

Written Directives

205.1 VERSION

Agency Content

Review Date	Effective Date	Approving Authority
08/14/19	07/09/18	Eric D. English, Chief of Police

205.2 POLICY AND PURPOSE

Discretionary **MODIFIED** VLEPSC - ADM.09.01 (a), ADM.09.01 (b), ADM.09.01 (c)

The purpose of this policy is to establish policy and procedure for the management of the Harrisonburg Police Department's Written Directives and to provide its employees with clear guidelines regarding the restraints and expectations that relate to the performance of their duties.

Policies and procedures serve as guiding principles which generally affect all Department employees. Memorandums transmit significant information of an immediate importance to personnel; they may announce organizational changes, new delegations of authority, guiding principles, and rules or policies, pending their incorporation into a policy. Operating Manuals contain information about the division/unit/team/other function and describe specific guidelines for employees within these groups.

Any proposed changes, additions or deletions to this document must be thoroughly reviewed to ensure that they withstand legal scrutiny, are operationally sound, conform to existing accreditation standards, and can be clearly and easily understood and adhered to by all affected personnel.

205.3 ACCOUNTABILITY STATEMENT

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All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil 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. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

205.4 DEFINITIONS

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Directive - Any written document used to guide or affect the performance or conduct of agency employees. The term includes Policies, Executive Orders, Memorandums, Operating Manuals and instructional material provided in training.

Executive Order - Executive Orders are only issued, signed, modified or approved by the Chief of Police or designee. They transmit significant information of an immediate importance to personnel. Executive Orders may announce organizational changes, new delegations of authority,

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guiding principles, and rules or policies. Executive Orders remain in effect until canceled or incorporated into a policy. Executive Orders shall be numbered consecutively within each calendar year.

Policy - Policies communicate Department-wide organizational structure, delegations of authority, guiding principles, rules, policies and procedures. Policies provide employees with a clear understanding of the expectations and constraints relating to the performance of their duties. Only the Chief of Police or designee has the authority to issue, sign, modify or approve policies. Policies are reviewed on a continuous basis

Memorandum - A memorandum provides useful and specific information to employees not amounting to a formal order and may constitute a directive affecting specific behavior for a specific event or period of time, and is usually self-canceling.

Lexipol - The Department's web-based computerized accountability system for disseminating, receiving and reviewing Policies and Daily Training Bulletins.

Subject Matter Expert - A HPD employee that has the authority to make policy recommendations. The Subject Matter Expert shall have knowledge of the subject area, be from a unit or division directly affected by the policy and work in tandem with the assigned policy writer to revise the policy.

NOTE: The Harrisonburg Police Department also utilizes outside experts in the review of written directives on an as needed basis depending on the subject matter of the directive.

205.5 MANAGEMENT OF THE WRITTEN DIRECTIVE SYSTEM

Discretionary **MODIFIED** VLEPSC - ADM.09.01 (e), ADM.09.01 (d)

Policies are not self-canceling but will be reviewed by the Policy Review Committee periodically during their scheduled year to determine if they should be deleted, revised or continued in their present form. Policies shall be reviewed by the Policy Review Committee in accordance with the review date schedule or at the request of the Chief of Police or any member of the Command Staff.

205.5.1 WORDS OF AUTHORITY

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There are three categories of terms used in written directives of this agency. Personnel responsible for the development of such directives and officers who carry them out shall be aware of the limitations on officer discretion that these terms convey. These terms are classified as judgmental, discouraging and prohibitive in nature.

- (a) Judgmental- The word "may" is used to convey the utmost discretion to officers. "May" indicates that officers should employ their best judgment in addressing a situation by relying on experience, training, the stated mission and values of this agency and the general guidance provided in statements of agency policy.

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- (b) Discouraging- The word “should” or “should not” is used to convey the agency's desire for officer actions in given circumstances. Directives should be followed whenever reasonably possible. However, it is recognized that exceptions to desired actions can be anticipated in these circumstances that could require alternative action. Officers are therefore authorized, whenever reasonable, to use limited discretion to deal effectively with the situation or problem.
- (c) Restrictive or Prohibitive- The terms “shall” or “shall not” or “will” or “will not” impose absolute requirements or prohibitions on officer actions. Considering that the full set of circumstances surrounding many situations confronted by officers cannot be fully predicted, such terms must be used with care and with the understanding that failure to abide by such restrictions may result in disciplinary action. Where deemed appropriate, these terms may appear in policies, procedures and rules.

205.5.2 PURGING AND POLICY REVIEW RESPONSIBILITIES

Agency Content | VLEPSC - ADM.09.01 (d), ADM.09.01 (e)

- (a) When requesting creation, modification or deletion of a policy, Executive Order, PD Form or other written directive, the requesting employee shall complete and submit a Request to Create New, Modify, or Delete General Orders, Executive Orders, PD Forms or other Written Directives (207 Policy modification request form.pdf), through channels, to the Administrative Lieutenant. If approved, the Administrative Lieutenant shall forward the policy modification request form and any attachments to the Accreditation Manager which will prepare the final document(s) and submit them in final form, through channels, to the Chief of Police or designee.
- (b) The Accreditation Manager shall be responsible for initiating the review of each policy in accordance with the scheduled review of the policy depending on its review date. The review process shall include accreditation mandates and research from available law enforcement best practices, when applicable. The policy will be revised and forwarded to the Administrative Lieutenant and at least one (1) Subject Matter Expert to review and recommend revisions to the policy. The policy shall then be returned to the Accreditation Manager for revisions. Once all recommended changes are incorporated and approved by the Subject Matter Expert and the Accreditation Manager, a revised copy of the policy will be sent electronically to the Chief of Police for review and revision, or approval. Once the policy is approved it will be sent electronically via Lexipol for acknowledgement
- (c) In the event there are significant or numerous revisions to be made to a particular directive, the Accreditation Manager will convene a Policy Review Committee Meeting to facilitate the maintenance of written directives within thirty (30) days of receipt of notification from the Chief of Police. The Accreditation Manager will incorporate the changes noted during the meeting into the draft revision and forward the updated revision to the chain of command.
- (d) The Final Approval Workflow will consist of the following employees at a minimum:
 - 1. Accreditation Manager
 - 2. Administrative Lieutenant

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3. Command Staff
4. Subject Matter Expert
5. Chief of Police

- (e) Each employee of the Final Approval Workflow will have seven (7) calendar days from the date of receipt to complete their review of a particular directive and provide their approval, or any recommended revisions to the Policy Review Committee via the Accreditation Manager. If any member is unable to, or fails to, provide either their approval, or recommended revisions of a directive within seven (7) calendar days, the delay will be noted in a memorandum and the policy will be moved forward in the final approval workflow.

NOTE: The seven (7) day review may occur concurrently among officers of the command staff when appropriate.

Upon completion of the Policy Committee and Final Approval Workflow review, revision and approval, each directive shall be submitted to the Chief of Police or the Acting Chief of Police in the absence of the Chief of Police for review, revision, approval and final signature.

205.6 DISTRIBUTION OF APPROVED WRITTEN DIRECTIVES

Best Practice **MODIFIED** VLEPSC - ADM.09.01 (e), ADM.09.02 (a), ADM.09.02 (c), ADM.09.02 (b), ADM.09.01 (d), TRN.03.01 (a), TRN.03.01 (b), TRN.03.01 (c)

- (a) Upon final approval, the Accreditation Manager shall disseminate the policies using Lexipol.
- (b) Employees will receive an e-mail to read the order(s) and click on a link to read and sign for receipt of the order(s).
- (c) Executive Orders/Memorandums shall be available on the Department's "N" Drive in the "Publications" folder and will be disseminated by the Chief of Police or designee.
- (d) Supervisors shall review any new or updated policy, Executive Orders, or memorandums with affected employees under their command.
- (e) All Harrisonburg Police Department personnel shall be responsible for reading and signing for policies disseminated via Lexipol. The Training Supervisor shall ensure that all newly hired police and/or civilian personnel receive the appropriate directives during orientation and other related training activities. The Training Supervisor shall also ensure that all police personnel acknowledge receipt of information regarding the Department's role, purpose, goals, policies and procedures; working conditions and regulations; and the responsibilities and rights of employees.
- (f) Upon electronic dissemination of a new or revised policy or Executive Order, each Department member shall read and acknowledge receipt of the directive through Lexipol. The recipient of each policy shall have fourteen (14) days from the dissemination of the directive to electronically sign for the directive through Lexipol.

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1. NOTE: If an employee knows that he/she did not receive the Policy/Executive Order or has any problem with the Directive Tracking System, he/she shall contact the Accreditation Manager.

205.7 POLICY CONTENT

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- (a) Policies shall be formatted as follows:
 1. Version
 2. Policy and Purpose
 - (a) A purpose statement is a brief, introductory statement explaining why the written directive was established.
 3. Summary of Change
 - (a) This section explains the significance of any changes that have been made to a particular policy. It also notes the formatting of those changes.
 4. Accountability Statement
 - (a) An accountability statement is a statement imposing accountability and responsibility standards onto employees of the Department and thereby giving the Order force and effect. Failure to comply will result in appropriate corrective action and/or disciplinary action.
 5. Definition (if applicable)
 - (a) A definition is a statement of the meaning of a word or word group as a means of clarification. Definitions may appear within Policies and Executive Orders.
 6. Numbering
 - (a) Policies shall be numbered consecutively within each subject matter chapter.
 - (b) Table of Contents
 1. Chapter 1 (Law Enforcement Roles and Authority)
 2. Chapter 2 (Organization, Management and Administration)
 3. Chapter 3 (General Operations)
 4. Chapter 4 (Field Operations)
 5. Chapter 5 (Investigation Operations)
 6. Chapter 6 (Equipment /Technology)
 7. Chapter 7 (Support Services)
 8. Chapter 8 (Personnel)

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205.8 MEMORANDUMS

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The Chief of Police or designee may issue memoranda by other personnel or agencies. Using the Harrisonburg Police Department's letterhead, memoranda shall have the following standard headings:

- (a) **ISSUE (or REASON):** A brief statement of the problem or other reason the memorandum has been written.
- (b) **DISCUSSION (or PROCESS):** An exposition describing the background of the matter, research or analysis conducted to include the viewpoints of affected persons or organizations, costs, benefits and other factors that could be considered.
- (c) **CONCLUSION:** A brief statement offering a preferred course of action.