “Police” silk screened on the back.
 - a. Firearms Instructors will be issued red polo shirts.
 - b. Command personnel will be issued polo shirts.
2. Footwear, as authorized.
3. Socks, black or blue.
4. Headgear, as issued.

B. In addition, the Utility Uniform contains those uniform and equipment items that are specific to:

1. Training functions such as firearms and crime scene processing assignments.
2. Administrative officers and other members, as authorized by the Chief of Police.

VIII. DUTY BELT

The duty belt shall be worn in the configuration required for the specific duty assignment being performed as listed below:

The following equipment items are to be on the Duty Belt of non-command staff personnel. All duty belts will be the color and material of the corresponding uniform class: Class A, black hi-gloss or clarion; Class B, black mesh nylon; and Class C, off-duty holster.

1. Duty holster, black polymer.
2. Double magazine pouch, black nylon, black snaps.
3. Handcuff case, black hi-gloss/clarion (Class A) or nylon (Class B), black snap.
4. Radio holder, black hi-gloss/clarion (Class A) or nylon (Class B), black snap or metal clip holder.



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5. Taser holster (if issued), black hi-gloss/clarion (Class A) or nylon (Class B) or polymer.
6. Baton holder, black hi-gloss/clarion (Class A) or nylon (Class B) or polymer.
7. Glove pouch, black hi-gloss/clarion (Class A) or nylon (Class B), Velcro® closure.
8. Flashlight holder, black hi-gloss/clarion (Class A) or nylon (Class B) (or black polymer), black snap.
9. Keepers, black hi-gloss/clarion (Class A) or nylon (Class B), black snaps.
10. Positions of rank will have gold buttons.

IX. FOOTWEAR

Sworn Personnel

- A. Any shoe worn with any Police uniform shall be black (Uniforms Class A and B) or be preapproved by the Chief.
- B. The following options are allowed:
 1. Oxford (low cut) style shoes in hi-gloss finish.
 2. Oxford (low cut) style shoes, all leather, plain finish. This shoe shall be waterproof, slip-resistant, and cushioned. It may be worn on all shifts while on duty and during good weather.
 3. Boot style with full grain leather uppers with plain finish. This boot shall be worn in the winter or during inclement weather and on special occasions such as a practical training mission. It may be worn on all shifts while on patrol duty and during good weather.

X. BODY ARMOR

- A. Officers shall wear body armor while engaged in uniformed field activities including off-duty employment, unless exempted. Field activities are duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative capacities.

THIS IS CONSIDERED A MANDATORY WEAR POLICY WITH LIMITED EXCEPTIONS.



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The exceptions are:

1. When a physician determines that an officer has a medical condition that would preclude use of body armor;
 2. When an officer is involved in an undercover or plainclothes assignment, the officer's supervisor shall determine if the use of body armor would compromise the operation;
 3. When the officer is assigned to perform an administrative function, apart from field activities;
 4. The wearing of the body armor is mandatory. The Chief of Police or designee may suspend wear based on weather patterns and operational concerns. During this period personal body armor will remain readily available and will be mandatory during tactical and high-risk operations.
 5. Plain clothes officers while working primarily inside the police department or away from potentially dangerous environments.
 6. Sworn personnel at the rank of Sergeant and above while strictly working in an administrative capacity (i.e. inside of the police department involved in non-operational activities such as reviewing paperwork, administrative matters, or attending meetings). All ranks, to include the Chief of Police, who are working the street in uniform and may be exposed to an enforcement activity shall wear a protective vest.
- B. All exempt personnel shall have their armor available while on duty.
- C. Regardless of the above stated exceptions, body armor shall be worn in the following situations by all sworn personnel including those in plain clothes assignments:
1. High-risk entries
 2. Special response team operations (CNT, SWAT, etc.)
 3. Pre-planned arrests of felony suspects
 4. Serving any non-administrative search warrant
 5. Any pre-planned police activity which by its nature would indicate an element of danger
 6. When mandated by a supervisor due to special circumstances



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- D. All body armor issued by the Department will comply with the current minimum protective standards prescribed by the National Institute of Justice.
- E. The Department shall issue body armor to all sworn personnel, and shall replace body armor that is worn, damaged or out of date. However, the officer must pay for any body armor that has to be replaced due to misuse or abuse by an officer, after an investigation by the Major.
- F. Care and Maintenance of Body Armor:
 - 1. Each officer assigned body armor is responsible for the proper care, maintenance and storage of his body armor in accordance with the manufacturer's instructions, which also includes daily inspection for signs of damage and general cleanliness.
 - 2. The supervisor in charge of the Department's firearms program shall be responsible for maintaining the following:
 - a. Technological advances in the body armor industry that necessitate a change in the Department's policies and procedures regarding the use of body armor; and,
 - b. A description of weapons and ammunition currently in use and whether or not the issued body armors can withstand their impact.

XI. OUTERWEAR

A. Winter Apparel

1. Lightweight Winter Coat

- a. The lightweight winter coat, navy and weather resistant, is the approved cold weather garment for wear. Officers must display the cloth patch which bears their rank/name on the left chest area.
- b. The cloth badge of office shall be displayed in the manufacturer's pre-determined location.

2. Heavy Winter Jacket

- a. The heavy winter jacket shall be navy in color with a plain collar.
- b. The jacket shall display an embroidered badge patch on the left upper chest area and a POLICE patch on the right chest area.



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B. Sweater

The Department issued sweater may be worn over the Class A uniform shirt as a cold weather garment.

1. The collar may be worn open.
2. The collar may be buttoned and worn with the Department issued tie.
3. The collar may be worn open with a matching navy mock turtleneck or dickie.

C. Rain Jacket

The rain jacket shall be high visibility displaying POLICE (high center back area). The badge of office shall be displayed in the manufacturer's pre-determined location.

XII. UNIFORMS AND EQUIPMENT, ISSUE, REPLACEMENT, AND MAINTENANCE:

A. The Chief of Police or designee administers the uniforms and equipment program.

B. The Major as designee will document the amount of uniforms and equipment issued. The Administrative Coordinator completes the Issued Equipment Inventory form:

1. Upon initial appointment and uniforms/equipment issue, as a member of the Department.
2. Upon periodic inspections, as governed by **ADM.127, Inspections**.
3. Upon separation from the Department.
4. Other inspection as determined by the Major.

C. Damaged or otherwise unserviceable uniforms and equipment shall be reported to the Major or Chief. A memorandum documenting the occurrence will be required.

D. The Department authorizes repair and tailoring of uniforms and equipment through the following procedure:

1. The member reports the need in memorandum form, through the appropriate chain of command to the Major for review.



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2. The Major authorizes the repair and directs the member to the appropriate source for service. The member delivers the item to the contractor.
3. The Major provides a voucher for the officer to satisfy payment for the contractor's services.

XIII. UNIFORM ATTACHMENTS, CLASS A AND B UNIFORMS:

- A. Badge of Office: the badge of office is specific to the member's rank or assignment and shall be displayed on the left upper chest area of the outermost uniform garment.
 1. Class A/B Uniform, Winter Coat and Jacket, and Raincoat: the badge is displayed on the left upper chest, centered and ¼ inch above the pocket flap.
 2. Class C or Sweater: the embroidered badge is displayed on the left upper chest area, as noted above.
 3. The sew-on badge may be affixed to the Winter Coat or Jacket in lieu of the metal badge.
 4. The Chief of Police may authorize commemorative badges for duty wear.
- B. The Department arm patch is task specific and is displayed on all appropriate outer garments. The appropriate Department arm patch shall be positioned on both arms of all appropriate garments, centered on the arm, and ½ inch below the epaulet or the top of the arm seam.
- C. Rank insignia: Rank insignia are displayed by sworn members holding the rank of Sergeant or above.
 1. Rank insignia shall be worn on Class A and B uniforms.
 - a. Sworn members holding the rank of Sergeant or above shall position the appropriate rank insignia pin (small style) centered on both collar flaps, parallel to and ¼ inch above the horizontal edge of the collar or the epaulettes utility cloth insignia.
 - b. Sworn members holding the rank of Sergeant shall position the appropriate rank patch on both sleeves, centered and ½ inch below the Department arm patch.
 2. Dress blouse, winter coat or jacket, or sweater



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- a. Sworn members holding the rank of Sergeant or above shall position the appropriate rank insignia pin (large style) centered on both epaulets, so that the outermost edge of the insignia touches the outermost edge of the epaulet, and centered over the Department arm patch.
 - b. Sworn members holding the rank of Sergeant shall position the cloth chevrons on both arms, centered and ½ inch below the Department arm patch.
- D. Marksmanship Proficiency Pins
1. The marksmanship pin shall be displayed on the left chest pocket flap, centered with the top edge of the pin even with the top seam of the flap.
 2. Marksmanship pins shall not be displayed on the Class C Uniform.
- E. Nameplate: the nameplate shall be positioned on the right chest pocket, centered with the top of the nameplate even with the top seam of the pocket flap.
1. The nameplate shall not be displayed on the Class C Uniform.
 2. The nameplate shall be displayed on the navy-blue sweater.
- F. The optional For God and Country patch is to be worn on the right of the uniform above the name plate.
- G. Other Uniform Attachments
1. The Department awards pins for certain sworn assignments, sections, special units, and achievement awards (see General Order 2-39, Awards).
 2. Uniform attachments shall not be displayed on the Class C Uniform.
- H. Headgear badge and trim
1. All sworn members shall display the headgear badge and black trim band.
 2. The headgear badge shall be displayed in the manufacturer's pre-determined location on the headgear.

XIV. INCLEMENT WEATHER UNIFORM:

The following uniform items may be worn during inclement weather only:



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- A. Raincoat. The badge of office shall be displayed in the manufacturer's predetermined location.
- B. Rain Headgear cover.
- C. Severe weather headgear (black Watch cap) may be worn at the member's option in the event of extremely windy or cold conditions.
- D. Solid black gloves, as approved by the Chief of Police.

XV. UNIFORM PROVISIONS:

A. Uniform of the Day

The Chief of Police or designee may specify a Uniform of the Day for the Department, any component of the Department, or any member.

- B. The dress blouse may be worn by sworn members holding the rank of Sergeant or above and selected other officers (purchased at their own expense) as the Uniform of the Day or for special appearances of events. The dress blouse is worn with the Class A Uniform in the following mode:

- 1. Navy long-sleeve uniform shirt and tie.

Collar insignia shall be worn by Sergeant and above. The insignia shall be placed in a manner that is visible when the dress blouse is worn.

- 2. White gloves (for special functions such as parades, funerals, and other events).
- 3. All buttons on the blouse are fastened.
- 4. Uniform attachments, as issued or authorized.

C. Civilian Clothing

- 1. Officers may wear business casual attire to events such as lectures, classroom training, and meetings or appropriate clothing to training events or on special assignments as approved by the Chief of Police.
- 2. Other members of the department may wear approved civilian clothing, as permitted by the Chief of Police.
- 3. Refer to Uniform C.

D. Headgear, generally.



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1. The headgear, consisting of uniform hat or Department baseball cap, shall be worn at the following times:
 - a. While directing traffic for extended periods of time or during special events and funerals.
 - b. At official functions, public appearances, or events, as appropriate.
2. The headgear shall be worn squarely on the head.
3. The appropriate headgear badge and trim band shall be displayed.

E. Rendering of military honors

1. Uniformed members shall render military honors in the following instances:
 - a. When the flag of the United States of America is carried or otherwise displayed.
 - b. As directed by a superior officer.
2. The rendering of military honors shall consist of:
 - a. Uniformed members shall stand at attention and perform a standard military hand salute: the right hand is brought to the right edge of the headgear brim. For members who are not wearing headgear, the right hand is brought to the outer edge of the right eyebrow.
 - b. Non-uniformed members shall stand at attention and place the right hand over the area of the heart.
 - c. Military honors are completed when the flag has passed the member or as directed by a superior officer.

F. Court appearances, sworn and non-sworn members

1. Sworn members shall wear the Class A Uniform for Court appearances or appropriate business attire as outline under #2 below.
 - a. Sweaters, turtleneck shirts, baseball hats, or helmets are not permitted.
 - b. The Class C uniform is not permitted.
 - c. Casual clothing is not permitted.
2. Sworn members who are not in uniform and non-sworn members shall wear appropriate business dress attire.



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- a. Male members shall wear a sport coat and slacks (or suit) with dress shirt and tie.
- b. Female members shall wear appropriate business professional attire.
- c. Casual clothing is not permitted, except as indicated for Dress-Down Day.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.129	Firearms General	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p> <p>, Chief of Police</p>		VLEPSC Standards: ADM.05.02, ADM.06.01, ADM.06.02

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

I. POLICY

- A. A Police Officer’s firearm is perhaps the most commonly perceived symbol of the Officer’s authority and role. In the interest of public safety and Police professionalism, the Department sets high standards of performance for its personnel who use weapons. The Department’s policy ensures that members are properly trained not only in the use of appropriate firearms but also in their maintenance. In addition, the Department believes that off-duty use of weapons, plus the selection and wearing of on-and off-duty holsters must follow standards enforced by supervisors and the department armorer.
- B. All sworn personnel, immediately upon graduation from a DCJS-certified Criminal Justice Academy, or lateral hires (as defined under DCJS regulations), are required to be trained in and issued copies of this policy and also trained in Departmental procedures for less than lethal weapons prior to assignment to Field Training. The training will also cover the following directives:
 - 1. Officers shall use only the force necessary to effect lawful objectives;
 - 2. Officers will follow a force “continuum” or use of force alternative protocols in responding to perceived threats with all issued lethal or non-lethal weapons authorized by the Department;
 - 3. Officers may use deadly force only under a reasonable belief that the action is in defense of human life or in defense of any person in imminent danger or facing a significant threat of serious physical injury;
 - 4. Guidelines for the use of deadly force against a fleeing felon; and
 - 5. The discharge of warning shots is prohibited.



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- C. This training will be conducted prior to being authorized to carry any Departmental-approved weapon. The training will be completed by the Training Officer during Post Academy Orientation, and the documents showing policy receipt and Certificates of Training will be completed and maintained in their Field Training Manual.
- D. No Officer shall carry or use any firearm, chemical agent, or Monadnock Expandable Baton (MEB) – Auto-lock, or Electronic Control Device unless he or she has received training in the use of the weapon and demonstrated proficiency in its use. All officers are required to undergo refresher training annually with any issued weapons other than firearms, refer to **ADM.131, Use of Force**, and **ADM.131A, Taser**, for information on these authorized weapons.
- E. Firearm training is an important phase in the development of law enforcement officers, particularly with weapons that are the most accessible to the officer, i.e., handgun and shotgun. The Criminal Justice Services Board established that every full-time police officer must annually qualify with his/her issued firearm. That score, and any scores used by the Department for record, must be fired on an approved firing range under the supervision of a certified Firearms Instructor. The Department, however, requires firearms qualification twice yearly with any firearm they are authorized to use. Further, firearms qualification is a combination of skill and discretion: when to shoot is perhaps a more important question than how to shoot. Officers will carefully review **ADM.131, Use of Force**, during each qualification session, twice annually, and once by itself as a sole block of instruction.

II. PURPOSE

The purpose of this order is to establish policy and procedure governing the care and maintenance of issued weapons, the selection and use of holsters, off-duty weapons, firearms training, and qualification.

III. PROCEDURES

A. On-Duty Weapons

1. Issuance of Weapons:

- a. The Armorer/Firearms Instructor shall issue Departmental weapons to authorized personnel.
- b. Departmental firearms that become unserviceable or are no longer needed shall be returned to the armory.
- c. The Department issues the .40 caliber semiautomatic Glock for all sworn Officers.



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2. Security of Weapons:

Officers are responsible for the care, cleaning, and security of Departmental weapons issued to them. Officers shall report any weapon malfunction to the Major or Designee.

3. Departmental Armorer:

The duties of the Armorer are:

- a. To provide for the care and maintenance of non-issued Departmental weapons and associated equipment.
- b. To inspect all weapons being returned to the armory to ensure they are clean and serviceable.
- c. To repair all returned malfunctioning weapons.
- d. To maintain a copy of records of issuance, care, and maintenance of Departmental weapons and associated items to the Administrative Coordinator.
- e. To maintain a copy of records of issuance, care, and maintenance of Departmental weapons and associated items, and conduct a monthly inventory and inspection of each.
- f. To issue Departmental ammunition.
- g. To inspect and certify as serviceable, personally owned firearms that are authorized for on-duty or off-duty use.
- h. To inspect and authorize the use of holsters for off-duty use and for on-duty use if the officer prefers to use a holster other than one issued by the Department.
- i. To inspect all weapons used by officers both on and off duty at each qualification shoot.
- j. To maintain a record of all firearms that have been certified as safe and with which Officers have qualified. This record shall include the following:
 - i. Officer's name and identification number.
 - ii. Make and model of weapon.
 - iii. Serial number of weapons.
- l. To conduct an inventory count of Departmental ammunition on a monthly basis.

B. Modification of Weapons:

Departmental weapons shall not be modified nor altered without written approval of the Chief of Police.

C. Firearms Inspections:

1. Although either the Firearms Instructor or the Armorer shall thoroughly inspect each weapon during qualification on the range, the supervisor or designee shall inspect subordinate officers' issued firearms monthly to ensure that they are maintained in a clean and serviceable condition. The Major may also conduct inspections on a continuing basis.



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2. Firearms inspections shall include side arms, shotguns, and authorized rifles.
3. Ammunition shall be inspected to ensure that it is of Departmental issue, of correct quantity, and in serviceable condition.
4. Upon completion of inspections, the Armorer/Firearms Instructor shall forward a Monthly Firearms Inspection Report to the Major for each firearm and shotgun assigned to each employee, please refer to **ADM.127, Inspections**, for forms.

D. Off-Duty Weapons:

1. Off-duty weapons, either revolvers or semi-automatic pistols, and ammunition for them are purchased at the officer's expense. The Armorer must inspect and certify the off-duty weapon before it may be carried. Revolvers will not exceed .38 caliber and semi-automatics must be a minimum of 9mm and not exceed .45 caliber, unless exempted by the Chief of Police.
 - a. Officers must be able to qualify with the off-duty weapon semi-annually.
 - b. The Chief of Police or Major must approve any concealed weapons and holsters for an off-duty weapon.
 - c. The Armorer/Firearms Instructor will maintain a record of all holsters and weapons used by each officer.
2. Officers may carry, while off-duty, either an issued weapon or one purchased at the officers' expense. To ensure proficiency with the weapon, at a regularly scheduled shoot, each Officer shall qualify with an off-duty weapon (not an issued weapon) according to the procedure outlined herein with ammunition purchased at the officer's expense.
3. Officers may not carry weapons when socially inappropriate (e.g., at a sports event), nor when consuming alcoholic beverages.

Off-duty weapons shall be carried safely and concealed from public view.

4. Officers will not carry any firearm, on or off-duty, they have not qualified with.

IV. PROCEDURES – QUALIFICATION

A. Qualification Rules



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1. All officers shall be required to shoot two (2) qualifying scores of 75 points on an approved firing range twice a year. Any score below a 75 will require remedial training within seven (7) days. The officer then must shoot three (3) qualifying rounds to avoid suspension. During a suspension (if the officer was unable to shoot the three qualifying rounds), the officer will be required to practice and improve scores. The Chief of Police or designee will then assign a new date for the officer to qualify.
2. All original score forms will be maintained by the Training Coordinator/Armorer. A summarized copy of all range scores will be forwarded to the Major for his records.
3. The Firearms Instructor shall be in charge at all times when officers are on the firing range for qualification.
4. Only weapons and ammunition issued by the Department will be used during qualifications except for off-duty weapons.
5. Every officer shall fire the regular firearms course approved by the Virginia Department of Criminal Justice Services (DCJS).
6. The Armorer or Range Officer shall inspect all weapons before firing to:
 - a. Ascertain that weapons are safe, and
 - b. Ensure that weapons are properly maintained.

B. Safety

1. Each officer, before going to the shooting line, must have approved ear and eye protection.
2. All weapons and ammunition pouches/magazines shall be emptied before entering the firing range area.

C. Shotgun

1. Every officer may only carry a Departmental issued shotgun upon passing the shotgun qualification course.
2. The qualification course shall include:
 - a. Knowing how to load and unload combat style.
 - b. Firing at least ten (10) shots from different positions.



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3. The ammunition chamber shall be left open and the safety on until instructed by the Firearms Instructor to load or check the weapon.
4. Shotguns will not be handled except on the command of the Firearms Instructor.
5. Sworn personnel issued a shotgun shall carry their shotgun in “cruiser-ready” condition. The bolt shall be forward on an empty chamber, safety activated, and magazine tube to full capacity.

D. Patrol Rifle

1. Patrol rifles may be carried by assigned officers only after successful completion of the initial Patrol Rifle Course.
2. Each officer assigned, must fire two (2) qualifying scores of 70 points on an approved firing range twice a year.
3. Sworn personnel issued a patrol rifle shall carry their patrol rifle in “cruiser-ready” condition. The bolt shall be forward on an empty chamber, safety activated, and full magazine inserted into the magazine well.

E. Special Service Weapons

1. The Department may issue special service weapons predicated on the needs of Department special operations units.
2. No special service weapon may be issued until successful completion of required training and qualification courses for that specific weapon.
3. Each officer assigned, must fire two (2) qualifying scores of 70 points on an approved firing range twice a year.

F. Classroom Instruction

All Police Department personnel shall, if duties require carrying firearms, receive classroom familiarization with their firearms before obtaining permission from the Firearms Instructor to enter the firing range.

V. PROCEDURES – FAILURE TO QUALIFY

- A. Officers who fail to pass the qualification shall be relieved of their Police powers and immediately reassigned to non-enforcement duties.



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- B. The officer will be scheduled for an eight-hour remedial training course at which time another attempt at qualification will be made.
- C. If the officer fails to qualify at this point, they will be scheduled for a 40-hour Qualification Enhancement Course (QEC) program.
- D. If the officer fails to qualify at this point, a decision will be made regarding further training, a reclassification to non-sworn status, or termination.
- E. Officers who have taken extensive leave or suffered an illness or injury that could affect the use of firearms shall re-qualify before returning to enforcement duties.

VI. APPROVED ON-DUTY FIREARMS:

All firearms will be inspected by the Training Coordinator during semi-annual qualification. Weapon condition will be documented on the Semi-Annual Firearm Qualification Record, and unsafe firearms removed from service until repaired.

A. Semiautomatics:

Sworn personnel, regardless of assignment will carry a semiautomatic pistol approved by the Department after successfully completing the semiautomatic firearms training and qualifying with the weapon, and the following criteria are met:

1. Minimum magazine capacity is eight rounds.
2. Semiautomatics will be carried in an approved holster with a round in the chamber and a full magazine.

B. Shotguns:

Officers may carry any Departmentally-issued shotguns, Mossberg manufactured Model M590 Entry.

C. Rifles:

Sworn personnel may carry Departmentally-issued rifles when the following criteria are met:

1. Successful completion of the Department's 24-hour rifle training course.
2. Manufactured by Daniel Defense, Tactical Patrol Rifle.



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3. Sworn personnel issued a patrol rifle shall carry their patrol rifle in “cruiser-ready” condition. The bolt shall be forward on an empty chamber, safety activated, and full magazine inserted into the magazine well.

VII. APPROVED OFF-DUTY FIREARMS:

Officers are encouraged, but not required, to carry a handgun when off duty. An officer who elects not to carry a handgun while off duty shall not be subject to disciplinary action if an occasion should arise in which he could have taken police action if he were armed. The Chief must approve the carrying of an off-duty weapon.

- A. (Exception) Off-duty officers while operating a Department vehicle shall be armed with an approved weapon.
- B. Officers who carry off-duty weapons must understand that in some social situations (e.g., sports) the carrying of a firearm would be inappropriate.
- C. Officers who have consumed alcoholic beverages shall not carry an off-duty weapon under any circumstances.
- D. All officers shall submit off-duty weapons to the range instructor for inspection and ballistics testing before carrying them.

1. Revolvers:

Off-duty sworn personnel may carry any revolver, with the Chief’s approval, which conforms to specifications outlined below.

- a. Has a barrel length not exceeding four inches.
- b. Is capable of holding a minimum of five cartridges.
- c. Is not less than .38 special nor greater than .45 caliber.
- d. Is approved by the Training Coordinator as being a make and model which is functionally reliable and safe for carriage.

2. Semiautomatics:

Off-duty sworn personnel may carry any semiautomatic pistol approved by the Department after successfully completing the semiautomatic firearms training and qualifying with the weapon.



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VIII. PROCEDURES – ON-DUTY CARRY OF PERSONALLY OWNED FIREARMS

A. Personally-owned firearms may be used, provided they are inspected and approved by the Department Armorer for on-duty carry. The following restrictions shall apply:

1. Semi-automatic handguns only.
2. Must be double action only.
3. No de-cocking levers.
4. 9mm, .40, .45, and 5.7 caliber are the only approved calibers.

B. Personnel will be required to purchase ammunition for duty use and qualification at their own expense with the exception of 9mm and .40 caliber. Only commercial-grade and commercially manufactured ammunition approved by the Department Armorer will be authorized for carry.

IX. PROCEDURES – PROHIBITED AMMUNITION

The following handgun ammunition will not be carried or used without the authorization of the Chief of Police:

- A. Explosive or combustible rounds.
- B. Magnum or armor-piercing rounds to include rounds designed to penetrate armor plate, soft body armor, and bullet-resistant glass, plastic, or fibers.
- C. Rounds containing multiple pellets or projectiles.

X. PROCEDURES – CLEARING

The clearing barrel shall be used whenever firearms are to be unloaded by sworn personnel at the police station, utilizing the procedures demonstrated during training for the weapon being cleared/unloaded.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.130	Take Home Vehicles	Revised Date:
<p><i>Original Signature on file maintained in APD Records</i> <i>Division</i></p> <p> , Chief of Police</p>		VLEPSC Standards: PER.03.01

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

I. POLICY

Upon availability, under established guidelines, and with the approval of the Chief of Police, police vehicles will be assigned to eligible officers within the department as take-home vehicles. The use of a Town vehicle is a privilege and may be revoked, altered, or suspended at any time by the Chief of Police based on the operational needs of the Department, fiscal issues, and continued eligibility of the officer.

II. PURPOSE

The purpose of allowing take-home vehicle privileges is to promote and enhance public safety within the Town of Amherst through decreased response times for officers called out for emergency situations. The program will also expedite a response to assist in the event of a countywide emergency as well as reduce vehicle replacement and maintenance costs.

III. PROCEDURES

A. Objectives of the Take-Home Vehicle Program

1. Enhanced police presence in the community due to increased visibility of marked vehicles traveling in the Town and County of Amherst.
2. Having marked vehicles parked in neighborhoods, shopping center parking lots, and other areas signals the presence of police officers which should have a deterrent effect upon persons who contemplate committing violations of the law.
3. The regular on-duty force may be supplemented by additional off-duty officers who have an assigned vehicle. This will allow for additional “eyes, ears, and hands” to assist in handling emergency situations or for providing backups in dangerous situations.



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4. Having an assigned vehicle utilized by one officer provides for reduced maintenance and repairs costs, increased officer efficiency by having the vehicle stocked with equipment and materials needed, and increased officer morale.

B. Participation Eligibility and Conditions

1. Sworn officers must meet the following minimum requirements:
 - a. Full-time employee who has successfully completed the Field Training Program and all other required training for vehicle operations.
 - b. Have has no more than one sustainable complaint within the previous twelve (12) months.
 - c. Have had no more than one avoidable crash during the previous twelve (12) months.
 - d. Have a minimum of a satisfactory performance rating for the last evaluation period.
 - e. Reside within the Town or County of Amherst and agree to park the vehicle at their residence.
 - f. Reside outside the Town or County of Amherst and agree to park their vehicle at a location approved by the Chief of Police.
2. Officers shall possess a valid Commonwealth of Virginia driver license and are subject to an annual status check.
3. Participation is subject to revocation upon failure to comply with Amherst Police Department and Town policies, excessive accidents, vehicle abuse/neglect, or conducting prohibited acts in the assigned vehicle.

C. Guidelines

1. All policies, procedures, and orders of the Amherst Police Department and the Town of Amherst that govern vehicle use shall, unless specifically stated otherwise, apply to off-duty officers.
2. Violations of these provisions and directives, orders, or procedures may subject officers to disciplinary action and loss of their take-home vehicle privilege.
3. The use of a take-home vehicle shall be limited to transportation to and from:



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- a. Police Department facilities to report for regular duty, police-related meetings, and other assigned official police duties;
 - b. Court;
 - c. Vehicle maintenance and cleaning;
 - d. Department approved activities;
 - e. Neighborhood Association meetings and events;
 - f. Approved police training or local college courses; or
 - g. Physical training at a local facility.
4. Officers are prohibited from using a take-home vehicle:
- a. Transport other persons except sworn members of the Amherst Police Department or when necessary while handling a police incident unless specific exception has been granted by the Chief of Police.
 - b. To travel to, from, or during off-duty employment unless approved by the Chief of Police.
 - c. After consuming alcoholic beverages.
 - d. In a manner or at locations which may reflect negatively on the Department.
5. When using a take-home vehicle off-duty, officers will:
- a. Conduct themselves in a manner which reflects favorable on the Department and their position as a police officer.
 - b. Wear clothing that is appropriate for representing the Department and conducting police business.
 - c. Be armed with an issued weapon or an approved off-duty weapon and carry handcuffs, badge, and Department identification card.
 - d. Monitor police radio traffic.
 - e. Conduct regular safety inspections of the assigned vehicle.



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6. Whenever an off-duty officer in a take home vehicle becomes aware of a call for service to which his or her immediate response may result in the prevention of a crime or the apprehension of a suspect, that officer shall, after advising Communications and the Chief of Police or designee of his or her proximity to the incident, respond. Off-duty officers who are cancelled by the Chief or Communications shall not respond.
7. Off-duty officers in take-home vehicles should not routinely make vehicle stops for traffic infractions; however, the severity of the infraction and the hazard posed may dictate action by the officer.
8. An off-duty officer in a take-home vehicle who encounters a traffic crash or a disabled vehicle shall notify Communications and render whatever assistance is required to stabilize the situation until an on-duty officer can respond.
9. Officers who are on extended workers compensation, limited duty, or sick leave may have their take-home vehicle privileges suspended until they return to normal duty.
10. Any damage to a take-home vehicle shall be reported to the Chief of Police or designee immediately.
11. Unattended vehicles shall be locked at all times. Firearms that remain in the vehicle shall be locked in the trunk or secured in the weapon's rack.

D. Vehicle Maintenance

1. The cleanliness of take-home vehicles is the responsibility of the assigned officer. Officers shall keep the interior clean and have the exterior washed as needed.
2. Routine maintenance is the responsibility of the assigned officer. Officers shall promptly make an appointment with the appropriate facility when problems arise which require minor repairs.
3. Officers shall promptly make an appointment with the appropriate facility when notified by the Chief of Police or designee.
4. It is the responsibility of officers to be sure that their assigned vehicle is serviced at the proper location/business. Any questions about where the vehicle shall be serviced shall be brought to the Chief of Police or designee.
5. The Chief of Police or designee must approve any repairs other than normal minor repairs.



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6. Cosmetic changes, mechanical and/or electrical alterations to take-home vehicles, and the addition or removal of equipment is prohibited unless authorized by the Chief of Police.
7. The Chief of Police or designee shall regularly conduct inspections of take-home vehicles to ensure compliance with regulations.

E. Compensation

1. Off-duty officers who become involved in police actions shall immediately notify the Chief of Police and Communications of their location, nature of the incident, and the fact that they are off-duty.
2. Off-duty officers who become involved in police actions shall receive compensation at their standard overtime rate or shall receive compensatory leave time.
3. It shall be the responsibility of the Chief of Police at the time of the incident to determine eligibility for compensation.
4. Off-duty officers who are injured while operating their assigned take-home vehicle or while handling a police incident as a result of operating their take-home vehicle shall immediately notify the Chief of Police. The Chief shall initiate the proper process for recording and reporting the injury.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.131	Use of Force	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p> <p>, Chief of Police</p>		<p>VLEPSC Standards: ADM.05.01, ADM.05.02, ADM.05.03, ADM.06.01, ADM.06.02</p>

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

I. POLICY

Police officers are frequently confronted with situations that require the use of force to make an arrest, ensure public safety, or achieve other lawful goals. As such, courts have recognized that police officers exercise privileged force or, in other words, have a legal right to use force to accomplish these goals. The amount of force used depends on what the officer perceives as reasonable and necessary under the circumstances. With the exception of deadly force, the application of any level of force is only justified when the officer reasonably believes it is necessary to:

- A. Make the arrest or investigate detention of or prevent the escape from custody of a person the officer reasonably believes has committed a crime; or
- B. Defend himself/herself or another from what the officer perceives as a threat to the life, health, or safety of the officer or another person.

Facts or circumstances unknown to the officer at the time shall not be considered later when determining whether the use of force was justified. That standard is whether the force was objectively reasonable from the perspective of a reasonable officer on scene. As such, it shall be the policy of the Amherst Police Department to require its officers to observe the following guidelines in all applications of force:

- A. Officers will employ only that force which is objectively reasonable and necessary to accomplish a lawful objective.
- B. Officers may resort to higher levels of force to overcome either increasing resistance or an increasing threat to personal or public safety.

The escalation in the use of force typically does not follow a pattern. Therefore, officers are trained in the use of verbal commands, compliance techniques (control holds), taser, police batons, chemical weapons, and deadly force. Officers must understand how to recognize



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increasing or decreasing levels of threat and respond with the appropriate reasonable force option.

When applying deadly force, officers' objective must be to eliminate the deadly threat when presented. 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. Police officers shall not unreasonably endanger themselves or the public when applying this policy.

II. PURPOSE

The purpose of this order is to establish guidelines concerning the authorization, implementation, investigation, and documentation of the use of force by officers of the Amherst Police Department.

III. DEFINITIONS

A. Deadly Force Includes

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

“Great bodily harm” 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 bodily member or organ.

B. Non-Deadly Force

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

C. Firearms

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 in a similar way under similar circumstances.

E. Serious Physical Injury



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A physical injury which creates a substantial risk of death, or which causes death, 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 inappropriate to the circumstances, resulting in serious physical injury or death to a suspect. The U.S. Supreme Court, in *Graham v. Connor*, set forth guidelines for determining whether force has been excessively applied: the primary concern is **reasonableness** in its application, as judged by the on-scene officer. Based on the reasonableness standard, the following considerations contribute to a determination of excessive force:

1. The severity of the crime;
2. The nature and extent of the threat posed by the suspect;
3. The degree to which the suspect resists arrest or detention; and
4. Any attempts by the suspect to evade arrest by flight

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

G. Less Lethal Force Philosophy

A concept of planning and force application which meets operational objectives with less potential for causing death or serious physical injury than conventional tactics.

H. Reasonable Force Options

A training model/philosophy that supports the progressive and reasonable escalation of officer-applied force in proportional response to the action and level of resistance offered by a given subject. Such responses may progress from the officer's actual physical presence at the scene to the application of deadly force. The level of response is based upon the situation encountered at the scene and the actions of the subject in response to the officer's commands and actions at a given instance

IV. PROCEDURES

Officers of the Amherst Police Department will base their response to resistance or aggression on the level of resistance or aggression presented by the subject. Typically, the escalation in the



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will follow a recognizable pattern. The recognizable continuum of force to be followed when an officer is faced with an escalating threat shall be as follows:

1. Command Presence
2. Verbal Control
3. Escorts Holds, Handcuffing
4. Electronic Control Device (Taser)
5. OC Spray
6. Pain Compliance Techniques, Take-downs
7. Active Countermeasures (Punching, Kicking, etc.), Ground Fighting
8. Monadnock expandable baton
9. Firearms (Handgun, Shotgun, Patrol Rifle)
10. Other Weapons

❖ Other weapons include vehicles, flashlights, carotid holds, chokeholds, etc. These weapons and tactics are authorized for use only as a last resort when other approved methods have proven ineffective or unavailable and the officer is faced with a lethal threat.

It is imperative that all officers have a full understanding of each level of force, both in definition and implementation. Furthermore, officers must be able to recognize increasing and decreasing levels of aggression and respond appropriately. It should be noted that nothing in this policy shall require an officer to begin at the lowest levels of force and progress through the continuum if the officer is faced with a situation that dictates a higher level of response.

Officers shall use only the minimum force necessary to accomplish a legitimate law enforcement purpose. Further, officers shall exhaust all reasonable means of apprehension and control within their abilities before resorting to the use of deadly force.

A. Verbal Control – Verbal Control refers to the manner in which an officer speaks to a person, which in many instances can, in and of itself, effectively manage a situation. Verbal control includes advice, persuasion, admonitions, commands, and orders. The volume and tone of the officer’s speech may also contribute to control without having to resort to another method of force. While the department recognizes that a more forceful tone or speech pattern may at times be necessary, profanity or language that is otherwise argumentative or disrespectful of any person is considered unprofessional and inappropriate.



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- B. Escorts Holds, Handcuffing Techniques** – These techniques include the basic law enforcement grasp and other escort holds designed to facilitate moving or transporting subjects who are not actively resisting the officer’s requests. Handcuffing is included at this level because this basic restraint is required for any arrest and is very important in maintaining officer safety.

At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength, leverage, take-downs, control holds, or come-alongs with sufficient force to make the lawful arrest without aggravating tension or a suspect’s combativeness. The object of this level of force is to gain control and enforce the suspect’s compliance while minimizing the risk of injury to officers, bystanders, or the person being placed in custody.

- C. Electronic Control Device (Taser)** – The use of the Taser is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The Taser shall be used only to the extent necessary to overcome the resistance of the suspect and only in accordance with approved training standards. In order to ensure that the Taser is used in an acceptable manner, the Department has established guidelines in **ADM.131A, Taser.**

D. Chemical Agents

OC Spray – The use of OC Spray is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. OC Spray shall be used only to the extent necessary to overcome the resistance of the suspect and only in accordance with approved training standards. In order to ensure that OC Spray is used in an acceptable manner, the Department has established guidelines in **ADM.131B, Pepper Spray/OC Spray.**

“The use of chemical agents is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The only chemical weapon authorized for patrol personnel is the oleoresin capsicum (OC) or “pepper spray.” (See **ADM.131B** for more information on pepper spray.) Chemical agents shall be used only to the extent necessary to overcome the resistance of the suspect, and within training standards. Specialized chemical agents, such as concussion grenades or tear gas, shall be used only by personnel trained in their application and, then, only under direct orders of the on-scene supervisor upon consultation with the Chief of Police or designee.

1. Chemical sprays shall not be used to threaten to elicit information or persuade people to comply with orders, nor will they be used on people who are handcuffed, secured, and properly in custody.
2. Keep the application to the absolute minimum required to effectively control the subject.



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3. Do not use on persons who are sick or who are not in possession of their normal protective reflexes (such as being able to turn away from the applied spray). NOTE: Applying a chemical agent to such persons can result in injury out of proportion to the threat they may present.”

E. Pain Compliance Techniques, Take-downs, and Control Tactics – These hands-on techniques are often necessary to gain control of an actively resistant subject, even after OC Spray or a Taser has been applied. These techniques should be applied only in accordance with departmental and academy training. Officers should exercise care when utilizing these techniques as they require the officer to come into close contact with the subject thus exposing himself/herself to assault or attempts by the subject to gain control of the officer’s weapon(s). These lesser physical techniques will invoke Use of Force reporting requirements only if there is injury to the suspect or officer or if there is an allegation of excessive force or improper conduct.

F. Active Countermeasures (Punching, Kicking, Blocking, Ground fighting) – These hands-on techniques are considered to be the highest level of unarmed physical force. These techniques are reserved for a situation wherein the subject is displaying assaultive resistance (bodily harm) and is in such close quarters with the officer that it is not feasible for the officer to use other measures (OC Spray, Baton, etc.). These strikes and fighting techniques should be employed in a manner that is consistent with Departmental and Academy training. Under no circumstance will physical force described in this section, or that described in section D, be used for the following purposes:

1. As a threat intended to elicit information from any person
2. As retaliation for verbal or physical abuse directed at the officer when no threat of violence is imminent.

The use of this higher level of physical force shall invoke full Use of Force Reporting requirements. All documentation shall be filed by the involved officer before the end of the tour of duty. A supervisor should be notified as soon as is practical.

G. Baton – The Amherst Police Department issues and authorizes for the use of the Monadnock expandable baton. The baton is classified as a defensive impact weapon and falls just below deadly force on the use of force continuum. While recognizing that the use of the baton against a person represents a serious escalation in force, the Department also recognizes that for an officer to maintain or regain control of a violent encounter this level of force may at times be necessary. Furthermore, the Department recognizes that it is necessary for the officer to maintain a level of force that is one step higher than that of the suspect, or there can be no control. In order to ensure the appropriate use of the baton, the Department has established guidelines in **ADM.131C, Expandable Baton**.

H. Deadly Force – Deadly force may be used in defense of an officer or another from what is reasonably believed to be an imminent threat of death or serious bodily harm.



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1. Deadly force may be used to prevent the escape of a fleeing felon who the officer has probable cause to believe will pose a significant threat to human life should he/she remain at large.

In evaluating a “significant threat,” the officer must have probable cause to believe that the suspect has committed a violent felony and that he poses a serious and immediate threat of death or serious bodily harm to officers or others if allowed to escape.

When feasible, the officer shall identify himself/herself and give a warning prior to using deadly force. However, it should be noted that this policy expressly prohibits the discharge of warning shots.

Deadly force may be used to destroy injured or dangerous animals when no other option is reasonably available. Before destroying a badly injured domestic animal, the officer shall make reasonable efforts to notify the animal’s owner and/or Amherst County’s Animal Control in order to involve more appropriate persons in the decision and action. If such notification cannot be swiftly accomplished, the officer is permitted to go forward with the destruction of the animal. No shot shall be fired to destroy any animal, wild or domestic, unless such shot can be fired safely in respect to human life and other property.

Firearms represent the standard means by which officers shall employ deadly force.

- a. Handguns (Only departmental issued weapons or weapons approved by the Chief of Police are to be carried on duty)
- b. The standard issue sidearm for officers of the Amherst Police Department is the Glock Model 22 Gen 4, .40 caliber with a TLR-1s light.
- c. The Department shall issue ammunition for all firearms issued by the Department.
- d. Shotguns/Rifles (Only departmental weapons to be carried on duty)
 - 1) All police vehicles shall be equipped with a 12-gauge Mossberg 590, pump-action shotgun and a Daniel Defense DDM4 5.56 Rifle.
 - 2) Due to the wide shot dispersion of the shotgun and the long range of the rifle, these weapons will only be used when the possibility exists that the officer will be dealing with an armed suspect. Examples of this circumstance would include but is not limited to:
 - ❖ Armed robbery in progress
 - ❖ Searching for armed suspects
 - ❖ Hold-up alarms
 - ❖ Calls involving armed persons



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- 3) The Chief of Police may approve the use of shotguns/rifles on raids and stakeouts if a lethal threat exists.
- 4) All shotguns/rifles will be secured in either the rear cargo area (SUV) and/or trunk of the police vehicle.
- 5) The range officer will be responsible for maintenance and inspections of shotguns. The officer will then clean and inspect their shotgun or rifle after department firearms qualification.
- 6) All use of force directives governing deadly force apply to shotguns and rifles.

2. Training Requirements

All sworn personnel shall receive a copy of and be trained in this policy and be trained in accordance with DCJS requirements. Officers will receive training and demonstrate proficiency in the use of any weapons issued/authorized before carrying them. Officers will undergo refresher training at least once within every two calendar years for any issued/authorized weapons other than firearms (except Taser, see **ADM.131A, Taser**). Failure to qualify with any issued/authorized firearm can result in disciplinary action to include remedial training.

3. Personal Weapons

The procedures for authorizing and carrying non-issued personal weapons and ammunition, whether on duty or off are: Officers are permitted to carry personal weapons and appropriate ammunition on duty as a secondary weapon but only after first qualifying by shooting and passing a DCJS approved course of fire with the firearm the officer is seeking approval to carry as administered by the range officer. As a secondary weapon, the officer must have reasonably exhausted efforts or other circumstances prevail, making the use of their departmental issued handgun unavailable or ineffective.

Officers are permitted to carry personal weapons or ammunition off duty once the officer has qualified on the range with the weapon. The personal weapon or ammunition carried off duty still must be approved through the Chief of Police.

If a personal weapon is approved and qualified, one spent casing from each weapon will be kept in the armory for the duration of the Officer's employment and will be returned to the officer upon separation of employment at the request of the Officer. The spent casing will be packaged and sealed with the Officer's name, the date it was fired, the type of weapon, and the serial number of the weapon.

Should an incident ever arise in which the Officer's personal weapon is used, the casing will be removed from the armory and entered into evidence for comparison/investigative purposes.



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Weapons such as tasers, pepper ball gun, or any less than lethal ammunition are prohibited UNLESS issued by the department, regardless of training.

4. Off-Duty Requirements/Prohibitions

Amherst Police Department requirements/prohibitions for carrying weapons and ammunition while on-duty or while off-duty are: officers are encouraged but not mandated to carry their badge, duty weapon, and ammunition with them while off duty. However, while in the jurisdiction of the Town of Amherst, off-duty officers are **STRONGLY** encouraged to carry their credentials and firearm. Officers must have their weapons and ammunition with them at all times while on duty except when undercover operations may prevent it.

5. Weapons Cleaning

- a. When the firearm is removed from the holster for cleaning, it must be in a safe place, and the officer shall make sure that the magazine is removed along with the bullet in the chamber. All confiscated weapons or weapons that the officer may have in his possession for any reason shall immediately be locked in the evidence room or the evidence locker.
- b. Officers are responsible for the care, cleaning, and security of departmental firearms issued to them.
- c. Officers shall report any firearm malfunction to the Armorer.

V. USE OF FORCE REPORTING REQUIREMENTS

- A. Use of force by officers shall be documented and reported on the Use of Force Report (hereafter referred to in this policy as the Report). The purpose of filling out the Report is to immediately document the use of force so that pertinent facts will be readily available should any questions arise concerning the force incident. The Report will also be used to assist in identifying training and equipment needs. The number of Reports that exist concerning an officer cannot be used in the officer's performance evaluation or as the basis for disciplinary action. Force which is justified is permissible, regardless of the number of usages. Not every touching by an officer requires completion of the Report or notification of a supervisor. Decisions regarding what force requires notification and reporting shall be made reference to other portions of this policy and to other department training communications.
- B. If any person on whom force was used by an officer needs medical attention, the officer shall assist such person where appropriate and shall order or otherwise arrange transportation of such person to a place where needed medical care can be obtained. If the officer is in doubt as to the necessity of medical treatment, the officer shall seek guidance



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from a supervisor. In no event shall apparently necessary medical attention be unreasonably denied in order to notify or obtain guidance from a supervisor. In any incident involving the use of force which results in injury, complaint of injury (to suspect or officer), or at a level of OC Spray, Taser or greater, the Chief of Police shall be notified as soon as is practical. Special requirements for Taser reports are located in **ADM.131A, Taser**.

- C. Any incident involving the use of force which results in injury, complaint of injury (to suspect or officer), or at a level of OC Spray, Taser, or greater shall be documented. In all such cases, a Use of Force Report shall be completed and filed by the end of the tour of duty. This report shall thoroughly detail the facts surrounding the incident.
- D. An Incident Based Report (IBR) shall also be completed and filed by the end of the tour of duty. This report shall accompany the Use of Force Report.
- E. An officer who uses force on a subject shall notify his immediate supervisor at once. The officer shall complete the appropriate portions of the Use of Force Report and forward it to his/her supervisor by no later than the end of the tour of duty in which the force was used. Off-duty officers involved in use of force situations are subject to the same reporting procedures as on-duty officers. When an off-duty officer uses force, he shall notify a supervisor immediately.

In each case involving an officer assault, the completed Use of Force form shall accompany the IBR. The Chief of Police must receive copies of all reports by the end of the tour of duty.

- F. In the event the officer is killed, injured, or otherwise incapacitated and is thus unable to complete the required paperwork, it shall be the duty of the supervisor to complete the required paperwork.
- G. In cases involving the use of deadly force or in cases involving the death of or serious injury to the officer or any other person, the Major and the Chief of Police shall be notified as soon as practical.
- H. Depending on the seriousness of the injury resulting from the application of force, the Chief of Police shall notify the Town Manager. In the event of the death of the citizen or the officer, the Chief of Police shall also notify the Commonwealth's Attorney and the Medical Examiner.
- I. In all cases, the supervisor shall forward the completed documentation to the Chief of Police within twenty-four (24) hours of the incident.
- J. Examples of Situations which Require Supervisory Notification and Completion of the Report



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1. An officer exercising police authority uses force which causes any visible or apparent physical injury or which results in the subject saying he/she was injured.
2. An officer exercising police authority uses any object—including baton, flashlight, hand, fist, or foot—to strike a blow to a subject.
3. An officer exercising police authority uses force which in any way causes a subject to suffer a blow to the head.
4. An officer exercising police authority bodily removes or drags a struggling subject from one place to another.
5. An officer discharges his/her firearm, regardless of duty status and regardless of whether the discharge was accidental or intentional. (Exceptions: approved firearms range activity, other safe and lawful target practice.)
6. An officer exercising police authority uses force during or after which a subject loses consciousness.
7. An officer exercising police authority uses OC, ASP, or Taser on a subject.

K. Photographs of Injuries

With the consent of the injured person, the police supervisor notified shall have photographs taken of the injuries. Officers with visible injuries shall also be photographed.

L. Charging for Resistance and Assault

If an officer exercising police authority encounters resistance which clearly justifies charges of resisting arrest and/or assaulting a police officer, these charges will be made as soon as possible.

M. Custody of Firearms Discharged during Use of Force

The supervisor of any officer who has discharged a firearm during a use of force incident will take custody of the weapon which has been discharged and will maintain the weapon in the same condition in which it was received. The weapon will be held by the supervisor until such a time as it can be turned over to department authorities responsible for investigating the discharge. At the discretion of the Chief of Police or designee, officers will be given a replacement weapon. Privately owned weapons will not be replaced but will be returned as soon as practical.

VI. LIMITATIONS ON FORCE

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



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- A. Firing into crowds.
- B. Firing a warning shot.
- C. Firing at or from a moving vehicle ([Code of Virginia, § 19.2-83.4](#)), 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; 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.
- D. Firing into a building or through doors when the person fired at is not clearly visible unless officers are being fired upon from such building or through such door.
- E. Firing at a suspect when lesser force could be used and the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force or when there is any substantial danger to innocent bystanders. (When in doubt, don't shoot.)
- F. Head blows with impact tools. The use by an officer of any inanimate object to strike a blow to a person's head is prohibited except when the officer reasonably believes there is an imminent threat of serious injury or death to himself or a third party and that he/she has no other reasonable alternative for defending himself or a third party. The use of a gun, flashlight, or similar object under such circumstances shall be deemed an application of deadly force.
- G. The carrying or use of saps, blackjacks, or slapjacks.
- H. Neck restraints are prohibited, except when deadly force is justified [Code of Virginia, § 19.2-83.4](#).
- I. Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanors, or traffic offenders.
- J. Any use of force not reasonably necessary in the light of the circumstances confronting the officer.
- K. Any forcible enforcement action when off duty except in circumstances which threaten life, valuable property, or public order. In other circumstances, the most appropriate police action is to request assistance of an on-duty officer at the first opportunity. Before taking



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an action while off-duty, officers should carefully consider the risks to themselves and others that may be caused by sudden confrontation with armed criminals or suspects. If it is feasible, the off-duty officer should identify himself as a law enforcement officer before taking any action. No unarmed off-duty officer will be subjected to disciplinary action for failure to take action if that action would reasonably require being armed.

VII. DEPARTMENTAL RESPONSE

Pending administrative review, any officer who discharges a firearm that wounds or takes the life of another person shall be removed from line-duty assignment until the situation is resolved. This action is intended to protect the interests of both the officer and the community.

A. REVIEW

1. All reported uses of force will be reviewed by the Chief of Police to determine if:
 - a. Departmental orders were followed
 - b. Departmental policy was understandable and effective
 - c. Departmental training was adequate
2. The Chief of Police may convene a board of inquiry to examine any incident involving the use of force. The purpose of this board of inquiry shall be to review policy and training and make recommendations concerning policy and training needs.

B. INTERNAL INVESTIGATIONS

Dual internal investigations of serious applications of force shall be conducted simultaneously. The first is a criminal investigation to determine if there was a violation of law. The second is an administrative investigation to determine if there was a violation of policy or procedure. The criminal investigation shall be discontinued when the Department is satisfied that no criminal violation occurred. Dual internal investigations shall be conducted on all shootings.

C. PSYCHOLOGICAL SERVICES

In all cases where any person has been injured or killed as a result of a firearm discharge by an officer, the involved officer may be required to undergo a debriefing with a department provided psychologist as soon as possible within 24 hours of the incident. The purpose of this debriefing is to deal with the emotional and/or psychological after-effects of the incident. The debriefing shall not be related to any department investigation of the incident.

The Chief of Police shall direct psychological follow-up for all officers involved in a line of duty shooting. The person or agency delivering psychological services shall be chosen at the discretion of the Chief of Police. During an internal investigation, the Department will endeavor to avoid stigmatizing the officer or officers who have been involved in a line



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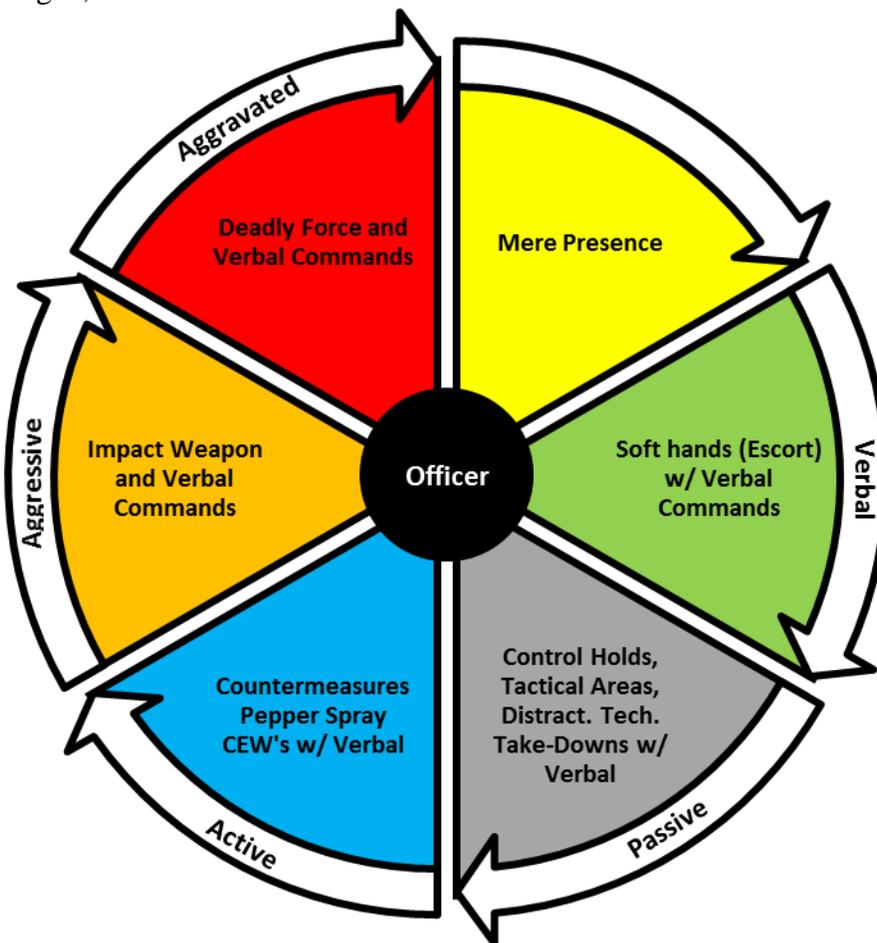
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of duty shooting. Following a shooting or other critical incident, the involved officer(s) shall not be returned to line-duty until he/she has received counseling and a psychological evaluation has been conducted.

D. Administrative Leave

Any officer involved in a deadly force incident shall be placed on Administrative Leave directly upon his preliminary report on the incident. This leave shall be without loss of pay or benefits pending the results of the investigation. The assignment to Administrative Leave shall not be interpreted to imply or indicate that the officer acted improperly. While on Administrative Leave, the officer shall remain available at all times for official department business, including interviews and statements regarding the shooting incident, and may be recalled to duty at any time. Upon returning to duty, the officer may be assigned to administrative duties for a period of time deemed appropriate by the officer, his psychologist, and the Chief of Police.



Attachments:

- Officer’s Use of Force Report
- Supervisor Guide for Use of Force Incident Reports
- Use of Force – Supervisor’s Review
- Chain of Command Review



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.131A	Use of Force – Taser	Revised Date:
<p><i>Original Signature on file maintained in APD Records</i> <i>Division</i></p> <p> , Chief of Police</p>		<p>VLEPSC Standards: ADM.05.01, ADM.05.02, ADM.05.03, ADM.06.01, ADM.06.02</p>

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I. POLICY

The policy of this agency is to protect and serve all citizens while at the same time respecting the rights of suspects and balancing the need for officer safety during use of force events. It is the policy of this agency that officers will use only reasonable force to bring an incident or event under control. Reasonable force is the minimum level of force that is necessary to accomplish lawful objectives. All uses of force must be objectively reasonable.

II. PURPOSE

The purpose of this order is to direct officers in the appropriate use of force with respect to the deployment of electronic control devices.

III. DEFINITIONS

Gender—the word “he,” or any other word importing the masculine gender, shall extend and be applied to females, males, or other gender identity.

- A. Active Resistance: A subject actively resists when they take affirmative or defensive action to defeat an officer’s ability to take him into custody.
- B. Anti-Felon Identification (Afid) Cartridge Tracking: Every time an air cartridge is fired, up to 20-30 small confetti-like micro dot ID tags called AFIDs are ejected. Each AFID is printed with the serial number of the cartridge fired, allowing for identification of which cartridge was fired.
- C. Data port: When X26P is fired, it stores the downloadable time and date in a data port. The X26P has the data port inside the DPM.
- D. Deadly Force: Any force that is likely to cause serious bodily harm or death



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- E. Deployment: The release, or threat of release, of the probes from the Cartridge
- F. Discharge: Pulse from a Taser Device measured in amperes.
- G. PPM: Performance Power Magazine
- H. Drive Stun: Capability where the taser is held against the target without firing the projectiles and is intended to cause pain without incapacitating the target.
- I. Electronic Control Device (ECD) / Neuro-Muscular Incapacitation (NMI): An electrical signal overrides the central nervous system and motor functions to incapacitate the skeletal muscles
 1. The NMI effect causes an uncontrollable contraction of the muscle tissue, debilitating the subject regardless of pain tolerance or mental focus
 2. The modern pacemakers and implanted cardiac defibrillators can withstand external electrical defibrillators at least 800 times stronger than the TASER conducted energy pulses. The output does not damage an implanted pacemaker and typically will not cause loss of bladder or bowel control.
- J. Imminent: Impending or about to occur
- K. Juvenile: An individual under the age of (18) eighteen
- L. Non-Deadly Force: All uses of force other than those that are likely to cause serious bodily harm or death.
- M. Objectively Reasonable Force: The amount of force that would be considered reasonable by other well-trained officers or experts in the field of law enforcement when faced with the circumstances that the officer using the force is presented with.
- N. Prisoner: A person in custody or a condition of forcible restraint
- O. Reasonable Belief: Reasonable belief is a belief based on a set of facts and or circumstances that would cause a reasonable person to believe something is true.
- P. Serious Bodily Harm: (18 U.S.C. § 1365 (h) (3)): the term "serious bodily injury" means bodily injury which involves (i) a substantial risk of death; (ii) extreme physical pain; (iii) protracted and obvious disfigurement or (iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- Q. TASER: X26P is an Electronic Control Device (ECD) that uses propelled wires with two probes or direct contact (drive stun) to conduct energy to affect the sensory and motor functions of the nervous system.



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1. These probes are connected to the weapon by high-voltage insulated wire.
2. When the probes make contact with the subject, they transmit an electrical pulse along the wires and into the body through up to two inches of clothing. The X26P does not solely rely on pain for compliance. They affect the sensory and motor functions of the nervous system and can cause incapacitation.
3. The probes do not have to penetrate the flesh or cause bodily harm to be effective.
4. The Taser may also be discharged as a contact device or drive stun

R. Use of Force Continuum: A standard that provides law enforcement officers with guidelines as to how much force may be used against a resisting subject in a given situation, established by the Amherst Police Department's policy.

IV. PROCEDURE

In addition to compliance with this agency's Use of Force (Response to Resistance) policy, **ADM.131**, all deployments, or threats of deployment, of an electronic control device (ECD) as a response to resistance or aggression must comply with the provisions of this electronic control device policy.

The Taser is classified as a weapon and its use is considered an escalation of force to a level above verbal and contact controls, but below defensive tactics. The use of the Taser is authorized in situations where an individual presents active resistance to the degree that verbal control and basic escort techniques are ineffective or inappropriate due to the threat posed by behavior. The Taser may be used in conjunction with other compliance techniques such as control tactics, takedown techniques, nerve compression, and distraction techniques. **DO NOT USE TASER AFTER USING OC SPRAY.** Any application of the Taser shall be conducted only in accordance with techniques and methods authorized and taught in Departmental or Academy training.

As stated, the Taser is classified as a weapon and is authorized as a use of force. Officers who have their Taser wrestled away from them or are otherwise confronted with a Taser during a confrontation, are considered by this department to have been placed in imminent threat of death or serious bodily harm. In this circumstance, the use of deadly force is authorized to enable the officer to protect himself/herself if the perceived threat of the imminent use of the Taser by the suspect on the officer is implied by the suspect's actions

A. Certification and Training

1. The carry and use of a Taser is authorized only for those sworn officers who have completed the required departmental or academy training in the use of ECDs.
2. All officers will be trained in accordance with Department guidelines before being authorized to utilize the Taser in the field.



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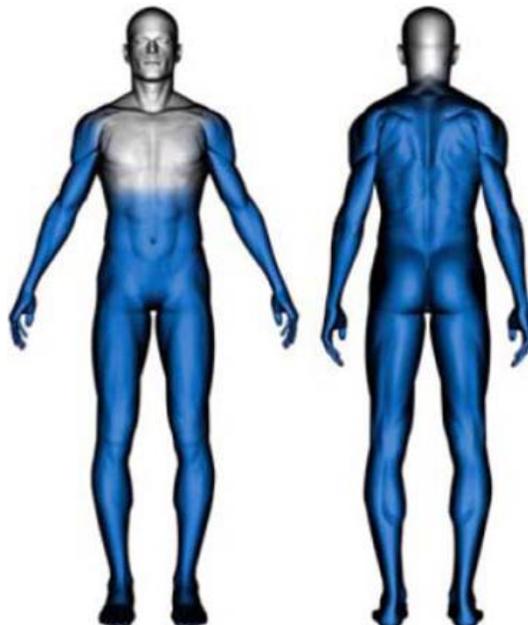
3. Initial Training shall consist of a standardized 4-hour course of instruction by certified Taser instructors providing practice firings.
4. A copy of the lesson plan shall be filed in the department’s training office.
5. All officers must show basic knowledge of the Taser in the form of a written test at the end of training by completing the test with a passing score.
6. In order to demonstrate incapacitation resulting from the use of a taser, trainees may volunteer to receive a full one-second burst or a full five-second contact strike with the Taser.
7. Taser recertification shall occur annually and consist of physical competency and device retention, changes in agency policy, technology changes, and reviews of local and national trends in taser use.

B. Accessibility

Tasers will be assigned to individual officers as issued equipment and must be maintained by the issued officer as other electronic and firearms equipment. Officers who are issued personal tasers shall abide by all provisions of this policy pertaining to maintenance and testing and shall ensure proper storage and safekeeping.

C. Deployment and Use When Firing Probes

Officers shall make all reasonable efforts to avoid taser probe deployment to the head, neck, eyes, genitals or upper chest area.





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Recommended point of aim is lower center of mass for a frontal shot. The blue highlighted area in the target man represents the preferred target area.

There are three reasons:

- a. Simplify targeting for all TASER systems to one easy to remember map, avoiding chest shots when possible and the risk of a head/eye shot in a dynamic situation, as is standard for impact munitions
- b. When possible, avoiding chest shots with ECDs avoids the controversy about whether ECDs do or do not affect the human heart.
- c. Close-spread ECD discharges to the front of the body are more effective when at least one probe is in the major muscles of the pelvic triangle or thigh region.

D. Discharge Considerations

“Deploying a Taser is a serious use of force....

Force that imposes serious consequences requires significant circumscription. Our precedent, consequently, makes clear that Tasers are proportional force only when deployed in response to a situation in which a reasonable officer would perceive some immediate danger that could be mitigated by using the Taser....

Even noncompliance with police directives and nonviolent physical resistance do not necessarily create 'a continuing threat to the officers' safety.'” (from the Fourth Circuit case of Armstrong v. Village of Pinehurst, NC 01/2016)

1. For purposes of **ADM.131, Use of Force**, the Taser shall be considered a defensive weapon of the same type and may be used under the same circumstances in the Use of Force Continuum as OC Spray.
2. When practical, use verbal commands prior to discharging the Taser.
 - a. Have a backup officer available to assist with the arrest or the use of lethal force.
 - b. Have a second cartridge or Taser ready to discharge in case the probes miss the subject or the Taser malfunctions.
 - c. The Taser shall not be aimed at the head, face, throat, or groin of the subject. The preferred target area for a frontal deployment is the lower abdomen and side. Targeting the center of mass should be avoided.
 - d. The Taser shall not be used to conduct building searches in place of departmental issued firearm.
3. Use of the Taser near flammable liquids and fumes is strictly prohibited.



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Additionally, use of the Taser in conjunction with alcohol-based OC Spray is strictly prohibited.

4. Prior to the deployment of the Taser, the certified officer must consider the reasonableness of its use to include:
 - a. The subject's position where a secondary injury could result;
 - b. The Taser should only be used on juveniles when hands on tactics would likely result in more harm than good;
 - c. Women known to be pregnant;
 - 1) Use of the Taser on known pregnant woman is prohibited except in situations where the subject's actions place the life and safety of the officer or another person in serious jeopardy.
 - 2) And when other lesser force alternatives would likely result in more harm than good.
5. Multi Officer Taser deployment is prohibited on a suspect when the first discharge was successfully deployed.
 - a. Deployments from another officer are only authorized when it is clear that the first officer's Taser deployment was not successful.
 - b. Officers should understand that the continuous cycling of the Taser could increase the risk of death or serious injury and should be avoided if possible.
6. Officers shall not deploy or discharge the Taser from or into a moving vehicle.

E. Drive Stun Use

1. Probe hits are almost always more desirable than drive stuns (Neuro-Muscular Incapacitation versus pain compliance). The drive stun alone will not cause NMI. It generally acts as a pain compliance tool.
2. The Drive Stun method is authorized in the following circumstances:
 - a. When the person actively resists arrest.

For example, the officer attempts to place a person's hand behind his back and the person immediately resists by forcefully pulling his arm away and out of the officer's control.



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- b. When the person manifests the intention to actively resist arrest. When the person signals intent to resist arrest, Drive Stun may be employed to effect that arrest even though resistance has not actually occurred, provided the intent to resist has been clearly manifested and can be adequately articulated.
- c. When a person refuses to comply with an officer's lawful commands, if compliance with those commands is, under existing circumstances 1) Essential to the safety of the person, the officer or the public and 2) Other means of obtaining compliance are ineffective or not feasible.
- d. When the person is attacking or is about to attack the officer, a fellow officer, or some other person.
- e. When a prisoner becomes disorderly and
 - 1) It becomes necessary for the officer to control this behavior to prevent:
 - a) Significant destruction of property and/or
 - b) Potential injury to officers or others;
 - 2) Drive Stun is an option only after a verbal warning has been given to the prisoner;
 - 3) The officer may use Drive Stun to subdue a disorderly prisoner whether in or out of the police vehicle.
- 3. Drive stun may be applied more than once in an area to gain compliance, but if found to be ineffective, the officer should use another form of force.
- 4. For maximum effectiveness in drive stun mode, drive the X26P into the following areas: Brachial Plexus tie-in (upper chest), Radial (forearm), Common Peroneal (outside of thigh), and Tibial (calf muscle). SEE BELOW WARNING.

Warning: The drive stun mode will not be used on the Carotid (side of neck), or the Pelvic triangle (groin area).

F. Maintenance of the Taser

- 1. The only Taser devices authorized and issued for use by departmental members are the X26P model Tasers.
 - a. Only authorized departmental issued versions of the Taser may be used.
 - b. Subsequent models of the Taser may be authorized and issued upon approval by the Chief of Police.



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2. Avoid dropping the unit; it is a sensitive electronic device. If dropped a spark test must be performed immediately to ensure weapon is operational.
3. Check batteries on a daily basis; a spark test must be conducted daily.
 - a. Use only authorized NiMh rechargeable batteries as set forth by Taser International.
 - b. The X26P needs PPM replacement only when the PPM reflects 20% or less on the CID.
4. The X26P data port is protected inside the DPM.
5. Secure unit when not in use
 - a. Taser should not be left in extreme cold or hot weather conditions for long periods of time;
 - b. Do not store device or cartridge in pockets.
6. Periodically wipe away dirt and dust from firing bay. Always clean firing bay upon using the Taser in drive stun mode.
7. If Taser is exposed to excessive water, remove the Air Cartridge immediately and give it to your immediate supervisor.
8. To test that the Taser is functioning properly place the Safety switch in the up (armed) position:
 - a. If the weapon discharges without pulling the trigger, place the Safety switch in the down (safe) position, remove the batteries and contact supervisor. **DO NOT** reinstall the batteries or air cartridge or attempt to use the weapon.
 - b. If the weapon does not discharge without pulling the trigger, conduct a spark test for a second and ensure a rapid pulse rate.
9. If the weapon does not operate normally, place the Safety switch in the down (safe) position, contact a supervisor if you have a malfunction with an X26P. **DO NOT REMOVE THE PPM.**
10. If the weapon does function normally, place the Safety switch in the down (safe) position and return to normal use.
11. A thorough inspection of a weapon should be conducted after being dropped.
 - a. Check the entire weapon for cracks, broken parts, cracked laser/flashlight lens, etc.



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- b. If any damage is found, contact supervisor.
- c. DO NOT use a weapon that shows obvious signs of damage.
- d. Conduct a Spark Test.

G. Wearing of the Taser Holster

The X26P holster will be worn on the duty belt opposite from the duty handgun.

H. Medical Summary and Treatment

1. Once the subject is in custody, probes and wires should be removed and disposed of properly.
2. If subject requests medical treatment, advise EMT staff of puncture sites as needed.
3. Only ER staff and medical doctors should remove probes embedded in sensitive tissue areas such as the neck, face, and groin area.
4. Probes that have penetrated the body should be treated as contaminated needles. Universal precautions will be taken prior to removing the probes.
5. Persons who have been subjected to Taser activation will be monitored regularly while in police custody, even after medical attention is rendered.
6. Officers should be aware that there is a higher risk of sudden death in persons exposed to prolonged applications that are under the influence of drugs and/or health crisis associated with excited delirium and acidosis. Excited delirium is defined as a behavior in which the person exhibits violent or bizarre behavior, insensitivity to pain, elevated body temperature, or increased strength. Acidosis is defined as the accumulation of acid from the depletion of alkaline reserves.

I. Deploying Officer Responsibilities

1. Ensure the batteries of the Taser are properly charged or the X26P has more than 20% displayed on the CID. The cartridges must be removed prior to checking the power in each Taser.
2. When practical, the officer shall announce “Taser” to the other officers on the scene prior to deploying the Taser.
3. Officers will report the deployment, including accidental discharges, of the Taser to the Chief of Police or designee, either by telephone or in person, by the end of the Officer’s tour of duty or within 12 hours of the discharge. .



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4. The deploying officer will visually inspect the contact site.
 - a. Probes penetrating the skin will be removed by the discharging officer or another officer and first aid provided.
 - b. If sensitive tissue areas are involved only ER staff or a medical doctor should remove the probe.
 - c. Once the probes have been removed, from tissue, they will be treated as biohazard sharps.
 - d. Officers shall also inspect skin areas after using the Taser in drive stun mode.
5. The deploying officer will enter the expended cartridge with probes and a limited number of microdots into evidence.
6. In compliance with **ADM.131**, Officer will complete a Use of Force Report Form and forward it to the Major by no later than the end of tour of duty in which the force was used.

J. Supervisor Responsibilities

1. Ensure that only certified officers carry the department-issued Tasers. Exposure to the Taser for certification is voluntary and is not required for user certification.
2. Conduct an initial review of each Taser activation.
3. Ensure that photographs are taken of the probe penetration sites, drive stun sites and any secondary injuries caused by falling to the ground, etc.
4. Ensure that all Officer Incident Reporting requirements have been completed.
5. Supervisors are required to keep a running maintenance log of when the Taser batteries that have been assigned to their shift were charged and reconditioned.
6. Only Supervisors will remove the PPM from the X26P.

K. X26P Software and Download Data

The X26P has more specific instructions for downloading; each division will be issued a manual related to downloading procedures to assure that this action will take place correctly and without incident.

V. DOCUMENTATION

- A. All deployments of an ECD shall be documented by a Use of Force Report and an IBR.



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- B. Those cases where a subject complies once threatened with such a device shall be documented on the Use of Force form and an IBR. By documenting the non-discharge uses, an agency establishes officer judgment and control as well as the deterrent effect of this tool.
- C. Photographs of the area struck by the taser darts or taser probes shall be taken. When the drive-stun method has been used, photographs are extremely important due to the increased potential for this method to cause scarring.
- D. The Chief of Police or designee shall be notified and will review all ECD deployment for consistency with policy and training.
- E. Darts/Cartridges and confetti tags shall be properly stored and maintained as evidence following every discharge.
- F. Officers are required to complete a “use of force/response to active resistance form” which shall be reviewed by a supervisor following the ECD use.
- G. Where there is any indication of lasting injury, claim, or complaint, internal data from the device shall be maintained for a minimum of five years.

All ECD units will be audited monthly by the Chief of Police to ensure that all deployment/activations have been reported as required.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.131B	Use of Force – Pepper Spray	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p> <p> , Chief of Police</p>		VLEPSC Standards: ADM.05.01, ADM.05.02, ADM.05.03, ADM.06.01, ADM.06.02

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POLICY GUIDELINES ON USE OF PEPPER SPRAY

I. GENERAL PRINCIPLES

OC Spray is classified as a weapon, and its use is considered an escalation of force to a level above verbal and contract controls but below defensive tactics. The use of OC Spray is authorized in situations where an individual presents active resistance to the degree that verbal control and basic escort techniques are ineffective or inappropriate due to the threat posed by behavior. OC Spray may be used in conjunction with other compliance techniques such as control tactics, takedown techniques, nerve compression, and distraction techniques. Any application of OC Spray shall be conducted only in accordance with techniques and methods authorized and taught in Departmental or Academy training. OC Spray is also authorized for use against dangerous animals when feasible.

As stated, OC Spray is classified as a weapon and is authorized as a use of force. Officers who have their OC Spray wrestled away from them or are otherwise confronted with OC Spray during a confrontation are considered by this department to have been placed in imminent threat of death or serious bodily harm. In this circumstance, the use of deadly force is authorized to enable the officer to protect himself/herself if the perceived threat of the imminent use of the OC Spray by the suspect on the officer is implied by the suspect’s actions.

Pepper spray is a liquid spray containing oleoresin capsicum in sufficient concentration to produce a short period of pain, gagging, and loss of vision. Federal and state laws on use of force do not regulate the use of pepper spray by name. However, the following general principles apply to all use of force by law enforcement officers including the use of pepper spray.

The law requires all citizens to submit peacefully to arrest and to cooperate with lawful orders of an officer during the arrest and custody process. Citizens must also refrain from conduct that reasonably appears to create an imminent threat of physical harm to an officer in the performance of lawful duty. Reasonably necessary force can be used to overcome resistance



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to lawful arrest, to enforce compliance with lawful orders or custodial officers, or to prevent physical injury to the officer or others.

All force must be reasonably proportionate to the apparent need to overcome resistance to arrest or defend against an imminent threat of physical injury. Unreasonable and excessive force is never justified, nor is any force allowed that an officer knows or reasonably should know is unlawful. Pepper spray cannot be used against a citizen who peacefully submits to arrest and complies with lawful orders during an arrest or stop.

Citizens have a right to express verbal disagreement with an officer's actions and no force can be used in response to offensive language alone. Pepper spray cannot be used to retaliate against language that is merely offensive but is not imminently threatening.

All officers shall receive training on the use of pepper spray during recruit training. Officers will undergo refresher training at a minimum, biennially, or as directed by the Chief of Police.

II. TRAINING REQUIREMENTS

- A. The carry and use of OC Spray is authorized only for those sworn officers who have completed the required departmental or academy training in the use of OC Spray. This training will, at a minimum, include academic training on the proper use of OC Spray, physical and psychological effects of OC contamination, and decontamination procedures. The training will also include practical training on the deployment of OC Spray, as well as an opportunity for the officer to be exposed to the effects of OC Spray. While not mandatory, the Department strongly encourages all officers to experience the effects of OC Spray so that the officer will know what to expect should he/she be contaminated in the line of duty.
- B. All officers will undergo refresher training in the use of OC Spray every two years.
- C. Only the brand and type of OC Spray issued by the Department shall be approved for carry.
- D. OC Spray has a shelf life of five years or as recommended/specified by manufacturer. After this period of time, the efficiency of OC Spray is reduced. In the event an officer's issued OC Spray reaches its expiration date, he/she should see a Supervisor to turn in the expired spray and have new OC Spray issued.
- E. Officers should test fire their OC Spray at least once every sixty days to ensure that the container has not become damaged or inoperable. This should be done in a safe, secluded, well-ventilated location so as not to affect the public or other officers. Under no circumstances should officers test fire OC Spray inside the Police Department.

III. RULES ON PEPPER SPRAY – USE FOR NON-COMPLIANCE

Pepper spray used in compliance with these guidelines is lawful non-deadly force. Pepper spray used in compliance with these guidelines is authorized to effect a lawful arrest, to prevent



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escape from lawful custody, or to defend the officer or another from what the officer reasonably believes is the imminent use of physical force.

Rule A.

Pepper spray cannot be used against a person who:

1. Submits peacefully to arrest and complies with lawful commands during a lawful arrest; or
2. Complies with lawful commands during a valid investigative stop or stop for citation purposes, or while in custody or detention; or
3. Is expressing verbal disagreement that does not threaten or incite others to threaten an officer and is not significantly delaying or obstructing discharge of duty.

Rule B.

1. Verbal persuasion (verbalizing) and a warning are required before use of pepper spray if circumstances allow verbalizing and warning without risk to the safety of the officer or others. Verbalizing and warning are not required when the defendant resists “soft hand” techniques or resists more substantial force or when there is a risk to the safety of the officer or others if use of pepper spray is delayed.
2. Non-threatening suspects who do not pose a significant risk to officer safety should not be sprayed unless verbalizing, warning, and “soft hands” have been attempted and resisted. This category includes suspects who are non-threatening and are very young, old, infirm, or disabled in an obvious manner.

Rule C.

A person who refuses to submit peacefully to lawful arrest, attempts to escape from lawful custody, or refuses compliance with lawful orders during arrest, detention, or custody is subject to the use of pepper spray:

1. After the officer has attempted “soft hands” techniques and the arrestee resists that attempt; or
2. When the officer reasonably believes the use of “soft hands” techniques will jeopardize the officer’s safety; or
3. When the circumstances reasonably indicate that attempting “soft hands” control may lead to an escalation of force and accompanying risk of serious physical injury to the person arrested or to any officer.

Rule D.



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A person who assaults an officer or whose conduct reasonably appears to be an imminent threat to the safety of the officer or someone else or who resists “soft hand” techniques or flees from lawful arrest or custody is subject to use of pepper spray. Verbalizing and warning are not required.

Definition: “Soft hand” techniques include any touching or attempted touching by an officer, such as applying moderate pressure to turn, guide, or escort the person being arrested. Wrestling a suspect, pulling a suspect, and bending arms for handcuffing are higher levels of force than “soft hand” techniques.

IV. CARE AFTER PEPPER SPRAY USE

- A. Decontamination will be done in accordance with Departmental training and the manufacturer’s specifications. Officers will begin decontamination as soon as practical after the subject discontinues resistance.
- B. If circumstances allow, do not attempt to forcibly handcuff a sprayed prisoner immediately after spraying. Give the prisoner a brief opportunity, about 30 to 60 seconds, to react to the spray and overcome gagging or coughing. This gives the prisoner an opportunity to overcome the temporary effects of pepper spray on the respiratory system unaffected by the physical stress of handcuffing.
- C. Rinse the affected areas with water or other solution recommended by the manufacturer. Pour the liquid over the bridge of the nose so that it floods both eyes. Encourage the prisoner to blink his eyes repeatedly. Follow the recommendations of the spray manufacturer for decontaminating a prisoner.
- D. Tell the prisoner that he is O.K. and will stop gagging soon. Assure the prisoner the pain will end soon, and he will stop hurting.
- E. Officers may handcuff a prisoner with hands in front if that is reasonably safe under the circumstances and allow the prisoner to remove contact lenses. Trained medical personnel may be able to help remove contact lenses from a sprayed prisoner.
- F. Expose the sprayed prisoner to fresh air and ventilation. If circumstances permit after handcuffing the prisoner, delay putting the prisoner in a car for transportation until the pepper spray has had a chance to dissipate. This delay may be as long as 15 minutes, if the safety of officers is not at risk.
- G. Officers should be aware of the dangers of positional asphyxia during transport. This risk is exacerbated by OC contamination and, as such, officers should be alert to signs of respiratory distress and shock.
- H. Tell the prisoner to remove and wash contaminated clothing. Give the prisoner an opportunity to wash affected areas with soap and water after arriving at a holding or detention facility.



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- I. Officers should initiate medical attention when:
 1. Gagging or breathing difficulties persist beyond the initial period of 2 to 4 minutes; or
 2. The prisoner loses consciousness, sweats profusely, appears very sick; or
 3. Still significantly suffers from the effects of pepper spray more than 45 minutes after contamination.

- J. If a subject requests medical treatment or exhibits an extreme or unusual reaction to contamination or complains of any medical problem, the officer should seek medical treatment for the subject. Expenses incurred as a result of the medical treatment will be the responsibility of the subject and will not be paid by the law enforcement agency.

- K. Ask if the prisoner suffers from bronchitis, asthma, or emphysema, or similar respiratory disease. If the answer is affirmative, initiate immediate medical attention – E.M.T., Rescue Squad, or the Emergency Room.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.131C	Use of Force – Expandable Baton	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p> <p> , Chief of Police</p>		VLEPSC Standards: ADM.05.01, ADM.05.02, ADM.05.03, ADM.06.01, ADM.06.02

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I. POLICY

This policy addresses the training and use of the Monadnock expandable baton. The Amherst Police Department recognizes that the Monadnock expandable baton is a less lethal weapon, but the improper or unreasonable use of this weapon may cause serious injury or death. The Monadnock expandable baton should be used where lesser means of use of force have failed or appear inappropriate.

II. PURPOSE

The purpose of this order is to establish guidelines governing the use of the approved Monadnock expandable baton. Officers will only carry the baton approved by the Chief of Police.

III. PROCEDURES

- A. The use of the baton is authorized when an officer is faced with a subject who offers assaultive resistance (bodily harm). Officers may use the baton in defense of themselves or another. A suspect does not have to be armed for the use of the baton to be justified. On the contrary, the baton is not intended to be used as a substitute for or alternative to deadly force. The department strongly discourages attempts to disarm a suspect by use of the baton.
- B. The baton is classified as a weapon and is authorized as a use of force. Officers who have their baton wrestled away from them or are otherwise confronted with a baton or impact weapon during a confrontation are considered by this department to have been placed in imminent threat of death or serious bodily harm. In this circumstance, the use of deadly force is authorized to enable the officer to protect himself/herself if the perceived threat of



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the imminent use of the baton by the suspect on the officer is implied by the suspect's actions.

- C. All sworn personnel will be issued a Monadnock expandable baton. The baton will be carried on the person of all uniformed and non-uniformed police personnel assigned functions that require a response to citizen calls for service, involve arrest situations, or that otherwise deal directly with the public.
- D. Training requirements – The carry and use of the baton is authorized only for those sworn officers who have completed the required departmental or academy training in the use of the expandable baton. This training will, at a minimum, include academic training on the proper use of the baton, baton techniques, and care and maintenance of the baton. Officers will be required to pass a written examination as well. Furthermore, the training will also include practical training during which the officer will demonstrate proficiency with the baton during a stressful encounter. Training courses for initial certification, as well as re-certification, will be governed by training protocols established through the Criminal Justice Training Academy, and the Department of Criminal Justice Services and approved by the Chief of Police. Officers who wish to carry a baton will undergo refresher training in the use of the baton every two years or as directed by the Chief of Police.
- E. The Monadnock expandable baton is authorized to be used in the following circumstances in accordance with training protocols:
 - 1. In the officer's defense or in the defense of another from physical assault or threat,
 - 2. In an arrest situation where the subject physically resisting the arrest and less restrictive measures, such as physical force, prowess, and/or chemical agents have proven to be or appear to be inadequate to control the arrestee.
- F. The Monadnock expandable baton is not authorized to be:
 - 1. Used as a threat to make a person comply with an officer's verbal order when no physical violence is imminent,
 - 2. Used in retaliation for physical or non-physical abuse toward an officer,
 - 3. Used as a threat to elicit information from any person,
 - 4. Used on persons secured and properly in custody,
 - 5. Thrown at or towards any person, or
 - 6. Modified in any manner to alter the manufacturer's specifications.



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G. When an officer uses the issued Monadnock expandable baton in any of the authorized situations, such use is subject to the following regulations, as training directs:

1. Strikes which are capable of inflicting permanent injury should be avoided, unless the use of deadly force is authorized.
2. Strikes should be to the center mass of the presented threat as directed by training, which will render the suspect temporarily incapacitated but normally will not cause bodily harm.
3. The issued Monadnock expandable baton will not be used to intentionally strike the below listed areas of an assailant, unless the officer has justification to utilize deadly force. Strikes to these areas may produce injuries that are potentially fatal while not always immediately terminating the assailant's resistance:
 - a. Head,
 - b. Neck,
 - c. Spine,
 - d. Sternum, and
 - e. Groin.

H. Before utilizing the issued Monadnock expandable baton to subdue an individual, the officer should consider:

1. Whether sufficient physical force is available from assisting officers to subdue the subject,
2. The feasibility of summoning backup assistance, and
3. The feasibility of using chemical agents.

IV. REPORTING

In any situation in which the issued Monadnock expandable baton is used in the application of force, such use must be reported immediately to the Chief of Police or designee.



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Amherst Police Department – GENERAL ORDER		Effective Date: May 18, 2020
ADM.132	Non-Sworn Volunteer Program	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p>  <p>, Chief of Police</p>		VLEPSC Standards: TRN.03.01, TRN.03.02

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

I. POLICY

The volunteers, also known as non-sworn administrative members, in the volunteer program are established under the authority of the Chief of Police and are under the administrative control of the Chief of Police. The selection, appointment and tenure of the volunteers will be determined by the Chief of Police. This policy will apply to all non-sworn members.

II. PURPOSE

This order establishes the policies and procedures applicable to the Amherst Police Department Non-Sworn Volunteer Program. The program mission is to provide administrative augmentation to the Police Department by utilizing the skills of non-salaried, non-uniformed volunteers.

III. PROCEDURE

- A. There is no rank structure in the Volunteer Program.
- B. To be eligible, members must be at least 18 years of age, be in good physical health, pass a police background check, and pass an interview with command staff. There is no maximum age limit for service in this program, provided the individual is physically fit to perform the duties assigned.
- C. There is no uniform for members. However, when on duty in a town facility, standards of good grooming and appearance will be maintained.
- D. Volunteer members will be issued a Police Department identification badge that must be worn at all times while on duty and inside a town facility.
- E. Duties to be performed will be determined by the Chief of Police and/or designee.



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- F. Volunteers will complete a minimum of twenty (20) hours per month to maintain membership status and will keep a record of the hours worked each month. This record will be verified by the supervisor and submitted to the Administrative Assistant by the fifth working day of each month.
- G. Volunteers may attend other department training as time and space permit.
- H. All volunteers shall receive training in all applicable policies.

IV. RESPONSIBILITIES

- A. Applicants are under the control of Administration until completion of processing.
- B. The Chief or designee is responsible for obtaining initial and/or one-time assignments for volunteers.
- C. Following assignment, regardless of duration, volunteers are under the administrative and operational control of the supervisor to whom they are detailed. The precise nature of their duties and their work schedule shall be established by mutual agreement between their immediate supervisor and themselves.

V. DISCIPLINARY PROCEDURES

- A. The execution of disciplinary procedures against a volunteer, to include performance counseling, is the responsibility of the Chief of Police.
- B. Poor duty performance or breaches of discipline not severe enough to warrant official action but disruptive to a good working environment shall be grounds for returning any volunteer to the Chief for reassignment. Termination of an assignment for disciplinary reasons or for poor performance will be made a matter of record by a memorandum signed by the affected supervisor to the Chief for placement in the individual's personnel file.
- C. The Chief shall monitor the conduct and disciplinary record of each volunteer in the program. Volunteers who demonstrate a consistent tendency toward unsatisfactory service shall be dismissed from the program. A recommendation for dismissal shall be forwarded to the Chief of Police for review. The Chief of Police shall notify the individual concerned of the decision and that decision is final.

VI. PERSONNEL RECORDS

The personnel records for volunteers shall be maintained by the Chief of Police. Supervisors must ensure that copies of all correspondence relating to the service of a volunteer are forwarded promptly to the Chief of Police for filing.

VII. ON-DUTY INJURIES



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- A. Should an injury require emergency treatment or hospitalization, a memorandum detailing the events surrounding the injury shall be submitted by either the volunteer and/or the witness to the injury. This memorandum will be forwarded to the Chief of Police/
- B. In all cases, the supervisor shall investigate the circumstances of the injury and submit a report of findings. The injured volunteer, after reviewing and concurring with the findings, shall initial the report. It shall be directed to the Chief of Police.
- C. Volunteers are not covered under the Worker’s Compensation Act. Volunteers shall supply current insurance policy information (if applicable) which will be maintained in the personnel file and such information will be furnished upon request to hospital personnel.

VIII. CONFIDENTIALITY

- A. Volunteers may have access to confidential records such as criminal histories or current investigations, as their duties may dictate. In addition to training regarding unauthorized disclosure of such records, each volunteer must sign a nondisclosure agreement, which will be maintained in the individual’s personnel file. Subsequent disclosure of any confidential information, verbally or in writing, shall be grounds for immediate dismissal and possible criminal prosecution.
- B. Volunteers are not authorized to release any criminal history information, or any other law enforcement sensitive information, to anyone outside the Police Department.

Note: Individuals who fail to follow the proper procedures for the request, use and dissemination of criminal history information will be in violation of the standards of conduct and could be in violation of [§ 9.1-136](#) of the *Code of Virginia* which states that “any person who willfully and intentionally requests, obtains or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information to any agency or person in violation of this article...shall be guilty of a class 2 misdemeanor.” Refer to [§ 19.2-389](#), Dissemination of criminal history record information and [§ 19.2-389.1](#), Dissemination of juvenile record information.



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Amherst Police Department – GENERAL ORDER		Effective Date: June 17, 2021
ADM.133	Early Identification System	Revised Date:
<p><i>Original Signature on file maintained in APD Records Division</i></p>  <p>, Chief of Police</p>		VLEPSC Standards: PER.09.01

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

I. POLICY

The Amherst Police Department has established an internal review process of individuals, appointed by the Chief of Police on a case-by-case basis, to handle investigations of complaints or allegations against members of the police department. The Amherst Police Department recognizes the need to identify potential performance concerns and provide appropriate support to those who are identified by an Early Warning System (EWS) and who would benefit from participation in an Early Intervention Program (EIP).

II. PURPOSE

The Early Intervention Program (EIP) is established to provide a consistent means by which patterns of unacceptable employee conduct are identified and corrected as soon as possible. To accomplish this, the EIP specifies criteria that could indicate a pattern of employee behavior that is inconsistent with the mission of the department, to determine whether a pattern exists and, if so, what corrective measures are appropriate.

The EIP exists for the positive benefit of all members of the Amherst Police Department and is not a disciplinary process. Accordingly, the outcome of any EIP review shall not be considered against employees for the purpose of performance appraisals, discipline, and requests for transfer, as well as eligibility for promotion.

III. PROCEDURE

- A. The EWS/EIS is limited in application to:
 1. Monitor complaints on employees (non-sworn);
 2. Monitor complaints and use of force situations involving sworn employees;



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3. The EWS/EIS does not alter the responsibility of supervisors as the primary source for monitoring performance and behavior of personnel on a daily basis. Supervisors shall continue to be alert to, and monitor, the strengths and weaknesses of members assigned to them. Supervisors may detect a need for EIS based on the following criteria:
 - i. Uncharacteristic or repeated citizen complaints and use of force;
 - ii. Abrupt changes with regard to tardiness, absenteeism, abnormal impatience, erratic mood swings, unreasonable irritability or aggressiveness, or repeated instances of failure to act or overreaction in the line of duty;
 - iii. Unexplained/negative changes in work habits or patterns of leave;
 - iv. Indications of alcohol and/or substance abuse;
 - v. An accumulation of squad-level guidance forms in a short span of time;
 - vi. Significant negative changes in the employee's annual evaluations, including personal traits and performance-related categories.
4. Any employee who becomes aware of another employee exhibiting any of the described behaviors is encouraged to bring their concerns to the attention of their supervisor.
5. The Chief will designate personnel on a case-by-case basis, responsible for administering the EIS and generating those reports specified by this policy.

B. Identification under the Early Warning System (EWS)

1. It is the responsibility of the Major to maintain a database which utilizes some type of EWS/EIS.
2. Major or designee
 - i. If the system generates or when such EWS provides that an employee has met a particular threshold for a particular area of concern, the Major or Chief's designee shall review the member's file to verify that the system has correctly identified a threshold requirement
 - ii. The Major or designee will notify the Chief in writing to gather any related documentation that would assist the Command Staff in making recommendations to the Chief as to whether or not an Early Intervention Review panel should be convened to address the matter. This recommendation may call for no action, remedial training, or some other



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action on the part of the employee or the employee’s immediate supervisor. The Chief will then review the recommendations of the Command Staff and decide whether or not the Review Panel should be convened.

3. Chief or Designee

The Chief or designee will be directed to meet with the employee and the employee’s direct supervisor to conduct an Early Intervention Review to be completed within thirty (30) days of notification by the Chief.

C. Early intervention will be initiated when an employee is involved in the following:

INCIDENT TYPE	# OF MONTHS	THRESHOLD
Administrative Investigations	12	2
Citizen Complaints	12	3
Internal Affairs Inquiry	12	3
Policy Violation	12	2
Traffic Complaints	12	3
Use of Force	12	2
Vehicle Accidents	12	2
Vehicle Pursuits	12	2
Lawsuits and Claims	12	2
Assaults on the officer	12	2
OVERALL THRESHOLD	12	3

D. The Review Panel will consist of:

1. The employee

- i. Any employee who is the subject of a review panel will promptly and fully cooperate with the review panel or anyone else involved in the furtherance and completion of the review process. Failure by the employee to cooperate will subject the employee to disciplinary action, up to and including dismissal, unless criminal charges could be pending.

2. Chief’s Designee

- i. The Chief’s designee will mediate the actions and recommendations of the review panel by providing them guidance and overseeing the process.

3. Command staff member

E. Recommendation of the Review Panel

- 1. The review panel will be centered on the nature of the complaint(s)/threshold received and the circumstances surrounding each complaint and threshold met. Each



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will be thoroughly discussed to determine if any similarities or mitigating circumstances exist.

2. The review panel will then meet to discuss and recommend any proposed action to be taken with the employee. The recommendation may call for no action, remedial training, or some other action on the part of the employee's immediate supervisor. The recommendation of the review panel may include a referral through the chain of command.
3. Provisions in follow-up are deemed appropriate.

F. Reporting by the Review Panel

1. The employee's first- and second-line supervisors will then meet with the employee to develop a strategic plan of action to meet the recommendations of the review panel. A completed Early Intervention Review Report will be forwarded through the chain of command so that the recommendations can be made to the Chief.
2. A Summary of the complaint, the recommendation(s) of the review panel, and a proposed strategic plan will be prepared by the Major and presented to the Chief.
3. The Chief may call upon any of the involved parties to seek additional information regarding any of the meetings, the nature of the complaint, or the recommendation(s) and strategic plan. Nothing in this policy binds the Chief to the recommendation(s) contained in the strategic plan.
4. With the concurrence of the Chief, the plan will be returned to the employee through his or her chain of command. A copy will be forwarded to the Major. The copy will be maintained in the employee's personnel file.

G. Follow-Up

1. The employee's immediate supervisor will ensure that the strategic plan, if any, is set into motion and followed until completion.
2. Progress on the strategic plan will be included in the employee's annual evaluation. Upon completion, a memorandum will be prepared by the supervisor and forwarded to the Major.
3. The employee's supervisor will follow up with the employee and six (6) months to see if there is any need for additional review.

H. Conclusion

This program is primarily aimed at correcting deficiencies that may appear in officers through proper training, supervision, and guidance during their career. Most officers should adjust to this without any difficulty. Any officer who falls within the scope of a Performance Review may require professional counseling and can be referred to professional counselors when appropriate, at the cost of the Town.



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Once the evaluator(s) have determined where a problem exists, and after consultation with the Chief, the officer will be referred to one of the seven (7) options below, or a combination thereof, when applicable:

1. More training in the area of identified deficiencies, such as interpersonal skills, the use of firearms, police impact devices, handcuffing techniques, defensive tactics, etc.;
2. Placed under close supervision by the responsible supervisor;
3. Referral to a psychologist for evaluation;
4. Transfer;
5. Disciplinary action;
6. Counseling/guidance;
7. No action will be taken.

I. Annual Evaluation

A documented annual evaluation of this system will be completed by the Major and included within the Annual Staff Inspection.