

## Civil Disputes

### 428.1 VERSION

Review Date	Effective Date	Approving Authority
01/26/19	07/09/18	Eric D. English, Chief of Police

### 428.2 POLICY AND PURPOSE

This policy provides employees of the Harrisonburg Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic or Family Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Virginia law.

The Harrisonburg Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, employees of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 428.3 ACCOUNTABILITY STATEMENT

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.

### 428.4 GENERAL CONSIDERATIONS

When appropriate, employees handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Employees must not become personally involved in disputes and shall at all times remain impartial.

While the following is not intended to be an exhaustive list, employees should give consideration to the following when handling civil disputes:

- (a) Officers shall not serve civil process except as set forth in this policy by the ECO/TDO's Policy. They shall avoid entering into civil disputes, particularly while performing their duties, but shall still be responsible for enforcing any laws or ordinances, which may become applicable in the situation.

# Harrisonburg Police Department

## Policy Manual

### *Civil Disputes*

---

- (b) Officers shall not assist in civil cases except in a peacekeeping capacity to ensure the safety and security of the parties involved in the case. If an officer is requested to serve a civil order, except from an ECO TDO, then he or she should refer the requesting individual to the Rockingham County Sheriff's Office for service of the civil process.
- (c) Civil disputes may be confrontational and employees should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (d) Employees should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (e) Employees shall not provide legal advice; however, when appropriate, employees should inform the parties when they are at risk of violating criminal laws.
- (f) Employees are reminded that they shall not enter a residence or other non-public location without consent or legal authority.
- (g) Employees should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts will take longer than 30 minutes.

#### **428.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent.

#### **428.6 EMPLOYEE INVOLVED CIVIL DEPOSITIONS AND AFFIDAVITS**

Employees shall confer with their supervisor before filing a deposition or affidavit in a civil case resulting from their performance of duty. The supervisor shall then contact the Chief of Police, prior to filing the deposition or affidavit.