TOWN OF BOWLING GREEN TOWN COUNCIL MEETING



AGENDA

Thursday March 07, 2019 7:00 AM

CALL TO ORDER AND QUORUM ESTABLISHED:

DELEGATIONS:

- 1. VDOT Representative
- 2. Heather Hale, YMCA Aquatics Director

PUBLIC COMMENTS:

STAFF REPORTS & PRESENTATIONS:

- 3. Bowling Green Police Department February 2019 Monthly Report
- 4. Public Works Council Monthly Report for February 2019
- 5. Events Coordinator Council Monthly Report for February 2019
- 6. Town Clerk/Treasurer Council Monthly Report for February 2019
- 7. Town Manager's Monthly Report for February 2019

CONSENT AGENDA:

- 8. February 2019 Bills
- 9. Proposed Job Descriptions
- 10. Davis Court Water Main Replacement Project

UNFINISHED BUSINESS:

11. Police Policies 2-21, 4-6, and 7-3

NEW BUSINESS:

12. Request to Waive Town Hall Rental Fee

REPORT OF COUNCIL COMMITTEES/MEMBER COMMENTS:

INFORMATIONAL ITEMS:

- 13. Invitation to Local Hero's Award Banquet
- 14. Proposed Budget and PowerPoint Presentation will be handed out at the meeting.

CLOSED SESSION:

RECONVENE IN OPEN SESSION

ADJOURNMENT

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TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	VDOT
ITEM TYPE:	Presentation
PURPOSE OF ITEM:	Information Only
PRESENTER:	Lynne M. Keenan, Fredericksburg VDOT Residency Administrator
PHONE:	540.907.6055

BACKGROUND / SUMMARY:

Introduction of our new VDOT Residency Administrator and discussion of this summer's street resurfacing project.

ATTACHMENTS:

Draft letter explaining the cape seal process that VDOT is proposing to send to residents in the April.

REQUESTED ACTION:

N/A

[DATE]

Dear Resident:

The Virginia Department of Transportation (VDOT) would like to announce that your neighborhood has been selected to receive road surface improvements this year.

The purpose of this letter is to provide information about the materials that will be applied to the roads, and describe what residents will see and experience while the project is underway.

VDOT has selected a cape seal surface treatment for several secondary routes in the Town of Bowling Green, including your street. When complete, these streets will have a uniform color and appearance that will cover previous pothole repairs and cracking. Motorists will have a skidresistant travel surface.

Cape seal is designed to improve the condition of the road, extend the life of the pavement and prevent further deterioration.

The cape seal application process has several steps:

Street Preparation

Before materials are applied, residents will see workers in the neighborhood repairing potholes, cracks, and other defects in the road surface. Grass, weeds and debris will be removed from the streets so work can begin on a clean surface.

Chip-Sealing

Next, workers will seal the road surface with a layer of asphalt "chips," which is a mixture of liquid asphalt and stone. This is a durable and water-resistant layer that protects the roadway. To prevent the asphalt from damaging vehicles traveling on the road while it cures, it is blotted on top with a layer of sand and gravel.

The sand and gravel will remain on the street surface for approximately two weeks after this phase is complete to allow the asphalt "chip-seal" layer to cure.

While the sand and gravel is on the road, there will be a rougher travel surface than usual. Pedestrians and bicyclists should use caution on the road during this phase of the project. **This is a temporary condition.**

Sweeping

Approximately two weeks after the chip-sealing process is finished, workers will return to sweep and/or vacuum up any remaining sand and gravel from streets that has not dissipated from wind and vehicle traffic.

Final Layer

After the roads have been cleared of sand and gravel, a final travel surface will be applied. This is a mix of crushed stone and liquid asphalt, which will provide a uniform black color. The finished product will initially have a slightly textured surface, which will be smoothed out over time by vehicle traffic.

Project Schedule

At this time, specific work dates have not been set for your neighborhood. Contractors may schedule this work at any time between June and November 2019.

Shortly before work begins, residents will receive a door hanger notification and "No Parking" signs on streets where crews will be working during the upcoming week. We ask residents to please park any vehicles off the street during these brief periods, so workers can complete the project as quickly as possible and cover the entire road surface.

We realize that construction work can be disruptive, and we regret any inconvenience this may cause. We ask for your patience and assistance during this brief project so we can improve the roads in your neighborhood for the community's future use and enjoyment.

Please contact us at any time with any questions or concerns regarding this project. Please call:

CONTACT HERE

Thank you,

Virginia Department of Transportation (VDOT)

Fredericksburg District

Town Council Meeting March 07, 2019 A Page 5

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TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	YMCA Aquatics Director
ITEM TYPE:	Presentation
PURPOSE OF ITEM:	Information Only
PRESENTER:	Heather Hale, Caroline Family YMCA Aquatics Director
PHONE:	804.448.9622

BACKGROUND / SUMMARY:

Ms. Hale has asked to speak at March's Council meeting.

ATTACHMENTS:

None

REQUESTED ACTION:

N/A



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING MONTHLY REPORT / PROJECT UPDATE

AGENDA ITEM:Bowling Green Police Department February 2019 Monthly ReportDATE:2/28/19

PREPARED BY: Chief David Lipscomb

MONTHLY REPORT / PROJECT UPDATE:

Activity Report February 2019:

34 Calls for service

2 Reportable crimes (Petit Larceny from Dollar General, Warrant Obtained / Stolen Vehicle recovered on Lafayette Ave.)

- 49 Park walk and talk
- 6 Assist motorists
- 17 Virginia Uniform Summonses written
- 7 Assist another agency
- 5 Court appearances
- 27 Business Checks

Chief's Report:

Further training was conducted with Omnigo Software for our new RMS system. We anticipate this new system to be in operation sometime in March.

Meet with the Policy Committee in regards to the new policy and procedure manual.

Attended weekly staff meetings.

HEADS UP ITEMS:

Chief needs approval on policy and procedure manual.

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STATE/COUNTY FUNDS VA 599 POLICE FUNDING ***STATE/COUNTY FUNDS***	***FINES AND FORFEITURES*** POLICE/COURT FINES RETURNED CHECK FEE E SUMMONS FEES **RESTRICTED USE** ***FINES AND FORFEITURES*** ***FINES AND FORFEITURES***
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Fines 40211.97 VA 599 Grant + 18390.00

Total Revenue 58601.97



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING MONTHLY REPORT / PROJECT UPDATE

AGENDA ITEM: Council Monthly Report for February 2019

DATE: February 28, 2019

PREPARED BY: Billy Deavers

MONTHLY REPORT / PROJECT UPDATE:

Wastewater:

- Had VRWA in to teach a Review Class on Wastewater Math for the Operators
- AIS here to remove disc aerator and shaft for repairs
- White Oak Electric here to service UV Lights
- Plant is running well, with no exceptions

Water:

- Cut offs were done the week of February 18th
- Meters were read the week of February 25th
- Still working on project for all water meters, to list and distinguish all brands, sizes, etc.
- Search Grant was approved, working with Webb Engineering
- Several meters were replaced

Public Works:

- Still working on erosion around the Drying beds at the Plant
- Cleaned out Cedar Lane Warehouse and organized
- Removed tree from Town Hall
- Performed inventory on equipment at Cedar Lane Warehouse and the shop at the Plant
- Windows were replaced at Town Hall in the Ballroom

ATTACHMENTS:

Picture of Disc Aerators and shaft being removed for repairs

HEADS UP ITEMS: Sewer Replacement Project is still underway



Status	Address Number	Street Name	Work Type	Descripti
Complete	0	North Main, E. Broddaus,Lacy,Oakridge, Travis,Davis Ct,Courthouse ,Ennis,A.P. Hill blvd.,Richmond trpk	Meter Read	Reading meters
Complete	134	Maury Ave	Garbage	134 Maury Aveplease take new trash can
Complete	0	Milford St., Trewalla,North Main,Harding,Tyler Ct,School,Grant,Coolidge Jackson,Harrison Way	Meter Read	Reading meters and completing spreadsheets
Void	206	N Main St	Landscaping	Water Planters
Complete	16364	Heritage Pines Cir	Service Connect	16364 Heritage Pine∎e-connect water service 02-27-19
Complete	0	White,Elliott,Anderson,Lee St.,Hertiage Pines,Caroline Manor,Martin,Coghill	Meter Read	Reading meters and completing spreadsheets
Complete	0	South Main,Gill,Lafayette,cary,Hoomes,Maury,Dorsey	Meter Read	Reading meters and completing spreadsheets
Complete	114	N Main St	Service Connect	114 N Main St2-26-2019 Connect service new Customer Ca
Complete		Roper Dr	Garbage	across the street from 375 Roper Dr. please take new recycle
Complete	375	Roper Dr	Garbage	375 Roper Dr. lease pick up old recycle can and deliver new
Complete	0	Dickinson, Meadows, Roper, Chase, Hilldale	Meter Read	Reading meters and doing meter spread sheet
Complete	117	Martin St	Service Disconnect	117 main streetDisconnect Water effective 02/21/2019
Complete	116	Maury Ave	Service Connect	116 Maury Ave ² /20/2019 furn water on new customer Ash
Complete	219	Anderson Ave	Other - PW	Load scrap metal on dump truck to be recycled
Complete	107	S Main St	Garbage	107 S. Main Stplease pick up broken trash can and deliver a
Complete	156	E Broaddus Ave	Water Sampling	Collect Bac T sample
Complete	141	US-301-BR	Water Sampling	Collect Bac T sample
Complete	219	Anderson Ave	Other - PW	Need water line capped off valve in old plant building is leal
Complete	219	Anderson Ave	Other - PW	Cutting metal up to take to scrap yard
Complete	239	North Main	Install/Set Meter	Replace meter can't see numbers to read it
Void	206	N Main St	Landscaping	Water Planters
Complete	117	Butler St.	Other - PW	Removed trash and junk off stage for Tracy.
Complete	117	Butler St.	Landscaping	Remove vines from Bush in front of Town Hall, remove tree,
Complete	254	N Main St	Garbage	254 A North Main StreetNeeds new trash can and old one pi
Complete	0	Lakewood, A.P Hill Boulevard	Other - PW	
Complete	117	Butler St.	Other - PW	Move fifteen tables of stage and store them under stage.
Complete	0	Harding Drive	Other - PW	Meter spread sheet
Complete	0	Heritage Pines 16358-16392	Other - PW	Meter spread sheet
Complete	0	Lee St	Other - PW	Meter spread sheet
Complete	0	Roper Dr.,Meadow Lane	Other - PW	Meter spread sheet
Complete	117	Butler St.	Other - PW	Remove old trash from stage area
Complete	0	Grant Ct,Coolidge,Jackson,Dickinson	Other - Water Utility	Meter spread sheet
Complete	280	Roper Dr	Garbage	280 Roper DrBlease take recycle bin

Connect service new Customer Caroline Live

Roper Dr. please take new recycle can and remove broken recycle can

up old recycle can and deliver new recycle can

9turn water on new customer Ashby StorkeThank-you

up broken trash can and deliver a new one.

valve in old plant building is leaking bad scrap yard umbers to read it

off stage for Tracy. front of Town Hall, remove tree, clean up mulched areas. eeds new trash can and old one picked upmake sure it is the one by itself that you getth



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING MONTHLY REPORT / PROJECT UPDATE

AGENDA ITEM:	Events Coordinator Council Monthly Report for February 2019

DATE: 2/28/19

PREPARED BY: Jo-Elsa Jordan

MONTHLY REPORT / PROJECT UPDATE:

2019 Historic Garden Week

• Meeting with Caroline County Economic Development & Tourism on 2/5/19 Economic Development Authority

- Coordinate with Senior Policy Analyst, Kristen Dahlman, at DHCD for educational seminar on Opportunity Zones at 2/25/19 meeting.
- Send invitation to EDA board members, Town Council, Main Street Business Group, Mary Washington Regional Council partners and Town of Port Royal. (See attached)
- Coordinate with DHCD for meeting with EDA and Main Street Business Group on 3/4/19 at 11:00 a.m.
- VEDA Cardinal Assistance Program:
 - Provide Cardinal Team with answers to a series of questions related to Bowling Green's history and current economic conditions. (See attached)
 - Determine good dates and availability for the Cardinal Team to visit Bowling Green and meet with various groups such as Town staff, EDA, Caroline County Economic Development, Main Street Business Group and other business owners in Town.
 - Create and distribute an agenda for Cardinal Team visit on 4/2/19. (See attached)
- Create and distribute meeting minutes from 1-28-19 EDA meeting.
- Create and distribute agenda and meeting packet for 2-25-19 EDA meeting.
- Contact Cobblestone Hotels regarding media kit and promotional material for EDA's review.
- Coordinate meeting for 2/19/19 with Fort A.P. Hill regarding Report of Population.
- Create Facebook post to develop interest for new board member.

Bowling on the Green Virginia Wine Festival

- Vet several graphic artists and create RFQ's for marketing graphic and save-the-date.
- Recruit wineries for participation
- Confirm Fredericksburg Big Band
- Confirm The Bavarian Chef
- Correspondence with Caroline County Public Schools Superintendent to coordinate future meeting with Senior Staff Leaders, Principals and Education Foundation
- Coordinate with Meadow Events Park for possible sponsorship at Virginia Horse Festival
- Send correspondence to property owners with progress report.

Music on the Green

- Research stage to purchase
- Confirm musical acts

Harvest Festival

• Confirm entertainment acts

Misc.

Facebook posts

- Monday staff meetings
- Town Council meeting on 2/3/19
- Coordinate with Sidney E. King Arts Center for removal of lattice work from Cedar Lane warehouse

ATTACHMENTS:

- Opportunity Zone invitation
- Cardinal Assistance Program Q&A
- Cardinal Assistance Program Agenda 4/2/19



Please join the Bowling Green Economic Development Authority for an educational seminar

Presented by

Department of Housing & Community Development

Opportunity Zones

Welcoming

Kristen Dahlman, Senior Policy Analyst

Monday, February 25, 2019 At the Bowling Green Town Hall 117 Butler Street, Bowling Green, Virginia 6:30 p.m. – 7:30 p.m.

As an important member of our community, you may benefit from this seminar by learning what the Opportunity Zone designation means for economic development and growth in Bowling Green, Port Royal and U.S. Route 301 Commercial Corridor. This meeting is open to the public. Business owners, investors, elected officials and residents are encouraged to join.

P.O. Box 468, Bowling Green, VA 22427 • (804) 633-6212





Cardinal Assistance Program

Tuesday, April 2, 2019 AGENDA

9:00 a.m. - 9:45 a.m. Introductions / Objectives

Mayor Satterwhite, Reese Peck (Town Manager), Jo-Elsa Jordan (Economic Development & Events Coordinator), John Sieg (E.D.A. Chairman), Gary Wilson (Caroline Co. Economic Development), Cardinal Team

9:45 a.m. – 11:00 a.m. Tour Historic Bowling Green (Opportunity Zone, U.S. Route 301 Commercial Corridor, Downtown Main Street, Other commercial areas) Mayor Satterwhite, Reese Peck, Jo-Elsa Jordan, John Sieg, Gary Wilson, Cardinal Team

11:00 a.m. – 12:30 p.m. Bowling Green E.D.A.

Reese Peck, Jo-Elsa Jordan, John Sieg, John Lane (Vice Chairman), Glenn McDearmon (Town Council), Jean Davis (Town Council), David Storke (EDA Member/Business Owner), Tyler Gibson (EDA Member/Business Owner).

12:30 p.m. – 1:30 p.m. Lunch

1:30 p.m. – 3:00 p.m. Main Street Business Group Mark Gaines (Town Council), Mike Manns (Business Owner), Jason Manns (Business Owner), Bill Webb (Business Owner), Jessica Beale (Business Owner), Mark Bissoon (Business Owner)

3:00 p.m. – 4:00 p.m. Bowling Green Business Owners

4:00 p.m. – 5:00 p.m. Bowling Green Town Council, Caroline County Board of Supervisors Representative for Bowling Green, Jeff Sili and Caroline County Economic Development

The Cardinal Team needs to understand what Bowling Green's current situation is compared to the past.

A combination of modern day consumer trends, the recession of 2008 and the construction of the Route 301 bypass has transformed what was once a small, bustling town with mom-and-pop shops lining Main Street, a movie theater and a locally printed newspaper publication, to fewer small businesses, several vacant commercial spaces and as of last year, no local newspaper at all.

A large percentage of residents in Bowling Green and surrounding areas are taking advantage of the low cost of living in Caroline County, while commuting to more populated jurisdictions like Richmond and Northern Virginia for employment that offers higher wages. When folks are not ordering products on Amazon to be delivered straight to their front door, residents of Bowling Green are doing their bargain shopping before and after work in places with populations to support big box retail. Why get materials for my DIY home project this weekend at the local hardware store that doesn't have a large selection and whose prices are slightly inflated, when I can just swing by Home Depot in Fredericksburg after work? With an already limited population to support small businesses, the challenges are even further exaggerated when that same population is working elsewhere during normal business hours. This "consumerconvenience" mindset has made it difficult for businesses in Bowling Green to maintain the working capital needed in order to sustain, which results in a high turnovers in commercial tenant spaces. Additionally, without a steady rental income, property owners are unable to maintain the structural integrity and curb appeal of their buildings in order to market to prospect business owners and investors. Finally, the construction of U.S. Route 301 bypass made it possible for drivers to avoid Main Street and shopping districts in town altogether.

We need to understand what the marketing focus of the town is.

With its recent designation as an Opportunity Zone, the Town of Bowling Green Economic Development Authority is currently exploring grant funding to produce a marketing strategy and campaign targeting and attracting prospect businesses, investors and developers to the Commercial Corridor along Route 301. The OZ designation is intended to serve as a revitalization tool allowing investors to receive tax benefits on unrealized capital gains by investing those gains into commercial development.

(The Commercial Corridor is greenfield land along a four-lane highway adjacent to Fort A.P. Hill and feeding into Rt. 207 where travelers can gain access to I-95. As a formidable alternate route to I-95, Rt. 301 is only 20 minutes from the VRE train station and 28 minutes from the nearest Amtrak station, making the indications for natural growth optimal. VDOT also conducted a recent study as a result of plans to replace the Harry Nice Bridge, which connects Virginia to Maryland, and have projected large increases in traffic on Route 301. For this reason, the Town of Bowling Green recently annexed 3.1 million dollars extending water and sewer to the Commercial Corridor.) In addition to its need for the production of marketing material, the Town of Bowling Green would like assistance developing prospects lists of developers and investors that are actively partnered in Opportunity Funds.

Are you trying to increase your retail sector, service sector or manufacturing sector? The Town of Bowling Green would like for the Cardinal Team to help identify appropriate uses and businesses for the Rt. 301 Commercial Corridor and other commercial areas in town.

How has Bowling Green promoted itself over the past four to five years? Realizing that Bowling Green was no longer seeing the traffic that it once had as a result of the Route 301 bypass and that folks were no longer just passing through town, in 2013 the Bowling Green Town Council set out to brand the Town as a historic destination through special events. A contract position for an Events Coordinator was created. The idea was to identify unique events in history that took place in Bowling Green, develop special events related to such, appeal to the regional population, capture outside tax dollars and ultimately draw interest to the small town charm of Bowling Green through tourism.

While some established community events such as the annual Harvest Festival and the Christmas Parade stayed on the calendar, several new events were added to include the Bowling on the Green Virginia Wine Festival and the Big Band Concert & USO Dance. The Town of Bowling Green also supported the Bowling Green Arts Commission on the John Cephas Piedmont Blues Festival in 2015 and 2016 which was believed to have large potential, but was discontinued as a result of poorly managed budgets. (Please reference the attached press releases for supporting documentation pertaining to these events.)

The redevelopment and revitalization of the Town of Bowling Green commercial areas is necessary in order for designated enterprise zones to produce economic growth and sustainability. In addition to the town annexing 3.1 million to extend water and sewer to the Commercial Corridor, revitalization efforts on behalf of the EDA include the development of enterprise zones and tourism zones along with dedicated funds for a façade improvement program in the downtown business district. The EDA has also worked with an architect to develop a theme for façade improvements to commercial buildings on Main Street.

What type of marketing budget do you have and what avenues of marketing do you use? Currently, Bowling Green is marketing itself through social media and media buys that support special events. The Town has also recently developed a new website. What is it that Bowling Green would like to see happen in the next five years? In five years, the Town of Bowling Green would like to see development in the Opportunity Zone along the Route 301 Commercial Corridor and destination businesses on Main Street. Ideally, the Commercial Corridor development would produce a new revenue stream that would support the business district downtown. The Town of Bowling Green would also like to see growth in residential real estate and development.

What regional partners does Bowling Green work with in promoting itself such as Chambers of Commerce, regional economic development organizations, utility partners (electric, gas), schools/education, workforce partners, etc.? Caroline County Economic Development & Tourism Main Street Business Group Caroline County Public Schools Education Foundation Caroline County Chamber of Commerce Caroline County Agricultural Fair Meadow Events Park Department of Historic Resources (DHR) Department of Housing & Community Development (DHCD) United States Department of Agriculture (USDA) **Dominion Power** Rappahannock Electric Cooperative Waste Management Sydnor Hydro Matern Staffing Atlantic Broadband **Mid-Atlantic Communications**



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING MONTHLY REPORT / PROJECT UPDATE

AGENDA ITEM:	Town Clerk/Treasurer Council Monthly Report for February 2019
DATE	March 1, 0010

DATE: March 1, 2019

PREPARED BY: Melissa Lewis

MONTHLY REPORT / PROJECT UPDATE:

Utility Billing:

- Mailed cut off notices, negotiated payment plans, followed up on non-payment of negotiated dates and initiated disconnection of service for non-payment.
- Researched customer accounts based on customer-initiated inquiries to determine possible leaks, billing errors, etc.
- Prepared handheld for meter reading

Payroll/Human Resources:

- Received and reviewed employee's time cards for accuracy.
- Prepared 2 bi-weekly payrolls to include: initiating of bank file for Direct Deposit payments, independent tracking of leave, preparation and distribution of direct deposit and leave statements to staff.

Treasurer/Financial:

- Prepared and coordinated receipt of items to complete Letter of Conditions for funding of Search Grant to obtain PER on Water Distribution System.
- Entered numerous Adjusting Entries as identified by CPA, John Montoro, in her preparation of FY18 financial report.
- Reviewed and reconciled bank deposits prepared by the Accounts Clerk.
- Entered and reconciled tax and utility payment made online.
- Worked with credit card processing institution to identify and solve numerous credit card processing issues.

Town Clerk:

- Assisted Town Manager, Police Chief, and Public Works and Utilities staff in researching information pertaining to Town Code, policy, accounts payable transactions, and customer usage.
- Maintained a list of Agenda items for Town Council.
- Prepared Meeting Packets for monthly Town Council.
- Updated the Town's website with current news items, meeting agendas and items, Minutes.

ATTACHMENTS:

- Delinquent Tax reports
- Maury Avenue water disruption flier

HEADS UP ITEMS:

- Maury Avenue residents will be without water for most of the day on March Thursday March 14th due to planned sewer work in the area.
- February's Town Council Meeting Minutes will be included in April's packet's for Council's approval

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ATTENTION

Temporary Water Service Interruption Notice

March 14, 2019 Maury Avenue will be without water between the hours of 8:00am and 6:00pm

due to utility construction.



Thank you for your patience while we continue to serve you.

The Town of Bowling Green



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING MONTHLY REPORT / PROJECT UPDATE

AGENDA ITEM: Town Manager's Monthly Report for February 2019

DATE: 2/27/19

PREPARED BY: Reese Peck

MONTHLY REPORT / PROJECT UPDATE: <u>Meeting:</u>

Town Council: February 7, 2019 regular meeting.

Town Council Committees: Both Budget & Policy and Facilities

Commission and Authority Meetings: EDA

Other Meetings: Monthly sewer project coordination meeting, County Coordination meeting and Public Works Review of Sewer Rate Adjustment calculations.

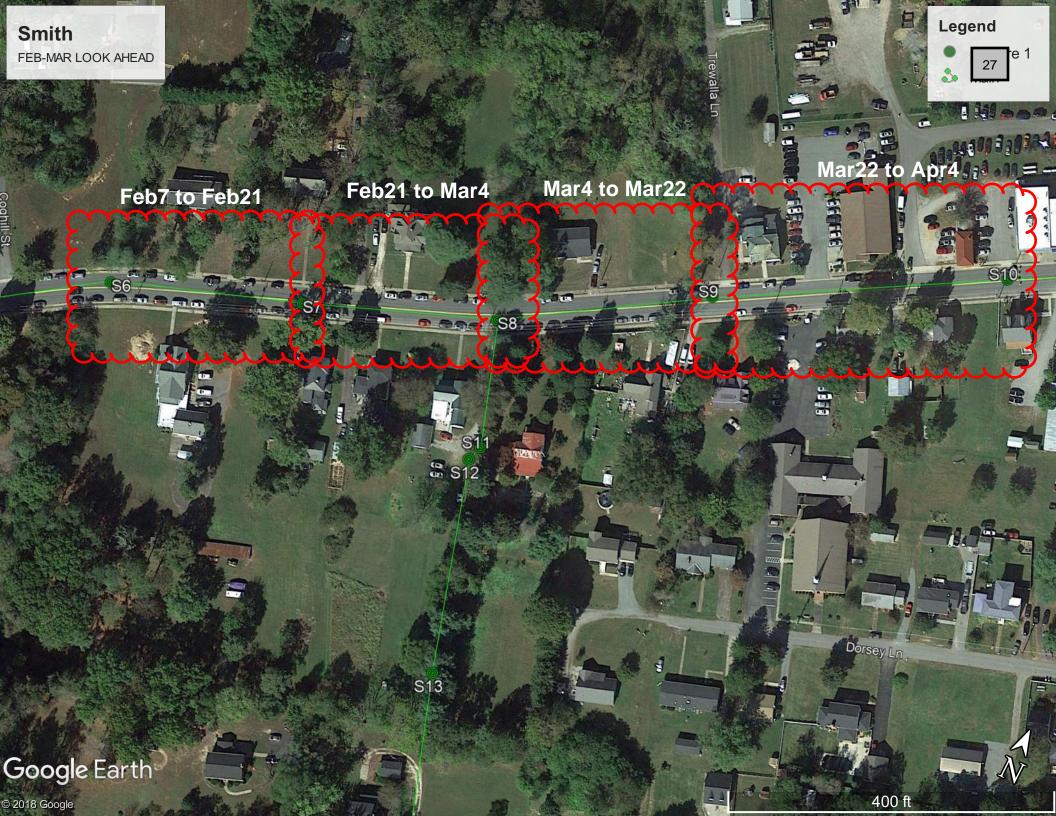
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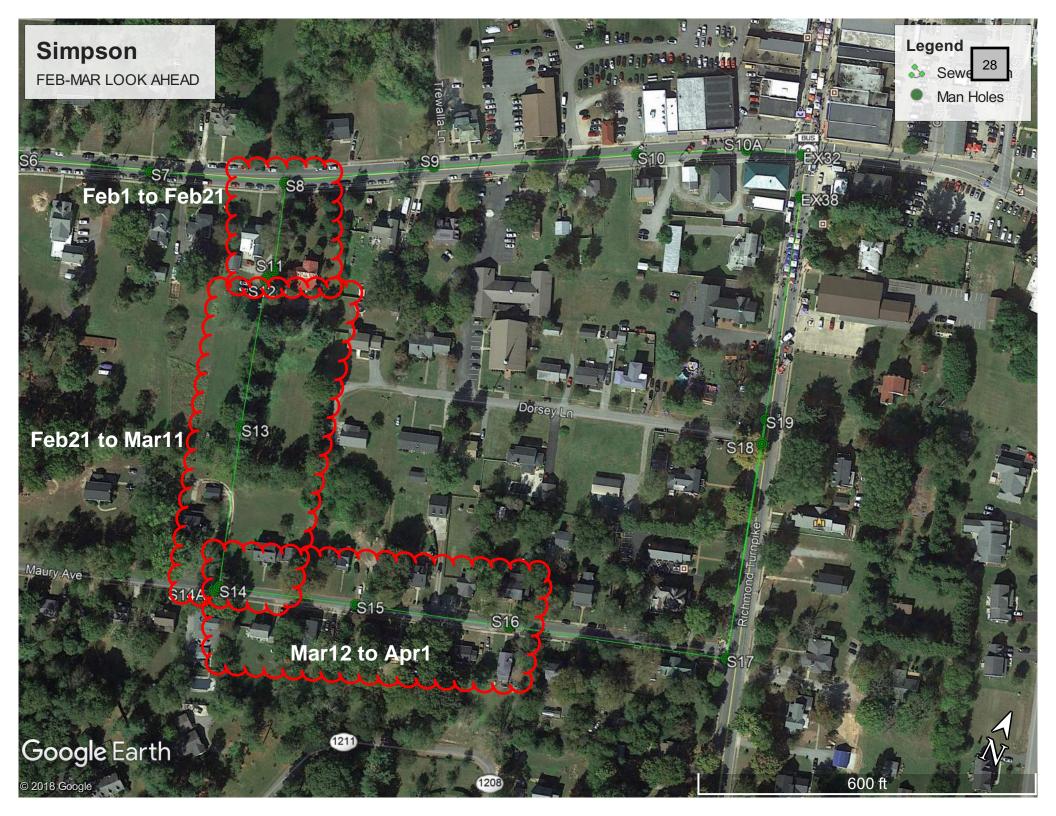
FEB-MAR Sewer Project Look Ahead Maps

Water System Preliminary Engineering Report and Environmental Study Proposal

HEADS UP ITEMS:

March 12, 2019 Sewer Project Update Community Meeting







AGREEMENT

AGREEMENT #: 1938

February 21, 2019

Reese Peck, Town Manager Town Of Bowling Green P.O. Box 468 Bowling Green VA, 22427 Phone: (804) 633-6212

Re: Water System Preliminary Engineering Report and Environmental Study Proposal

Mr. Peck:

Webb and Associates is pleased to assist the Town of Bowling Green in preparing a Preliminary Engineering Report and Environmental Study to develop a short term and long term water system improvement plan for the Town of Bowling Green.

The Town's existing water distribution system contains sections of pipe and associated facilities that are undersized and/or have exceeded their useful life expectancy. The undersized pipe results in restrictions in the mains which reduces the level of service including reductions in water volume and pressure for both domestic and fire support services as well as reductions in water quality. There are also areas within the system with dead end lines that can limit the hydraulic capacity of the system and result in poor water turn over and reduced water quality.

In addition to the undersized portions of the system there are sections of pipe, which are made of inferior pipe materials or have exceeded their useful life expectancy. The material and age of the pipe in these areas results in high levels of system failures, pipe breaks and leaks. Pipe repairs result in interruptions of service and increase operation and maintenance cost. System leaks can result in loss of unmetered water and loss of revenue. Failing water meters also results in unmetered water and loss of revenue.

A. Preliminary Engineering Report

A preliminary engineering report, PER, will be prepared which will evaluate the existing system. The evaluation will; 1) review of available historical operation and maintenance records; 2) evaluate the hydraulic capacity of the existing system using hydraulic computer modeling; 3) identify and prioritize areas within the system which are in need or replacement and/or upgrading in size; 4) identify potential system improvements



which will may provide additional connections or loops which will improve the hydraulic capacity and movement of water through the system; 5) identify available and additional land rights which may be necessary for the recommended work; and 6) develop a cost estimate for the recommended system replacements and improvements and associated land acquisition.

Fee: \$25,000 Lump Sum

B. Environmental Study

An Environmental Study will also be prepared to look at potential impacts from the recommended system improvements. The environmental study will include notification of all required local, state and federal agencies.

Fee: \$5,000 Lump Sum

C. Miscellaneous

Includes bond estimates, Corp permit drawings, submission prints to VDOT & the County (all other Prints will be billed out as per our fee schedule).

Fee: Hourly Basis (as per fee schedule)

If additional work is requested by you or other parties outside of this proposal, then you will be notified and the work will have to be authorized in writing.

All work will be performed in accordance with Exhibit "A", General Terms and Conditions, and the Fee Schedule, all attached.

This proposal is effective for a period of thirty (30) days, at which time it becomes void unless executed and returned. A signed original copy of this agreement, returned to our office will serve as our authorization to proceed with the above work as it is ordered.

If you have any questions, please do not hesitate to call. It will be a pleasure working with you on this project.



Webb and Associates looks forward to working with the Town of Bowling Green on this project.

Sincerely,

Daniel C. Webb, P.E.

Attachments

I hereby authorize Webb & Associates to proceed in accordance with the above outlined proposal.

Approved:_

(Signature)

Date:_____

(Printed Name & Title)



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	February 2019 Bills
ITEM TYPE:	Consent Agenda
PURPOSE OF ITEM:	Decision - By Motion
PRESENTER:	Melissa Lewis, towntreasurer@townofbowlinggreen.com
PHONE:	(804) 633-6212

BACKGROUND / SUMMARY:

Invoices for items purchased and services rendered in February 2019

ATTACHMENTS:

Check Reports:

- 2/15/19
- 2/20/19
- 2/22/19
- 2/28/19

REQUESTED ACTION:

Approve invoices.

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I HEREBY APPROVE THIS REGISTER FOR PAYMENT WITH EXCEPTIONS LISTED BELOW OR PREVIOUSLY DOCUMENTED. THE TOTAL 17,708.13- EQUALS THE WEEKLY LOG SHEET TOTALS AS ADJUSTED.

DATE

TOWN MANAGER



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Proposed Job Descriptions
ITEM TYPE:	Consent Agenda
PURPOSE OF ITEM:	Decision - By Motion
PRESENTER:	Reese Peck, townmanager@townofbowlinggreen.com
PHONE:	(804) 633-6212

BACKGROUND / SUMMARY:

The Budget and Personnel Committee has reviewed and recommended approval of the two paid positions, seasonal grounds keepers and part-time patrol officers, and four non-paid auxiliary police positions, officer, sergeant, lieutenant and captain.

ATTACHMENTS:

Job descriptions.

REQUESTED ACTION:

Approve.

Town of Bowling Green Job Description



POSITION: DEPARTMENT: PAY RANGE: FLSA: Grounds Keeper (Seasonal) Public Works and Utilities \$12.00 - \$15.00 per hour Non-Exempt

GENERAL STATEMENT OF JOB: Under general supervision, performs a variety of routine and seasonal landscaping tasks to develop and maintain Town grounds. Work involves using a variety of procedures, power and hand equipment, and supplies to maintain lawns, shrubs, flower beds and other green areas in a presentable manner. Employee must exercise independent judgment in completion of tasks. Reports to Grounds Technician.

ESSENTIAL JOB FUNCTIONS:

- Performs routine and seasonal grounds keeping duties, including flower and foliage care and planting, trimming and shaping shrubbery and trees, raking or blowing leaves, mowing grass, mulching and removing weeds.
- Plants annuals and shrubbery in flower beds and other Town green areas.
- Loads and unloads custodial supplies and equipment on trucks ,transports equipment and supplies to other facilities
- Landscapes new areas of lawn and mulch beds to include replacing topsoil, grading, seeding, and fertilizing.
- Recognizes need and uses proper methods to eradicate weeds and grass as appropriate from Town grounds.
- Identifies pest infestation, plant and turf damage; determine causes and treat accordingly.
- Performs custodial duties as requested, including moving office furniture, replacing light bulbs, assists in setting up for functions in Town Hall, etc.

EMPLOYEE UTILIZATION IN ADVERSE WEATHER AND EMERGENCY CONDITIONS

All Town employees are subject to being assigned to specific positions and tasks during a "Declared Emergency" as support personnel, by the Town Manager. Once assigned, this would be the same as a regular work assignment and all policies and procedures for duty assignments apply.

JOB LOCATION AND CONDITIONS:

Duties are performed outside at assigned throughout the Town and surrounding County in all kinds of weather. Operates heavy motorized machinery and equipment and hand tools, including a backhoe, dump truck, trenching machine, water pumps, saws, pick axes, shovels, plumbing tools, etc.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:

- Safely operates a mower, truck, string trimmer and other equipment
- Safely performs routine maintenance on municipal equipment
- Safely lifts and empties refuse containers of up to eighty (80) pounds for several hours
- Has knowledge and ability to learn and practice proper maintenance procedures
- Has ability to follow written and verbal instructions with minimal supervision
- Has ability to conduct oneself in a courteous and responsible manner at all times.

EDUCATION AND EXPERIENCE:

Possession of a high school diploma/GED. Any equivalent combination of training and experience which provides the required skills, knowledge and abilities.

NECESSARY SPECIAL QUALIFICATIONS:

Possession of a valid Virginia driver's license, possess and maintain a driving record that meets established Town of Bowling Green Driving Standards.

Position candidate may be required to pass a post-offer, pre-employment physical examination and drug test. Employee may be subject to subsequent physical examinations to ensure he/she meets job-related physical requirements.

To perform this job successfully, an individual must be able to perform each essential job function satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty connected with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were actually written out in this job description.

C = Continuous – over 6 hours a day	O = Occasional – less than 3 hours a day	P = Periodic – several times a year
F = Frequent – between 3 and 6 hours a day	I = Intermittent–several times a week/month	N/A = Not applicable to position

LIFT/CARRY	С	F	ο	I	Р	N/A
1 to 10 lbs.	\mathbf{X}					
11 to 20 lbs.		X				
21 to 50 lbs.			\boxtimes			
51 to 75 lbs.					\boxtimes	
76 to 100 lbs.						\boxtimes

EQUIPMENT USAGE & OPERATION	С	F	0	I	Ρ	N/A
Standard Office Equip.			\mathbb{X}			
Motor Vehicle		\mathbb{X}				
Vehicle requiring CDL				\boxtimes		
Other (explain)						\boxtimes

PUSH/PULL	С	F	0	Ι	Ρ	N/A
1 to 10 lbs.	X					
11 to 20 lbs.		\boxtimes				
21 to 50 lbs.			\boxtimes			
51 to 75 lbs.				\boxtimes		
76 to 100 lbs.						\boxtimes

WORK WITH/NEAR	С	F	0	I	Ρ	N/A
Machinery			\mathbb{X}			
Electricity				\boxtimes		
Power Tools			\boxtimes			
Chemicals				\boxtimes		
Fumes				\boxtimes		
Heights					\boxtimes	

MOVEMENT	С	F	0	Ι	Р	N/A
Carrying		\boxtimes				
Bend/Stoop/Twist		\boxtimes				
Kneel/Crawl			\boxtimes			
Reach Above Shoulders				\boxtimes		
Reach Below Shoulders			\boxtimes			
Grasp/Squeeze		\boxtimes				
Climb Stairs/Ladder				X		
Uneven Walking Surface			\boxtimes			
Even Walking Surface		\boxtimes				

ENVIRONMENT	С	F	0	Ι	Ρ	N/A
Indoors			\mathbb{X}			
Outdoors		\boxtimes				
Extreme Heat				\boxtimes		
Extreme Cold				\boxtimes		
Dusty		\boxtimes				
Excessive Noise		\boxtimes				
Other (explain)						\boxtimes

VISION REQUIREMENTS (Check all that apply)	
Depth Perception	\boxtimes
Color Vision	\boxtimes
Peripheral Vision	\boxtimes
Uncorrected/Corrected vision 20/40 or better in one or both eyes; 100 degrees, or better, horizontal vision in one or both eyes	\boxtimes

ENDURANCE	С	F	0	I	Р	N/A
Stationary Position (stand or sit)		\boxtimes				
Move, Traverse (walk)		\boxtimes				
Operate, Activate, Use, Prepare, Inspect, Place, Detect, Position (use of hands/fingers)		\boxtimes				



POSITION:Police Officer (Part -Time)DEPARTMENT:PolicePAY RANGE:\$15-\$20FLSA:Hourly

Patrol Officer

1. Summary

Provide law enforcement services and protection throughout community, with emphasis on patrol duty. Perform duties intelligently and efficiently and be ready at all times to answer calls for service and obey orders from supervision. Will be held strictly accountable for the area of assignment. In an emergency situation all members shall perform to restore peace and order and are responsible for the safety and welfare of the citizens of The Town of Bowling Green. This work involves an element of personal danger. Members shall operate under the standards set forth by the Chief.

2. General Duties and Responsibilities

- a. Work shifts as assigned.
- b. Operate a patrol vehicle under normal, high speed, and inclement weather conditions.
- c. Accountable for maintenance and cleanness of assigned vehicle, and other assigned equipment.
- d. Operate radar and radio equipment assigned.
- e. Observe and enforce all criminal and traffic laws of the Commonwealth of Virginia and ordinances of The Town of Bowling Green.
- f. Respond appropriately to suspicious activities and disturbances of law and order.
- g. Responds to radio communication and answer calls and complaints.
- h. Make on sight arrest and serve arrest warrants.
- i. Prepares cases and testifies in court.
- j. Directs traffic, conducts criminal investigations including crime scene work, interviewing and the handling of evidence, and assists in domestic cases.
- k. Prepares detailed reports on all complaints handled
- I. Uses firearms proficiently required in certification standards on all firearms issued and approved.
- m. Effectively communicates with people.
- n. Perform rescue functions when needed in emergencies.
- o. Transport prisoners and mental patients using necessary restraints.
- p. Train as requested by the Chief and required in certification standards.
- q. Present programs requested and any task requested by the Chief.
- r. Performs other duties as assigned by superiors.

3. Knowledge, Skills and Abilities

Have working knowledge of Department Rules and Regulations, familiar with the geography of the town and the location of important buildings landmarks. Need to posses skills in handling a variety of stressful and dangerous situations and managing them toward positive resolutions, skilled in the operation and handling of law enforcement equipment, skilled in interviewing techniques; skilled in the preparation of detailed reports and skilled in the use of firearms. Have the ability to interpret and follow oral and written instructions; ability to deal courteously yet firmly with the public; ability to rapidly analyze situations and make sound decisions with due regard to surrounding hazards and circumstances; ability to maintain physical agility and endurance.

4. Minimum Education and Experience

All officers must have a high school degree (or GED), valid Virginia driver's license, & responsible work experience. Officers must be able to attend training and be certified by the Department of Criminal Justice Services Commission within one year of employment as mandated by Virginia Code.

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C= Continuous – over 6 hours a day **F**= Frequent – between 3 and 6 hours a day

O= Occasional – less than 3 hours a day **I**= Intermittent–several times a week/month **P**= Periodic – several times a year N/A= Not applicable to position

LIFT/CARRY	С	F	ο	I	Р	N/A
1 to 10 lbs.	\boxtimes					
11 to 20 lbs.		\boxtimes				
21 to 50 lbs.			\boxtimes			
51 to 75 lbs.					\boxtimes	
76 to 100 lbs.						\boxtimes

EQUIPMENT USAGE & OPERATION	С	F	0	I	Ρ	N/A
Standard Office Equip.			\boxtimes			
Motor Vehicle		\boxtimes				
Vehicle requiring CDL				\boxtimes		
Other (explain)						\boxtimes

PUSH/PULL	С	F	0	I	Ρ	N/A
1 to 10 lbs.	\boxtimes					
11 to 20 lbs.		\boxtimes				
21 to 50 lbs.			\boxtimes			
51 to 75 lbs.				\boxtimes		
76 to 100 lbs.						\boxtimes

WORK WITH/NEAR	С	F	0	I	Ρ	N/A
Machinery			\boxtimes			
Electricity				\boxtimes		
Power Tools			\boxtimes			
Chemicals				\boxtimes		
Fumes				\boxtimes		
Heights					\boxtimes	

MOVEMENT	С	F	0	I	Р	N/A
Carrying		\boxtimes				
Bend/Stoop/Twist		\boxtimes				
Kneel/Crawl			\boxtimes			
Reach Above Shoulders				\boxtimes		
Reach Below Shoulders			\boxtimes			
Grasp/Squeeze		\boxtimes				
Climb Stairs/Ladder				\boxtimes		
Uneven Walking Surface			\boxtimes			
Even Walking Surface		\boxtimes				

ENVIRONMENT	С	F	0	Ι	Ρ	N/A
Indoors			X			
Outdoors		\boxtimes				
Extreme Heat				\boxtimes		
Extreme Cold				\boxtimes		
Dusty		\boxtimes				
Excessive Noise		\boxtimes				
Other (explain)						X

ENDURANCE	С	F	ο	I	Р	N/A
Stationary Position (stand or sit)		\boxtimes				
Move, Traverse (walk)		\boxtimes				
Operate, Activate, Use, Prepare, Inspect, Place, Detect, Position (use of hands/fingers)		\boxtimes				

VISION REQUIREMENTS (Check all that apply)	
Depth Perception	\boxtimes
Color Vision	\boxtimes
Peripheral Vision	\boxtimes
Uncorrected/Corrected vision 20/40 or better in one or both eyes; 100 degrees, or better, horizontal vision in one or both eyes	\boxtimes



POSITION:Police Captain (Auxiliary)DEPARTMENT:PolicePAY RANGE:Non-Paid PositionFLSA:N/A

Police Captain

1. Summary

The Captain's primary responsibility is overseeing the proper performance of duty from all personnel that the Captain is responsible for and ensuring compliance with the department's regulations. Coordinates activities involving Federal, local and state agencies. Performs related work as required. This work involves an element of danger. The Captain reports directly to the Chief. Captain shall operate under the standards set forth by the Chief.

2. General Duties and Responsibilities

- a. Assists the Chief in formulating policies and regulations for the department; assumes command in the event of the absence of the Chief.
- b. Oversees the departments of Records and Patrol.
- c. Provides direction and resources when needed to those supervisors and personnel under his/her command
- d. Creates and develops goals and objectives for each section that he/she oversees to include Records and Patrol.
- e. Prepares reports on a variety of office activities.
- f. Ensures that when the performance of personnel under his/her command is unsatisfactory, measures are taken through encouragement, explanation, referral to his/her superior officer or other means consistent with departmental policy to see that the officer's future conduct is up to standard.
- g. Supervises the maintenance of and has working knowledge of departmental rules, policies, procedures, and developments in the laws that affect him and members under his/her supervision. Also, advises the Chief on policy matters.
- h. Continuously reviews the performance of employees under his/her supervision to determine whether they are properly, effectively, and consistently carrying out their police duties. In particular, compares field practices with the standards established through written orders.

- i. Submits a written report to the Chief regarding any member of the department who commits a serious breach of the regulations of the department, or where inform 52 corrective measures prove inadequate. Includes in this report the complete details of the misconduct and of corrective measures attempted. Examples of types of misconduct that would ordinarily be considered "serious" include, but are not limited to the following:
 - 1.) Flagrant refusal to obey orders or violation.
 - 2.) The commission of any criminal offense.
 - 3.) Oral or physical abuse of a member of the public.
 - 4.) Excessive use of force with a prisoner or other person.
 - 5.) Absence without leave.
 - 6.) Excessive tardiness.
 - 7.) A conflict of interest.
 - 8.) Failure amounting to negligence to discover or act upon a felony or upon the existence of conditions dangerous to the health or safety of the public.
 - 9.) Repeated failure to respond to orders, instructions or other admonitions to correctly execute duties.
- j. Implements all orders received from the Chief. To this end, thoroughly explains to departmental personnel under his/her command the content and meaning of new orders that affect their responsibilities.
- k. Accountable for the actions or omissions of personnel under his/her supervision that are contrary to departmental regulations or policy.
- I. Responds to major criminal events or crime scenes to provide support, resources and manpower where needed.
- m. Identifies problems involving administrative, procedural, or personnel, and provides recommended solutions to the Chief.
- n. Handles internal personnel complaints or delegates to responsible supervisor, makes recommendations of such to the Chief.
- o. Responsible for the collection and dissemination of all intelligence information, both internal as well as to other agencies.
- p. Ensures that all officers receive, serve, or deliver warrants, summonses, or other official papers and performs relevant duties promptly and accurately.
- q. Assists with the yearly operating budget for the division under his/her supervision and makes recommendations to the Chief and his/her staff.
- r. Provides completed projects or work to the Chief.
- s. Performs other duties as may be assigned by the Chief.
- t. Must maintain the ability to perform <u>all</u> work required of a patrol officer job description, regardless of current assignment.

3. Knowledge, Skills and Abilities

Thorough knowledge of the rules and regulations of the department; thorough knowledge of approved principles, practices and procedures of police work; thorough knowledge of pertinent federal laws, state laws, town ordinances and court decisions; thorough knowledge of the geography of the municipality and location of important buildings; knowledge of other law enforcement resources and their uses; commands respect of personnel and assigns, directs, and supervises their work; handles the public courteously and firmly and establishes and maintains satisfactory public relations; comprehensive skill in supervising personnel; planning and evaluating police activities and services in developing and maintaining effective working relationships with other divisions within the Chief's Office, as well as other law enforcement agencies and officials in public service; analyzes complex police problems and situations and adopts quick, effective, and reasonable courses of action; must be an effective communicator, both written and orally; must have the ability to interpret and follow written and oral instructions; skilled in the use of police equipment; ability to maintain physical agility and endurance.

4. Minimum Education and Experience

Experience as a Lieutenant or higher with the Bowling Green Police Department, and an Associate's Degree or equivalent in training and experience. (unless waived by the Chief)

C= Continuous – over 6 hours a day F= Frequent – between 3 and 6 hours a day **O**= Occasional – less than 3 hours a day **I**= Intermittent–several times a week/month

P= Periodic – several times a year **N/A**= Not applicable to position

LIFT/CARRY	С	F	ο	I	Р	N/A
1 to 10 lbs.	\boxtimes					
11 to 20 lbs.		\boxtimes				
21 to 50 lbs.			\boxtimes			
51 to 75 lbs.					\boxtimes	
76 to 100 lbs.						\boxtimes

EQUIPMENT USAGE & OPERATION	С	F	0	I	Ρ	N/A
Standard Office Equip.			\boxtimes			
Motor Vehicle		\boxtimes				
Vehicle requiring CDL				\boxtimes		
Other (explain)						\boxtimes

PUSH/PULL	С	F	0	I	Р	N/A
1 to 10 lbs.	\boxtimes					
11 to 20 lbs.		\boxtimes				
21 to 50 lbs.			\boxtimes			
51 to 75 lbs.				\boxtimes		
76 to 100 lbs.						\boxtimes

WORK WITH/NEAR	С	F	0	I	Ρ	N/A
Machinery			X			
Electricity				\boxtimes		
Power Tools			\boxtimes			
Chemicals				\boxtimes		
Fumes				\boxtimes		
Heights					\boxtimes	

MOVEMENT	С	F	0	I	Р	N/A
Carrying		\boxtimes				
Bend/Stoop/Twist		\boxtimes				
Kneel/Crawl			\boxtimes			
Reach Above Shoulders				\boxtimes		
Reach Below Shoulders			\boxtimes			
Grasp/Squeeze		\boxtimes				
Climb Stairs/Ladder				\boxtimes		
Uneven Walking Surface			\boxtimes			
Even Walking Surface		\boxtimes				

ENVIRONMENT	С	F	0	I	Р	N/A
Indoors			X			
Outdoors		\boxtimes				
Extreme Heat				\boxtimes		
Extreme Cold				\boxtimes		
Dusty		\boxtimes				
Excessive Noise		\boxtimes				
Other (explain)						\boxtimes

ENDURANCE	С	F	ο	I	Р	N/A
Stationary Position (stand or sit)		\boxtimes				
Move, Traverse (walk)		\boxtimes				
Operate, Activate, Use, Prepare, Inspect, Place, Detect, Position (use of hands/fingers)		\boxtimes				

(Check all that apply)	
Depth Perception	\boxtimes
Color Vision	\boxtimes
Peripheral Vision	\boxtimes
Uncorrected/Corrected vision 20/40 or better in one or both eyes; 100 degrees, or better, horizontal vision in one or both eyes	\boxtimes

VISION REQUIREMENTS



POSITION:Police Lieutenant (Auxiliary)DEPARTMENT:PolicePAY RANGE:Non-Paid PositionFLSA:N/A

Police Lieutenant

1. Summary

The Patrol Lieutenant is responsible for all the essential functions and responsibilities of all patrol officers, as well as direct supervision and direction of all sergeants within his/her division or unit as they provide law enforcement services and protection for our community. Operates a patrol vehicle to observe violations of traffic laws, suspicious activities and disturbances of law; takes appropriate action upon observation of these activities. The Lieutenant assumes direct control and authority of that entire division or unit, and is responsible for its overall functions and operation. This work involves an element of personal danger. The Lieutenant shall operate under the standards set forth by the Chief.

2. General Duties and Responsibilities

- a. Oversees reports and other documents produced by subordinates and sees they are completed in an accurate and timely manner, and properly routed to comply with departmental policy.
- b. Performs any other duties or responsibilities as assigned by the Chief or Captain.
- c. Conducts regular and periodic inspections of personnel, vehicle equipment, and assigned patrol areas and advises and assists subordinate officers in the performance of their duties when appropriate.
- d. When needed, the Lieutenant may assume command in emergency situations.
- e. Maintains records for the patrol division
- f. Conducts and participates in special studies and serves on regular and special committees.
- g. Provides oversight and direction to subordinate officers.
- h. Evaluates performance of subordinates and participates in disciplinary actions.
- i. Identifies problems and makes recommendations to the Administrative Staff.
- j. Must maintain the ability to perform <u>all</u> work required of a patrol officer job description, regardless of current assignment.

3. Knowledge, Skills, and Abilities

Thorough knowledge of the rules and regulations of the Police Department; thorougn knowledge of approved principles, practices and procedure of police work; Comprehensive skills in providing direct supervision to patrol officers and maintaining effective working relationships with those on his/her/her shift. Thorough knowledge of the geography of the county and location of important buildings; ability to work with others and also without constant supervision; commands respect of the officers and assigns, directs, and supervises their work; ability to organize and prepare clear and concise reports; skilled in effective communication; skilled in the use of firearms; ability to interpret and follow written and oral instructions; handles the public courteously and firmly and establishes and maintains satisfactory public relations; skilled in the use of police equipment. Skilled in handling a variety of stressful and dangerous situations and to manage them towards a positive resolution. The ability to rapidly analyze situations and make sound decision with due regard to surrounding hazards and circumstances and the ability to maintain physical agility and endurance.

4. Minimum Education and Experience

Three consecutive years of law enforcement experience, with two serving as a patrol officer with the Bowling Green Police Department. (unless waived by the Chief)

To perform this job successfully, an individual must be able to perform each essential job function satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty connected with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were actually written out in this job description.

C= Continuous – over 6 hours a day F= Frequent – between 3 and 6 hours a day **O**= Occasional – less than 3 hours a day **I**= Intermittent–several times a week/month

P= Periodic – several times a year **N/A**= Not applicable to position

LIFT/CARRY	С	F	ο	I	Р	N/A
1 to 10 lbs.	\boxtimes					
11 to 20 lbs.		\boxtimes				
21 to 50 lbs.			\boxtimes			
51 to 75 lbs.					\boxtimes	
76 to 100 lbs.						\boxtimes

EQUIPMENT USAGE & OPERATION	с	F	0	I	Ρ	N/A
Standard Office Equip.			\boxtimes			
Motor Vehicle		\boxtimes				
Vehicle requiring CDL				\boxtimes		
Other (explain)						\boxtimes

PUSH/PULL	С	F	0	I	Р	N/A
1 to 10 lbs.	\boxtimes					
11 to 20 lbs.		\boxtimes				
21 to 50 lbs.			\boxtimes			
51 to 75 lbs.				\boxtimes		
76 to 100 lbs.						\boxtimes

WORK WITH/NEAR	С	F	0	I	Ρ	N/A
Machinery			\boxtimes			
Electricity				\boxtimes		
Power Tools			\boxtimes			
Chemicals				\boxtimes		
Fumes				\boxtimes		
Heights					\boxtimes	

MOVEMENT	С	F	0	I	Ρ	N/A
Carrying		\boxtimes				
Bend/Stoop/Twist		\boxtimes				
Kneel/Crawl			\boxtimes			
Reach Above Shoulders				\boxtimes		
Reach Below Shoulders			\boxtimes			
Grasp/Squeeze		\boxtimes				
Climb Stairs/Ladder				\boxtimes		
Uneven Walking Surface			\boxtimes			
Even Walking Surface		\boxtimes				

ENVIRONMENT	С	F	0	I	Р	N/A
Indoors			X			
Outdoors		\boxtimes				
Extreme Heat				\boxtimes		
Extreme Cold				\boxtimes		
Dusty		\boxtimes				
Excessive Noise		\boxtimes				
Other (explain)						\boxtimes

ENDURANCE	С	F	0	I	Р	N/A
Stationary Position (stand or sit)		\boxtimes				
Move, Traverse (walk)		\boxtimes				
Operate, Activate, Use, Prepare, Inspect, Place, Detect, Position (use of hands/fingers)		\boxtimes				

VISION REQUIREMENTS (Check all that apply)	
Depth Perception	\boxtimes
Color Vision	\boxtimes
Peripheral Vision	\boxtimes
Uncorrected/Corrected vision 20/40 or better in one or both eyes; 100 degrees, or better, horizontal vision in one or both eyes	\boxtimes

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POSITION:Police SergeantDEPARTMENT:PolicePAY RANGE:Non-Paid PositionFLSA:N/A

Police Sergeant

1. Summary

In addition to the essential functions and responsibilities of a sworn officer, the Sergeant is responsible for the immediate supervision and direction of subordinate officers assigned to their division or unit as they provide law enforcement services and protection for our community. The Sergeant works assigned shifts, operates a patrol vehicle to observe violations of traffic laws, suspicious activities and disturbances of law; takes appropriate action upon observation of these activities. This work involves an element of personal danger. The Sergeant shall operate under the standards set forth by the Chief.

2. General Duties and Responsibilities

- a. Supervises the personnel under his/her command.
- b. Conducts regular and periodic inspections of personnel, vehicle equipment, weapons and assigned patrol areas.
- c. Distributes warrants and petitions for execution
- d. Advises and assists subordinate officers in the performance or their duties when appropriate.
- e. When needed, the Sergeant may assume command in emergency situations.
- f. Supervises subordinate personnel checking quality and quantity of work performed.
- g. Evaluates performance of subordinates.
- h. Makes arrests, issues summons and testifies in court.
- i. May supervise transportation of prisoners and committals.
- j. Must maintain the ability to perform <u>all</u> work required of a patrol officer job description, regardless of current assignment.

3. Knowledge, Skills and Abilities

Thorough knowledge of the rules and regulations of the Police Department; thorough knowledge of approved principles, practices and procedures of police work; Comprehensive skills in providing direct supervision to patrol officers and maintaining effective working relationships with those under his/her command. Thorough knowledge of the geography of the town and location of important buildings; ability to organize and prepare clear and concise reports; skilled in effective communication; skilled in the use of firearms; ability to interpret and follow written and oral instructions; handles the public courteously and firmly and establishes and maintains satisfactory public relations; skilled in the use of police equipment; skilled in handling a variety of stressful and dangerous situations and to manage them towards a positive resolution; the ability to rapidly analyze situations and make sound decision with due regard to surrounding hazards and circumstances and the ability to maintain physical agility and endurance.

4. Minimum Education and Experience

An officer must have at least 12 consecutive months of law enforcement experience with the Bowling Green Police Department. (unless special circumstance exist, approval shall be through the Chief)

To perform this job successfully, an individual must be able to perform each essential job function satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty connected with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of

C= Continuous – over 6 hours a dayO= OccasionalF= Frequent – between 3 and 6 hours a dayI= Intermittent

O= Occasional – less than 3 hours a day **I**= Intermittent–several times a week/month **P**= Periodic – several times a year **N/A**= Not applicable to position

LIFT/CARRY	С	F	ο	I	Р	N/A
1 to 10 lbs.	\boxtimes					
11 to 20 lbs.		\boxtimes				
21 to 50 lbs.			\boxtimes			
51 to 75 lbs.					\boxtimes	
76 to 100 lbs.						\boxtimes

EQUIPMENT USAGE & OPERATION	С	F	0	I	Р	N/A
Standard Office Equip.			\boxtimes			
Motor Vehicle		\boxtimes				
Vehicle requiring CDL				\boxtimes		
Other (explain)						\boxtimes

PUSH/PULL	С	F	0	I	Ρ	N/A
1 to 10 lbs.	\boxtimes					
11 to 20 lbs.		\boxtimes				
21 to 50 lbs.			\boxtimes			
51 to 75 lbs.				\boxtimes		
76 to 100 lbs.						\boxtimes

С	F	0	I	Р	N/A
		\boxtimes			
			\boxtimes		
		\boxtimes			
			\boxtimes		
			\boxtimes		
				\boxtimes	
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MOVEMENT	С	F	0	I	Р	N/A
Carrying		\boxtimes				
Bend/Stoop/Twist		\boxtimes				
Kneel/Crawl			\boxtimes			
Reach Above Shoulders				\boxtimes		
Reach Below Shoulders			\boxtimes			
Grasp/Squeeze		\boxtimes				
Climb Stairs/Ladder				\boxtimes		
Uneven Walking Surface			\boxtimes			
Even Walking Surface		\boxtimes				

ENVIRONMENT	С	F	0	Ι	Р	N/A
Indoors			\boxtimes			
Outdoors		\boxtimes				
Extreme Heat				\boxtimes		
Extreme Cold				\boxtimes		
Dusty		\boxtimes				
Excessive Noise		\boxtimes				
Other (explain)						\boxtimes

ENDURANCE	С	F	ο	I	Р	N/A
Stationary Position (stand or sit)		\boxtimes				
Move, Traverse (walk)		\boxtimes				
Operate, Activate, Use, Prepare, Inspect, Place, Detect, Position (use of hands/fingers)		\boxtimes				

VISION REQUIREMENTS (Check all that apply)	
Depth Perception	\boxtimes
Color Vision	\boxtimes
Peripheral Vision	\boxtimes
Uncorrected/Corrected vision 20/40 or better in one or both eyes; 100 degrees, or better, horizontal vision in one or both eyes	\boxtimes



POSITION:Police Officer (Auxiliary)DEPARTMENT:PolicePAY RANGE:Non-Paid PositionFLSA:N/A

Patrol Officer

1. Summary

Provide law enforcement services and protection throughout community, with emphasis on patrol duty. Perform duties intelligently and efficiently and be ready at all times to answer calls for service and obey orders from supervision. Will be held strictly accountable for the area of assignment. In an emergency situation all members shall perform to restore peace and order and are responsible for the safety and welfare of the citizens of The Town of Bowling Green. This work involves an element of personal danger. Members shall operate under the standards set forth by the Chief.

2. General Duties and Responsibilities

- a. Work shifts as assigned.
- b. Operate a patrol vehicle under normal, high speed, and inclement weather conditions.
- c. Accountable for maintenance and cleanness of assigned vehicle, and other assigned equipment.
- d. Operate radar and radio equipment assigned.
- e. Observe and enforce all criminal and traffic laws of the Commonwealth of Virginia and ordinances of The Town of Bowling Green.
- f. Respond appropriately to suspicious activities and disturbances of law and order.
- g. Responds to radio communication and answer calls and complaints.
- h. Make on sight arrest and serve arrest warrants.
- i. Prepares cases and testifies in court.
- j. Directs traffic, conducts criminal investigations including crime scene work, interviewing and the handling of evidence, and assists in domestic cases.
- k. Prepares detailed reports on all complaints handled
- I. Uses firearms proficiently required in certification standards on all firearms issued and approved.
- m. Effectively communicates with people.
- n. Perform rescue functions when needed in emergencies.
- o. Transport prisoners and mental patients using necessary restraints.
- p. Train as requested by the Chief and required in certification standards.
- q. Present programs requested and any task requested by the Chief.
- r. Performs other duties as assigned by superiors.

3. Knowledge, Skills and Abilities

Have working knowledge of Department Rules and Regulations, familiar with the geography of the town and the location of important buildings landmarks. Need to posses skills in handling a variety of stressful and dangerous situations and managing them toward positive resolutions, skilled in the operation and handling of law enforcement equipment, skilled in interviewing techniques; skilled in the preparation of detailed reports and skilled in the use of firearms. Have the ability to interpret and follow oral and written instructions; ability to deal courteously yet firmly with the public; ability to rapidly analyze situations and make sound decisions with due regard to surrounding hazards and circumstances; ability to maintain physical agility and endurance.

4. Minimum Education and Experience

All officers must have a high school degree (or GED), valid Virginia driver's license, & responsible work experience. Officers must be able to attend training and be certified by the Department of Criminal Justice Services Commission within one year of employment as mandated by Virginia Code.

O= Occasional – less than 3 hours a day **I**= Intermittent–several times a week/month **C**= Continuous – over 6 hours a day **F**= Frequent – between 3 and 6 hours a day

P= Periodic – several times a year N/A= Not applicable to position

LIFT/CARRY	С	F	ο	I	Р	N/A
1 to 10 lbs.	\boxtimes					
11 to 20 lbs.		\boxtimes				
21 to 50 lbs.			\boxtimes			
51 to 75 lbs.					\boxtimes	
76 to 100 lbs.						\boxtimes

EQUIPMENT USAGE & OPERATION	с	F	0	I	Ρ	N/A
Standard Office Equip.			\boxtimes			
Motor Vehicle		\boxtimes				
Vehicle requiring CDL				\boxtimes		
Other (explain)						\boxtimes

PUSH/PULL	С	F	0	I	Ρ	N/A
1 to 10 lbs.	\boxtimes					
11 to 20 lbs.		\boxtimes				
21 to 50 lbs.			\boxtimes			
51 to 75 lbs.				\boxtimes		
76 to 100 lbs.						\boxtimes

WORK WITH/NEAR	С	F	0	I	Ρ	N/A
Machinery			X			
Electricity				\boxtimes		
Power Tools			\boxtimes			
Chemicals				\boxtimes		
Fumes				\boxtimes		
Heights					\boxtimes	

MOVEMENT	С	F	0	I	Р	N/A
Carrying		\boxtimes				
Bend/Stoop/Twist		\boxtimes				
Kneel/Crawl			\boxtimes			
Reach Above Shoulders				\boxtimes		
Reach Below Shoulders			\boxtimes			
Grasp/Squeeze		\boxtimes				
Climb Stairs/Ladder				\boxtimes		
Uneven Walking Surface			\boxtimes			
Even Walking Surface		\boxtimes				

ENVIRONMENT	С	F	0	Ι	Ρ	N/A
Indoors			X			
Outdoors		\boxtimes				
Extreme Heat				\boxtimes		
Extreme Cold				\boxtimes		
Dusty		\boxtimes				
Excessive Noise		\boxtimes				
Other (explain)						X

	VISION REQUIREMENTS (Check all that apply)
N/A	Depth Perception
	Color Vision
	Peripheral Vision
	Uncorrected/Corrected vision 20/40 or better in one or both eyes; 100 degrees, or better, horizontal vision in one or both eyes

ENDURANCE	С	F	0	I	Р	N/A
Stationary Position (stand or sit)		\boxtimes				
Move, Traverse (walk)		\boxtimes				
Operate, Activate, Use, Prepare, Inspect, Place, Detect, Position (use of hands/fingers)		\boxtimes				

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TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Davis Court Water Main Replacement Project
ITEM TYPE:	Consent Agenda
PURPOSE OF ITEM:	Decision - By Motion
PRESENTER:	Reese Peck, townmanager@townofbowlinggreen.com
PHONE:	(804) 633-6212

BACKGROUND / SUMMARY:

K.L. Langford Excavating - \$68,637.13 Sydnor Hydro, Inc. - \$94,990 Mullen Inc. - \$126,357.00 Kelvic Construction Company, Inc. - \$172,844.93

ATTACHMENTS:

None

REQUESTED ACTION:

Award K.L. Langford Excavating the contract.



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Police Policies 2-21, 4-6, and 7-3
ITEM TYPE:	Consent Agenda
PURPOSE OF ITEM:	Decision - By Motion
PRESENTER:	David Lipscomb, dlipscomb@townofbowlinggreen.com
PHONE:	(804) 633-6212

BACKGROUND / SUMMARY:

These policies have been reviewed and approved by the Police Chief, Town Manager, Town Attorney and the Policy Committee. These operations have suspended by our Police Department. Approval of these policies will allow resumption of these operations.

ATTACHMENTS:

Police Policies 2-21, 4-6, and 7-3

*Memo from Town Attorney to be handed out at meeting.

REQUESTED ACTION: Approve Policies 68

BOWLING GREEN POLICE DEPARTMENT GENERAL ORDERS				
SUBJECT: SEXUAL ASSAULT	NUMBER: 4-6			
EFFECTIVE DATE: 11/02/17	REVISED DATE: 02/04/19			
AMMENDS/SUPERSEDES:	APPROVED:			
ALL OTHER PUBLICATIONS W.D. LIPSCOMB III, CHIEF				
ACCREDITATION STANDARDS REFERENCE:				

Note: This rule or 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 Police Department, and then only in a non-judicial administrative setting.

NOTE CONCERNING GENERAL ORDER 4-6, SEXUAL ASSAULT

Sexual assault is a humiliating and often terrifying and a brutal crime. It can happen to a man as well as a woman and to a child as well as an elderly person. Sexual assault occurs when a person is forced, threatened, or intimidated into sexual contact against her or his will. It can also be accomplished through ruse or through the mental or physical incapacitation of the victim, (VA <u>Code</u> 18.2). Each victim requires strong support from medical, legal, law enforcement, and social service personnel.

The crime of sexual assault is, at times, misunderstood. In order to deal effectively with those who have survived a sexual assault and educate others about the crime, law enforcement must understand that rape and other sexual assaults are not crimes of passion, but crimes of violence which leave no visible physical injury in a majority of cases. The offender, not the victim, is responsible for the sexual assault.

Victims react to an attack in a variety of ways. The stereotype of a hysterical woman calling the police is just that--a stereotype. Many victims are calm and composed. The emotional state of the victim immediately following the assault is one of the intense emotional shock. That shock may be expressed as hysteria, anger, fear, or as outward calm. But the disbelief and shock are usually the underlying feelings.

Reporting the crime is often difficult for victims. The FBI estimates that a large percentage of sexual assaults are not reported and most victims are assaulted by someone they know. Too often, sexual assault results in a case of one person's word against another - "he said, she said" - with little or no evidence to corroborate the victim's story. This situation increases the already existing tendency to focus solely on the victim's credibility when making judgments about the assault.

Victims of sexual assault may have difficulty deciding what to do after the crime. Official reports have many uses. Once the report is taken, it can be kept on file for future use if the victim later decides to prosecute. As rapists are recidivists (repeaters), the police, with the aid of several written reports, can often identify the person based on his similar mode of operation and description.

Police personnel who first come into contact with a sexual assault victim may be the most important people the psychologically and physically violated victim will see. It is important to remember that a rape undermines the victim's sense of control. She or he must be allowed to regain a feeling of control by making decisions and by being listened to in a supportive, non-judgmental way.

Most police officers understand the technical aspects of evidence collection necessary for the case. Their difficulty is handling their discomfort when interviewing a victim. Many officers report that this feeling makes the evidence collection and the technical investigation more difficult. Regardless of the result of the police investigation, the establishment of rapport between the Officer and the victim is always a plus. Being able to respond to sexual assault victims in a constructive way is a benefit to the Officer and enhances the department's image in the community.

I. POLICY:

The Bowling Green Police Department recognizes the fact that sexual assaults (rape, forcible sodomy, incest, exploitation of children, and attempts thereof) are personal violent crimes that have great psychological or physical effects on the victims. It is the policy of this office to assist sexual assault victims in a supportive manner, using appropriate crisis intervention skills (see appendix to GO 4-6). Reducing recidivism through the apprehension and prosecution of the assailants is a department priority.

II. PROCEDURES:

- A. General responsibilities:
 - 1. "Sexual assault" means those offenses involving sexual penetration or sexual contact with any person by force or threat of force, fear, or intimidation, or any attempts to force sexual penetration or contact on any person.
 - 2. Department personnel shall be aware of community services available (sexual assault crisis centers/hotlines, mental health centers, medical clinics, victim assistance program) to victims of sexual assault.
 - 3. Department personnel shall be trained and knowledgeable about sexual assault investigation and its impact on victims. (See Appendix 1 to this order.)
 - 4. Department personnel shall use appropriate communication skills when interacting with sexual assault victims. (See appendix to GO 7-4.)
- B. Communications officer (communication center) responsibilities:
 - If hospital personnel call in the sexual assault report, the communications officer should obtain initial information only (name and location of victim, reporter's name and job title, and victim's condition). If possible, confirm that the hospital has contacted RCASA (Rappahannock Council Against Sexual Assault) and arranged for a sexual assault crisis center advocate to be available at the hospital to offer the victim support, per local Sexual Assault Response Team Protocol.
 - 2. If the victim calls to make a report, she or he may or may not want law enforcement intervention.
 - a. Even if the victim wants no department response, the communications officer should attempt to:
 - (1) Obtain as much information as the victim will give:
 - (2) Do not insist on the victim's identity.
 - (3) Encourage the victim to go to the hospital for treatment. Advise the victim that an officer could meet with him or her there.
 - (4) Even if no report is made, refer the caller to RCASA (Rappahannock Council Against Sexual Assault) at 540-371-6771 or for Domestic Violence refer them to RCDV (Rappahannock Council for Domestic Violence at 540-373-9372.

- b. If the victim wants law enforcement response, the communications officer should:
 - (1) Obtain name, present location, telephone number, victim's condition, and basic incident details.
 - (2) Ensure the victim's safety. A patrol unit shall be dispatched immediately. Ask for name of the assailant, if known, description, possible location or direction and means of travel from the scene, and the time elapsed since the crime. If possible, stay on the line until the Officer arrives. Be supportive and use crisis intervention skills. (See appendix to GO 7-4.)
 - (3) If the assault occurred within the last 72 hours, explain to the victim the necessity of **not** performing the following activities: washing themselves or clothes, brushing teeth, eating, drinking, smoking, douching, combing hair or putting on make-up, going to the toilet, and touching or moving anything at crime scene. If the victim has already done any of these things, reassure victim, but ask not to do any more "cleanup." There is some possibility that evidence can be recovered even after 96 hours. Investigators should consult with a Forensic Nurse Examiner.
 - (4) If the assault occurred more than 72 hours earlier, recommend the victim to seek medical attention anyway and dispatch an Officer.
 - (5) Advise the victim that a sexual assault crisis center advocate will be available^{**} (at the hospital or department) to offer support. Advise the victim that s/he can decline such support if s/he wishes. In addition, ask the victim if he or she wishes the presence of a family member or friend for further support (at the hospital or department) and offer to contact that person.
 - ** Note that per local Sexual Assault Response Team Protocol, the Investigator will contact RCASA and arrange for a sexual assault crisis center advocate to be available at the department to offer support in each case of sexual assault. Victims may of course decline such support. However, the Investigator contacts RCASA and a sexual assault crisis center advocate is to be available at the department as a matter of policy.
 - (6) Ask if victim has transportation or not. Have Officer go to wherever victim is, if possible. Facilitate the transportation of the victim to the hospital or Police Department (see GO 7-4, Victim Services, transportation procedure) or explain that an Officer will meet the victim at the specific location.
- 3. Give a complete report of information obtained to the Officer assigned to the case before he or she initially contacts the victim.
- 4. It is important for the dispatcher not to judge what is heard from the victim. It is crucial for the dispatcher to follow proper procedures for obtaining information.
- 5. See Victim Services, communications officer responsibilities (GO 7-4) for additional procedures.
- C. Patrol responsibilities:
 - 1. The patrol Officer has certain immediate responsibilities, as follows.
 - a. The primary concern is the victim's physical well being. Give attention to the victim's emergency medical needs. Ensure safety. Reassure the victim that he/she is safe and that their physical and emotional well-being is a priority.

- b. Preserve the crime scene. Call an investigator, additional Officers or the supervisor on-call for additional help.
- c. The Officer shall be alert to any suspect in the vicinity. If applicable give crime broadcast bolo.
- d. The Officer shall explain to the victim his or her role and what will be done at the scene and through follow-up.
- Make initial contact with the victim and make every effort to ensure that he/she is comfortable. Avoid standing over the victim. Use simple terminology and avoid cop/legal jargon. Avoid reacting negatively to statements made by the victim. Use the victim's terminology and clarify the meaning of slang terms for the report.
- 3. The patrol officer shall obtain detailed information essential to determine what offense (or offenses) actually occurred. When this is not possible for any reason, the officer shall concentrate on obtaining information that will establish the basis for misdemeanor or felony offenses, and help determine appropriate law enforcement response in carrying out the arrest of any suspect.
- 4. Obtain preliminary statements from victim and witnesses. Try to establish rapport and get only the information needed immediately to determine the victim's greatest needs and the identity and/or location of the suspect. (See appendix to GO 7-4.)
 - a. The Officer shall inform the victim, preferably in writing, of counseling services available in the area. (Inform the victim that the Criminal Injuries Compensation Fund pays counseling fees and other crime-related fees, if needed). If the communications officer has not done so, advise the victim that a sexual assault crisis center advocate will be available^{**} (at the hospital or department) to offer support. Advise the victim of the advocate's support role and his/her right to accept or decline such support. In addition, ask the victim if he or she wishes the presence of a family member or friend for further support (at the hospital or department). Offer to contact this person, if the communications officer has not already done so.
 - ** Note that per local Sexual Assault Response Team Protocol, the Investigator will contact RCASA and arrange for a sexual assault crisis center advocate to be available at the department to offer support in each case of sexual assault. Victims may of course decline such support. However, the Investigator contacts RCASA and a sexual assault crisis center advocate is to be available at the department as a matter of policy.
 - b. Officers should be mindful of the impact of traumatic memory, especially when contact with the victim is within a short time after the sexual assault occurred. Victims of any trauma, including but not limited to sexual assault, experience problems with memory storage and recall. Due to the nature of "traumatic memory," victims may lose memory of all or part of the assault. Victims therefore may be inconsistent or unclear in their descriptions. These symptoms are indications of trauma, not fabrication. The Investigator will therefore re-interview with the victim after two sleep cycles; further and more accurate details can be obtained as the victim is consistent with the reasons why officers are re-interviewed after at least two sleep cycles following an officer-involved shooting.
- If the assault occurred within the last 72 hours, the Officer shall arrange for transportation or transport the victim to the hospital for a sexual assault examination. Explain the medical and legal advantages of this exam. (See appendix 2 to this order.)

Advise the victim to take a change of clothing along. The Officer may provide transportation back home following the exam. If the assault occurred more than 72 hours before, the officer shall still encourage the victim to seek medical help.

- 6. The Officer *shall* request an emergency protective order for the victim if any act involving violence, force, or threat that results in bodily injury OR places one in reasonable apprehension of death, sexual assault or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, OR any criminal offense that results in bodily injury. See General Order 7-3 for guidance concerning family abuse AND non-family abuse protective orders, and violations thereof.
- 7. Identify and secure the crime scene. Also determine whether there is a secondary crime scene.
- 8. See GO 3-1 and Victim Services, GO 7-4, for additional guidance.
- D. Investigating Officer Initial Responsibilities:
 - 1. The investigator shall obtain a complete report from the Officer assigned to the case.
 - 2. The initial contact with the victim may happen in different ways:
 - a. At the crime scene: The Officer shall protect the crime scene and the investigator shall establish rapport with the victim, transport the victim to the hospital, and begin the preliminary investigation.
 - b. At the hospital: Arrange for the collection of evidence needed for prosecution. Explain sexual assault exam procedures, and establish rapport for further interviews. The investigator should never be in the room during the sexual assault exam even if the victim requests the investigator to be with them. If the hospital has not already done so, the investigator shall contact RCASA to arrange for a sexual assault sexual assault crisis advocate to be available at the hospital for support during the exam and interview(s). The victim can of course decline such support, but contact is made with RCASA and a sexual assault crisis center advocate is to be available at the hospital as a matter of policy (see local Sexual Assault Response Team protocol). The investigator shall have the victim sign a consent form in order to obtain a copy of the hospital report. (See appendix to GO 8-1 and appendix 2 to this order.)
 - c. At the Police Department: Before interviewing, review the Officer's report and contact RCASA to arrange for a sexual assault crisis advocate to be available at the Police Department for support during the interview. Advise the victim of the advocate's support role and his/her right to accept or decline such support, but contact is made with RCASA and a sexual assault crisis center advocate is to be available at the Police Department as a matter of policy (see local Sexual Assault Response Team protocol). Establish rapport with the victim by allowing her or him to ask preliminary questions or voice any initial concerns.
 - d. Investigators should be mindful of the impact of traumatic memory, especially when contact with the victim is within a short time after the sexual assault occurred. Victims of any trauma, including but not limited to sexual assault, experience problems with memory storage and recall. Due to the nature of "traumatic memory," victims may lose memory of all or part of the assault. Victims therefore may be inconsistent or unclear in their descriptions. These symptoms are

indications of trauma, not fabrication. The Investigator will therefore re-interview with the victim after two sleep cycles; further and more accurate details can be obtained as the victim gets further from the trauma of the event. This policy of re-interviewing the victim is consistent with the reasons why officers are reinterviewed after two sleep cycles following an officer-involved shooting.

- 3. The investigator shall be trained in sexual assault procedures
 - a. The investigator shall allow the sexual assault crisis advocate to be with the victim for support if the victim desires.
 - b. If the victim prefers a woman investigator, every attempt to provide one should be made, but if one is not available, the investigator shall nevertheless encourage the victim's cooperation.
 - c. Prepare the victim for each phase of the investigation. The Officer will encourage the victim's cooperation by explaining what must be done and the reasons why.
 - d. A PERK exam must be done at the earliest possible time in the interests of victim health and safety, evidence collection and substance/drug identification. All victims should be encouraged to obtain this exam prior to interviews if possible, and regardless of their current willingness to prosecute or cooperate with the police investigation.
 - ** Note: All medical fees involved in the gathering of evidence for all sexual assault cases (i.e., PERK exam), shall be paid by the CICF (subsection F of § 19.2-368.11:1). Any individual that submits to and completes a PERK exam shall be considered to have met the reporting and cooperation requirements of the Virginia Code.
 - e. Evaluate the need for a search warrant.
 - f. The investigator shall request an emergency protective order for the victim if any act involving violence, force, or threat that results in bodily injury OR places one in reasonable apprehension of death, sexual assault or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, OR any criminal offense that results in bodily injury. See General Order 7-3 for guidance concerning family abuse AND non-family abuse protective orders, and violations thereof.
 - g. Identify, and collect potential evidence and photograph the scene or arrange for a forensic technician to do so.
 - h. Identify and interview any witnesses separately.

- a. Privacy is a necessity for follow-up interviews. Choose a quiet room free of distractions and interruptions at the department or go to the victim's home. A sexual assault crisis center advocate to support the victim may be helpful to the investigation. Per local Sexual Assault Response Team protocol, the investigator shall contact RCASA prior to these interviews to arrange for a sexual assault crisis center advocate to be available for support during the interview. Advise the victim of the advocate's support role and his/her right to accept or decline such support. Advise the advocate of his or her role and ask the person not to interfere with questioning.
- b. The investigator should be aware that there may be some confusion, memory suppression or reluctance to discuss fear-inducing or humiliating details of the incident. This information should be obtained by patient, supportive rapport building, not by questioning a victim's veracity or motives. Techniques used in interrogations should never be used with a victim. Polygraphing a victim is discouraged and should only be used after a thorough investigation has been conducted, which indicates that the victim is considered a suspect rather than victim of a crime.
 - (1) Explain the purpose of the interview (e.g. to collect information for law enforcement to determine exactly what happened. Decisions about prosecution will be made later).
 - (2) Acknowledge the victim's experience. Although there is a need to remain unbiased, officers can relay sympathy by stating: "I'm sorry this happened to you."
 - (3) Allow the victim to vent emotions. Communicate empathy. This establishes rapport with the victim, facilitates cooperation, and creates an environment that will yield the most information for an investigation.
 - (a) Things not to say to the victim to communicate empathy includes:
 - Everything is going to be all right
 - Don't cry
 - You shouldn't feel that way
 - You must get on with your life
 - Time heals all wounds
 - It could have been worse
 - At least you're not injured
 - I know how you feel.
 - Avoid asking "WHY questions" that sound accusatory or judgmental about the victim's actions or behavior prior to the assault. ("Why did you go to the house?" "Why did you accept a ride with____?")
 - (b) Ask "HOW" questions instead, i.e. "How did you end up in the car with ____?"
- c. Address questions that the victim can't answer. Sexual assault victims may react uniquely to this situation because they are concerned that they will be doubted or blamed.
 - (1) Victims should be cautioned against guessing. Reassure her that she might not know the answers to all of the questions.

- (2) It is acceptable for the victim to answer "I don't know," or "I don't remember."
- (3) Avoid asking several questions in a row that the victim doesn't know how to answer.
- d. Address concerns regarding prosecution. If the victim is unsure or unwilling to follow through with prosecution, explain the importance of making a report and the need to respond quickly to collect appropriate evidence.
 - (1) Do not tell the victim that they should follow through with prosecution in order to prevent future similar assaults. This is an inappropriate burden placed on the victim for the assailant's behavior.
 - (2) Do not tell the victim that they must cooperate with a law enforcement investigation and/or follow through with prosecution in order to obtain a PERK examination. This is against the law.
 - (3) Victims should not be pressured into cooperating with the law enforcement investigation and prosecution.
 - (4) Although officers should do everything to make the process as sensitive and competent as possible, successful prosecution may not be in the best interest of all victims.
- e. If the victim refuses to give a statement, she should be advised of the right to file a complaint at a later time and the procedure for doing so.
 - (1) The victim should be told that critical evidence will be lost with the passage of time and may not be available at a later date. Advise the victim that they may obtain a PERK exam regardless of their decision to make a complaint. If the victim decides to make a complaint at a later date, this will be helpful; however, other evidence (e.g., at the crime scene) may not be available.
 - (2) The victim should be given information as to how to contact the law enforcement agency and referred for medical treatment and rape crisis services.
 - (3) There is no guarantee that victims will appreciate a sensitive and competent response by law enforcement.
 - (4) Officers need to accept the fact that deciding not to pursue prosecution might be in the best interests of some victims.
- f. Questions that must be addressed include the following;
 - (1) Assault circumstances: Where approached? How? Where occurred? When and why?
 - (2) Assailant: Name, if known? Age? Race? Hair color? Clothing? Height? Weight? Identifying marks? Relationship to victim, if any?
 - (3) Multiple assaults occur? Other crimes committed?
 - (4) What happened during the assault? Were weapons used? Describe them. Were threats made? What were they? Was there a fight or struggle? Did the victim bite or scratch the suspect? Injuries sustained for both the victim and

assailant? Drugs/alcohol involved? Was the victim incapacitated in any way?

- (5) Sexual detail---Did the suspect ejaculate, and if so where? Was a condom used? Was a lubricant used and, if so, did the suspect bring it or was it the victim's?
- (6) Were drugs or alcohol used to facilitate the assault? If so, a blood and urine sample should be obtained as soon as possible
- (7) How long was assailant with you?
- (8) What did victim or the assailant do immediately after the attack?
- (9) Concerns about prosecuting?
- g. At the conclusion of the interview, the investigator shall ask about any additional assistance needed. (Counseling services are always recommended.) [Refer the victim to RCASA and the Caroline County Victim/Witness Assistance Program.]
- h. Inform the victim that it is common to remember additional details later. Encourage the victim to call later with additional details or to ask questions. Give a number you can be reached at.
- 5. As soon as practicable, alert the victim/witness assistance program that a sexual assault has occurred. Provide the information necessary for staff to contact the victim.
- 6. Interviewing child sexual assault victims requires special guidelines. See appendices to GO 7-2 and appendix 3 to this order.
- 7. See GO 4-1 and Victim Services, GO 7-4, Investigator responsibilities, for additional guidance.
- 8. Interview/Interrogate the suspect.
 - a. A complete and accurate victim statement is crucial to conducting effective suspect interviews/interrogations.
 - b. The interview is non-threatening. Its purpose is to obtain a detailed statement. The investigator should listen and document and allow the suspect to offer as much information as he will without interruption. Good interviews can produce numerous inconsistencies and admissions, often resulting in strengthening the victim's credibility.
 - c. Interrogation is the questioning of a person suspected of committing the crime. It is designed to match previously acquired information to a particular suspect in order to secure a confession.
 - It is usually beneficial to have background information about the suspect (e.g. prior arrests or convictions; his past experiences with sentencing; previous confessions to sexual assaults; information from family, friends, or neighbors; relationship between suspect and victim; etc.)
 - e. Generally, it is recommended that the suspect be interviewed as soon as possible, before he learns of the investigation, in order to lock him into his story. If the suspect is surprised, he will be less able to construct mental defenses and alibis.

- f. The location of the interview can be very important because it has an impact on whether the suspect feels free to leave, he feels more threatened, and whether Miranda warnings must be given to the suspect.
 - (1) The interview/interrogation should be conducted in a place that is quiet and free from distractions and interruptions.
- g. Conducting the interview away from the suspect's home or place of employment may help reduce his feeling of control.
- h. Consider using additional interview/interrogation strategies (e.g. polygraph, an apology letter," a pretext phone call, etc.).
- i. It is crucial that sexual assault investigators receive specialized interview/interrogation training.
- 9. A PERK exam should be conducted with ALL identified suspects, within 72 hours following the alleged assault. If an arrest has not been made and the suspect will not consent to an examination, the officer should obtain a search warrant. The officer should consult with an FNE or SANE regarding suspect PERK examinations to confirm that the evidence collected is sufficient and that further evidence collection by the FNE or SANE is needed as their agency is more equipped to conduct such collection. For example, the officer and FNE/SANE may determine that an exam should be conducted by the FNE or SANE when the victim's account indicates that the perpetrator may have fluids on certain areas that are not easily visible. Another such decision may be made when consulting about a case in which the officer's physical examination of the suspect notes possible injuries on the suspect's body. Lastly, a victim account and suspect examination may reveal that the perpetrator is not circumcised and the FNE or SANE is the more appropriate examiner as evidence collection in such cases involves pulling back the foreskin of the penis.
- 10. Forensic evidence considerations.
 - a. General rules:
 - (1) Safeguard crime scene and evidence.
 - (2) Evaluate the need for a search warrant.
 - (3) Call a crime scene unit or evidence technician, if available.
 - (4) Use caution not to damage, mark, or contaminate evidence.
 - (5) Initial and date all items seized.
 - (6) Document chain of evidence.
 - (7) Place evidence in appropriate containers, seal, and initial.

- b. Evidence should be sought to corroborate the victim's story (e.g., the room where the assault occurred or body of the victim or suspect reflects that the account of events, such as overturned furniture or scratching or bruising on the body). The majority of sexual assault cases involve offenders who are known to the victim, so the issue of combating a consent defense is more likely than that of correct suspect identification, as in stranger sexual assaults. Too often, sexual assault results in a case of one person's word against another "he said, she said" with little or no evidence to corroborate the victim's story. This situation increases the already existing tendency to focus solely on the victim's credibility when making judgments about the assault.
- C. In a sexual assault case, the victim's body is the most important source of physical evidence. A suspect's body can also provide critical physical evidence.
- d. The forensic examination includes the following general components:
 - (1) Comprehensive medical interview.
 - (2) Collection of forensic evidence.
 - (3) Evaluation of risk and prophylactic treatment of STD's.
 - (4) Evaluation of risk and emergency pregnancy interception.
 - (5) Crisis intervention and referrals.
- f. Generally, evidence collected in the forensic examination can be used for four primary purposes:
 - (1) To identify the assailant.
 - (2) To confirm recent sexual contact.
 - (3) To establish force or threat.
 - (4) To corroborate the victim's story.
- g. Types of forensic evidence:
 - (1) DNA evidence (identification).
 - (2) Hair evidence (identification).
 - (3) Seminal fluid evidence (identification, sexual contact, corroboration).
 - (4) Clothing evidence (force, corroboration).
 - (5) Saliva evidence (identification, corroboration).
 - (6) Blood evidence (identification, force, and corroboration).
 - (7) Urine analysis [drug facilitated assault] (force, corroboration).
 - (8) Non-biological evidence [e.g. lubricants, contraceptives, debris, fibers, soil, paint, etc.] (Identification, corroboration).

(9) Non-genital injury evidence (force, corroboration).

(10) Genital trauma evidence (sexual contact, force).

- h. PERK examinations should be performed on <u>ALL</u> identified suspects, within 72 hours following the alleged assault. If an arrest has not been made and the suspect will not consent to an examination, the officer should obtain a search warrant. The officer should consult with an FNE or SANE regarding suspect PERK examinations to confirm that the evidence collected is sufficient and that further evidence collection by the FNE or SANE is needed as their agency is more equipped to conduct such collection. For example, the officer and FNE/SANE may determine that an exam should be conducted by the FNE or SANE when the victim's account indicates that the perpetrator may have fluids on certain areas that are not easily visible. Another such decision may be made when consulting about a case in which the officer's physical examination of the suspect notes possible injuries on the suspect's body. Lastly, a victim account and suspect examination may reveal that the perpetrator is not circumcised and the FNE or SANE is the more appropriate examiner as evidence collection in such cases involves pulling back the foreskin of the penis.
 - In addition to considering evidence transferred to the victim by the suspect, officers must also consider any evidence transferred from the victim to the suspect.
 - (2) Vaginal fluids, saliva, and epithelial cells from the victim are often recovered from the body of the suspect. In cases of digital penetration, cells from the victim have been found under the suspect's fingernails even after he has washed his hands and/or bathed.
 - (3) A forensic examination can be used to identify and document any injuries to the suspect that might have been caused by the victim.
 - (4) The victim might also describe some type of distinguishing characteristic (e.g. genital warts, tattoos, etc.) that the examiner can photograph.
 - (5) If a suspect examination is not possible for several days following the assault, a full forensic examination is not recommended. However, an abbreviated examination should still be conducted to collect a DNA reference sample. This might also include blood and/or saliva samples, and it may require law enforcement to obtain a search warrant.
 - i. Chain of Custody
 - (a) The PERK exam, in the case of an alleged sexual assault victim, is paid for by the Criminal Injuries Compensation Fund, and is the property of the State and not the victim. When notified by medical treatment facilities that they have a PERK kit from an alleged sexual assault victim, the officer or investigator assigned will respond to begin an investigation and take custody of the evidence if he or she has not already done so.

- (b) In those cases where a victim has requested and undergone a PERK examination, but chooses not to participate in the criminal justice system or cooperate with law-enforcement authorities, the medical facility will notify the agency that evidence is being held by their staff. The responding officer should proceed to the medical facility and obtain as much information as possible, including the names of the victim, medical professionals involved in the treatment or examination of the victim, and the person to whom the victim reported the alleged sexual assault. It is important to obtain any specific statements made by the victim that may be helpful should a decision be made by the agency to proceed with an investigation. All standard rules of evidence and chain of custody procedures will be strictly adhered to. A decision to proceed or not with an investigation will be made by competent authority following standard agency policy and case review procedures. In these cases, the victim's preference as to proceeding, or not, with an investigation will be given every consideration. If the agency decides to proceed with an investigation, contact with the Commonwealth's Attorney may be helpful in determining how to obtain any additional information from the medical facility due to the potential conflicts with HIPAA law provisions.
- (c) The officer picking up the PERK kit should leave a business card with his or her name, or that of the investigator, with a request that it be given to the victim to determine if the victim would like to talk to the investigator/responding officer or to facilitate later contact about the case. The officer/investigator should notify the local sexual assault crisis center so that they can follow-up independently with the hospital/medical facility about a possible contact with the victim. Such contact might well lead to a victim's decision to pursue an investigation.
- (d) The agency's investigative unit should be notified according to standard procedures and advised that the evidence is now in agency custody and given relevant chain of custody information. The agency will process and preserve this evidence following its standard procedures for evidence in criminal cases. The agency should dispose of the evidence item(s) following agency standard procedure.
- (e) The officer/investigator processing such evidence must assure that the agency case identification number, victim's name, and his/her written report are cross-referenced to the unique number of the PERK kit so the evidence can be conclusively linked to the particular victim.
- (f) The agency will process and preserve this evidence following its standard procedures for evidence in criminal cases. The agency should dispose of the evidence item(s) following agency standard procedure.
- (g) Jurisdictions without a local procedure for chain of custody (especially in those cases where the victim is unwilling to cooperate with law enforcement at the time of the exam) are directed to Executive Order 92, signed by Governor Kaine, which directs the Division of Consolidated Labs of the Department of General Services to accept and store PERKs from health care providers.

- 11. At each stage of the investigation, consult with the local Commonwealth's Attorney's Office to discuss the case and determine if additional interviewing or evidence collection is needed to increase the likelihood of successful prosecution.
- 12. All Officers responding to possible sexual assault shall review GO 7-3 for guidance concerning Family-Abuse and Non-Family Abuse Protective Orders as well as handling violations thereof.
- For further information concerning law enforcement response to sexual assault and information on law enforcement role and responsibilities in sexual assault response teams, please refer to the Caroline County SART protocol and the DCJS "Sexual Assault Response Teams: A Model Protocol for Virginia" at <u>http://www.dcjs.virginia.gov/common/links.cfm?code=9&program=victims&announc e=6</u>

Appendices to General Order 4-6

- 1. Evidence Collection Sexual Assaults
- 2. Interviewing Child Victims

Evidence Collection--Sexual Assaults

General Rules

- 1. Safeguard crime scene and evidence that is collected.
- 2. Call a crime scene unit or evidence technician, if available.
- 3. Use caution not to damage, mark, or contaminate evidence.
- 4. Initial and date all items seized.
- 5. Document chain of evidence in report.
- 6. Place all evidence in appropriate containers, seal, and initial.
- 7. See appendix to GO 4-1 for complete instructions.

At the Crime Scene

- 1. Collect undergarments, clothing, bedding, rugs, or other appropriate items which may contain semen, blood or be damaged.
- 2. Collect wash cloths or towels which may have been used.
- 3. Collect bottles, glasses, or other objects which may contain latent prints.
- 4. Search scene for foreign objects (buttons, hair, pieces of torn clothing).
- 5. If crime occurred outdoors, take soil samples from several areas and sketch the location of each sample taken.
- 6. If crime occurred in a car, gather sweepings form seats and floors, search floor mats for stains along with seat covers.
- 7. If entry was forced into the victim's house, gather samples of broken glass, paint samples, and note any pry marks.
- 8. Photograph crime scene.
- 9. Photograph bite marks, scratch marks, or other signs of brutality or injury to victim. Only female Officers or medical personnel should photograph private sexual areas.

Notes to be Prepared

- 1. Description of exact location where each piece of evidence was found. [Example: one white bra, left strap torn, found on the ground in rear yard of (address), 6 feet south of rear stairs.]
- 2. Description of victim's appearance and behavior.

Note: bruises or marks, facial discoloration, disarrayed clothing, smeared makeup, hair disheveled, confused or dazed behavior, bewilderment or disorientation, apparent hysteria or crying, incoherent speech.

- 3. Description of victim's clothing. Note locations of torn garments, dirt, stains--blood, semen, grass.
- 4. Description of suspect. Physical description as provided by victim with special attention to items which would not be readily visible if the suspect were clothed: scars, tattoos, moles.
- 5. Have all signs of trauma or injury, as well as emotional state of the victim, recorded on hospital record. Be certain that smears are taken from vagina, anus, and mouth of victim.

Appendix 2 to GO4-6

INTERVIEWING CHILD VICTIMS

GUIDELINES FOR CRIMINAL JUSTICE SYSTEM PERSONNEL

The Bowling Green Police Department policy recommends that ONLY trained child forensic interviewers conduct ALL child sexual assault victim interviews. Therefore this is the only guidance provided.

BOWLING GREEN POLICE DEPARTMENT GENERAL ORDERS		
SUBJECT: DOMESTIC VIOLENCE	NUMBER: 7-3	
EFFECTIVE DATE: 11/02/17	REVISED: 02/05/19	
AMMENDS/SUPERSEDES:	APPROVED:	
ALL OTHER PUBLICATIONS	W.D. LIPSCOMB III, CHIEF	
ACCREDITATION STANDARDS REFERENCE: ADM.23.02, OPR.13.01		

Note: This rule or 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 Police Department, and then only in a non-judicial administrative setting.

I. POLICY:

The Bowling Green Police Department assigns domestic violence (domestic disturbance) calls a high priority. With all due consideration for their own safety, department personnel responding to a domestic disturbance call shall (1) end the conflict, (2) arrest persons when probable cause exists and a predominant aggressor can be determined, (3) provide safety and security for the crime victims(s), and (4) refer participants to appropriate agencies to help prevent future occurrences.

II. PROCEDURES:

- A. Definitions
 - 1. "Domestic Violence" means: A pattern of physical, sexually, and/or emotionally abusive behaviors used by one individual to assert power or maintain control over another in the context of an intimate or familial relationship.
 - 2. "Intimidation" means: to compel or deter another person or to make fearful through the use of threats, force, and/or menacing annoyances (harassment).
 - 3. "Assault" See Virginia Code 18.2-57. See also 18.2-57.2 ("Assault and Battery Against a Family or Household Member: which at a third or subsequent conviction within a twenty year period shall be treated as a Class 6 felony).
 - a. A related matter, 18.2-60 criminalized the sending of letters to anyone threatening death or injury (class 6 felony).
 - b. A magistrate issuing a warrant for violation of 18.2-57.2 shall also issue an emergency protective order as authorized by 16.1-259.4, except if the defendant is a minor, an emergency order shall <u>not</u> be required.
 - 4. "Family abuse" See Virginia Code 16.1-228 means: Any act involving violence, force, or threat that results in bodily injury or placed on in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (18.2-*61 et seq.) of Chapter 4 of Title 18.2. or any criminal offense that results in bodily injury or placed one in reasonable apprehension of death, sexual assault, or bodily injury."
 - 5. "Family or Household Member," per Virginia Codes 16.1-228, 19.2-81.3, and 18.2-57.2 includes:
 - a. Spouses,
 - b. Former Spouses,
 - c. Persons who have a child in common,

- d. Parents/children,
- e. Parents-in-law/children-in-law,
- f. Stepparents/stepchildren,
- g. Siblings/half siblings,
- h. Stepparents/stepchildren, and
- i. Grandparents/grandchildren, regardless of whether or not these or the above persons reside in the same home;
- j. Parents-in-law/children-in-law, who reside in the same home, and
- k. Siblings-in-law, who reside in the same home; and lastly,
- I. Persons who have cohabited within the pervious twelve moths (including same-sex couples) and the children of either cohabiting person;

[Note: Warrants against family/household members are heard by Juvenile and Domestic Relations Court.]

- 6. "Predominant Physical Aggressor", Officers having probable cause to believe that a violation of 18.2-57.2 or 16.1-253.2 has occurred <u>shall</u> arrest and take into custody the person he/she has probable cause to believe, <u>based on the totality of the circumstances</u>, was the Predominant Physical Aggressor (see 19.2-81.3), unless there are special circumstances which would dictate a course of action other than arrest. The standards for determining the predominant physical aggressor shall be based on the following considerations:
 - a. Who was the first aggressor;
 - b. The protection of the health and safety of family and household members;
 - c. Prior complaints of family abuse by the allegedly abusing person involved the family or household members;
 - d. The relative severity of the injuries inflicted on person involved in the incident;
 - e. Whether any injuries were inflicted in self defense;
 - f. Witness statements, and
 - g. Other observations (see page Section D, #7a. on page 7)

Note: When determining the predominant aggressor, gather all relevant information. Do not assume guilt based only on visual evidence or physical injuries. Officers must make their determination based on the totality of the circumstances. The predominant aggressor is the party that poses the most serious threat. The predominant aggressor is not necessarily the first disputant to engage in assaultive behavior, but the one with the most ability and inclination to inflict physical injury.

- 7. "Sexual abuse" means an act committed with the intent to sexually molest, arouse, or gratify any person, where:
 - a. The accused intentionally touches the complaining witness's intimate parts or material directly covering such intimate parts;
 - b. The accused forces the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts;
 - c. If the complaining witness is under the age of 13, the accused causes or assists the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; OR
 - d. The accused forces another person to touch the complaining witness's intimate parts or material directly covering such intimate parts.
- 8. "Domestic violence shelters/programs" means services that are provided (usually 24 hours a day) for women and their children who have been physically, sexually, or emotionally abused, or who have

been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.

- 9. "Sexual assault crisis center" means services that are provided (usually 24 hours a day) for women and children who have been sexually assaulted, or who have been threatened with abuse by their spouses or partners. Services include crisis intervention, counseling, shelter, escort to court, food, clothing, and transportation.
- 10. "Stalking" means any person who on more than one occasion engages in conduct with the intent to place or when s/he should reasonably know that the conduct places that person in fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member shall be guilty of a Class 1 misdemeanor (Section 18.2-60.3). A third or subsequent conviction within five years of the first conviction will be a Class 6 felony.
 - a. Stalking behaviors include following a person to home, work, and other places, parking outside home or office, threatening notes or telephone calls, threats, or computer-based, on-line threats.
 - b. A person who violates any provision of a protective order related to stalking is guilty of a Class 1 misdemeanor (18.2-60.4)
 - c. A second conviction which occurs within five years of a prior conviction and the person was also convicted within the five-year period of assault and battery, bodily injury, malicious wounding, or strangulation shall be a Class 6 felony.
 - d. A third or subsequent conviction occurring within five years of a conviction for an offense under this section or for a similar offense under the law of any other jurisdiction shall be a Class 6 felony. Note those penalties apply regardless of jurisdiction where the previous offenses occur. Further, upon conviction, the court shall impose an order prohibiting contact between the offender and the victim or the victim's family or household members.
- 11. Strangulation" means any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully applying pressure to the neck of such person resulting in the wounding or bodily injury of such person is guilty of strangulation, a Class 6 felony (§ 18.2-51.6).
- B. General Responsibilities
 - Department personnel shall refer victims of domestic violence to appropriate community resources such as domestic violence shelters/programs, victim/witness assistance programs, mental health agencies, medical doctors, and legal assistance agencies. Referrals help prevent future disturbances.
 - 2. Following a crime, law enforcement personnel shall provide the victim with a standardized form listing the specific rights afforded to crime victims. The form shall include a telephone number by which the victim can receive further information and assistance in securing the rights afforded crime victims. All law enforcement personnel are required to keep a ready supply of these forms in their vehicles to give to victim/witness of crime. See 19.2-11.01 for the purposes of this code, "victim" means (i) a person who suffered physical, psychological or economic harm as a direct result of the commission of a felony or of assault and battery in violation of 18.2-57 or 18.2-57.2, stalking in violation of 18.2-60.3, sexual battery in violation of 18.2-67.4, attempted sexual battery in violation of 18.2-67.5, maiming or driving while intoxicated in violation of 18.2-51.4 or 18.2-266, (ii) a spouse or child of such person, (iii) a parent or legal guardian of such a person who is a minor, or (iv) a spouse, parent or legal guardian of such a person who is a minor, or legal guardian who commits a felony or other enumerated criminal offense against a victim as defined in clause (i) of this subsection.
 - 3. Department personnel shall be trained about domestic violence and its impact. Personnel must be well trained to confront unexpected violence. Disturbance calls can be dangerous to responding

- C. Dispatcher (communications center) responsibilities:
 - 1. Because the dispatcher is likely to be the first person to receive the call, he or she is instrumental in determining the type of response.
 - 2. The dispatcher shall dispatch an officer (two officers preferred) to the scene in any situation where it is believed to be a domestic violence situation. Regardless of what a victim advises, the dispatcher shall send an officer to the scene, even if the victim advises that everything is now OK on the scene. The dispatcher shall determine the following, if possible:
 - a. Name of the caller and location of the incident?
 - b. Who is complaining?
 - c. Is the crime (incident) in progress?
 - d. Is there a weapon involved?
 - e. Have people at the scene been injured? Is an ambulance needed?

At this point, if evidence of injury or a weapon exists, or someone has threatened violence, dispatch an officer immediately (two officers are preferred), and an ambulance, if needed. Keep the complainant on the telephone, if possible, and obtain additional information.

- The dispatcher should attempt to maintain telephone contact until the officers arrive in order to monitor the incident and provide support to the victim. Advise the victim of the intended department response. Use crisis intervention skills if needed to assist the victim in remaining calm until officers arrive on scene.
- 4. The dispatcher shall provide the responding officer with as much information as possible to identify risks at the scene especially when it involves previous incident of domestic violence.
- 5. The dispatcher will enter into the CAD system the reason for the call, and any important information such as weapons in the home, mental health concerns, violent/noncompliant individuals, Etc. All of this information shall be disseminated to the patrol unit in route to the residence.
- 6. See Victim Services, GO 7-4, dispatcher responsibilities.
- D. Patrol Responsibilities
 - 1. Arrive at the scene
 - a. Obtain all available information from the dispatcher while in route.
 - 2. Approaching the scene
 - a. When possible, officers should arrive in pairs;
 - b. Avoid the use of sirens and other alarms in the vicinity of the scene. The assailant might be dangerous and could turn a weapon upon arriving officers;
 - c. Observe the location of the dispute before contacting the complainant.
 - d. Consider the surroundings. Park the marked car a short distance way.

- e. Before knocking on the door, listen and look in any nearby window to obtain additional information about the situation (e.g. layout of the house, number of people, weapons).
- f. Officers must be concerned for their own safety as well as the disputants. To minimize the possibilities of injury, stand to the side of the door when knocking. The unexpected may occur when the door opens.
- 3. Initial contact with occupants(s)
 - a. Identify selves as officer Chiefs by name, give an explanation of their presence, and request entry into the home (when conditions permit). Ascertain identity of complainant, and ask to see him or her. A officer shall not accept statements from any disputant or witness that the call was a mistake without investigating further. Officers should not leave without attempting to interview the complainant.
 - b. If entry is refused, officers must explain that they must make sure there are no injured persons inside.
 - c. Refusal of entry or no response to a knock at the door may require a forced entrance <u>only</u> if officers have a reasonable suspicion that the safety of people inside may be in jeopardy.
 - d. Officers, if the situation allows time, shall call the on-call supervisor will decide whether or not to make a forced entry. In the event of an emergency, or inability to contact the supervisor, the officer shall be guided by the following:
 - (1) The degree of urgency involved;
 - (2) The possibility of danger to others, including officers left to guard the site;
 - (3) Whether the suspected offense involved violence; and
 - (4) Whether officers reasonably believe that persons may be armed.
- 4. Officers may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates the need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent. However, if either party having joint ownership or possession of a place or thing refuses the search, a warrant is necessary unless there are exigent circumstances.
 - a. A spouse can consent to the search of premises used jointly by both husband and wife. This also applies if the man and woman are unmarried cohabitants. If one of them exercises sole control over part of the premises, the other cannot give valid consent to search the part.
 - b. Law enforcement assistance in retrieving personal property from his or her residence will not be authorized unless court ordered by a judge or approved by supervisor. Despite this order an officer shall stand by to preserve the peace, but shall advise the disputants that rights to any disputed property can only be determined by the courts at another time.
- 5. Officers may also make a warrantless entry to conduct a search if an emergency exists. Officers must have a reasonable belief that such emergency does exist (example: The officer believed that someone is in distress and in need of assistance). See above for the elements to consider when making a warrantless entry.
- 6. Once inside, establish control by:
 - a. Inquiring about the nature of the dispute;
 - b. Identifying disputants
 - c. Being aware of potential weapons in surroundings;

- d. Determining if persons are in other rooms, whether children or adults, and the extent of their injuries. These persons should be separated from the parties involved and kept out of hearing range (so their status as possible witnesses won't be compromised).
- 7. When protecting the victim from further abuse from the assailant and arrange for medical attention if victim is hurt. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatment. If the officer has probable cause that both parties involved have committed an assault, the officer should attempt to determine the predominant aggressor in the incident and avoid dual arrest situation as dual arrest is discouraged. A dual arrest should only occur if there are two separate determinations of predominant aggressor.
 - a. In determining the predominant aggressor, refer to Section A. 6 on page 2 of this policy. Additional considerations are as follows:
 - (1) Statements from the subject involved
 - (2) The likelihood of future injury to each person
 - (3) Whether one of the persons acted in self-defense or tried to escape
 - (4) Previous injury or damage
 - (5) Previous court appearance against one party (offender)
 - (6) Previous attempt(s) by one party (victim) to sever the relationship
 - (7) Second call for officers
 - (8) Valid warrants on file for other crimes
 - 8. Ascertain whether a protective order has been violated.
 - a. If weapons (whether firearms, knives, or any other object which could be used as a weapon) are present, secure them away from the disputants, if practicable, while the disputants are being interviewed. If appropriate, seize weapons for evidence. Refer to 18.2-308.1:4 which prohibit persons under a protective order from purchasing or transporting firearms.
 - b. Only the respondent of a protective order can be charged with violation of the order.
 - 9. Interviewing the parties
 - a. To do a thorough investigation an officer must rely on the following:
 - (1) Observation
 - (2) Interviewing
 - (3) Victim statements
 - (4) Physical evidence
 - (5) Independent witness statements

- c. Critical to the success of the interview is the officer's manner. Officers must listen, show interest in the disputants and their problem, and remain aware of nonverbal communication signals.
- d. Officers shall maintain good eye contact through natural, spontaneous glances. (Fixed gazes or staring increases fear and perceived hostility by the victim). A prepared stance along with appropriate facial and head movements demonstrates interest and encourages the victim to continue speaking.
- e. If possible, separate the parties so that they can individually describe the incident without interruption. (This may help the parties relieve emotional tension).
- f. After the parties have given their statements, the officers should ask about details for clarification, and summarize the stated accounts (which allow the parties to point out anything that might be misrepresented).
- 10. Interviewing the victim

Ascertain the following information from the victim:

- a. Details of the incident
- b. Any injuries, who caused them, and what weapons or objects were used
- c. Relationship to the suspect
- d. Any threats made against the victim or others
- e. Forced sexual contact against victim's will
- f. Any court cases pending against suspect or any protective orders in effect
- g. Is suspect on probation or parole
- h. Did suspect threaten others, particularly children, damage property, or hurt pet
- 11. Interviewing witnesses
 - a. Interview any witnesses to the incident-children, other family members, and neighbors-as soon as possible.
 - b. Remember that witnesses may be experiencing significant emotional crises that might influence the accuracy of their accounts.
 - c. If witnesses provide information about prior assaults, document them to help establish a pattern.
 - d. Children of disputants should be interviewed with care and kindness. Sit, kneel, or otherwise be at their level when speaking to them. Signs of trauma or abuse should be documented.
- 12. Decision to arrest
 - a. Once officers have assessed the situation, they must make a determination whether or not to arrest the assailant, if so, the arrest will follow the requirements of GO 5-1.

- b. Officers shall make an arrest without a warrant if there has been probable cause to believe that any act involving violence, force, OR threat that results in bodily injury has occurred and a predominant aggressor can be determined. An EPO shall be requested on behalf of the victim if any act involving violence, force, or threat places one in reasonable apprehension of death, sexual assault, or bodily injury and that act is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.
- c. The Police Department promotes a policy of arrest when the elements of appropriate offences stated above are present. The probable cause standard for domestic disputes is no different from threat standard as applied to other offenses (see GO 2-13 "probable cause and reasonable suspicion").
- d. If a defendant is convicted of two offenses of:
 - (1) Assault and battery against a family or household member
 - (2) Malicious wounding
 - (3) Aggravated malicious wounding
 - (4) Malicious bodily injury by means of a substance
 - (5) Or an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date will be guilty of a Class 6 felony.
- e. In cases where the trespassing conditions of a protective order have been violated (Section 18.2-119), officers shall review the victim's copy of the order, checking it for validity and ensuring that the order grants the complainant sole access to the residence. The law also allows officers to enforce orders and all the conditions, even if they do not have a copy to review; the officers can rely on a statement that an order has been granted and served as long as they believe this to be credible. When relying on such a statement, it is recommended that the officer have the complainant victim to write and sign the statement. When these conditions are satisfied, the officer shall take enforcement action for trespassing. Officers cannot enforce trespassing if the violator has not been served with the order.
- f. In determining probable cause, the officer shall not consider:
 - (1) Whether the parties are married or living together
 - (2) Whether the complainant has not sought or obtained a legal restraining order
 - (3) His or her own preference to reconcile the parties despite the complainant's insistence that an arrest be made
 - (4) That the complainant has called for officer protection previously and has not pursued or withdrawn the criminal complaint against the abuser
 - (5) The complainant has not begun divorce proceedings

- g. Arrest is the most appropriate response when these factors are present:
 - (1) Any act of violence, force, OR threat (e.g., forceful detention, stalking, criminal sexual assault, etc.) that results in bodily injury OR places one in reasonable apprehension of death, sexual assault, or bodily injury.
 - i. If committed against a family or household member, officers are required to arrest the offender and obtain an EPO on behalf of the victim.
 - ii. If committed against an intimate partner who does not meet the family or household member definition, officers are strongly encouraged to arrest the offender and obtain an EPO on behalf of the victim.
 - (2) A protective order has been violated. Charge as a Class 1 misdemeanor under <u>Virginia Code</u> 16.1-253.2, 18.2-60.4. Note that only the respondent can be charged with violating an order.
- h. If the abusive person's offender is not arrested at the time of the event
 - (1) Complete an incident report
 - (2) Advise the victim of the importance of preserving evidence
 - (3) If a protective order is not obtained for the victim, explain to the victim about protective orders and how to extend them (information from the juvenile intake office or general district court)
 - (4) If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important papers
 - (5) Supply the victim with telephone numbers of the domestic violence shelter and hotline in the area and the Police Department emergency number
 - (6) Assure the victim that the Police Department will assist in future emergencies but that he or she is encouraged to develop a safety plan to further protect herself or himself. Advise the victim that the local domestic violence program can assist her/him with developing a safety plan.
- i. Regardless of whether or not an arrest was made, officers are required by law to provide the following:
 - (1) Transporting family/household members to the hospital, safe shelter, or magistrate. The law requires that law enforcement is required to transport or arrange for transport, a victim to a safe shelter, hospital or magistrate, upon request. Virginia Code 19.2-81.3 2, and GO 7-4, transportation services for victims.
 - (2) Information and referral information to the victim regarding the legal and community resources available (e.g., refer the caller to RCDV (Rappahannock Council for Domestic Violence) at 540-373-9372 for domestic violence or stalking AND/OR refer the victim to RCASA (Rappahannock Council Against Sexual Assault) at 540-371-6771 or for Sexual Violence. For all victims, provide the Rappahannock Legal Aid number 540-371-1105.
- j. Gather evidence
 - (1) Physical evidence takes three forms as stated below in domestic violence cases:
 - (a) The injuries of the victim
 - (b) Evidentiary articles that substantiate an attack

- (c) Crime scene itself
 - i. The victim's account of injured sustained should be corroborated by a physician
 - ii. When feasible, take photographs of injuries
 - iii. Photograph the crime scene to show that a struggle occurred; if photography is not possible, write a description of it
 - iv. Collect evidence according to the same principles as applied to any crime scene
- k. Documenting the incident
 - (1) All incident reports on domestic violence shall follow general reporting procedures, with special attention to the victim's services crime report
 - (2) The disposition of the investigation
 - (3) Include in all incident reports of domestic violence:
 - (a) Facts and circumstances of domestic violence
 - (b) Victim's statements as to the frequency and severity of prior incidents of abuse by the same family member
 - (c) The victim's statements as to the number of prior calls for Police Department assistance
 - (d) If a protective order was obtained
 - (e) What referral information was given? (Note: Officers are required to document the legal and community resources they provided the victim.)
 - (f) The name of any counselor/victim advocate contacted
 - (g) If transport was provided to the victim to hospital, safe shelter or magistrate
 - (4) If an arrest is not made, the incident must still be documented. In addition to the above required elements of an incident report, officers shall also note:
 - (a) The special circumstances dictating another course of action
 - (b) Why no arrest was made, nor any warrant issued
 - (5) Officers are required to provide a copy of the incident report to the victim, upon request.

13. Protective Orders

(There are three categorizes of protective orders currently being utilized in the Commonwealth of Virginia)

- a. Child Protective Orders Virginia Code 16.1-253 (Juvenile and Domestic Relations Court)
 - (1) An Emergency Protective Order (see Virginia Code 16.1-253.4) aims to protect the health and safety of a family or household member. Regardless of a decision to arrest an EPO may be requested by: a law enforcement officer by telephone or in person from a judge or a magistrate, or a civilian in person from a judge or magistrate. The emergency protective order may be oral (in case when the EPO is obtained by Law enforcement over the phone) or in written form. It must be put in writing as soon as possible by the officer on form DC-626.

An emergency protective order issued pursuant to the above referenced code shall expire seventy-two hours after issuance. If the expiration of the seventy-two hour period occurs at a time that the court is not in session, the EPO shall be extended until 11:59 PM of the next business day that the juvenile and domestic relations court is in session.

(2) EPO maybe obtained by the juvenile (a number of factors are taken into consideration by the magistrate such as age, situation, ability of the juvenile to articulate appropriate information in order for an EPO to be issued) or a third party, by petitioning a magistrate or judge in Juvenile and Domestic Relations Court

b. Preliminary Protective Order

- (1) Upon the motion of any person or upon the court's own motion, the court may issue a preliminary protective order, after a hearing, if necessary to protect a child's life, health, safety or normal development pending the final determination of any matter before the court. The order may require a child's parents, guardian, legal custodian, other person standing in loco parentis or other family or household member of the child to observe reasonable conditions of behavior for a specified length of time. These conditions shall include any one or more of the following:
- (2) To abstain from offensive conduct against the child, a family or household member of the child or any person to whom custody of the child is awarded;
- (3) To cooperate in the provision of reasonable services or programs designed to protect the child's life, health or normal development;
- (4) To allow persons named by the court to come into the child's home at reasonable times designated by the court to visit the child or inspect the fitness of the home and to determine the physical or emotional health of the child;
- (5) To allow visitation with the child by persons entitled thereto, as determined by the court;
- (6) To refrain from acts of commission or omission which tend to endanger the child's life, health or normal development; or
- (7) To refrain from such contact with the child or family or household members of the child, as the court may deem appropriate, including removal of such person from the residence of the child. However, prior to the issuance by the court of an order removing such person from the residence of the child, the petitioner must prove by a preponderance of the evidence that such person's probable future conduct would constitute a danger to the life or health of such child, and that there are no less drastic alternatives which could reasonably and adequately protect the child's life or health pending a final determination on the petition.
- (8) A preliminary protective order may be issued ex parte upon motion of any person or the court's own motion in any matter before the court, or upon petition. The motion or petition shall be supported by an affidavit or by sworn testimony in person before the judge or intake officer which establishes that the child would be subjected to an imminent threat to life or health to the extent that delay for the provision of an adversary hearing would be likely to result in serious or irremediable injury to the child's life or health. If an ex parte order is issued without an affidavit being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Following the issuance of an ex parte order the court shall provide an adversary hearing to the affected parties within the shortest practicable time not to exceed five business days after the issuance of the order.

c. Full Protective Order

- (1) Prior to the hearing required by this section, notice of the hearing shall be given at least 24 hours in advance of the hearing to the guardian ad litem for the child, to the parents, guardian, legal custodian, or other person standing in loco parentis of the child, to any other family or household member of the child to whom the protective order may be directed and to the child if he or she is 12 years of age or older. The notice provided herein shall include (i) the time, date and place for the hearing and (ii) a specific statement of the factual circumstances which allegedly necessitate the issuance of a preliminary protective order.
- (2) All parties to the hearing shall be informed of their right to counsel pursuant to § 16.1-266.
- (3) At the hearing for the protective order the child, his or her parents, guardian, legal custodian or other person standing in loco parentis and any other family or household member of the child to whom notice was given shall have the right to confront and cross-examine all adverse witnesses and evidence and to present evidence on their own behalf.
- (4) If a petition alleging abuse or neglect of a child has been filed, at the hearing pursuant to this section the court shall determine whether the allegations of abuse or neglect have been proven by a preponderance of the evidence. Any finding of abuse or neglect shall be stated in the court order. However, if, before such a finding is made, a person responsible for the care and custody of the child, the child's guardian ad litem or the local department of social services objects to a finding being made at the hearing, the court shall schedule an adjudicatory hearing to be held within 30 days of the date of the initial preliminary protective order hearing. The adjudicatory hearing shall be held to determine whether the allegations of abuse and neglect have been proven by a preponderance of the evidence. Parties who are present at the hearing shall be given notice of the date set for the adjudicatory hearing and parties who are not present shall be summoned as provided in § 16.1-263. The adjudicatory hearing shall be held and an order may be entered, although a party to the hearing fails to appear and is not represented by counsel, provided personal or substituted service was made on the person, or the court determines that such person cannot be found, after reasonable effort, or in the case of a person who is without the Commonwealth, the person cannot be found or his post office address cannot be ascertained after reasonable effort.
- (5) This order can be until the juvenile reaches their 18th birthday

d. Violations of Child Protective Orders

- (1) Any person who violates any provision of a protective order issued pursuant to §§ <u>16.1-253</u>, <u>16.1-253.1</u>, <u>16.1-253.4</u>, <u>16.1-278.14</u>, <u>16.1-279.1</u> or subsection B of § <u>20-103</u>, which prohibits such person from going or remaining upon land, buildings or premises or from further acts of family abuse, or which prohibits contacts between the respondent and the respondent's family or household member as the court deems appropriate is guilty of a Class 1 misdemeanor.
- (2) Any person convicted of a 2nd offense of violating a protective order, when the offense is committed within 5 years of the prior conviction <u>and</u> when either the instant or prior offense was based on an act or threat of violence, must serve a mandatory minimum term of confinement of 60 days.
- (3) Any person convicted of a 3rd or subsequent offense of violating a protective order, when the offense is committed within 20 years of the 1st conviction <u>and</u> when either the instant or 1 of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of 6 months.

- (4) If the respondent commits an assault and battery upon any party protected by the protective order, resulting in serious bodily injury to the party, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.
- (5) Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § <u>16.1-279.1</u> for a specified period not exceeding two years from the date of conviction.

(6) Note: Only the respondent can be charged with violating an order.

e. Family Abuse Protective Orders (Juvenile and Domestic Relations Court)

(1) Family abuse means "any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault or bodily injury.

(2) An Emergency Protective Order (see Virginia Code §I6.I-253.4)

- (a) Regardless of a decision to arrest an EPO may be requested by: a law enforcement officer by telephone or in person from a judge or a magistrate, or a civilian in person from a judge or magistrate. The emergency protective order may be oral (in the case when law enforcement is obtained the EPO over the phone) or written. It must be put in writing as soon as possible by the officer on form DC-626. An emergency protective order issued pursuant to the above referenced code shall expire seventy-two hours after issuance. If the expiration of the seventy-two hour period occurs at a time that the court is not in session, the EPO shall be extended until 11:59 pm of the next business day that the juvenile and domestic relations court is in session.
- (b) The law states that a law enforcement officer shall request an EPO, and a magistrate is required to issue one, if the definition of family abuse in section B#1 above is met. (i.e., threats or acts, require it).
- (c) When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a violation of § <u>18.2-57.2</u> has been issued or issues a warrant for violation of § <u>18.2-57.2</u> and finds that there is probable danger of further acts of family abuse against a family or household member by the respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed family abuse and there is probable danger of a further such offense against a family or household member by the respondent, the judge or magistrate shall issue an ex parte emergency protective order, except if the respondent is a minor, an emergency protective order shall not be required, imposing one or more of the following conditions on the respondent:
 - i. Prohibits acts of family abuse or criminal offenses that result in injury to person or property.
 - ii. Prohibiting such contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the judge or magistrate deems necessary to protect the safety of such persons;

- iii. Granting the family or household member possession of the premises occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property; and
- iv. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.
- (d) Law enforcement officers should advise victims that they may request a preliminary protective order within a reasonable time period following the incident (<u>Virginia Code</u> §16.1-253.1) through the local magistrate or local Juvenile and Domestic Relations District Court and a full protective order (<u>Virginia Code</u> §16.1-279.1) through the local Juvenile and Domestic Relations District Court.

Note: Law enforcement officers may petition for an extension of an EPO, not to exceed three days after its original expiration, if the person protected by the order is mentally or physically incapacitated.

- (3) Preliminary Protective Order (PPO)
 - (a) Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause.
 - i. Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that:
 - ii. The allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition
 - iii. The crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner
 - iv. The allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.
 - v. A preliminary protective order may include any one or more of the following conditions to be imposed on the allegedly abusing person:
 - a. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.
 - b. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons.
 - c. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal property.

- d. Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to such premises.
- e. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession or use shall affect title to the vehicle.
- f. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner and any other family or household member and, where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided.
- g. Granting the petitioner the possession of any companion animal as defined in §
 3.2-6500 if such petitioner meets the definition of owner in § <u>3.2-6500</u>.
- h. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

Note: Law enforcement officers may petition for an extension of an EPO, not to exceed three days after its original expiration, if the person protected by the order is mentally or physically incapacitated.

- (5) Full Protective Order (PO)
 - (a) In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:
 - i. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
 - Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
 - Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;
 - iv. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;
 - v. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or use shall affect title to the vehicle;

- vi. Requiring that the respondent provide suitable alternative housing for the petitioneand, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;
- vii. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate;
- viii. Granting the petitioner the possession of any companion animal as defined in § <u>3.2-6500</u> if such petitioner meets the definition of owner in § <u>3.2-6500</u>; and
- ix. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.
- x. If a protective order is issued pursuant to subsection A of this section, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.
- xi. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. If the petitioner was a member of the respondent's family or household at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

Note: Law enforcement officers may petition for an extension of an EPO, not to exceed three days after its original expiration, if the person protected by the order is mentally or physically incapacitated.)

- (6) Violations of Family Abuse Protective Orders
 - (a) Any person who violates any provision of a protective order issued pursuant to §§ <u>16.1-253</u>, <u>16.1-253.1</u>, <u>16.1-253.4</u>, <u>16.1-278.14</u>, <u>16.1-279.1</u> or subsection B of § <u>20-103</u>, which prohibits such person from going or remaining upon land, buildings or premises or from further acts of family abuse, or which prohibits contacts between the respondent and the respondent's family or household member as the court deems appropriate is guilty of a Class 1 misdemeanor.

- (b) Any person convicted of a 2nd offense of violating a protective order, when the offense committed within 5 years of the prior conviction <u>and</u> when either the instant or prior offense was based on an act or threat of violence, must serve a mandatory minimum term of confinement of 60 days.
- (c) Any person convicted of a 3rd or subsequent offense of violating a protective order, when the offense is committed within 20 years of the 1st conviction <u>and</u> when either the instant or 1 of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of 6 months.
- (d) If the respondent commits an assault and battery upon any party protected by the protective order, resulting in serious bodily injury to the party, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.
- (e) Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § <u>16.1-279.1</u> for a specified period not exceeding two years from the date of conviction.

Note: Only the respondent can be charged with violating an order.

f. Non-Family/Household Member Protective Orders (General District Court or GDC)

(1) Emergency Protective Orders (EPO)

- (a) An emergency protective order (see Virginia Code §19.2-152.10) Prevents any Acts of violence, force, or threat" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault or bodily injury.
- (b) The magistrate or judge may issue an EPO if a petition alleging the petitioner is or has been subjected to an act of violence, force, or threat and on that assertion, the magistrate finds that there is probable danger of a further such act being committed by the Respondent against the alleged victim or a petition or warrant for the arrest of the respondent has been issued for any criminal offense resulting from the commission of an act of violence, force, or threat.
- (c) An EPO may be issued ex parte upon good cause shown. Immediate and present danger of any act of violence, force, or threat or evidence sufficient to establish probable cause that an act of violence, force, or threat has recently occurred shall constitute good cause.
- (d) Regardless of a decision to arrest an EPO may be requested by: a law enforcement officer by telephone or in person from a judge or a magistrate, or a civilian in person from a judge or magistrate, the emergency protective order may be oral (in the case when the EPO is obtained by law enforcement over the phone) or written. It must be put in writing as soon as possible by the officer on form DC-626. An emergency protective order issued pursuant to the above referenced code shall expire seventy-two hours after issuance. If the expiration of the seventy-two hour period occurs at a time that the court is not in session, the EPO shall be extended until 11:59 pm of the next business day that the General District Court is in session.

- (e) When a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate that such person is being or has been subjected to an act of violence, force, or threat and on that assertion or other evidence the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for any criminal offense resulting from the commission of an act of violence, force, or threat, the judge or magistrate shall issue an ex parte emergency protective order imposing one or more of the following conditions on the respondent:
 - i. Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or property;
 - Prohibiting such contacts by the respondent with the alleged victim or the alleged victim's family or household members as the judge or magistrate deems necessary to protect the safety of such persons;
 - iii. Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and
 - iv. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

Note: Law enforcement officers may petition for an extension of an EPO, not to exceed three days after its original expiration, if the person protected by the order is mentally or physically incapacitated.

(2) Preliminary Protective Order (PPO)

- (a) An abused subject may petition for a preliminary protective order through the Clerk of General District Court. After an ex parte hearing, the court may issue a preliminary protective order, which is good for up to 15 days. Officers shall issue the order as soon as possible on the abusing person and shall specify a date for the full hearing.
- (b) Like the EPO the same conditions are able to be entered into the preliminary protective order such as:
 - i. Prohibits acts of violence, force, or threat or criminal offenses resulting in injury to person or property
 - ii. Prohibit such contact by the Respondent with the alleged victim or such victim's family or household members as the judge/magistrate deems necessary to protect the safety of such persons
 - iii. Such other conditions the judge/magistrate deems necessary to prevent:
 - a. Acts of violence, force, or threat
 - b. Criminal offenses resulting in injury to person or property or Communication or contact of any kind by the Respondent

c. Granting the petitioner the possession of any companion animal as defined in § <u>3.2-6500</u> if such petitioner meets the definition of owner in § <u>3.2-6500</u>.

Note: Law enforcement may request an extension of a General District Court EPO, not to exceed three days, for a person in need of protection who is physically or mentally incapable of filing a petition for a preliminary or permanent protective order.

- (3) Full Protective Order (PO) 19.2-152.10
 - (a) Prohibit acts of violence, force, or threat or criminal offenses resulting in injury to person or property
 - (b) Prohibits such contacts by the Respondent with the alleged victim or such victim's family or household members as the judge/magistrate deems necessary to protect the safety of such persons
 - (c) Such other conditions the judge/magistrate deems necessary to prevent
 - i. Acts of violence, force, or threat
 - ii. Criminal offenses resulting in injury to person or property
 - iii. Communication or contact of any kind by the Respondent
 - iv. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.
 - v. The court may issue a permanent protective order for up to two years after a preponderance of the evidence pursuant to Section 16.1-279.1
 - vi. The protective order can not be enforced until the Respondent is served.
 - vii. No law enforcement agency may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person protected by the order or that of the family of such person protected by the order or that of the family or such person except to the extent that disclosure is (a) Required by law or the Rules of the Supreme Court (b) Necessary for law enforcement purposes (c) Permitted by the court for good cause (Status relevant to protective orders include 16.1-251, 16.1-253.1, 16.1-253.2, 16.1-253.4, 16.1-279.1, 18.2-60.4, 19.2-81.3, 19.2-152.8 through 19.2-152.10

(4) Violations of a Non-Family/Household Member Protective Order

(a) Any person who violates any provision of a protective order issued pursuant to 19.2-152.8, 19.2-152.9 or 19.2-152.10 is guilty of a Class 1 misdemeanor Any person convicted of a 2nd offense of violating a protective order, when the offense is committed within 5 years of the prior conviction <u>and</u> when either the instant or prior of^{fe}nse was based on an act or threat of violence, must serve a mandatory minimum term of confinement of 60 days

- (b) Any person convicted of a 3rd or subsequent offense of violating a protective order, when the offense is committed within 20 years of the 1st conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term or confinement of 6 months.
- (c) If the Respondent commits an assault and battery upon any party protected by the protective order, resulting in serious bodily injury to the party, the Respondent is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrived, is guilty of a Class 6, in addition to any other penalty provided by law.
- (d) Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire tem imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to 19.2-152.10 for a specified period not exceeding two years from the date of conviction.
 Note: Only the respondent can be charged with violating an order.

(5) Full faith and credit

- (a) Officers shall enforce protective orders from other states or possessions of the United States as if they were issued in the Commonwealth of Virginia. This applies to all orders in which the Respondent of out-ofstate protective orders does not require that they be registered in Virginia. If officers are unable to verify an outstanding protective order, they must nevertheless honor it. Officers cannot arrest for violation of the order, however if the violator has not been served with the order the officer shall serve the order immediately. If the order can not be verified then law also allows officers to enforce orders and all the conditions, even if they do not have a copy to review; the officers can rely on a statement that an order has been granted and served as long as they believe this to be credible. The officer will request that the victim write a statement advising what court, jurisdiction, conditions, and expiration applied to the order. The victim is required to sign this statement.
- (b) Purchase or transportation of a firearm by a person subject to a protective order
- (c) The purchase or transportation of a firearm by a person subject to a protective order is prohibited and is punishable as a Class 1 misdemeanor. Firearms transported or purchased in violation of this law shall be confiscated and subject to forfeiture (Code of Virginia 19.2-386.27). Any person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of any protective order.

14. Arrest of Law Enforcement Personnel

- a. If the predominant physical aggressor or abuser is an employee of this agency, the responding officer shall summon the field supervisor, who shall in turn notify his or her chain of command.
- b. The scene shall be secured and medical attention summoned, if required. The employee shall be disarmed or removed from access to weapons. The possibility exists that the employee's departmental weapon may be evidence of an offense.

- c. The Chief or his designee shall be summoned who shall begin an internal criminal investigation
 - (1) If probable cause to arrest exists, the Chief or his designee shall arrest and gather evidence (including taking photographs) consistent with the general order
 - (2) The Chief or his designee shall work with the responding patrol officer to ensure that the victim received medical attention, and the officer shall transport, or arrange for transport, a victim to a safe shelter, hospital, magistrate upon request and that all reports are completed, evidence gathered, and photographs taken. The Chief or his designee shall obtain an emergency protective order.
 - (3) The Chief or his designee shall speedily present the case to the commonwealth attorney.
 - (4) Upon termination of the criminal investigation, the Chief or his designee may assign an officer to undertake an internal administrative investigation into the incident. The Chief may suspend the employee pending the outcome of the investigation.
 - (5) Suspended employees shall immediately turn in all agency-issued weapons, vehicles, badges, and identification to the Chief or his designee.
 - (6) If the internal administrative investigation supports a violation of agency policy, the Chief shall take appropriate action consistent with personnel.
 - (7) Further, if the investigation confirms that domestic violence occurred, the Chief may require counseling, psychological evaluation, demotion, or termination of employment.
 - (8) Federal law states that any person (including a law enforcement officer) convicted under any state or federal law for a misdemeanor involving the use of, attempted use of physical force, or the threatened use of deadly weapon when committed by a current or former spouse, parent, or guardian of the victim, a person sharing a child in common, or a cohabitant of the victim (past or present), is prohibited from shipping, transporting, possessing, or receiving firearms or ammunition. The offense may have occurred at any time. Law enforcement officers convicted of offenses involving weapons of threat of force may therefore be unable to maintain their certification.

Note: Officers who are the subject of a protective order shall not carry firearms. Officers who are the subject of a protective order shall turn in all agency-issued weapons.

- d. If the predominate physical aggressor or abuser is an employee of another law enforcement agency, the responding officer, shall notify the supervisor on duty. The supervisor is required to notify offender's law enforcement agency of any domestic violence, stalking, serious bodily injury, sexual assault, or issuance of an EPO, PPO, or PO. The supervisor should request to speak with the on duty supervisor of that agency and relay all pertinent information.
- e. Officers are reminded that they are required to notify the Chief or any civil of criminal action pending.

15. Handling Repeat Offenders: Tracking Domestic Assault

- a. In addition to having each domestic violence/sexual assault/stalking call for service entered into the CAD system the Domestic Violence Investigator shall create a tracking sheet for all cases which reports were taken. In this tracking sheet the minimum information is required to be maintained:
 - (1) Name of victim
 - (2) Address/phone number of victim
 - (3) Name of Perpetrator
 - (4) Address/phone number of perpetrator

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- b. This tracking sheet will enable the investigator to track calls for service by victims name, suspename, phone number, and address
- c. Using this tracking sheet the investigator will be able to observe and track repeated calls for service even when no arrest has been made. Having this information assists the investigator in making contact with victims and assisting and educating about services in the area of domestic violence.
- d. In addition the tracking information will be discussed at the patrol shift meeting as well in addition this information will be added into the CAD system to create historical repeat offender information that is readily available for patrol officers to effective handle domestic violence/sexual assault/stalking call for service.

BOWLING GREEN POLICE DEPARTMENT GENERAL ORDERS		
SUBJECT: SUSPECT LINE-UPS and EYEWITNESS IDENTIFICATION	NUMBER: 2-21	
EFFECTIVE DATE: 11/02/17	REVISED DATE: 02/01/19	
AMMENDS/SUPERSEDES:	APPROVED:	
ALL OTHER PUBLICATIONS	W.D. LIPSCOMB III, CHIEF	
ACCREDITATION STANDARDS REFERENCE: OPR.02.0708		

NOTE

This order 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 Police Department, and then only in a non-judicial setting.

I. POLICY

Given that the traditional system for conducting eyewitness identification procedures is not infallible and that the procedures did not incorporate the growing body of psychological study of eyewitness memory and behavior, the National Institute of Justice (Department of Justice), the International Association of Chiefs of Police, the Commission on Accreditation of Law Enforcement Agencies, the Police Executive Research Forum, the American Bar Association and others have issued reports and/or directives responding to a need for change in this area of police practice. These reports and recommendations attempt to take the basic elements of police investigations and suggest workable changes in order to achieve more consistent eyewitness results.

The following procedures for use in Virginia incorporate many of the recommendations issued by the United States Department of Justice in its *Eyewitness Evidence: A Guide for Law Enforcement* and also include those practices that have gained the support of social scientists and law enforcement practitioners since its publication. An identification obtained through a lineup composed in this manner should minimize the risk of misidentification and have stronger evidentiary value than one obtained without these procedures. Specifically, use of these procedures should maximize the reliability of identifications, minimize unjust accusations of innocent persons and establish evidence that is reliable and conforms to established legal procedure.

II. PURPOSE

To establish a policy for the preparation and presentation of photographic and in-person lineups.

III. DEFINITIONS

A. <u>Lineup</u>

A lineup is any procedure in which a victim or witness to a crime or other incident is asked to identify a suspect from among a group of persons in order to determine or confirm the identity of the suspect. Such procedures involve either actually viewing of persons (in live line-ups or show-ups) or viewing of photographs (in a photo lineup).

B. Photo Lineup

An identification procedure in which an array of photographs, including a photograph of the suspected perpetrator of an offense and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness either in hard copy form or via computer for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

C. Sequential Lineup

A method of administration where photographs are shown to the victim/witness one at a time, with an independent decision on each, before the next photo is shown.

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D. Blind Administrator

The person administering the line-up has no knowledge of which person in the photo/live line-up is the suspect.

E. Blinded Administration

This is a lineup procedure in which the administrator may know the identity of the suspect, but by virtue of the use of procedures and/or technology to accomplish this purpose, does not know which lineup member is being viewed by the eyewitness.

F. Confidence Statements

A statement in the victim/witness' own words, articulating their level of confidence in the identification taken at the time the identification is made.

G. Fillers

Non-suspect photographs or line-up members.

H. Folder Shuffle Method

A method requiring the lineup administrator to place a photograph of the suspect and filler photographs into blank folders with one photograph per folder. The folders are then "shuffled" before being presented individually to the witness.

I. Show-up

A show-up procedure is an identification procedure in which an eyewitness is presented with a single suspect for the purpose of determining whether the eyewitness identifies this individual as the perpetrator.

IV. GENERAL RESPONSIBILITIES

- A. Police Department personnel shall strictly adhere to established procedures for conducting suspect lineups in order to avoid the possibility of error or of undue suggestiveness to witnesses.
- B. Police Department personnel shall receive initial and yearly refresher training in lineup procedures to establish uniformity and consistency of such procedures and to establish a high level of competence in carrying out this important aspect of a criminal investigation.
- C. Police Department personnel shall report any known errors, flaws or non-conformance with established procedures in the conduct of a suspect lineup that they may observe or become aware of to their supervisor in order that corrective actions may be taken and safeguards established to protect the innocent.
- D. The Police Department will confer with the Office of the Commonwealth's Attorney in establishing lineup procedures in order to assure the best use of this type of evidence and to assure that procedures established are compatible with the prosecution of criminal cases. Likewise, instructions given to witnesses during a lineup procedure will be those established and approved in consultation with the Commonwealth's Attorney.

V. PROCEDURES

Prior to a photo or live lineup, the investigating officer should record as complete a description as possible of the perpetrator provided by the eyewitness and in the eyewitness's own words. This statement should also include information regarding conditions under which the eyewitness observed the perpetrator including location, time, distance, obstructions, lighting, weather conditions and other impairments, including, but not limited to alcohol, drugs, stress, the presence of a weapon and any other relevant conditions. The eyewitness should also be asked if he/she needs glasses or contact lenses and whether he/she was wearing them at the time of the offense.

A. Show-up Procedure

- 1. Show-ups should only be performed using a live suspect and only in exigent circumstances that require the immediate display of a suspect to an eyewitness.
- Investigators should not conduct a show-up with a single photograph; if investigators want to determine if an eyewitness can make an identification using a photo, a photo lineup should be employed.
- 3. The eyewitness should be transported to a neutral, non-law enforcement location where the suspect is being detained for the purposes of a show-up.
- 4. The eyewitness should be provided with the following instructions:
 - a. The perpetrator may or may not be the person that is presented to the eyewitness;
 - b. The eyewitness should not feel compelled to make an identification;
 - c. The investigation will continue regardless of whether an identification is made;
 - d. The procedure requires the investigator to ask the eyewitness to state, in his or her own words, how certain s/he is of the identification s/he has made; and
 - e. The eyewitness should not discuss the identification procedure with other eyewitnesses involved in the case and should not speak to the media.
- 5. If there are multiple eyewitnesses, only one eyewitness at a time should participate in the showup procedure, independent of the others. If a positive identification is made, and an arrest is justified, additional eyewitnesses should be shown live or photo lineups.
- 6. If identification is made, the investigator should seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified is the perpetrator.
- 7. Investigators should photograph a suspect at the time and place of the show-up to preserve a record of his or her appearance at the time of the show-up.

(Note: Officers are encouraged to video record the show-up procedure. This assists the Bowling Green Police Department in demonstrating that they conducted the show-up at a neutral location and without any additional suggestion.)

B. Folder Shuffle Method

The "Folder System" was devised to address concerns surrounding limited personnel resources while allowing for blind administration. Should the investigating officer of a particular case be the only law enforcement personnel available to conduct a photo lineup, the following instructions are recommended:

- 1. Obtain one (1) suspect photograph that resembles the description of the perpetrator provided by the witness.
- 2. Obtain five (5) filler photographs that match the description of the perpetrator, but do not cause the suspect photograph to unduly stand out.
- 3. Obtain ten (10) file folders. [four of the folders will not contain any photos and will serve as 'dummy folders'].
 - a. Number the outside of each folder #1 through #10.
 - b. Affix one (1) filler photograph to the inside folder "#1".

- c. The individual administering the lineup should affix the suspect photograph and the othefour (4) filler photographs into Folders #2-6 and shuffle the folders so that the administrator is unaware of which folder the suspect is in.
- d. The remaining folders (Folders #7-10) will contain a page with the following text: "THIS FOLDER INTENTIONALLY LEFT BLANK". [This is done so that the witness does not know when he/she has seen the last photo. Officers may choose to include up to eight (8) photographs instead of the recommended six (6). When increasing the number of photographs, it is necessary to increase the number of blank folders. The intent is that the witness is not aware of when the last photo is being presented.]
- e. The administrator should provide instructions to the witness. The witness should be informed that the perpetrator may or may not be contained in the photos he is about to see and that the administrator does not know which folder contains the suspect.
- f. Without looking at the photo in the folder, the administrator is to hand each folder to the witness individually. The witness must view the photo in the folder and then return it to the administrator before being presented with the next folder. The order of the photos should be preserved, in a facedown position, in order to document in Step 7. [The witness may be permitted to review the folders a second time, but it is imperative that all folders are provided in the same order as the original presentation.]
- g. Instruct the witness that the procedure only if identification is made requires the investigator to ask the witness to state, in his/her own words, how certain he/she is of any identification at the time that the identification is made.
- h. The administrator should then document and record the results of the procedure. This should include: the date, time and location of the lineup procedure; the name of the administrator; the names of all of the individuals present during the lineup; the number of photos shown; copies of the photographs themselves; the order in which the folders were presented; the sources of all of the photos that were used; a statement of confidence *in the witness's own words* as to the certainty of his identification, taken immediately upon reaction to viewing; and any additional information the administrator deems pertinent to the procedure. *[It is important for the administrator to not ask the witness for a numerical rating of their confidence level.]*

C. Lineup Procedures (both photo and live)

 The investigator in charge should select an individual to serve as the blind administrator. The blind administrator must not know which member of the lineup is the "true" suspect to conduct any lineups in order to avoid inadvertent signs or body language that may lead or cause a witness to make an incorrect identification. The blind administrator should be thoroughly familiar with this procedure. /Alternatively a 'blinded' administrator may be used, namely an individual who knows the

[Alternatively a 'blinded' administrator may be used, namely an individual who knows the suspect's identity but is not in a position to see which members of the line-up are being viewed by the eyewitness. This can be accomplished, for instance, through the use of the folder shuffle method or via laptop technology.]

[Note: Blind administration is preferable to the folder shuffle method, but it is also a perfectly acceptable alternative when blind administration is not feasible, i.e. there was not an officer available to act as an administrator. It is important to document why blind administration was not feasible.]

- Assure that law enforcement and/or prosecutorial personnel present and involved in the case are knowledgeable about the procedure so that they will not interfere or influence any witness during the process. Unnecessary personnel should be removed from the location where the process is being conducted.
- 3. A photo or live lineup should be composed so the fillers generally resemble the eyewitness's description of the perpetrator, while ensuring that the lineup is comprised in such a manner that the suspect does not unduly stand out from the fillers. However, complete uniformity of features

is not required. Avoid reusing filler photos/ live lineup members. If the eyewitness has previouslyviewed a photo or live lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup should be different from the fillers used in prior lineups.

- 4. When there are multiple suspects, each identification procedure should include only one suspect.
- 5. Avoid mixing color and black and white photos. Photos should be either all black and white or all color.
- 6. Cover any portions of mugshots or other photographs that provide identifying information. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness. If it is necessary to block-out or cover a notation, such as a name on one photo, then similar blocking-out or covering marks should be placed on all photos so that they will appear alike.
- 7. Use photos of the same size and basic composition, and never mix mugshots with other snapshots or include more than one photo of the same suspect.
- 8. Select fillers (non suspects) who generally fit the witnesses' description of the offender. When there is a limited or inadequate description of the offender provided by the witness, or when the description of the offender differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.
- 9. Select a photo that resembles the suspect's description or appearance at the time of the incident, if multiple photos of the suspect are reasonably available to the investigator.
- 10. Ensure that the photos are reasonably contemporary.
- 11. Include a minimum of five fillers (non-suspects) per photo identification procedure and a minimum of four fillers per live lineup.
- 12. Create a consistent appearance between the suspect and fillers so that the photos depict individuals who are reasonably similar in age, height, weight and general appearance, and are of the same sex and race. However, avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
- 13. If there are multiple eyewitnesses, each eyewitness should view the lineup independently and separately and the suspect should be placed in a different position in the photo or live lineup for each eyewitness.
- 14. Review the array, once completed, to ensure that the suspect does not unduly stand out.
- 15. Assign each photo/person a lineup identification number. Record the identification number on the back of each photo. Refer to that photo/person only by that number. The nature of the identification number should be purposely complex to the witness, so that any inadvertent glance should not significantly hinder the identification process or alert the witness as to the identity of the actual suspect.
- 16. After each photo/person has been assigned an identification number, record the number along with all other pertinent information on the Lineup Identification Form.
- 17. Record the presentation order of each lineup and ensure that a complete written record of the identification proceeding is made and retained. The record should include: all identification and non-identification results obtained during the procedure and signed by the eyewitness, including the eyewitness's confidence statement; the names of all of the persons present at the identification procedure, the date and time of the identification procedure, and the sources of all photos or persons used in the identification procedure. In addition, the photos themselves should be preserved in their original condition. For live lineups, a group photo should be taken of all

persons in the lineup together to illustrate size differences among the lineup participants. This

18. There is a right to have counsel present at a live line-up, where the defendant-suspect has been charged.

photo must not be shown to the witness, but will be included with the completed case file.

- 19. Advise the accused that he may take any position in the live lineup that he prefers and may change positions prior to summoning a new witness.
- 20. Ensure that witnesses are not permitted to see nor are they shown any photographs of the accused immediately prior to the live lineup.
- 21. Ensure that no more than one witness views each live lineup at a time and that they are not permitted to speak with one another during live lineup proceedings.

VI. CONDUCTING THE IDENTIFICATION PROCEDURE

- A. The identification procedure should be conducted in a manner that promotes the accuracy, reliability, fairness and objectivity of the witness' identification. These steps are designed to ensure the accuracy of identification or non-identification decisions.
- B. Assure that all law enforcement and/or prosecutorial personnel present and involved in the case are knowledgeable about the procedure so that they will not interfere or influence any witness during the process. Unnecessary personnel should be removed from the location where the process is being conducted.
- C. When presenting the lineup, the person administering the lineup should use the approved standard instructions for witnesses prior to the lineup that the offender might or might not be among those in the photo array or live lineup, and therefore, the witness should not feel compelled to make identification.
- D. Assure the witness prior to the lineup that regardless of whether identification is made, the police will continue to investigate the incident.
- E. Instruct the witness that if the offender is seen in the lineup, he/she might not appear exactly the same as on the date of the incident because features such as clothing, head or facial hair can change. Additionally, photos do not always depict the true complexion of a person, which might be lighter or darker than shown in the photo. Be careful not to imply or lead the witness to believe that the suspect's appearance has actually changed in any way.

[Note: For example, saying to a witness that "The suspect's appearance could be different, for example if he has since gotten a tattoo", may imply to the witness that the police know the suspect got a tattoo. If uncertain about identity, this could lead the witness to pick out someone in the line-up with a tattoo simply for that reason.]

- F. Provide the following additional viewing instructions to the witness:
 - 1. Individual photos/persons will be viewed one at a time.
 - 2. Photos/persons are in random order.
 - 3. Take as much time as needed in making a decision about each photo/person.
 - 4. All photos will be shown, even if identification is made prior to viewing all photos.
 - 5. The administrator does not know who the perpetrator is.
- G. Confirm that the witness understands the nature of the sequential procedure.
- H. Instruct the witness that the procedure only if identification is made requires the investigator to ask the witness to state, in his/her own words, how certain he/she is of any identification at the time that the identification is made.

- I. Present each photo to the witness separately, in a previously determined order, as documented on the lineup worksheet, removing those previously shown.
- J. Care should be taken to avoid the witness turning over the photo and reading the identification number recorded on the back.
- K. Avoid saying anything to the witness that may influence the witness' selection.
- L. If identification is made, avoid reporting or confirming to the witness any information regarding the individual he or she has selected, until the entire process (including obtaining a confidence statement and obtaining required signatures and paperwork) has been completed.
- M. If the witness requests to view the photo/person sequence again, (or specific photos/persons again), they may be shown a second time, but must be shown again in the same sequence in its entirety even if the witness makes an identification during this second showing.
- N. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

[Note: Officers are encouraged to video record the identification procedure]

VII. RECORDING IDENTIFICATION RESULTS

- A. When conducting an identification procedure, the person administering the lineup shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained from the witness. A complete and accurate record of the outcome of the identification procedure is crucial. This record can be a critical document in the investigation and any subsequent court proceedings.
- B. When documenting the identification procedure, the person administering the lineup should record both identification and non-identification results, including a statement of confidence, in the eyewitness's own words. [The results should not be ranked]
- C. If the eyewitness makes an identification, the administrator shall seek and document a clear statement from the eyewitness, at the time of the identification and in the eyewitness's own words, as to the eyewitness's confidence level that the person identified in a given identification procedure. *[It is important for the administrator to not ask the witness for a numerical rating of their confidence level.]*
- D. If the eyewitness identifies a person as the perpetrator, the eyewitness shall not be provided any information concerning such person before the administrator obtains the eyewitness's confidence statement about the selection. After the eyewitness' confidence statement is obtained, the administrator shall not tell the eyewitness information about how accurate they were in their identification or provide additional information about the defendant.
- E. Document in writing the photo lineup procedures, including identification information and sources of all photos used, names of all persons present at the lineup, and date and time of the identification procedure.
- F. Ensure that the results are signed and dated by the witness and the person administering the lineup.
- G. Ensure that no materials indicating previous identification results are visible to the witness.
- H. Ensure that the witness does not write on or mark any materials that will be used in other identification procedures.

[Note: Officers are encouraged to video record the identification/confidence statement procedure. Audio recording is an acceptable alternative if video recording is not practical.]



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Request to Waive Town Hall Rental Fee
ITEM TYPE:	Action Item
PURPOSE OF ITEM:	Decision - By Motion
PRESENTER:	Melissa Lewis, towntreasurer@townofbowlinggreen.com
PHONE:	(804) 633-6212

BACKGROUND / SUMMARY:

A request was made by Dr. Calveric, Superintendent of Public Schools, to waive the Town Hall Rental fee for an awards dinner to be held at Town Hall on Thursday April 18^{th.}

ATTACHMENTS:

Letter from Dr. Calveric

REQUESTED ACTION:

Make decision on request



CAROLINE COUNTY SCHOOL BOARD

George L. Spaulding, Jr. Bowling Green Nancy G. Carson Mattaponi JoWanda Rollins-Fells, Reedy Church



Shawn M. Kelley Madison Tinka B. Harris Port Royal

T1S | John I. Copeland Western Caroline

Sarah Calveric, Ph. D. Superintendent 16261 Richmond Turnpike Bowling Green, VA 22427 Office (804) 633-5088 Fax (804) 633-5563

January 11, 2019

Dear Bowling Green Town Council,

Caroline County Public Schools holds an annual employee recognition dinner for our Teachers of the Year and their families. We also honor our Novice Teachers of the Year, Support Staff of the Year, and retirement honorees. This is a time of celebration and recognition for our employees, and therefore begin planning months in advance to ensure this is a memorable event.

The recognition dinner is scheduled for April 18, 2019 from 5:30-8:00. Due to the expense associated with the catered meal, decorations, and awards, Caroline County Public Schools kindly requests the Town Council's consideration of waiving or reducing the rental fee.

Thank you for your time. We look forward to celebrating Caroline County Public Schools at Town Hall.

Warm regards,

n B. Calvenci

Dr. Sarah Calveric Superintendent

Explore Today, Impact Tomorrow



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Invitation to Local Hero's Award Banquet
ITEM TYPE:	Informational Item
PURPOSE OF ITEM:	Information Only
PRESENTER:	Melissa Lewis, towntreasurer@townofbowlinggreen.com
PHONE:	(804) 633-6212

BACKGROUND / SUMMARY: Invitation to Council for Annual Local Heroes Banquet

ATTACHMENTS: Invitation

invitation

REQUESTED ACTION: None.

YOU ARE INVITED

PLEASE JOIN US FOR THE 4th ANNUAL RED CARL¹¹⁷/ENT

LOCAL HEROES AWARDS 2019

Saturday, April 13th FIVE O'CLOCK IN THE EVENING Bowling Green Town Hall 117 Butler Street Bowling Green, VA

Limited seating available. Kindly RSVP by April 2th to (804) 633-8037 or enewbeyhoward@co.caroline.va.us

There will be free food & entertainment!

Wear your Sunday's Best! All are welcome!

Sponsored by: CCVWP



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Proposed Budget and PowerPoint Presentation
ITEM TYPE:	Presentation
PURPOSE OF ITEM:	Information Only
PRESENTER:	Reese Peck, townmanager@townofbowlinggreen.com
PHONE:	(804) 633-6212

BACKGROUND / SUMMARY:

Proposed FY19-20 Proposed Budget

ATTACHMENTS:

To be handed out at meeting

REQUESTED ACTION: None.