

SECURITY AND LAW ENFORCEMENT

1. **REASON FOR ISSUE:** This handbook establishes procedures that implement the policies contained in VA Directive 0730, Security and Law Enforcement.

2. SUMMARY OF CONTENTS AND MAJOR CHANGES:

a. **Summary.** This handbook contains procedures for physical security, law enforcement, and training activities for the Department's Security and Law Enforcement Program. It identifies responsibilities of the Office of Security and Law Enforcement and field elements in ensuring the protection of persons and property on Department property.

b. Major Changes

(1) Paragraph 5w. This paragraph adds procedures for the establishment and implementation of a Police and Security canine unit.

(2) Paragraph 10b(1)(a) prescribes the content of the chemical irritant projector as oleoresin capsicum. Paragraph 10b(2) includes the side-handle baton as a standard weapon for VA police officers.

(3) Physical security requirements and options, contained in appendix B, are updated.

3. **RELATED DIRECTIVE:** VA Directive 0730, Security and Law Enforcement.

4. **RESPONSIBLE OFFICE:** The Police and Security Service (07B), Office of Security and Law Enforcement, is responsible for the material contained in this handbook.

5. **RESCISSION:** VHA Supplement to MP-I, Part 1, Chapter 2, Section B, Center Security and Law Enforcement, dated July 23, 1986, Appendices A-C thereto, dated July 23, 1986, and Interim Issue 10-87-5, dated June 26, 1987.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
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SECURITY AND LAW ENFORCEMENT

1. PURPOSE

a. This handbook contains mandatory procedures for physical security, law enforcement, and training activities which implement policy for the VA's Security and Law Enforcement program. It provides guidance in the technical and legal security and law enforcement methodology as applied in VA facilities located on Department property, nationwide. The procedures listed below are mandatory.

b. This handbook is set forth solely for the purpose of internal departmental guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal, and does not place any limitations on otherwise lawful activities of the Department.

2. POLICE AND SECURITY ORGANIZATION AND STAFFING

a. Unit FTE

(1) The determination of police staffing levels is based upon a comprehensive vulnerability assessment to include the following:

(a) The size and physical dispersion of the VA facility (number of acres, buildings, parking areas, etc.).

(b) The geographic location of the VA facility relative to the setting within the community.

(c) Environmental conditions. The threat and incidents of crime vary with each locality. A stabilized high crime area or incidence of on-station crime combined with a large center, urban setting, or large acute psychiatric facility will require the defensive deterrent of a larger Police and Security unit (three officers or more on duty at all times).

(d) The impact of certain programs on the property such as drug or alcohol treatment, spinal cord injury, homeless veterans, blind rehabilitation, child care center;

(e) Total patient and employee population plus transient activity (employees, visitors, patients, vendors, etc.).

(f) Ability to meet the requirements of the Occupational Safety and Health Administration for protecting employees from violence in the workplace.

(2) For safety purposes, there should always be at least two VA police officers on duty, at all times, at any facility or division. However, the coverage of one VA police officer on a given shift may be sufficient if all of the following conditions are met:

- (a) The jurisdiction of the facility is proprietary and/or concurrent.
 - (b) Criminal activity in the community immediately surrounding the facility is below 7 percent based upon the Federal Bureau of Investigation Uniform Crime Reports.
 - (c) There is no more than one psychiatric ward at the facility or division.
 - (d) The facility experiences low levels of on-station crime.
 - (e) The facility experiences few patient-related disturbances.
 - (f) There are memoranda of understanding with local law enforcement agencies which ensure timely backup support for VA police officers.
 - (g) Patrolling VA police officers are equipped to make immediate and direct contact with the local law enforcement agency that has agreed to provide backup.
- b. Shift Rotation.** Chiefs, Police and Security units have the authority to temporarily exempt an officer from shift rotation due to law enforcement related educational programs, or when the officer is temporarily detailed to special duty assignments.
- c. Duty Assignments.** VA police officers will rotate among the various duty assignments within each shift in an equitable manner.
- d. Continuous Coverage.** VA police officer shifts will be established in such a way as to ensure continuous coverage during major employee shift changes.

3. HUMAN RESOURCES ISSUES

a. Pre-Employment Screening Process. The completion of VA Form 0120, VA Police Officer Pre-Employment Screening Checklist, is the joint responsibility of Human Resources Management Service and Police and Security Service. The following is a uniform process for conducting and documenting VA police officer applicant pre-employment qualification and suitability screening.

(1) Human Resources Management Service is responsible for:

- (a) Reviewing applicants' employment applications to determine whether qualifications under the current standards are present;
- (b) Referring qualified applicants to the Chief, Police and Security unit for interview;
- (c) Conducting telephonic interviews of former employers to verify listed qualifying experiences and work habits of tentatively selected applicants;

(d) Scheduling medical examinations of selected applicants;

(e) Contacting the Security Office of the Office of Security and Law Enforcement to request the initiation of a Minimum Background Investigation (MBI); and

(f) Completing parts III and IV of VA Form 0120.

(2) Police and Security Service is responsible for:

(a) Informing applicants of job description and working conditions;

(b) Assessing candidates' personal characteristics;

(c) Ensuring that any applicant previously employed as a VA police officer has successfully completed the VA basic law enforcement training course;

(d) Making a tentative selection;

(e) Conducting an arrest record check through Federal and state agencies;

(f) Conducting a structured interview that includes notifying the applicant of VA's policies regarding weapons, arrest notification, and shift rotation.

(g) Completing parts I and II of VA Form 0120.

(3) Disposition of VA Form 0120 is as follows:

(a) Copy 1 of VA Form 0120 shall be retained in the office of the Director in a locked and restricted access file entitled VA Police Investigative Records File. This file shall be subject to the provisions of the Privacy Act system of records titled "OPM/CENTRAL 9."

(b) Copy 2 of VA Form 0120 shall be mailed or faxed directly to Director, VA Law Enforcement Training Center, Building 10 1,2200 Ft. Roots Drive, North Little Rock, AR 72114.

(c) All copies of VA Form 0 120 pertaining to non-selected applicants shall be destroyed.

(d) The VA facility's copies of VA Form 0120 pertaining to hired police applicants will be retained on file until the employees are separated or reassigned from a VA police officer position.

(e) The Deputy Assistant Secretary for Security and Law Enforcement will establish a Central Police Investigative Records File for receiving and maintaining copy 2 of the facility's VA Form 0120. The functions of this central monitoring activity will include:

1. The review of each VA Form 0120 received to ensure certification that the pre-employment screening process was completed.
2. The completion of a validating FBI National Crime Information Center (NCIC) check on every VA police officer hired.

b. Criminal History Record Checks

(1) As part of the pre-employment screening process and the completion of Part II of the VA Form 0120, criminal history record checks must be conducted on all VA police officer applicants under serious consideration. Each VA facility has three methods for establishing a source for criminal history record checks on police applicants.

(a) Arrangements with a county, municipal, or state police agency willing to service the facility's requirements. Citing the FBI Originating Agency Identifier (ORI) number assigned and the purpose of "criminal justice employment," a local police agency should willingly provide this support free or at a nominal charge. The VA facility will not pay county, municipal, or state police for such assistance where they furnish same free of charge to other entities within their jurisdiction, or they are obligated to do so as a matter of local law.

(b) A second method is through the nearest in-state VA facility having a state law enforcement system terminal. Cost sharing of equipment is appropriate to this arrangement.

(c) On an interim basis, the Office of Security and Law Enforcement in Central Office can provide full NCIC/NLETS criminal history record check service.

(2) The results of criminal history record checks must be handled responsibly as required by law. The authority to conduct criminal record checks will be reserved solely for valid investigative and pre-employment screening purposes.

c. Background Checks. Other Police and Security unit applicants not employed as VA police officers will have arrest record checks and references contacted.

d. Medical Standards. Appendix A specifies criteria for initial and annual physical and psychological examinations. Appropriate administrative action will be taken in the case of VA police officers who are determined by annual medical examination to possess lasting physical or emotional conditions which, in the judgment of examining physicians, prevent the officers from performing the functional requirements of the position.

e. Weapon Policy and Arrest Reporting Notification. During initial processing, a VA Form 9044, Weapon Policy, Law Enforcement Jurisdiction, and Arrest Reporting, will be provided to each newly employed VA police officer for reading of Part I, the notification, and signing of Part II, the acknowledgment of notification.

(1) The Chief, Police and Security unit will counsel each VA police officer individually and ensure that the acknowledgment of policy notification is signed and placed in RCS 1 O-1, Item 29.

(2) The signed VA Form 9044 will be retained until the officer leaves employment.

(3) A VA police officer who is arrested for any offense, except for a non-criminal traffic violation, is required to inform the appropriate supervisor on the first working day that the officer reports to work after the incident.

(a) This report will describe the alleged offense(s), including whether a felony or misdemeanor, date of alleged offense(s), and the name of the arresting jurisdiction.

(b) The officer will not be required to make any incriminating statements violating the officer's constitutional rights regarding the alleged offense(s) and the officer will be so apprised prior to submitting the report.

(c) The VA police officer will report the disposition of the charge as soon as it becomes available.

(d) All documentation related to the reported arrest will be filed in the VA Police Investigative Records File, "OPM/Central 9."

(e) The facility director or designee will advise the Director, Police and Security Service, VA Central Office, of the arrest by fax or telephonically within 1 working day after the initial notification of the officer's supervisor. Information must include the officer's name, alleged offense(s), whether the offense(s) is a felony or misdemeanor, date of alleged offense(s), and name of-arresting jurisdiction.

(f) The facility director will evaluate the reported incident as soon as possible and take appropriate action (including disciplinary and/or adverse actions) in consultation with Human Resources Management Service.

(g) The findings of the investigation and action taken will be reported to the Director, Police and Security Service, VA Central Office.

(h) The VA police officer's arrest authority should be suspended at any time evidence is received or developed which would cause a reasonable person to conclude that it is appropriate to do so.

4. BASIC AND SPECIALIZED TRAINING

a. **Basic Training Enrollment.** The names of VA police officers will be submitted immediately upon their appointments to the VA Law Enforcement Training Center (LETC), VA Medical Center, North Little Rock, AR, for course assignments. Requests for appointee training or cancellation of previous requests due to police separations or reassignments shall be made by teletype or fax containing the appointee's last name, first name, middle initial, month and year of entry-on-duty, the last four digits of the appointee's Social Security number, and gender. Examples of formats for requesting or canceling training are:

REQ. TRNG FOR SMITH, ROBERT A., EOD: Month/Year, SSN:.,M

CANCEL TRNG REQ. FOR BURDETT, RHONDA A., EOD:Month/Year,F

b. **Weapon Training.** On-site training for weapon certification will be provided to newly appointed VA police officers within the second week of duty. This training will be conducted by VA police officers who are designated Authorized Weapon Trainers by the Deputy Assistant Secretary for Security and Law Enforcement in accordance with direction of the LETC.

c. **Retraining & Recertification.** When a VA police officer has been separated from a VA Police and Security unit for more than 6 months, the officer will be retrained and recertified before being issued a VA Form 1396, Weapons Authorization Card.

d. **Initial Entry and In-Service Training.** Immediately upon employment, all VA police officers will undergo a formal schedule of required initial entry training. Thereafter, continuing in-service training will be conducted to include required subjects as well as additional subjects determined locally as needed to maintain officer skills. Initial entry and continuing in-service training will be accomplished in accordance with guidance from the LETC.

e. **CPR Training.** VA facility orientation and mandatory yearly in-service training programs for VA police officers will include a cardiopulmonary resuscitation (CPR) course with content equivalent to the American Basic Life Support Course. This course will be conducted by an American Heart Association certified instructor.

f. **Hazardous Chemicals.** Annually, all officers will attend VA facility training programs required by Federal and state laws and regulations that deal with hazardous materials stored on VA property.

g. **Training Course Records.** All completed entry level and in-service training will be fully documented in accordance with guidance from the LETC. A record of completed training will be retained in RCS 10-1, items 25a and 25b.

5. POLICE AND SECURITY OPERATIONS

a. Standard Operating Procedure (SOP)

(1) Each facility will publish an SOP that will be consistent with the Department of Veterans Affairs Security and Law Enforcement policy, Federal laws, and VA regulations.

(2) This document must be safeguarded due to its contents. Distribution of the SOP will be made to each person in the Police and Security unit. Distribution to others will be limited to those persons at the facility on a need-to-know basis.

(3) Procedures will contain specific and detailed instructions and guidance on how to implement VA policy at the local level.

(4) The SOP will be reviewed annually and updated as needed. A sample listing of subject topics to be included in the SOP is found in appendix C of this handbook.

(5) Subject areas specifically affecting other personnel or organizations (e.g. parking, doors/gates hours, and Property Pass requirements) must be published and distributed to employees separately.

b. Police Operations Room

(1) The optimal location of the Police Operations Room is on the first floor of the main patient care building located adjacent to the highest potential trouble areas, i.e., admission area, lobby, etc.

(2) Basic equipment items to be considered in space and area selection are security surveillance television (SSTV) monitors, alarm signal devices directly wired from key facility areas, a radio transceiver console, telephones, a weapons storage locker, evidence safe, and the operations desk.

c. Essential Reference Material. The following references will be available to VA police officers at all times within the Operations Room: the SOP, current edition of “Federal Criminal Code and Rules”; Title 38, U.S.C Chapter 9; Title 38 CFR § 1.218, state criminal statutes, and current VA Security and Law Enforcement training material available from LETC.

d. Bulletin Board. An official unit bulletin board will be maintained in the Operations Room to post official information, schedules and notices, and other pass-on information for which VA police officers are responsible.

e. Site Plan. A current site plan will be maintained in the Operations Room that identifies areas requiring special attention.

f. **Restricted Area.** The area encompassing radio communications, television monitors, and other sensitive communications equipment, and the Holding Room will be restricted from the general public and separated from the reception area.

g. **Property Closure.** Directors of all VHA facilities are responsible for establishing operating (business) and visiting hours. Notice to the public of these hours must be posted in prominent locations within facility buildings.

(1) VA Form 4793, Visitor Register, shall be used to record the names of individuals whose presence is not specifically authorized after business/visiting hours. The Visitor Register may be placed, as necessary, at several locations throughout a medical facility.

(2) Individuals must present a valid reason for their presence during these hours. If unable to justify their presence, these individuals will be ordered to depart the property. Persons refusing to depart the property or whose actions create a reasonable suspicion of criminal activity may be cited and/or arrested for trespassing as authorized by Federal law and VA regulations.

h. **Emergency Communication and Response Capability.** The following criteria are essential in fulfilling this function:

(1) The means for rapidly contacting center police from all areas of the facility during emergencies by telephone, radio, or duress alarms are ensured.

(a) There is a dedicated emergency telephone number listed in the facility telephone directory and posted on telephones throughout the facility.

(b) Procedures are established that will ensure that unanswered calls to the emergency number will automatically transfer to a police touch pad radio or to the operator's office after no more than four unanswered rings.

(c) There is at least one designated identifiable police vehicle assigned to the Police and Security unit to ensure rapid response to emergencies. More than one such vehicle may be necessary depending upon local conditions and activity.

(2) Intrusion and other alarm systems will be connected to the Police Operations Room and to the telephone operator's office or other area under continuous 24-hour monitoring.

i. **Rapid Response.** Procedures will be established and periodically tested to ensure the capability for rapid response of VA police officers on patrol to troubled areas and for handling other police emergencies as determined locally, e.g., bomb threats, demonstrations, hostage negotiations, and disaster plans.

j. Radios

(1) VA police officers will be provided portable two-way radio units for use at all times while on duty.

(2) Such radios will include a frequency dedicated exclusively for police use to facilitate instant communication and direction during emergencies.

(3) The radio system is designed to prevent “dead spots” from interrupting communications and will ensure that voice transmissions are easily heard.

(4) Police routine contact procedures are established to include a communications check every 30 minutes during periods in which no other radio communications have occurred. Such communications are documented in VA Form 1433, VA Police Daily Operations Journal.

k. **Shift Briefings.** Shift briefings and inspection of officers will be conducted by shift supervisors/team leaders at the beginning of each shift. At those facilities without shift supervisors, shift briefings and inspections will be conducted by a designated accountable officer for that shift.

1. **Keys.** Keys to all specially keyed areas not on the Great Grand Master key, e.g., Pharmacy, Agent Cashier, Canteen, A&MM Warehouse, will be available to police in the event of an emergency.

(1) Such keys will be maintained in a secure manner and utilized only when needed.

(2) Policy and procedures exist which ensure that any usage of such keys is documented.

m. **Assessment of Operations.** The duty schedule of the Chief, Police and Security unit or designee will be varied as necessary to ensure an accurate assessment of the service’s 24-hour operation. Such assessments will be documented on VA Form 1433.

n. Police Patrol Vehicles

(1) Police patrol vehicles will be equipped with emergency lights and devices conforming to the Motor Vehicle Code of the state in which the facility is located.

(a) Provisions of the State Motor Vehicle Code will be followed in the use of emergency running equipment and the operation of such vehicles under emergency conditions.

(b) Vehicles will be configured using standard equipment barrier devices and door handle defeats to separate the rear transport seating area from the front seat.

(c) All vehicles will be equipped with a 2-3/4 lb. ABC multi-purpose fire extinguisher and a basic emergency first aid kit.

(2) Police patrol vehicles will not be used in any manner which endangers pedestrians or property. Detailed operating procedures will be written at each facility and coordinated through the local Regional Counsel.

(3) VA police officers who operate a motor vehicle will possess a valid state operator's license.

(4) VA Form 5338, VA Police Vehicle Decals, for the door of the vehicle will be obtained from the Office of Security and Law Enforcement.

o. Facility Layout. VA police officers will be thoroughly familiar with the layout of VA facility buildings and grounds to include wing and room numbering systems. Post-hiring orientation and entry level training will provide a new VA police officer with the knowledge necessary to rapidly respond to a troubled area without reference to a diagram.

p. Police Officer Patrol

(1) Patrol routes will be planned by the Chief, Police and Security unit to ensure random patrol patterns, to meet special requirements, and to provide maximum police visibility in all areas as frequently as possible.

(2) VA police officers will be assigned to vigorous and inquisitive patrol activity that will provide the greatest frequency of visibility in corridors, wards, stairwells and building perimeters. In addition, VA police officers will periodically patrol canteens, recreational centers, and all areas open to patients and the public which are favored meeting places for illegal drug and alcohol transactions.

(3) Patrol plans will include the visible positioning of VA police officers in or near parking lots at the time of peak shift change taking place during hours of darkness.

(4) Patrol plans will identify those areas of the facility that are to receive resource priority during staff shortages.

(5) Patrol plans require that only one VA police officer at a time be assigned to vehicle patrol.

(6) Brief but cordial conversation with patients and employees during patrols is encouraged. However, it is essential that patrolling VA police officers do not participate in patient recreational activities or allow personal conversation or activity to interrupt patrol movement beyond that necessary for mission accomplishment.

(7) All unsafe conditions found during patrol are to be reported, documented in the Daily Operations journal, and rechecked within 24 hours for satisfactory correction.

q. Confiscation of Drugs and Alcohol

(1) Illicit narcotics, drugs, and related paraphernalia, including that taken from patients by medical staff personnel, will be promptly turned over to the Police and Security unit for inventory, preservation as evidence, and secure storage.

(2) The area office of the Drug Enforcement Administration (DEA) will be contacted for disposition advice on illegal substances. Instructions will vary according to the location of the VA facility and the quantity of drugs seized.

(3) Confiscated alcoholic beverages will be disposed of in accordance with facility policy and consistent with properly delineated evidence procedures.

r. Parked Vehicles. VA police officers will question occupants of vehicles parked on the facility grounds during non-visitation hours and direct the removal of any vehicles whose occupants **cannot** present a valid reason for their presence.

s. Package Inspection

(1) To deter the introduction of contraband and bombs, directors are authorized to implement procedures requiring patients, visitors, and employees to consent to inspection of all categories of packages as a condition of admittance.

(2) Directors will post a notice of consent to inspection as a condition of admittance through prominent interior display of signs visible from all entrances. Posted signs will contain the following block statements:

“Introduction of weapons, unauthorized drugs, and alcoholic beverages on this property is prohibited. (Title 18 U.S.C. § 930 and Title 38 CFR § 1.218).

Persons entering this property consent to an inspection of all packages, luggage, and containers in their possession when arriving.

Refusal of consent to search is basis for the denial of admittance.

Violators are subject to arrest and prosecution.

Refusal of consent to an authorized search by medical personnel is basis for discharge..”

(3) The exercise of this inspection authority will include:

- (a) Routine inspection of all suspicious packages carried into facility buildings;
- (b) Implementation of package inspection procedures following bomb threats and during civil disturbances;
- (c) Denial of admission to VA property of persons refusing package inspection; and
- (d) Discharge for refusal of consent to an authorized search by medical personnel.

(4) VA police officers are authorized and required to conduct investigative stops of all persons leaving VA facility buildings and grounds who are in possession of packages or materials when such possessions or actions raise reasonable suspicion that a crime is being or has been committed. In such instances packages may be searched if the consent of the bearer is given.

(5) To facilitate authorized removals of Government property, to deter unauthorized removals, and to expedite the investigative stop, all facilities shall utilize the VA Form 0072, Property Pass. Facility use and accountability of VA Form 0072 will be established by facility directors.

t. Firearm and Dangerous Weapon Prohibition (18 U.S.C. § 930). The following notice will be posted conspicuously at each public entrance to the facility:

Whoever knowingly possesses or causes the presence of a firearm or other dangerous weapon on the grounds or buildings of this facility, or attempts to do so, is subject to fine or imprisonment of not more than one year, or both. 18 U.S.C Section 930a.

Whoever intends that a firearm or other dangerous weapon be used in the commission of a crime and knowingly possesses or causes the presence of a firearm or other dangerous weapon on the grounds or buildings of this facility, or attempts to do so, is subject to fine or imprisonment of not more than five years, or both. 18 U.S.C Section 930b.

u. Special Security - Dangerous Weapons and Contraband

(1) In addition to the proper posted signs, notification regarding prohibition of weapons and alcohol should be made through pre-admission mailouts.

(2) All VA facility and domiciliary patients will be informed of the prohibition against the introduction of guns and dangerous weapons at the time of admission and required to dispose of or surrender these items.

(3) Directors will ensure that procedures for the inspection of personal property and inventory of valuables of patients at the time of admission (M- 1, pt. VII, ch. 9) include a thorough examination of personal belongings by admissions or medical personnel for prohibited possessions such as alcohol, guns, ammunition, and other dangerous items.

(4) Patients admitted directly to wards or admitted after normal business hours will be required to allow an inspection of all belongings and a pat down of clothing which will be accomplished by medical personnel. A patient who refuses to submit to an authorized search by medical personnel may be discharged.

(5) When there is reason to believe, through a statement or action, that there exists a threat against another person, immediate action to locate a concealed weapon will be initiated by VA police officers.

(a) This is considered a search due to exigent circumstances.

(b) A threatening patient or employee will be frisked and any possessions will be searched for weapons.

v. **Transfer at Shift Change.** Keys and other facility items such as radios and equipment are accountable and formally transferred at each shift change. Discrepancies are noted and entered in the VA Form 14313.

w. **Canine Units.** The establishment of a canine unit at a VA facility is authorized in accordance with the following:

(1) The primary consideration in the decision to establish a canine unit is the need for an animal to assist in the search and location of missing patients. Secondary is the need for an animal to search for illicit drugs, contraband, or explosive devices.

(2) A canine unit should not be established for the primary purpose of patrol and apprehension.

(3) A canine that is classified as “aggressive” is not acceptable for a VA canine unit.

(4) All canines and their handlers must attend and successfully complete a training/evaluation course recognized by the Office of Security and Law Enforcement. Required training will be coordinated with the Director, VA Law Enforcement Training Center. Canines and handlers must also participate in both formal and informal in-service training.

(5) Each facility which utilizes a canine will establish written procedures as follows:

(a) Canine and handler qualifications and training;

(b) Canine use and care;

(f) Patrol activity;

(g) Use of force by canine unit; and

(h) Canine bites or injuries.

(6) The use of the canine to establish probable cause requires that the canine officer maintain necessary records and documents which show the proficiency of the canine in detecting the type of item being sought (e.g. drugs, explosives).

(7) The utilization of the canine unit for inspecting and searching activities will be bound by the following:

(a) Open Areas. The canine may be utilized to randomly sniff inanimate objects, such as luggage or packages, for the purpose of locating a controlled substance or other contraband that is located in public areas such as lobbies, hallways, and waiting rooms. Efforts shall be made to ensure that the use of the canine be accomplished without interference or annoyance to persons or interruption of facility operations.

(b) Persons. The sniffing of a person by a canine is permitted only after determining that:

1. There is a reasonable suspicion to believe that the person is in possession of illegal narcotics or contraband; or

2. The sniffing is necessary as part of an effort to locate a missing patient.

(c) Residence. Using a canine to sniff the interior, exterior, or immediate area of an individual residence on VA property for a controlled substance or other contraband is not permitted without a search warrant or appropriate consent (see par. 7f(4)).

(d) Patient Ward Common Areas. A canine may be used to sniff common areas of a patient ward, to include the airspace outside patients' rooms, only after it has been determined that a reasonable suspicion exists to believe that a controlled substance or other contraband is located on the ward.

(e) Private Hospital Rooms. A canine shall not sniff inside private hospital rooms and the items therein unless there is probable cause to do so or unless the patient gives consent.

(f) Semi-Private Rooms. The same rule applies to semi-private rooms as applies to private rooms. Additionally., one of the patients who occupies a semi-private room may give consent for the canine unit to enter the room and sniff the consenting occupant's area of the room to include bed, night stand, closet and personal belongings, but may not give consent for the canine to sniff those same areas of any other occupant of that room.

(f) Semi-Private Rooms. The same rule applies to semi-private rooms as applies to private rooms. Additionally, one of the patients who occupies a semi-private room may give consent for the canine unit to enter the room and sniff the consenting occupant's area of the room to include bed, night stand, closet and personal belongings, but may not give consent for the canine to sniff those same areas of any other occupant of that room.

(g) Items in Ward or Patient Rooms. A search warrant or consent to search shall be required for a canine to sniff areas or containers in a patient ward or hospital room where a person has a reasonable expectation of privacy (e.g. bed stands, lockers, closets) except in the following circumstances:

1. Incident to a lawful arrest; or

2. Under a compelling exigency. Examples of a compelling exigency are:

a. A statement of a threat by a patient or member to shoot, kill, or harm another.

b. The existence of reasonable suspicion to believe that a patient has concealed a potentially harmful material or item on himself/herself or within belongings or furnishings, which if used would jeopardize the patient's life or the lives of others.

(h) Offices and Effects. An employee may establish a reasonable expectation of privacy in a government office, locker, desk, file cabinet etc., through the exclusive use of the area by the employee. A canine shall not randomly sniff inside a private office, but may sniff the exterior of a private office. A canine may randomly sniff the exterior of lockers, desks, or file cabinets as long as the locker, desk, or file cabinet is located in an area where the employee has no reasonable expectation of privacy such as an area accessible to numerous employees.

(i) Action Upon An Alert by the Canine. When a sniff results in a positive action by the canine indicating that there is probable cause to believe that a controlled substance or other contraband is inside an office, package, desk, locker, night stand, closet, or other container, a search warrant or voluntary consent to search shall be obtained, unless a compelling exigency exists. ~

(j) Motor Vehicles

1. A canine may randomly sniff the exterior of a motor vehicle parked on VA property.

2. A canine may sniff the exterior of a motor vehicle during the normal course of a traffic stop or other appropriate detention of the vehicle after it has been determined that there is reasonable suspicion to believe that the vehicle, or a person in the vehicle, contains a controlled substance or other contraband. The length of time during which the vehicle and its occupants may be reasonably stopped or detained shall not be extended solely for the purpose of locating the canine to sniff the vehicle.

3. Once a positive reaction by the canine results from a sniff of the exterior of the motor vehicle indicates that there is probable cause to believe that the motor vehicle contains a controlled substance or other contraband, a search warrant should be obtained for the search of the vehicle unless it is not practicable to do so. If it is not practicable to obtain a search warrant, the officer may search the vehicle and any containers therein, locked or unlocked, which may contain the item(s) the officer is searching for, without a warrant.

(k) Action Upon Discovery of a Controlled Substance or Other Contraband

1 In the event that a search discloses a controlled substance, contraband, or other evidence of a crime, the U.S. Attorney will be consulted regarding the appropriate arrest action to be taken.

2 Prosecutive action will not be pursued based on the fruits of a compelling exigency search unless the contraband seized is evidence of a serious criminal activity. The advice of the U.S. Attorney will be obtained prior to a decision on arrest action. Each exigency basis search of a patient's belongings or furnishings will be noted in the medical record.

(8) In the event of a bomb threat, a canine trained to locate an explosive device may be utilized to search in all areas of the property where such a device may be found.

x. Threats Against the President, Vice-President, the Judiciary, Federal Property and Facilities, and the Secretary of the Department of Veterans Affairs.

(1) Any threat to harm the President of the United States, the Vice-President, and/or any other U.S. Secret Service protectee, as enumerated in Title 18 U.S.C. §879, must be immediately reported to the nearest U.S. Secret Service Field Office. Documentation of this notification must be included in VA Form 1393, Uniform Offense Report. The Office of Security and Law Enforcement must be advised of this threat no later than the morning of the next business day.

(2) Any threat against the judiciary, a member of Congress of the United States, the United States Capitol, or any Federal property or building must be immediately reported to the FBI. Documentation of this notification must be included in VA Form 1393. In a case of a threat against the U.S. Capitol, the FBI will advise the U.S. Capitol Police.

(3) A threat against the Secretary of the Department of Veterans Affairs is a felony violation of Title 18 U.S.C. § 115(a)(1). All threats against the Secretary must be reported to the Office of Security and Law Enforcement and the facts presented to the local U.S. Attorney's Office for a prosecutive opinion.

6. PHYSICAL SECURITY

a. **Physical Security Planning.** Effective physical security requires planning for:

- (1) Protection of persons, resources and property;
- (2) Prevention of criminal loss or theft of vulnerable supplies, equipment, and property; and
- (3) Practical and economical application of technical security aids to augment optimum utilization of police officers for protection of VA facilities.

b. **Schedule II through V Drug Security.** Bulk supplies of dangerous drugs, i.e., all substances listed on Drug Enforcement Administration Schedules II through V require three layers of physical security. These layers consist of:

- (1) A security double locked room perimeter;
- (2) A locally sounding intrusion detection system that would positively alert VA police in the event of unauthorized entry;
- (3) A locked steel Class V safe or vault containing bulk supplies of drugs.

c. Physical Security Surveys

(1) Physical security surveys will be conducted annually to ensure the effective planning and utilization of security resources. These surveys will be conducted in accordance with guidance provided by the LETC.

(2) External and internal crime threat vulnerabilities will be evaluated during the physical security survey.

(3) Results of physical security surveys will be:

(a) Forwarded to the affected services through the Associate Director for corrective action; and

(b) Used to develop police patrol and operational procedures to provide the most appropriate crime detection and prevention measures.

(4) The Chief, Police and Security unit will follow up with affected services to ensure that recommended corrective action has been taken.

d. Technical Aids to Security

(1) In addition to the minimum requirements for physical security contained in appendix B of this Handbook, supplemental security equipment may be selected and installed to assist in providing optimum security through passive prevention or active detection of intrusion or illegal activity.

(a) Passive prevention may consist of fences, walls, locked doors, high security locks, approved safes, etc., that prevent or deter access.

(b) Active detection systems are technical aids which alert/signal monitoring police personnel of an intrusion into protected areas. Examples are ultrasonic detectors, SSTV cameras, and exterior door opening alarms.

(2) The Chief, Police and Security unit is responsible for planning all security systems and ensuring their operation and monthly inspection.

(3) Guidelines for planning, selecting, and using supplemental security equipment are:

(a) The equipment will satisfy a bona fide requirement for spot or zone coverage of an area which has a true potential for crime and which cannot be patrolled to the extent desirable.

(b) The equipment is not intended to replace the functions of the police staff. The highly visible VA police officer remains the best deterrent to criminal activity.

(c) Annunciators and camera monitors must be located in an area continuously monitored by VA police to ensure an immediate and appropriate response.

(4) Security Surveillance Television (SSTV) Systems

(a) Considerations in the design, selection, and utilization of an SSTV system are:

1. Camera locations should be restricted to high priority areas of need, based on the potential for criminal activity.

2. Cameras with in-lens motion detectors which generate visual and audible alarm signals in the Police Operations Room are recommended for areas that require a higher level of security during non-business hours.

3. The number of camera monitors employed within the Police Operations Room should be limited to ensure maximum probability of observation. The suggested maximum number of monitors is ten.

4. Plans for operation of the equipment will include appropriate provisions for monitoring schedules, daily performance checks, alarm response procedures, and substitute coverage during maintenance or breakdown periods.

(b) Both the Office of Security and Law Enforcement (07) and the Special Systems Consultant Division (194D) may be contacted by telephone for advice.

(5) Use of Magnetometers:

(a) For the purpose of detecting concealed weapons, the establishment of walk-through metal detection screening stations and/or the use of hand-held metal detectors is authorized. The establishment of a metal detector screening station will require:

1. A threat evaluation that indicates the community is experiencing a marked degree of street violence and that a sizable number of patients and employees habitually bear concealed weapons.

2. An assessment of employee concerns for safety and security in the workplace.

3. The dedication of no less than two VA police officers to the operation of this fixed post at all times of operation. Since the purpose of this device may result in weapon confrontations, it is essential that management recognize and adhere to this requirement in planning for police staffing needs.

4. The wearing at all times of bullet resistant body armor by police personnel staffing this station.

5. The securing of all other building entrances used by employees, visitors, and patients and the enforcement of this practice.

6. The use of a stationary walk-through detector unit or a hand-held detector unit consists of a voluntary, "hands off" search procedure. A prominent notice must be posted advising persons that a voluntary search by a metal detector is a condition for admittance. The notice should read as follows:

NOTICE OF WEAPONS SEARCH

THE POSSESSION OF ANY WEAPON BY PERSONS ENTERING THIS BUILDING IS PROHIBITED BY LAW (38 CFR §1.218 (a)(13)). PERSONS ENTERING THE BUILDING CONSENT TO A PERSONAL SEARCH BY METAL DETECTOR AND TO THE INSPECTION OF ALL PACKAGES, LUGGAGE AND ALL CONTAINERS IN THEIR POSSESSION. METAL DETECTOR CANNOT HARM YOU AND WILL NOT AFFECT PACEMAKERS, HEARING AIDS, OR FILM. REFUSAL OF CONSENT TO SEARCH IS BASIS FOR DENIAL OF ADMITTANCE. PERSONS LEGALLY AUTHORIZED TO POSSESS FIREARMS MUST REPORT TO THE CENTER POLICE.

MEDICAL CENTER DIRECTOR

7. Officers responsible for the operation of hand-held or walk-through metal detectors must receive and satisfactorily complete training on the operations of hand-held and walk-through metal detectors.

(b) Plans to initiate a weapon screening station should include coordination with Veterans Service Organizations.

(6) Use of Recording Devices

(a) Police telephone logger-recorder systems for recording incoming public emergency calls and radio transmissions are authorized when performed for law enforcement purposes.

1. Such systems are authorized and appropriate only where a Police and Security unit maintains an operations room which is staffed on a 24-hour basis.

2. Prior to establishing a telephone logger recorder system, written authority shall be obtained from the facility director or designee.

3. Policies and procedures for the operation of the telephone logger recorder system shall be established and included in the SOP.

4. Recording shall occur at any time during the course of law enforcement business and only on the recorder system approved and authorized herein.

5. Recording shall be made, monitored, or operated only by persons authorized and approved by the facility director or designee.

6. Tapes made during monitoring will be properly labeled and stored in a secure area for a period of 3 years. Until the 3 year period has elapsed, no tape will be erased or altered from its original condition.

7. Access to tapes used or stored and any records which pertain to them, will be limited to those persons authorized by the facility director or designee. Disclosure will be made only in compliance with Federal statutes and VA policy.

8. Any person who listens to a recorded communication made utilizing the telephone logger system will make a notation on a written log. This notation will include the identification of the person listening, the identification of the tape, the date and time of the recording, the identification of the caller, if known, and any action taken.

9. Calls received by way of the telephone logger-recorder system will not be monitored to ensure quality public service.

(b) The use of body microphones and recording devices are authorized for investigative purposes only.

1. This use must be authorized by the Deputy Assistant Secretary for Security and Law Enforcement.

2. Use of any device to overhear or record conversations without the participants' consent must be accomplished in accordance with the U.S. Attorney General's guidelines on communication interception by Federal law enforcement personnel.

3. The use of recording devices is not authorized for the routine taping of conversations during patrol and other duty activities.

(c) Tape and video recorders may be used during interviews and interrogations with the knowledge of the persons interviewed.

(7) Inspectors for Field Operations may be consulted for advice on the selection of technical aids to security.

7. LAW ENFORCEMENT PROCEDURES

a. **Basic Requirements.** The following are basic requirements for the proper development and implementation of law enforcement capabilities:

(1) Determine the type of jurisdiction exercised at the medical facility.

(2) Establish liaison with appropriate Federal, state, and local law enforcement agencies, attorneys, and court officers.

(3) Establish liaison and agreements with the local Office of Investigations, VA Office of Inspector General. This will include degree of investigative involvement and other necessary criteria.

(4) Establish workable support agreements with law enforcement officials.

(5) Maintain an up-to-date directory which provides the specific names, locations, and telephone numbers of proper contacts for anticipated emergencies.

(a) These numbers will be prominently posted in the police operations room.

(b) Recommended contact agencies include the FBI, and other appropriate Federal, state, and local law enforcement agencies.

(6) Establish procedures for promptly requesting the assistance of local public safety agencies in life threatening situations (e.g., bomb threats, firearm brandishment, and hostage situations).

(7) Obtain agreements from the FBI which establish local dollar threshold values, degree of investigative involvement, and any other necessary criteria.

b. Statutory Arrest Authority

(1) Employees who are duly appointed as VA police officers will have the authority to enforce Federal laws and VA regulations with respect to acts occurring on Department property, to arrest persons on Department property for offenses committed on that property, and to make arrests on warrants issued by a proper Federal authority for those offenses.

(2) In the absence of an arrest warrant, VA police officers may arrest only when:

(a) A felony is committed in the officer's presence or there is probable cause to believe that a felony has been committed and the person the officer intends to arrest committed the offense.

(b) The offense is a misdemeanor or infraction and is committed in the officer's presence. If the misdemeanor is not committed in the officer's presence, the known facts of the incident will be communicated to the U.S. Attorney for guidance and instructions for the appropriate action to be taken.

(c) In a proprietorial jurisdiction, VA police officers are authorized to arrest solely for Federal offenses and violations of VA rules and regulations. The local VA Regional Counsel will be consulted to determine the extent of such common law, private citizens' arrest authority. Accordingly, such arrest authority will be utilized only where absolutely necessary and maximum use of local law enforcement agencies made.

(3) VA police may enforce the traffic and motor vehicle laws of the state or local government within the jurisdiction of which the VA property is located as authorized by an express grant of authority under the applicable state or local law. This enforcement is limited to the issuance of a citation.

(4) VA police officers will exercise arrest authority only following the issuance of VA Form 1479, Police Officer Appointment Card, and a police badge set.

(a) Directors are authorized to suspend the arrest authority of any VA police officer whose judgment or professional competence is in doubt.

(b) The basis for the suspension of arrest authority will be fully documented and necessary action, such as counseling, and/or appropriate in-service training, will be given to the employee to remedy the cause of arrest authority suspension.

(c) If the employee's professional competence does not improve sufficiently to restore the arrest authority within a reasonable period of time, for example, 60 days, appropriate administrative action (which may include disciplinary or adverse action) will be taken.

(d) Any officer failing to successfully complete the basic course of training at the VA Law Enforcement Training Center will have the law enforcement authority withdrawn and the officer will no longer be qualified to perform law enforcement duties within VA.

(e) VA police officers will not be deputized or appointed as special police officers or otherwise empowered with law enforcement authority by state, municipal, county, or other non-VA agencies for the purpose of enforcing state laws and local ordinances on VA property.

(f) Any state or local law enforcement authority held by a VA police officer will not be exercised during scheduled tours of duty.

c. Classification of Crimes

(1) The most commonly occurring acts constituting crimes against the United States at VA facilities are contained in Title 38 CFR § 1.218, and Titles 18 and 21 U.S.C.

(2) The Assimilative Crimes Act, Title 18 U.S.C. § 13, will be used at facilities having exclusive or concurrent jurisdiction in those instances where a crime has been committed and no specific Federal law exists defining the offense. The local U.S. Attorney will be consulted when considering use of the Assimilative Crimes Act.

(3) Specific crimes against the United States and all crimes against the state occurring at facilities under proprietary jurisdiction are processed by either the U.S. or state judicial system as applicable.

d. Processing U.S. Court Violation Notices

(1) The U.S. Court Violation Notice has been adopted by the Department of Veterans Affairs for use at all facilities irrespective of the degree of Federal jurisdiction held over the property for the enforcement of Title 38 CFR § 1.218.

(2) The penalty for an offense listed in Title 38 CFR § 1.218(b) shall be the fine set by that provision for such violation, or payment in lieu of appearance as may be provided for in the rules of the United States District Court.

(a) The penalties do not represent the collateral, which may be determined by a particular U.S. District Court as the amount which an offender may forfeit in lieu of appearance in court.

(b) A U.S. District Court rule or order which lists collateral forfeitures corresponding to Title 38 CFR § 1.218(b) offenses may also deny the forfeiture of collateral for certain of these offenses and require that violators be subject to mandatory court appearances.

(3) Directors of all medical facilities will ensure that a current Rule of Court exists with the respective U.S. District Courts which will enable the issuance of VA Form 9019, U.S. District Court Violation Notice, in the enforcement of the petty offenses enumerated in Title 38 CFR § 1.218(b).

(4) In requesting U.S. District Court rules or orders, a special provision will be requested for penalties related to violations of Title 38 CFR § 1.218(b)(4), willful destruction, damage, or removal of Government property without authorization.

(a) The maximum penalty prescribed for this offense is \$500. It is the intention and policy of the Department of Veterans Affairs that penalties for willful property destruction or theft acts be commensurate with the gravity of each specific violation and not unnecessarily harsh.

(b) U.S. District Courts will be specifically requested to include within their rules or orders which enumerate Title 38 CFR § 1.218(b) offenses and penalties, the provision that dollar collateral forfeitures for violations of Title 38 CFR § 1.218(b)(4) will be 10 times the retail or restoration cost of the property stolen or damaged up to a maximum of \$500.

(c) In those instances where the value of property theft or damage exceeds \$500, offenders will be charged per instructions of the local U.S. Attorney.

(5) Each VA facility will administer its U.S. Court Violation Notice and enforcement procedures in strict accordance with the rule or order of the U.S. District Court and instructions of the U.S. Attorney of jurisdiction.

(6) The issuance of a United States District Court Violation Notice is the same as an arrest action and is used in lieu of a physical arrest.

(a) Authorization to issue the U.S. court citations is limited to duly appointed VA police officers acting within comprehensive instructions of the court and the facility director.

(b) An individual who is being detained for a violation of any of the offenses listed in Title 38 CFR § 1.218 can either be issued a violation notice and released or physically arrested, depending on the circumstances.

(7) The Chief, Police and Security unit will establish procedures to conduct ongoing reviews of all United States District Court Violation Notices issued prior to transmittal of the copies to the court clerk.

(a) Appropriate action will be taken by the Chief, Police and Security unit in the event a United States District Court Violation Notice was clearly issued in error or in the event that there were mitigating circumstances which were not known to the issuing VA police officer.

(b) A record will be maintained and filed of all violation notices for which action was taken prior to transmittal of court copies to the court clerk.

(c) An offender wishing to contest a violation must request a court appearance and present a plea to the charge before the U.S. Magistrate.

(d) A record of all VA Form 6160, Courtesy Violation Notices, issued to an individual, will be maintained on the VA Form 1486 or within the Police Computer Package.

(8) The violation notice form is centrally stocked and controlled. All used and issued copies are accountable and .not transferable to other Government agencies.

(9) Violation notices will be requested and used by only those facilities which have finalized arrangements with the clerk of the appropriate U.S. District Court and published facility regulations which include the rules of the court and procedures for the use and processing of violation notices by VA police officers.

(10) The SOP will include comprehensive instructions regarding the administrative procedures for processing tickets. These instructions will be consistent with guidance of the Clerk of the U.S. District Court of jurisdiction and the Central Violations Bureau.

(11) Title 38 CFR § 1.218 will be conspicuously posted prior to enforcement. For this purpose, the 16X20 inch poster, VA Form 0088, Department of Veterans Affairs Rules and Regulations Governing Security, Law Enforcement, and Standards of Conduct on Veterans Affairs Property, displaying Title 38 CFR § 1.218 will be used. Framed copies of VA Form 0088 will be prominently displayed inside all building entrances of a facility which are accessible to the public.

(12) U.S. District Court Violation Notices will be pre-addressed and issued to individual officers by violation number. Records will be maintained to reflect the status of these notices and officers who are accountable.

e. Arrest and Post Arrest Procedures

(1) Arrest procedures should be judiciously followed. In all circumstances warranting the arrest of an individual, the arresting VA police officer must ensure that the rights and privileges guaranteed by the Constitution are protected at all times.

(2) When it becomes necessary to make an arrest, no more force than is absolutely necessary to effect the arrest will be used.

(a) At the time and place of the arrest, the officer(s) will conduct a thorough search of the arrested person.

(b) When an arrested person acts in a belligerent manner or is considered to be threatening, handcuffs will be applied.

(c) VA police officers will determine when it is appropriate to apply or remove handcuffs.

(3) If the arrestee is female and a female VA police officer is not readily available to observe the offender, an immediate effort will be made to have a female employee brought to the scene of detention and to remain in the presence of the arrestee until the prisoner is processed. The female observer should be briefed in what might be expected of her when performing standby with a female detainee.

(4) When an arrest is made, the persons placed under arrest will be advised of their Constitutional Rights against self-incrimination.

(a) VA police officers will have in their possession at all times a copy of the VA Form 1430, Police Pre-Questioning Advice of Constitutional Rights.

(b) A suspect, who refuses to sign the Police Pre-Questioning Advice of Constitutional Rights, but agrees to talk, may still be questioned. In this instance, the fact that the person agreed to answer questions but refused to sign the rights card should be noted in the VA Form 1393.

(c) In completing the reading of advice of Constitutional Rights to an arrested person, if the arrestee refuses to answer questions or requests a lawyer, all questioning regarding the offense will be terminated immediately.

(5) Persons of unsound mind or who are emotionally disturbed will be handled with a minimum of force to prevent their committing a violent act while awaiting professional medical assistance. The decision whether to arrest and/or charge persons who are of unsound mind or emotionally disturbed will be made after consultation with the appropriate physician and a discussion of the facts and circumstances of the incident with the prosecuting attorney.

(6) Arrested juveniles (by Federal statute those who have not reached the age of 18) will be treated according to procedures outlined in Title 18 U.S.C. § 503 1-5042.

(a) The standard pre-arrest procedures applicable to adults also govern arrests of juveniles with the exception that the Uniform Offense Report and all other documents must either exclude the name of the juvenile (use initials instead), or else the documents must be sealed.

(b) Immediately after the arrest of the juvenile, the officer shall advise the arrested juvenile of his/her Miranda rights, using VA Form 1430. No waiver of rights signature will be requested of the juvenile on the VA Form 1430 (see subpar. 7e (6)(g)).

(c) After arresting the juvenile, the arresting officer shall immediately notify the U.S. Attorney and the juvenile's parent(s), guardian, or custodian of the arrest and custody, and of the nature of the alleged offense.

(d) At the time of the arrest, officers shall not book, fingerprint or photograph the juvenile.

(e) If a press release is issued concerning a juvenile arrest, it shall not include identifying information regarding the juvenile.

(f) A juvenile shall not be interrogated for a confession or admission of guilt or for an exculpatory statement. Information volunteered by the arrested juveniles concerning their guilt without being questioned will be recorded in the officer's pocket notebook, and clarifying questions may be asked.

(g) A juvenile may be questioned concerning the guilt of another if such questioning does not cause any delay in bringing the juvenile before the magistrate judge. Any such questioning of a juvenile shall be preceded by Miranda warnings and waiver of rights, which shall be co-signed by an adult.

(h) Officers must take the arrested juvenile before the magistrate judge immediately after the arrest. There shall be no detention of a juvenile in facilities where regular contact with adults or already adjudicated juveniles occurs.

(7) Immediately following the arrest of an individual a VA Form 1393 will be completed and signed by the arresting VA police officer.

(8) Local VA policy must be established to ensure the expedient processing of arrested individuals.

(a) An arrestee will be transported without unnecessary delay to a detention facility or to the appropriate judicial authority (U.S. magistrate, local magistrate or local judge) for an initial appearance, in accordance with law and established instructions.

(b) To the extent possible, persons arrested will be transported by the U.S. Marshals Service or local police. When such transport cannot be arranged, VA police will transport the person arrested in accordance with instructions of the U.S. Attorney or local prosecutor.

(c) The U.S. Attorney and/or the VA Regional Counsel should be consulted to ensure local VA policy is consistent with local Federal guidelines.

f. Searches. Conducting searches and seizing of property will be accomplished only in ways that ensure the protection of Fourth Amendment rights against unreasonable searches and seizures. It is the responsibility of the Chief, Police and Security unit to ensure that officers are knowledgeable of current decisions in this area. Searches are generally conducted by use of a search warrant, incident to a lawful arrest, under exigent circumstances, or by consent.

(1) Search Warrants. A search warrant must be obtained whenever possible.

(a) When probable cause exists, the grounds for the issuance of a search warrant will be stated to the appropriate U.S. Attorney.

(b) If sufficient facts exist to support the issuance of a search warrant, the appropriate U.S. Attorney will prepare an affidavit and a search warrant for submission to a magistrate or judge for issuance.

(2) Searches Incident to an Arrest. Officers will, incident to a valid arrest, make a warrantless search of the arrested person, at the time and place of the arrest.

(a) The search must be conducted immediately following the arrest at the exact location of the arrest.

(b) The officer may also search the area into which the suspect might lunge, reach, or grab for a weapon or destructible evidence within the immediate vicinity.

(c) Evidence of a crime and weapons or contraband, found during the course of a search incident to an arrest, may be used against the arrested person.

(d) The legality of a search, conducted without a warrant and incident to an arrest, is entirely dependent on whether probable cause for the arrest originally existed.

(3) Searches Without a Warrant. Searches without a warrant may be conducted when:

(a) There is probable cause to believe that evidence of a crime is located in a protected area (within the meaning of the Fourth Amendment) and there is insufficient time to obtain a warrant, or

(b) There exist exigent circumstances and a warrant cannot be obtained in a timely manner to prevent the loss or destruction of evidence. Examples of exigent circumstances are:

1. A statement or action that is a threat against another person; and

2. There is reason to believe that an individual has concealed a potentially harmful material or lethal weapon, either on his/her person, within personal belongings, or within an area of personal control.

(c) Prosecutive action will normally not be pursued based upon the findings of a compelling exigency search unless the material seized is evidence of serious criminal activity.

(d) The advice of the U.S. Attorney or VA Regional Counsel will be obtained prior to a decision on arrest action or criminal charges.

(4) Consensual Search. The officer may conduct a search of a person or property even though a warrant or probable cause does not exist, if the officer has obtained the prior consent of the one who has a reasonable expectation of privacy in the area or item to be searched, or from the

person who has the right and the authority to act for the individual who has the reasonable expectation of privacy.

(5) Search of an Automobile. Generally, only the interior of the vehicle may be searched incident to an arrest.

(a) If evidence of a crime is discovered during this type of search, the entire vehicle may be searched.

(b) If probable cause exists that a crime has occurred and that evidence is located in a specific vehicle, then the entire vehicle may be searched.

(c) If a warrant or proper consent is obtained, then the vehicle may be searched.

g. Stop and Frisk. When there is reasonable suspicion that a person has committed, is committing, or is about to commit a crime, the person may be stopped and briefly detained for investigation.

(1) If the officer has reasonable suspicion that the person stopped is armed, a frisk of the outer garments is authorized.

(2) If a weapon is discovered during the frisk and the suspect has no authority to possess it, the suspect may be charged with the appropriate criminal violation.

(3) An officer cannot remove items from a suspect's clothing if the officer does not reasonably believe the items are weapons or if the contraband nature of the items felt during the frisk is not immediately apparent to the officer.

(4) A stop and frisk of a motorist may be conducted if all stop and frisk criteria are met.

(5) If an officer has a reasonable suspicion that a stopped motorist is dangerous and may be able to gain control of a weapon from within the vehicle, the officer may conduct a limited search of the driver's compartment of the vehicle.

(6) It is not required that Constitutional Rights Warnings, (Miranda), must be given before questioning as long as the persons being questioned are not in custody or deprived of their freedom in a significant way. This applies even though they may be the primary suspect(s).

h. Searching Patient Areas

(1) Personal belongings, closets, night-stands, and other patient ward and room storage furnishings are protected areas within the meaning of the fourth amendment. These belongings, furnishings, and the patient's person may only be searched by VA police officers under the following circumstances:

- (a) In the execution of a search warrant;
 - (b) Incident to a lawful arrest; or
 - (c) Under a compelling exigency (e.g. statement of threat by a patient or member to shoot, kill, or harm another).
- (2) Patient care personnel should conduct health and welfare inspections of patient belongings and furnishings, including bedside stands, when there is reason to believe that unauthorized foods or medications are stored in a patient area (safety and health inspection).
- (3) When patient violence or the discovery of a weapon, dangerous material, or evidence of a serious crime are anticipated, VA police will be called.
- (4) Seized property or contraband will be handled and secured by police in accordance with guidelines set forth in paragraph 8, Safeguarding Evidence and Property in the Custody of Police, of this handbook.
- (5) Prosecutive action will normally not be pursued based upon searches conducted under these circumstances unless the contraband seized is evidence of serious criminal activity. In these instances, advice of the U.S. Attorney will be obtained prior to a decision on arrest action or placing criminal charges. Each search of a patient's possessions and/or area will be noted in the medical record.
- i. **Searching Public Areas.** Public areas of a VA facility may be searched at any time without a warrant. In these areas, contraband such as weapons, alcohol, drugs, and drug paraphernalia may be seized by a VA police officer.
 - j. **Search of Employee Workplaces.** The authority to search Government furnished and assigned personal lockers and office desks without a warrant will depend on whether the employer retains the right to inspect these areas and the employee's reasonable expectation of privacy.
 - (1) If a desk or locker has been assigned exclusively for the personal use of a specific employee, a VA police officer may only search these areas under the following circumstances:
 - (a) With consent of the employee.
 - (b) Incident to an arrest, if the arrest takes place at the exact location of the protected area and the VA police officer believes the employee could reach into the area to gain access to a weapon or destroy evidence.
 - (c) With a search warrant.
 - (2) Exceptions to the above circumstances consist of the following:

(a) A search of an employee's office by a supervisor or responsible official is permitted without a search warrant when there are reasonable grounds for suspecting the search will reveal evidence that the employee is guilty of work-related misconduct (non-criminal).

(b) The search is necessary for non-investigatory work-related purpose (such as to retrieve a needed file).

k. Questioning and Arrest Authority of Local Law Enforcement Officers

(1) A law enforcement officer acting officially for an agency having local, state, or Federal law enforcement jurisdiction may not be denied access to the facility, a patient, or employee.

(a) At facilities on property in which the Federal Government exercises concurrent or proprietorial jurisdiction, local and state officers may effect patient or employee arrests.

(b) At facilities on property in which the Federal Government exercises exclusive jurisdiction, only Federal officers (including VA police) may arrest without a warrant.

(c) Local or state officers may only arrest with a warrant on property under exclusive Federal jurisdiction when the state act of cession reserves the right of the state to serve or execute state civil and criminal process on the property.

(2) All non-VA law enforcement officials entering the VA health care facility should be directed to the Office of the Director or Chief, Police and Security unit for a formal presentation of the purpose of the visit.

(3) Facility directors will cooperate to the fullest extent possible with law enforcement authorities carrying out official investigations or the orders of a judicial official.

(4) The director and members of the facility staff have no legal authority to prevent the lawful questioning, arrest, or serving of process on a patient or an employee.

(a) When the purpose of the visit is to question or arrest a patient, the responsible medical staff member, preferably the attending physician, will be immediately consulted for a determination of the effect which questioning or arrest and removal from a treatment program would have on the patient.

1. Directors and health care professionals have a responsibility to warn law enforcement officers of the possibilities of harm to a patient if subjected to questioning or removal from a program of health care.

2. A written record will be made when a medical staff member's opinion is that the intended action would have a clearly adverse effect on the patient.

3. During the conference between the law enforcement officer and the medical staff member, no information may be disclosed except as authorized by law.

4. When the seriousness of a charge against a patient causes the law enforcement officer to insist on taking the patient into custody against medical advice, every effort should be made to influence the law enforcement officials to seek a postponement of orders from their superiors or to arrange for the patient's transfer to a custodial health care facility capable of continuing needed treatment.

5. If the law enforcement official requires a detailed statement of the patient's condition to achieve either a postponement or to effect continued treatment in a custodial facility, the official will be advised to submit a written request for the information, which meets the requirements of the Privacy Act and Title 38 U.S.C. §§ 5701 and 7332. Any such written request received will be forwarded to the appropriate release of information officials for consideration.

6. Agreements reached by directors and law enforcement officials to retain a patient, against whom criminal or civil charges are pending, will not include the stationing of an armed police officer, guard, or a VA police officer to guard the patient.

(b) When the purpose of an outside law enforcement official's visit is employee related, the Chief, Police and Security unit, the Chief, Human Resources Management Service, and the employee's service chief will be notified to assist in making arrangements to facilitate the purpose of the visit.

1. Investigations

(1) Persons appointed as VA police officers are authorized to conduct investigations on VA premises into alleged violations of Federal law and VA rules occurring on Department property. Police officer appointees include all persons issued a VA Form 1479, regardless of other titles used, e.g. police officer, detective, or investigator.

(2) Investigations will be conducted to the extent necessary to determine whether a crime has been committed and to collect and preserve basic information and evidence relative to the incident.

(3) Allegations of crimes against persons, non-government property or other non-fraudulent criminal matters will be referred to the appropriate U.S. Attorney, FBI, or local law enforcement agency after consultation with Regional Counsel. Crimes involving fraud, corruption or other criminal conduct related to VA programs or operations shall be referred to the Inspector General. See MP-1, Part I, Chapter 16, Referral of Allegations of Fraud and Notification of Other Criminal Conduct. All records/reports must be reviewed for the presence of information protected under Title 38 U.S.C. §§ 5701 and 7332 pertaining to the confidentiality of veterans' claims records and certain medical records. Such information must be redacted before the release of documents.

(4) With respect to referrals of matters to the Inspector General for which there is a shared responsibility, such as theft of government property, VA police will continue to have an investigative role, consistent with established agreements. See paragraph 7a. However, crimes covered under 18 U.S.C. § 641, "Public property, 'money or records,'" will automatically be referred to the Inspector General if the value is over \$1000.

(5) Investigative assignments should be judiciously made to ensure that patrol resources are not diverted to fulfill purely investigative assignments.

(6) Results of all investigations will be recorded on VA Form 1393.

(7) The Chief, Police and Security unit, will brief the facility director on the status of all investigative activities for determinations of further investigative action or possible referral action.

(8) The extent of VA police involvement in investigative activities will be based on previously established threshold agreements with other Federal agencies.

(9) The Office of {Security and Law Enforcement should be consulted for operational assistance in those cases which are declined by other law enforcement agencies and are beyond the scope of the local Police and Security unit.

(10) Covert (undercover) criminal investigations by VA police are an appropriate investigative tool to be utilized as needed.

(a) The scope of any such activity will be determined by the nature of the matter to be investigated.

(b) Cooperative undercover investigations utilizing Federal and local law enforcement agencies having appropriate legal jurisdiction are encouraged.

(c) Any such activity should be coordinated with the Office of Security and Law Enforcement following consultation with the local U.S. Attorney.

(11) By virtue of the general law enforcement authority granted under Title 38 U.S.C. Chapter 9, all VA police officers are authorized to obtain statements.

(12) Release of information regarding crimes and incidents occurring on VA property will be confined to facility management, VA Regional Counsel, VA Office of Inspector General, those law enforcement and judicial officials directly involved in the activity, and members of investigative boards appointed by the director. Any release of information to individuals and organizations must be in accordance with the Privacy Act, and Title 38 U.S.C. §§ 5701 and 7332 which pertain to the confidentiality of veterans' claims records and certain medical records.

(a) A firearm must be unloaded and placed in storage under two-locked barrier control.

(b) Two-locked barrier control requires as a minimum that weapons be stored in a locked container within a locked room.

(c) The intent of a person introducing a firearm to VA property and circumstances involved will be assessed in determining whether prosecution is warranted.

(3) To the maximum extent practicable, a patient who legally possesses a firearm and is seeking admission, will be requested to dispose of it prior to admission in lieu of surrendering the weapon. When the patient cannot remove the weapon from VA property or transfer it to an accompanying family member, the patient should be requested to contact a family member or guardian and request that individual to take possession of the firearm from VA as soon as possible.

(4) Firearms discovered or confiscated on facility grounds will be preserved and stored as evidence.

(5) Firearms which are determined to no longer possess evidentiary value will not be retained.

(a) Any firearm seized in conjunction with an arrest will be disposed of in accordance with the directions of the court.

(b) If it is a criminal violation of state or local law for individuals being treated for psychiatric disorders to be in possession of a firearm, the firearm should be given to a family member in compliance with state and local laws. This will be accomplished in consultation with Regional Counsel.

(c) Since it is unlawful to do so, a firearm will not be returned directly to any person, if there is reason to believe that person meets one of the definitions contained in Title 18 U.S.C. § 922(d).- Disposal of a firearm under such circumstances will be coordinated with Regional Counsel.

(d) Any firearm which is contraband or cannot be returned to its owner for any reason will be promptly turned over to Acquisition and Materiel Management Service. A receipt for the weapon will be obtained and provided the owner of the weapon, if known.

(13) Unauthorized dissemination of investigative information is strictly prohibited.

(14) All requests for Police and Security records/reports, with the exception of requests from the VA Office of Inspector General, will be referred to the facility director or the designated facility information official.

(a) Employees of the VA Inspector General Office of Audit, may have direct access to Police and Security records/reports without further review.

(b) Before records/reports are released to employees of the VA Inspector General Office of Investigations, they will be appropriately reviewed for the presence of information protected by Title 38 U.S.C. §§ 5701 and 7332 (see subpar. 7 l(15)). If any such information is present in the records/reports, it will be redacted prior to releasing it to employees of the VA Inspector General Office of Investigations.

(15) All information pertaining to the treatment of drug or alcohol abuse, infection with HIV, or sickle cell anemia is afforded strict confidentiality by Federal law (Title 38 U.S.C. § 7332).

(16) Investigations and reports of drug offenses and other crimes, in which a subject, suspect, accessory, or victim involved is or was a patient in a drug dependence or alcohol abuse treatment program, will be governed by the following policy:

(a) A patient's participation in a treatment program for sickle cell anemia, drug or alcohol abuse, or the fact that a patient has an infection with HIV, will not be referenced in law enforcement investigation or crime reports.

(b) In the course of investigations of any criminal offense, the past or present records of a drug dependence or alcohol treatment program patient will not be accessed, entered into a report, or revealed without a court order.

(c) The use of drug dependence and alcohol treatment program staff personnel or program participants as informants, or the insertion of an undercover law enforcement officer in a program-as a participant or an employee, is prohibited unless accomplished under the authority of a court order.

(d) A drug or alcohol treatment program is not a sanctuary.

1. Information or evidence that implicates a drug dependence or alcohol treatment program patient in a criminal investigation will be investigated, and reported. Criminal charges will be pursued only in those instances where the strict confidentiality of drug dependence or alcohol treatment program source information is maintained in every respect (see subpar. 7 l(15)).

2. In any investigation of a crime which implicates a drug dependence or alcohol treatment program patient and which is based on information obtained from sources clearly not connected

with the drug dependence treatment program, absolutely no reference will be made to the patient's connection with drug abuse or alcohol treatment program participation (see subpar. 7 l(15)).

8. SAFEGUARDING EVIDENCE AND PROPERTY IN THE CUSTODY OF POLICE

a. Chain of Custody

(1) A chain of custody will be maintained of property seized as evidence or contraband, and of firearms or other weapons surrendered for safekeeping. Items may include:

- (a) Personal or government property found by patients, visitors, or employees;
- (b) Contraband or evidence confiscated by an officer.

(2) An evidence property custodian and an alternate will be appointed in writing within the Police and Security unit. The Chief, Police and Security unit will not be the primary evidence custodian.

(3) Once evidence or property has been turned in to the evidence custodian, no further access will be authorized except by official custody record documentation.

(4) Evidence and property will be handled and secured, and the chain of custody will be maintained in accordance with directions provided by the LETC.

b. Evidence and Property Custody Record and Tag

(1) VA Form 3524, Evidence or Property Custody Record, and VA Form 3524a, Evidence or Property Tag, will be completed upon the taking of either evidence or property into the custody of police.

(2) Following the final disposition of property or evidence, the Evidence or Property Custody Record will be retained on file for a period of 6 months following final disposition of the evidence or property.

(3) A GSA class 5 property safe or a lockable immobile container within a locked room, suitable for storing long guns up to 156 cm (52 in) in length, will be used for storage of evidence. Only the custodian and alternate will have access to the evidence storage area.

c. Patient Personal Property

(1) The personal property or valuables of admitted patients will not be accepted by police except in unusual circumstances. Normally these items will be placed into storage in the Clothing Room as follows:

(2) In those instances where a VA police officer must take protective possession of patient valuables:

(a) The property will be inventoried and recorded on an Evidence or Property Custody Record;

(b) Tagged with an Evidence or Property Tag; and

(c) Custody of the property transferred to either Environmental Management Service or Medical Administration Service as soon as practicable.

d. Safekeeping of Firearms

(1) A VA police officer taking custody of a firearm from an outside law enforcement officer will ensure that all safety mechanisms are activated prior to storing.

(2) A seized or turned-in firearm must be unloaded and inspected to ensure an empty firing chamber before it is transferred from one police officer to another or before it is secured.

9. RECORDS AND REPORTS

a. Records and reports are essential to effective Police and Security unit operations.

(1) The primary considerations in recording and reporting information related to crimes and incidents are accuracy and the clear labeling of information.

(2) The Chief, Police and Security unit is responsible for all reports prepared by the unit and for maintaining an effective record keeping system in accordance with this handbook.

b. The VA police officer's basic record is a pocket notebook in which the officer will record all important information. VA police officers will retain their used pocket notebook fillers and ensure their orderliness for future reference.

c. VA Form 1433 and VA Form 1433a, Continuation Sheet, is the daily record of all unusual occurrences, calls, or reports received by the Police and Security unit, and actions taken during a complete 24-hour period.

(1) The VA Form 1433 contains only the briefest of entries. It reflects what actions, if any, were taken in response to a call, and refers to the numbered VA Form 1393 when a crime or incident has been reported and investigated.

(2) VA Form 1433 is also used to record the times at which routine and special police tasks are accomplished, such as radio communication checks, special area checks, flag raising, and lowering, etc.

d. VA Form 1393 is an automated report used to record offenses.

(1) VA Form 1393 is used to record the results of preliminary investigations and to facilitate preparation of the Uniform Monthly Crime Report, RCS 1 o-0045.

(2) Accuracy of the information contained in this form is essential for future reference and possible referral by investigators, a court, or board.

(3) Copies of VA Form 1393 that pertain to felonies, violations of statutes addressing controlled substances, and assaults resulting in injuries to VA police officers will be released to the VA Inspector General Office of Investigations after being reviewed for the presence of information protected by Title 38 U.S.C. §7332.

(4) A single copy of each VA Form 1393 pertaining to a felony, a drug abuse related offense whether a felony or misdemeanor, or an incident in which a VA police officer has been injured during an assault will be forwarded to the office of the Deputy Assistant Secretary for Security and Law Enforcement in Central Office no later than 48 hours after the incident.

e. Uniform Monthly Crime Reports are used as a reliable source of accurate and up-to-date facility crime statistics.

(1) Centers will report all losses of government property and supplies which are attributable to presumed theft.

(2) All facility organizational units must ensure the prompt reporting of all crimes, losses (including linen items), and assaults to VA police for documentation and investigation.

f. A report will be sent to the Deputy Assistant Secretary for Security and Law Enforcement of any baton weapon use.

(1) Reports should be faxed whenever possible.

(2) Reports will include:

(a) A brief description of circumstances warranting weapon use, the offender's name, time and location of the weapon use.

(b) If the baton is used, a description of the incident will include areas of the anatomy struck and any injuries sustained as a result.

g. All other forms related to Security and Law Enforcement operations will be prepared and filed in accordance with program guidance provided by the LETC.

h. Incidents of homicides, armed robberies, rapes, aggravated assaults, arsons, major felony thefts, and serious injuries to VA police officers will be immediately reported to the Office of

enforcement agency, and Regional Counsel consistent with established agreements and understandings.

i. Files and Administrative Records:

(1) All records will be filed by function and file drawers, guides, and folders will be labeled according to VHA Records Control Schedule RCS 10-1 and guidance provided by the LETC.

(2) Records and reports will be disposed of in accordance with RCS 10- 1.

(3) File cabinets containing offense reports, investigative reports, and other records containing patient or employee data will be secured when the area is unattended.

(4) Reproduction and/or distribution to other than authorized officials or individuals is prohibited.

(5) Police and security personnel are prohibited from reproducing or maintaining official program records for personal use.

(6) Forms and records, which are locally developed and not included in an authorized Privacy Act System of Records, cannot be filed or retrieved by names or other personal identifiers.

10. WEAPONS

a. **Authorized Weapons.** Police officers will be armed and trained in the use of the approved side-handle baton and chemical OC irritant projector (CIP) within 2 weeks of appointment. This training will be accomplished by an authorized weapons trainer certified by the Office of Security and Law Enforcement.

(1) Officers may be issued approved weapons by the Chief, Police and Security unit only after training has occurred and certification has been approved by the Deputy Assistant Secretary for Security and Law Enforcement.

(a) Upon completion of training, certification must be recorded on a VA Form 3913, Training Course Record.

1. VA Form 3913 must be signed by both the trainer and the trainee.

2. A copy of VA Form 39 13 is forwarded to the VA Law Enforcement Training Center for the issuance of the VA Form 1396.

3. The original VA Form 3913 is filed with other training records in RCS 10-1, itmes 25a and 25b.

(b) The chemical OC irritant projector weapon (CIP) and police baton approved for procurement and issue are designed to be holstered and worn externally and will not be concealed by an officer in uniform.

(c) The CIP and baton may be worn inside the clothing of an officer authorized to wear civilian clothing.

(d) The CIP and baton will be worn by all uniformed officers at all times while on duty.

(e) A sufficient number of CIPs and side-handle batons should be available for issuance to each officer.

(2) The Chief, Police and Security unit will establish local policy for control of weapons. This will include requirements that neither the baton nor the CIP will be worn off VA grounds by off-duty police personnel.

b. Weapons Specifications

(1) Chemical Irritant Projector Specifications

(a) Formulation contains no more than 5.5 percent Oleoresin Capsicum (Natural Oil of Pepper) in a propellant that is ozone safe, non-toxic, and non-carcinogenic.

(b) Device must be operable from -28.8 °C to 54.4 °C (-20 °F to 130 °F).

(c) No leakage or other contaminants may be in any way detectable on nozzle of device 3 hours after a test firing of no less than 3 seconds.

(d) Device must fire a liquid stream actuated by the horizontal motion of a trigger or the downward motion of a button.

(e) Each device must be equipped with a safety lock to prevent the accidental discharge of the Oleoresin Capsicum.

(f) Holster for the device must be black ballistic nylon or leather.

(2) Side-Handle Baton Specifications:

(a) Constructed either as a one-piece unit made of polycarbonate (LEXAN) or as a two-piece unit made from aircraft aluminum frame and polycarbonate (LEXAN).

(b) Overall length will be 61cm (24 in) with rounded ends and a diameter of 3cm (1.25 in).

(c) The short handle will be 14 cm (5.5 in) in length and 3 cm (1.25 in) in diameter.

(d) The weight of the one-piece unit will be 680 g (24 oz) and the two-piece unit will be 624 g (22 oz).

c. Tactical Procedures - CIP Weapons and Side-Handle Batons

(1) A CIP or baton weapon will not be drawn and used against an individual holding a firearm.

(a) When an individual so armed is confronted, the safety of innocent persons in the vicinity is of primary importance.

(b) Local armed police will be notified and the VA police officers will direct all persons to clear the area.

(c) It is the VA police officer's task to negotiate with the individual until the suspect can be disarmed, either by VA or local police officers.

(d) If the objective of the individual holding a firearm appears to be robbery, it is essential to diminish the possibility of confrontation and discharge of the weapon. The VA police officers should:

1 Distance themselves from the individual while still observing the situation.

2 Note the individual's physical description as accurately as possible.

3 Contact the local armed police as expeditiously as possible.

(e) If an individual is armed with either an edged weapon or firearm and is holding a hostage, negotiation will commence until a local armed officer arrives and action can be taken to resolve the situation and free the hostage.

(f) If an unarmed individual is holding a hostage, two VA police officers should position themselves to the right and left front of the hostage taker and both fire a full one second spray from the CIP at the hostage taker's face and then expedite the release of the hostage.

(g) If an unarmed individual is holding a hostage and the VA police officer determines that the baton would be more effective than the CIP, care must be taken to use proper tactical procedures to diminish the possibility of injuring the hostage or others.

(2) In any situation where all efforts by medical and nursing personnel have failed to calm the disturbed person who is acting violently, the CIP may be used with a minimum spray fired at the person's face.

d. Rules For Engagement - CIP Weapon

(1) The CIP weapon is highly effective in terminating violent behavior and temporarily disabling the offender.

(2) The following rules for use of the CIP weapon will be adhered to by all authorized users. Directors will take appropriate action (which may include disciplinary or adverse action) for any infraction or unjustifiable deviation.

(a) The weapon will be used only in situations where it is justified to terminate violent behavior which will clearly result in the serious injury or death of an innocent person, the offender, or the VA police officer.

(b) CIPs will not be discharged in the immediate vicinity of an infant unless the infant's life is threatened.

(c) The firing police officers will position themselves an appropriate distance from the target person and take careful aim to ensure first hit accuracy. The aiming point will be the person's face.

(d) Firing will be limited to one successful hit and the discharge will not exceed the "one-one thousand" time count.

(e) Following use, the disabled victim will be assisted, handcuffed if clearly justified, and guided to a wash-up area immediately.

1. Areas of the body exposed to the OC will be flushed with water repeatedly in a ventilated area.

2. If the spray has struck the clothing of the target individual, and detention or incarceration is imminent, the offender will be showered and furnished clothing to replace the contaminated articles.

e. Rules for Engagement - Baton

(1) The primary purpose of the baton is to serve as a visible deterrent to potential offenders. The baton also offers a tactical means of defense and control of a combative person. When used properly, the baton is very effective in terminating violent behavior.

(2) The following rules for use of the baton will be followed by all authorized users:

(a) The baton will be used only in situations where it is absolutely required to terminate violent behavior which will clearly result in the serious injury or death of an innocent person, the violent individual, or the officer.

(b) The baton will be drawn and displayed only in those instances where use would be justified. Any display of the baton under circumstances other than that which would warrant justified use may result in disciplinary or adverse action against the officer.

(c) The primary striking targets are major muscle masses such as the forearms, thighs and calves. These locations offer targets which have a low implication of subject injury. Baton strikes in these areas usually result in muscle cramping which inhibit an offender's ability to continue an aggressive act.

(d) Secondary targets are joints and bones. However, when these areas are considered as targets, the officer must use caution because these areas have a high probability of creating soft or connective tissue damage or bone fractures when struck with the baton.

(e) The baton will not intentionally be used to strike a person in the head, neck, heart, spinal area, or groin except to protect the VA police officer or others from what is believed to be immediate threat of death or serious bodily harm. These striking points have a high implication of creating severe injury or death.

(f) Following use of the baton, the offender will be handcuffed and examined by a physician. A copy of the physician's statement will be attached to the Uniform Offense Report.

f. Official and Privately Owned Firearms

(1) Generally persons entering VA premises will not be permitted to possess firearms. Exceptions to this are:

(a) Office of Security and Law Enforcement personnel;

(b) VA police officers authorized by the Secretary of Veterans Affairs to be armed for designated official purposes (policy and procedure relating to the arming of VA police are contained in VA Directive and Handbook 0720, Program to Arm Department of Veterans Affairs Police); and

(c) Members of law enforcement agencies of Federal, state, county, and municipal governments on official visits to the facility.

1. Directors are not authorized to bar armed law enforcement officers on official business from entering patient care areas even when the introduction of a weapon into the area is considered hazardous.

2. The hazards should be discussed with the officers and an arrangement sought whereby the patient is escorted from the ward by medical personnel and VA police officers if appropriate.

(2) Privately owned firearms will be surrendered to a VA police officer for safekeeping.

11. PARKING AND TRAFFIC CONTROL

a. Traffic

(1) Title 38 U.S.C. § 902 authorizes VA police officers to enforce traffic and motor vehicle laws of a state or local government on VA property located within that jurisdiction. This enforcement authority will be exercised only where all of the following conditions exist:

(a) The United States District Court of jurisdiction has formally refused to process violations of traffic regulations prescribed by the VA under Title 38 CFR § 1.218(b)(24) to (36).

(b) The state or local government of jurisdiction has rendered an expressed and lawful grant of authority for VA police to issue citations provided by the local jurisdiction.

(c) The state or local government jurisdiction authorizing the enforcement and processing of traffic and motor vehicle laws on VA property by VA police officers agrees to provide appropriate orientation and comprehensive procedural instructions to VA police officers. This includes a clearly expressed denial of authority for VA police officers to enforce the local traffic laws off VA property.

(d) The local jurisdiction traffic and motor vehicle laws enforceable by VA police on VA property will be limited to only those which closely match Title 38 CFR § 1.218 (b)(24) to (36) offenses.

(2) Regional Counsel will be consulted prior to proceeding with the enforcement of state or local traffic and motor vehicle laws by VA police.

b. Parking

(1) The enforcement of parking regulations may be accomplished through:

(a) The posting and marking of parking lots and grounds in accordance with enumerated offenses 24 through 36, Title 38 CFR § 1.21 S(b), and use of VA Form 6160, Courtesy Violation Notice, and VA Form 9019, U.S. Court Violation Notice.

(b) Entry into an agreement with a commercial towing firm for the removal of illegally parked vehicles.

(2) The management of parking rules include:

(a) All parking areas will be posted with signs clearly designating time limits, reserved spaces, and enforcement methods in effect.

(b) The proper engineering of traffic flow and posting of information and directory signs.

(c) The presence of a VA police officer in the parking area during peak traffic periods.

(d) The consistent application of parking regulations.

(e) The use of VA Form 6160 for first and second offenses with the exception of parking in clearly marked fire lanes, emergency vehicles areas, and other essential lanes.

(f) The assurance that fire lanes remain unobstructed at all times so that no obstacles or delays impede the rapid maneuvering of fire trucks.

(g) The removal of private vehicles from facility grounds by a commercial towing firm.

(3) Vehicle Protection and Disposition

(a) VA beneficiaries arriving by private vehicle at facilities for inpatient care will be advised to make provisions for their vehicle's storage off facility grounds or to make arrangements for a personal representative to remove it from the grounds.

(b) Vehicle Impound/Inventory

1. A vehicle on VA property may be impounded if the driver of the car is under arrest or is unable to drive, and the vehicle would thereby be left unattended; or the vehicle is discovered on VA property and no driver may be located within a reasonable time after its discovery.

2. When a vehicle is impounded, a VA police officer shall conduct an inventory of the vehicle, including the interior, trunk/cargo area, glove box, all other compartments and under seats. The purpose of this inventory is to protect the owner's property while in police custody. All containers found during the inventory shall be opened and the contents inventoried. If the doors, the glove compartment, the trunk or any containers therein are locked or otherwise sealed, great care should be taken to minimize damage to the property while gaining access to conduct the inventory.

3. A vehicle storage report shall be completed. Non-evident&y items of significant value found in the vehicle should be removed for safekeeping and afforded adequate security. Contraband or evidence found in the vehicle should be immediately seized and preserved in accordance with existing procedures governing the seizure of physical evidence. A receipt shall be given for all items removed from the vehicle.

4. If practicable, the inventory should be conducted in the presence of another VA police officer or another VA employee, and the interior and the exterior of the vehicle photographed.

5. Impounded vehicles will be locked and the keys placed in the patient's VA Form 1 O-2637, Valuables Inventory Envelope.

(c) Vehicles determined not to be owned by patients or visitors will be reported to local police for investigation and removal when appropriate.

1. The facility will utilize an employee vehicle identification system.
2. Each facility will develop and publish a local policy memorandum specifying its local needs, rules, and regulations.
3. An appropriate number of parking spaces will be posted for physically handicapped patients, visitors, and employees in areas affording barrier-free paths to treatment facilities or employee work locations.
 - a. Standard handicapped person parking tags for use at VA facilities to identify vehicles authorized to park in spaces reserved for handicapped persons will be obtained directly from the Office of Security and Law Enforcement.
 - b. These unnumbered tags will be placed on vehicles operated by handicapped persons for ease in recognition by VA police.
 - c. Official tags and other vehicle identification markers issued by local and state authorities to identify vehicles operated by handicapped persons will be accepted as valid identifiers.
 - d. Disabilities which do not prevent persons from overcoming obstacles such as curbs, steep inclines, and steps, are not qualifying for the use of handicapped parking spaces.

12. POLICE UNIFORM AND APPEARANCE

a. Use of Uniform Allowances

(1) The Chief, Police and Security unit will retain and follow the uniform code for VA police officers described in appendix D of this handbook.

(2) The Chiefs, Police and Security units are responsible for the oversight of the officers' compliance with the uniform code and appropriate use of the initial and the annual uniform allowance.

(3) All items of uniform, except weapons, may be worn by VA police officers enroute between home and facility.

b. Uniform Wear. The uniform will be worn in the manner prescribed as follows:

(1) Cap. The cap, if worn, will be worn squarely on the head. The decision to wear the cap will be determined on a local basis. However, if elected, it must be worn by all officers.

(2) Trousers. The rear length of the trousers will be approximately 3 cm (1 in) above the point where the heel is attached to the shoe. Female VA police officers will wear trousers. Trousers will be clean and pressed.

(3) Shirts. Uniform shirts will be clean and unwrinkled when a VA police officer reports for duty. When long-sleeved shirts are worn as an outer garment, suspenders will not be worn or sleeves folded back or rolled up.

(4) Ties. A solid dark blue four-in-hand choke proof tie fitting snugly at the collar will be worn at all times with the long-sleeved shirt. When the short-sleeved shirt is worn as an outer garment, a tie is not required. If an outer garment is worn over the short-sleeved shirt, a tie will be worn.

(5) Shoes. Black, plain toed, clean and polished.

(6) Insignia. Insignia and accessories will be worn as described below. The wearing of patches or insignia accessories other than those described in this paragraph are unauthorized.

(a) Badge. The badge will be worn on the left breast of the uniform shirt. Badges are not to be affixed to badge cases by uniformed officers. Badges are not to be worn or exhibited during non-duty hours or for non-duty purposes.

(b) Cap Badge. The cap badge will be worn squared and securely fastened above the visor of the cap.

(c) Badge Patch. The badge patch will be worn on the left breast of any uniform outer garment worn over the shirt.

(d) Collar Rank Insignia. Insignia with three stripes will be worn on both collars parallel to and 3 cm (1 in) from the edge of the collar on shirts and jackets for lead officers, shift supervisors and other officers who are one grade above the journeymen level. At the discretion of the Chief, Police and Security unit, patrol officers may wear collar pins with the initials "VAP." Chevrons will not be worn below the rank of Sergeant.

(e) Sleeve Chevron. Chevron with three stripes may be worn by lead officers, shift supervisors and other officers who are one grade above the journeymen level, as an alternative to the collar rank insignia. The chevron will be worn on both sleeves, no more than 3 cm (1 in) below the shoulder patch and centered.

(f) Bars. Supervisors or other officers who are two grades above the journeyman level will wear a single bar, nickel in color, on both shirt collars parallel to and 3 cm (1 in) from the edge of the collar.

(g) Double Bars. Supervisors or other officers who are three or more grades above the journeyman level will wear a double bar, nickel in color, on both shirt collars parallel to and 3 cm (1 in) from the edge of the collar.

(h) Pins. Uniformed Chiefs, Police and Security units will wear a pin with the word "Chief," gold in color, on both shirt collars parallel to and 3 cm (1 in) from the edge of the collar. Uniformed assistant chiefs will wear a pin with the words "Assistant Chief," nickel in collar.

(i) Identification Nameplate. All VA police officers will wear a name plate on the right breast pocket flap with the top of the plate at the top seam of the right pocket, centered on the flap of the shirt or coat, whichever is worn as the outer garment. When the overcoat is worn, the plate will be pinned in approximately the same position on the overcoat.

(j) Shoulder Patches. Police emblem patches will be worn on the uppermost portion of the left and right shoulders of the uniform shirt and jacket sleeve 1.5 cm (1/2 in) from the top shoulder seam and centered.

(k) Sunglasses. Sunglasses are a personal accessory option authorized to be worn outside of a building.

c. Badges

(1) Official police breast and cap badge sets are centrally issued from the LETC. Badge sets are requested utilizing VA Form 134, Combination Requisition and Shipping Ticket, which will be completed to include all basic information and a statement certifying the employee appointment(s). The VA Form 134 may be faxed to the LETC.

(2) Numbered badges are controlled items and are not transferable.

(3) Badge sets are collected upon termination of employment of the VA police officer and returned along with a completed VA Form 134 to the LETC.

(a) Officers who fail to turn in any part of a police badge set or who lose a badge set under circumstances other than direct line of duty, will be charged for the cost of the item(s).

(b) In those instances where a VA police officer loses a badge and the loss does not occur as a result of direct line of duty, an investigation will be conducted.

1. Disciplinary and/or adverse action taken will be consistent with MP-5, Part I, Chapter 752.

2. A Uniform Offense Report will be completed regarding the badge loss and forwarded to the LETC.

3. All lost or stolen badges will be reported to local police and entered into the NCIC.

(4) The replacement of all lost or stolen badges is the responsibility of the issuing facility. When a badge is either lost or stolen, the Director of the LETC will be contacted for ordering procedures.

(5) Requests for retirement badges will be referred to the Director of the LETC for approval.

d. Standards of Appearance

(1) General. Each member of the Police and Security unit is expected to maintain a high standard of personal hygiene and uniform appearance. Each uniformed VA police officer is expected to wear a neat, clean, and well-pressed uniform and have black laced shoes, of plain design, in good repair and shined to a luster. Supervisors are responsible for setting good examples and inspecting each VA police officer for conformance to uniform and appearance standards at the beginning of each shift.

(2) Grooming. The following standards are not an attempt to depersonalize an individual by requiring or prohibiting mustaches or styles of haircuts, provided such mustaches and hair styles are neat in appearance, do not interfere with or detract from proper wearing of uniforms or equipment, and do not expose the officer to unnecessary hazards during emergency situations. Fingernails will be clean and neatly trimmed so as not to interfere with performance of duty, detract from the VA police officer image; or present a safety hazard.

(a) Male Officers (Uniformed)

1. The face will be kept clean shaven, excepting that a mustache is permitted. If worn, a mustache will be kept neatly and evenly trimmed so that no portion of the mustache will extend more than .6 cm below or beyond the line of an individual's upper lip.

2. Hair will be worn neatly trimmed and not extend below the shirt collar.

3. Sideburns will be neatly trimmed. The base will not be flared and will be a clean shaven, horizontal line. Sideburns will not extend below the lowest part of the exterior ear opening.

4. Earrings, nose rings, or other jewelry or ornaments secured to the head or face are not authorized due to safety considerations and will not be worn.

(b) Female Officers (Uniformed)

1. Hair will be neatly groomed. Hair will not fall over the eyebrows or extend below the bottom edge of the collar. If hair coloring is changed by artificial means it shall present a natural appearance and shall not be immediately noticeable upon first glance. Hair styles will not interfere with the proper wearing of required headgear.

2. A haimet or other covering will not be worn unless required for health or safety reasons.

3. Wigs may be worn as long as the hairpiece is of a natural hair color and the style and length conform to appearance standards.

4. Hair holding ornaments (barrettes, pins, and clips), if used, must be transparent or similar in color to the hair, and will be inconspicuously placed. Beads or other similar ornamental items are not authorized and will not be worn.

5. Female officers are authorized to wear cosmetics applied conservatively and which do not detract from the overall professional appearance of the uniform.

6. Earrings, nose rings, or other jewelry or ornaments secured to the head or face are not authorized for wear due to safety considerations and will not be worn.

(c) Exceptions. Officers authorized to wear civilian attire may wear beards as long as they are kept trimmed under 3 cm (1 in) in length. Officers assigned to covert operations may be authorized to dress and alter their personal appearance appropriate to the situation.

e. **Equipment Wear**

(1) The CIP weapon with holster and handcuff: case may be worn on either right or left side, depending on the preference of the officer.

(2) The uniform positioning of other items of equipment such as key holders, flashlights, and so forth will be specified by the Chief, Police and Security unit.

f. **Protective Vests**

(1) The procurement and issue of bullet resistive vests is a local decision.

(2) Considerations in making a decision whether to purchase bullet resistive vests are:

(a) Police officers' or other employees' experience of threatening behavior during duty hours to include a comprehensive vulnerability assessment as described in paragraph 2a, Police and Security Organization and Staffing, of this handbook;

(b) Whether bullet resistive vests are used or required by law enforcement personnel in the local community;

(c) Whether VA police officers have expressed a concern for their personal safety on the job and have requested bullet resistive vests.

(3) If after review, facility management believes that conditions warrant the use of protective vests by police, management will purchase and ensure the maintenance of vests for those officers requesting such a purchase.

(4) Vests purchased for VA police officers must meet the national Bureau of Standards requirements for Class II Bullet Resistive Vests, and have a minimum of front, rear, and side panels. Also, care must be exercised in the selection and purchase of comfortable and lightweight vests in view of possible discomfort in hot weather.

13. USE OF NATIONAL CRIME INFORMATION CENTER (NCIC) AND THE NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEMS (NLETS)

a. Authorized VA Police Use

(1) VA police may use the NCIC files and NLETS network to:

(a) Conduct criminal history and arrest record checks as part of the VA police officer pre-employment screening procedure and for investigations conducted by VA police;

(b) Identify ownership of abandoned or illegally parked vehicles;

(c) Promptly inform local, regional, and nationwide law enforcement agencies of thefts of valuable equipment;

(d) Announce as missing persons only certain incapacitated patients who have eloped and are a danger to themselves or others;

(e) To advise local police and/or other police of an arrest; and

(f) Enter information to NCIC's appropriate property files and Missing Persons file. When information is entered into the NCIC property or missing persons files, a second party must validate the accuracy of the information entered. Entry of information must be made as soon as possible once minimum data required for entry and appropriate record documentation are available. If possible, information about stolen vehicles or license plates should be verified through appropriate motor vehicle registration files prior to record entry.

(2) Input of criminal or arrest information to the criminal history files or names of individuals into the Wanted Person file is not authorized.

b. Rules for NCIC and NLETS Use. The following rules are in addition to state Control Terminal Agency (CTA) rules and procedures. These rules take precedence over CTA rules or procedures which may be less restrictive on file query or entry authorizations:

(1) VA police and security units without locally procured or leased terminals will establish operational servicing arrangements with the nearest county Sheriff, state, or municipal police department having on-line access equipment to NCIC or NLETS.

(2) VA police and security units with locally procured terminals shall ensure that user operators are certified by the state NCIC Control Terminal Officer.

(3) Regardless of terminal status, a Chief, Police and Security unit may enter stolen article information into the appropriate NCIC property file in accordance with guidelines issued by NCIC and the state Control Terminal Officer.

(4) The Chief, Police and Security unit will ensure that all use of NCIC meets state and VA rules and procedures.

(5) VA users will not input information to the NCIC III file.

(6) VA users may query the NCIC Wanted Person file only after the physical arrest of an offender, or when a person has been stopped for questioning concerning an offense committed and there is basis to suspect that the questioned person may be a principal to the offense.

(7) Queries to any NCIC or state file will be made for official purposes only. Unauthorized access or receipt of these records may result in criminal proceedings against agencies or individuals.

(8) Regardless of terminal status, a Chief, Police and Security unit may enter into the NCIC Missing Person File the names and physical descriptions of those patients who have eloped or wandered from a facility. This applies only to those persons who have been medically determined to be a danger to themselves or others, and only after a property search and an inquiry to the next of kin have been unsuccessful in locating the patient.

(9) In the event of the elopement of a patient who has been committed by a state or Federal District Court Order, or committed for treatment in lieu of incarceration for a criminal offense, the appropriate state or U.S. Attorney and the VA Regional Counsel must also be promptly notified.

c. Responsibility for Records. The Chief, Police and Security unit must ensure that records entered in the NCIC System are accurate, timely, and complete. Stringent administrative procedures are in place by the FBI to ensure accuracy and timeliness of data. To facilitate compliance with hit confirmation and locate requirements, the VA police unit entering the information must be available 24 hours a day to confirm its record entries. Originating agencies that are not available 24 hours must place instructions for after-hour hit confirmation, e.g. a 24-hour contact telephone number or an ORI. Non-terminal facilities must sign a "Holder of the Record" agreement with a 24-hour agency delineating the responsibility for hit confirmation.

d. Validation of Entries and Hit Confirmation. Each Chief, Police and Security unit is responsible for maintaining an accurate record of entries made to NCIC or state law enforcement information systems and for ensuring that a deletion action is initiated when any such entry is no longer valid. For VA facilities entering information into NCIC, the hit confirmations must be in compliance with the NCIC Advisory Policy Board hit confirmation policy. The two levels of priority are urgent, within 10 minutes, and routine, within 1 hour.

SPECIFIC MEDICAL STANDARDS FOR VA POLICE OFFICER APPLICANTS AND INCUMBENTS

1. **Purpose.** To provide examining physicians and psychologists with guidelines for determining the physical qualifications and the emotional and mental stability of VA Police Officer position applicants and incumbents.

2. **Applicability.** These standards apply to all applicants for initial appointment in the GS-083 series, including in-service applicants not already in the GS-083 series. All VA police officers, detectives and supervisors, to include chiefs, will be reexamined annually to determine their continued physical and emotional suitability to perform the functional requirements of the position.

3. **Use.** A copy of the OPM Qualification Standard Manual for the GS-083 Police Series along with a copy of these instructions will be provided to the examining physician with the SF 78-110, Certificate of Medical Examination, with functional requirements and environmental factors annotated as illustrated in this appendix. Examinees must be medically certified on Part D of the SF 78- 110 by signature of the examining physician as eligible under these standards.

4. **Physical Requirement.** VA Police Officers must be capable of arduous physical exertion. This includes the ability to carry persons in emergency evacuations, to run to the assistance of offense victims, and intercede in physical disturbances. Any structural or functional limitation or defect which tends to interfere materially with a high degree of physical activity will disqualify. All applicants must:

a. Demonstrate to the physician's complete satisfaction the upper and lower body strength and movement coordination necessary to perform the functional requirements circled on the SF 78 associated with this standard.

b. Have good distant vision in each eye and ability to distinguish basic colors.

c. Be able to hear the conversational voice without the use of a hearing aid.

d. Possess complete and functional limbs.

e. Possess emotional and mental stability.

5. **Psychological Assessment.** The initial and annual medical examinations must include a psychological assessment of the applicant/officer's emotional and mental stability by a

psychiatrist or psychologist. Police officer duties include personal encounters with patients, visitors, and other employees. Encounters are often with mentally ill, irrational, or disturbed persons who, although assaultive or destructive, must be handled with understanding, full control of force, and unimpeded judgment. Any emotional or mental condition which could cause the applicant/officer to be a hazard to others or self during stress situations and physical altercations will disqualify. The psychological assessment will be limited to an interview by a psychologist or psychiatrist covering only job related factors.

6. Psychological Testing. Standardized psychological testing may be used only after reason to question the applicant/officer's suitability has arisen. If, during the psychological assessment, the psychologist/psychiatrist has an articulable reason to doubt that the officer is capable of performing the duties of a police officer, the psychologist/psychiatrist should make a formal recommendation for psychological testing to the Employee Health physician. In such a situation the Employee Health physician may approve such a recommendation and direct appropriate psychological testing. The Office of Security and Law Enforcement (in consultation with the VHA Mental Health Strategic Health Care Group in Central Office) will provide and update guidance for both the psychological assessment and psychological testing.

PHYSICAL SECURITY REQUIREMENTS AND OPTIONS

(X) - Applicable Requirements
(O) - Optional Measures

Location	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Canteen Retail Store	X	O	X	X	X					X	X					X	
Canteen Storage Room	X	O	X	X	X					X	X				X	X	
Canteen Office	X	O	X	X	X		X			O	X				X	X	
Agent Cashier	X		X	X	X		X			O	X				X		
Pharmacy Drug Storage Room	X	X	X	X	X			X	X	O	X		X				X
Pharmacy Dispensing Area	X		X	X	X	X				O							
Pharmacy Manufacturing Area	X		X	X	X				X	O	X						X
Warehouse Storage / Bulk	O	X	X	X	X						X					O	
Primary Inventory (Medical Supplies)	O	X	O	O	O					O	X					O	O
Silver Recovery	O		O	O	O						X				O		
Laundry Plant	O		X	O	O						X						
Central Linen Issue	O		X	X	X						X						
New Linen Storage	X		X	X	X						X						
Dental Precious Metal Storage	O		O	O	O						X				O		
IRM	X		X	X	X					O	X						O
Telephone Equipment Room	X		X	X	X					O	X						O
Animal Research Facility	X		X	X	X				O	O	X					O	O
Ward & Treatment Rooms												X	X	X		O	
Medical Media Equipment Storage	X	X	X	X	X					O	X				X		
Evidence Storage	O	O	X	X	O					O	X				O	O	O
Weapon Storage/Armory	X	X	X	X	X					O	X				O	O	O

Requirements and Measures Defined

A - Windows. When below 12 m (40 ft.) from ground level or the roof of a lower abutment, or less than 7.5 m (25 ft.) from windows of an adjoining building, or accessible by a building ledge leading to windows of other floor rooms, security mesh screening for windows is required. Required specifications for stainless steel security mesh screening are:

1. All #304 stainless steel woven mesh 0.7 mm (.028 in.) wire diameter, with tensile strength of 15 kg/mm (800 pounds per lineal inch).

2. Mesh 12x12 per 25 mm (inch) with main and sub frames of 2.7 mm (12 gauge) carbon steel with baked enamel finish and internal key locking slide bolts.

B - Walls. Exterior walls of brick and masonry construction are acceptable. Exterior walls which are composed of wood frame and siding require an interior backing of steel security screen mesh or sheet partition. Pharmacy and Agent Cashiers perimeter walls shall be full

masonry or gypsum wallboard to underside of slab above. Bulk control substance storage vaults require perimeter walls of brick or masonry construction full height.

C - Doors and Door Locks. Doors are of 45 mm (1-3/4 in.) hardwood or hollow steel construction. Dutch or half doors are unacceptable. Removable hinge pins on door exteriors must be retained with set pins or spot welded, preventing their removal. All doors must be fitted with two lock sets. Glass doors or doors with glass panes must have one lock set, key operated from the interior of the protected area. If a door is not set in a steel frame, one of the two locks must be a jimmy proof rim dead lock, Doors set in steel frames must be fitted with a *mortise* lock with a deadlock pin feature. One lock (the day lock) must be automatically locking on door closure; requiring reentry to the room with key or lock combination and allowing egress from the room by use of an inside thumb latch. The day lock on the main door must be automatically locking, with a minimum 19 mm (3/4 in.) dead bolt and inside thumb latch. Combinations or keys to day locks will be restricted to service employees and combinations changed immediately on the termination or reassignment of an employee.

D - Other Room Access Means. Interstitial overhead areas which enable entry into a secure room from an unsecured room must be barricaded by the installation of a suitable partition in the interstitial space which prevents "up and over" access. Ventilation grills on doors and air circulation ducts which exceed 0.06 m² (100 square inches) in areas must be reinforced to prevent their removal from outside the room. Other possible access means such as dumbwaiter shafts, roof or wall ventilator housings, trapdoors, etc., must be secured by appropriate means.

E - Motion Intrusion Detectors. An intrusion detection alarm system which detects entry into the room and which broadcasts a local alarm of sufficient volume to cause an illegal entrant to abandon a burglary attempt. Intrusion detector equipment which operates on the principle of narrow beam interception, door contacts, microwave, or photoelectric eye are unacceptable. Intrusion detectors must have the following essential features.

1. An internal, automatic charging DC standby power supply and a primary AC power operations.
2. A remote, key operated activation/deactivation switch installed outside the room and adjacent to the room entrance door frame and/or a central alarm ON-OFF control in the Police office.
3. An automatic reset capability following an intrusion detection.
4. A local alarm level of 80 dB (min) to 90 dB (max) within the configuration of the protected area.
5. An integral capability for the attachment of wiring for remote alarm and intrusion indicator equipment (visual or audio). See installation note on page B-3.

6. A low nuisance alarm susceptibility.

Installation Notes

1. A locally sounding alarm should not be installed in a room which is close to an ICU, cardiac care, or other special treatment areas where a loud alarm would have an injurious effect on patients.

2. In addition to the locally sounding alarm, remote visual and/or audio annunciators must be at a location within the facility which ensures 24 hour monitorship. These annunciators will have the capability of identifying individually protected zones.

3. In protected rooms of outpatient clinics not on facility grounds, intrusion detector alarms will be remoted to a commercial security alarm monitoring firm, a local police department, or a security office charged with building security. The remote alarms will be in addition to locally broadcast alarms in the protected areas.

4. Remote bulk storage warehouse facilities will have one or more local broadcasting alarms inside and outside of the protected area.

F - Pharmacy Dispensing Counter. Windows and walls of pharmacy dispensing must meet the U.L. Standard 752 for Class III Ballistic Level. VA Architectural Standard Detail 67 B applies to pharmacy dispensing windows but the window should be set in a minimum 100 mm (4 in.) solid concrete masonry units to ceiling height with either masonry or gypsum wallboard to underside of slab above.

G - Agent Cashier Counter. Bullet resistive service windows must meet the U.L. Standard 752 for Class III Ballistic Level. VA Architectural Standard Detail 67 applies to cashier counter construction. Applicable also to other cash transaction facilities. The windows should be set in a minimum 100 mm (4 in.) solid concrete units to ceiling height with either masonry or gypsum wallboard to underside of slab above

H - Bulk Drug Storage Safes and Vaults. Drugs classified as scheduled I, II, or III (narcotic controlled substances under the Controlled Substance Act of 1970 must be stored in safes or vaults which conform to the following specifications:

1. Safes will be GSA class 5 security containers weighing no less than 340 kg (750 pounds).
2. Where bulk quantities or controlled substance handling requirements deem safes impractical, vaults must be used. Specifications for two types of vaults are given: Type I for outpatient clinic or center use, and type II for construction in medical centers only. The type I vault is not as formidable and permanent a structure as the type II concrete vault and, therefore, schedule I, II, and III (narcotic) controlled substances may not be stored on open shelving within the type I vault. To compensate for the lower security of type I vaults lockable steel

cabinets installed within the vault must be used for schedule I, II, and III (narcotic) substances. Vault specifications are as follows:

a. Type I Vault. Enclosure constructed of steel security screen, woven mesh, 1.2 mm (.047 in.) wire diameter alloy #304 stainless steel, with tensile strength of 29 kg/mm (1,600 pounds per lineal inch). Mesh 10 x 10 per 25 mm (inch) with main frame and sub frames of 2.4 mm (13 gauge) alloy #304 steel. In rooms with dropped ceilings, the vertical frames and mesh walls must meet the actual ceiling or a security mesh ceiling installed below the false ceiling. In lieu of security mesh screening enclosures, type I vaults may be constructed of 2.4 mm (13 gauge) steel wall partition material with corner brackets welded and floor/ceiling anchors firmly set to prevent disassembly. Mesh vaults may be enclosed with drywall or paneling with appropriate ventilation openings.

b. Type II Vault. Constructed of walls, floors, and ceilings of minimum of 200 mm (8 in.) reinforced concrete or other substantial masonry, reinforced vertically and horizontally with 13 mm (1/2 in.) steel rods tied 150 mm (6 in.) on center. Doors and day gates must meet GSA class 5 criteria. Vault ventilation and utility ports may not exceed 0.06 m² (100 square inches) in area.

I - Bulk Drug Storage Cabinets. Steel cabinets with adjustable shelving and built in locking devices are required for the storage of bulk supplies of schedule III, Non-Narcotic, to V controlled substances.

J - Closed Circuit TV. Security Surveillance TV camera with motion detector feature on cameras and at monitor location. Telecommunications Support Service (197) may be contacted for obtaining technical assistance.

K - Special Key Control. Room door lock keys and day lock combinations, where applicable, are Special Keys as defined in VHA Supplement, MP-3, Part I, Chapter 2, Maintenance and Operations, and are not mastered.

L - Drug Cabinets. Key locked, all steel cabinets, firmly anchored in place are required for ward, emergency room or treatment room storage of small quantities of controlled substances. Locked unit dose carts are acceptable; but must be positioned in a supervised area when not in use. Glass front drug cabinets are not acceptable for controlled substance storage. Plexiglas front cabinets 10 mm (3/8 in.) or greater in thickness, are acceptable.

M - Refrigerators. To be equipped with a built in lock mechanism or hasp with padlock when used to store controlled substances (all schedules) and other potentially dangerous drugs and when located outside a locked or attended drug storage room.

N - Medical Supply Rooms and Closets. Service key control and accountability are required in accordance with VHA Supplement, MP-3, Part I, Chapter 2, Change 4.

0 - Cash Safes, Cabinets, and Lockers. For the security of cash deposits and valuables, safes, cabinets, or lockers meeting the GSA class 5 criteria should be used. The size and configuration of commercially available class 5 safes, cabinets, and lockers are optional.

P - Secure Property Storage Containers. For bulk retail merchandise, medical supplies and other items requiring off-shelf protection, steel storage cabinets with adjustable shelving are available through the Federal supply service, group 71, class 7125.

Q - Electronic Access Control Security System. For monitoring and controlling access to areas containing controlled substances, the following specifications are among those to be considered for inclusion:

1. Access Safeguard. To prevent learning codes through keypad observations or use of stolen or found access cards.
2. Time Sensitive. The ability to program access by user, by shift and day.
3. Area Sensitive. The ability to program access by door and area for each individual user.
4. Fail-Safe. The ability to maintain access security if the system goes down (i.e. bypass key).
5. Access Record/Audit Trail. The ability to provide for periodic or on demand print-out of names and time/dates of individual accessing.
6. User Coverage. The number of individual access codes that the system will accommodate.

(The use of electronic access control systems may be expanded to other high security areas within the facility.)

TOPIC OUTLINE FOR STANDARD OPERATING PROCEDURE

1. General

- a. Organizational Chart
- b. Description of medical center buildings and room numbering systems)
- c. Standards of Conduct (including Reporting of Arrest of VA Police Officers VA Form 9044).
- d. Search for Missing Patients (grid maps and check lists)
- e. Response Procedures to Reports of Robbery in Progress
- f. Bomb Threat and Search Procedures
- g. Demonstrations
- h. Disaster and Fire Alarm Response Procedures
- i. Display of the Flag
- j. Vehicle Registration, Parking and Traffic Control
- k. Control of Patient Owned and Operated Vehicles on Medical Center Grounds
- l. Investigation Records Management (or Assignment Register/Case Progress Report)
- m. Use of National Crime Information Computer (NCIC) and Local Area Networks
- n. Restrictive Information/Privacy Act Information/Freedom of Information Requests
- o. Records and Forms Management (RCS 1 O-1 and Program Guide to Records and Forms Management, Reference Volume #6)
- p. Prohibited Activities
 - (1) Copying or removing of official files and records.
 - (2) Viewing television programs.
 - (3) Use of patient recreational facilities.
 - (4) Conducting personal business during duty hours.
- q. National Cascade Activation

2. Operations

- a. Uniform Wear
- b. Standards of Appearance
- c. Body Armor Wear
- d. Standing Shift duties
 - (1) Patrol routes and fixed posts

- (2) Requirement that officers vigorously walk patrols to produce the highest frequency of appearance in the maximum number of location.
- (3) Requirement that police officers to be visible in or near parking lots during the midnight shift change.
- (4) Requirement that only one police officer at a time be assigned to a vehicle patrol.
- (5) Requirement that during staff shortages interior walking patrol be given priority over exterior vehicle patrol.
- e. Investigative Stops
- f. Operation and Control of the Police Vehicle(s) (Including the prohibition of "Hot" Pursuit off the property)
- g. Traffic Stops
- h. Use of Federal and Local Authorities
- i. Radio Procedures (includes 30 minute communication check procedure)
- j. Notification Requirements during Serious Incidents
- k. Handling of Incapacitated Persons
- l. Space Key Control during Irregular Tours of Duty and Emergencies
- m. Response to Assaultive and Disturbance Situation
- n. Hostage Contingency Plan
- o. Protection of VIPs
- p. Canine Unit (if applicable)
- q. Bicycle Unit (if applicable)

3. Law Enforcement

- a. Conduct and Scope of Preliminary Investigations
- b. Arrest Policy and Procedures
- c. Evidence and Contraband Handling Procedures
- d. Court Appearance and Demeanor
- e. Employee Representation Rights (Weingarten) with sample
- f. Pre-Questioning Advise of Constitutional Rights
- g. Search and Seizure Policy and Procedures
- h. Warrants, Summons and Subpoenas
- i. Crime Scene Preservation
- j. Completion and Processing of US District Court Violation Notices
- k. Jurisdiction
- l. Local Rule of Court and Instructions from the US Attorney of Jurisdiction
- m. Search Procedures and Prisoner Transports

4. Weapons

- a. Weapon Issuance, Storage, Turn-in Procedures
- b. Weapon Usage (CIP and Baton)
- c. Weapon Dispositions
- d. Use of Force

5. Security

- a. Use of SSTV System
- b. Closing of Property to the public and use of the , VA Form 10-4793, Visitor Register
- c. Response to Medical Center Intrusion Alarm System (Activation, Resetting and Trouble Alarms)
- d. Metal Detector Procedures
- e. Weather Emergencies/Utility Failures

VA POLICE OFFICER UNIFORM
(MALE OR FEMALE)

<u>Uniform Item</u>	<u>Provided By</u>
Shirts:	
Long Sleeve, White or Navy, With Self-Material Epaulets, Badge Holders and Two Button-Down Flap Pockets, Combed Cotton. (3 Each)	Allowance
Short Sleeve, White or Navy, With Self-Material Epaulets, Badge Holders and Two Button-Down Flap Pockets, 65 Percent Polyester/35 Percent Combed Cotton. (4 Each)	Allowance
(Shirt Color Will Be Established By Local Medical Center Policy. All Officers At Individual Medical Center Must Wear the Same Color Shirt.)	
Necktie: Hook-On Type, Navy Blue Only (1)	Allowance
Trousers: Police style, 1 3/4-inch Belt Loops, Plain Front, Two on Seam Front Pockets, Two Back Pockets, Straight Leg, Navy Blue Only (Jeans are not authorized. If Navy Blue Shirt Is Worn, Trousers Must Match Shirt). (3)	Allowance
Socks: Black Cotton, Over Ankle Type, (5 Pairs)	Allowance
Headgear: (Center Policy Selection)	Issue
Military Style Cap, Round Crown, Navy Blue, With Plastic Rain Cover, Black Visor, and Black Strap OR Western Style, Navy Blue, With Plastic Rain Cover. (Stiff Brim Campaign Style Hats and Baseball Caps Are Not Authorized)	Issue
Trouper Cap, Dacron Viscose With Mouton Fur Trim for Severely Cold Regions	Issue
Straw Sheriffs Hat,, Blue, for Severely Hot Regions	Issue
Pullover Sweater: Navy, V-Neck, Rib Knit, 100% Wool, With Fabric Name Tag Patch and Epaulets	Issue
Windbreaker: Navy, 100% Nylon Shell, Zip-out Quilted Liner, Two Breast Pleated Pockets, Two Side Vent Zippers	Issue

<u>Uniform Item</u>	<u>Provided By</u>
Police Coat: Facility Selection in Severely Cold Regions	Issue
Multipurpose, Thigh Length Parka Type, Nylon Shell With Zip-out Liner, Orlon-Pile Collar, Navy Blue.	Issue
OR	
Hip Length, Nylon Shell With Liner, Orlon-Pile Collar, Navy Blue	
Traffic Duty Rain Coat: Yellow or Orange Nylon Material	Issue
Shoes:	Allowance
Military Style, Black, High Gloss Upper, Non-slip Neoprene Sole, Five eyelet, (1 pair)	Allowance
OR	
Boots, Plain Toe, Black (1 Pair) (Tennis Shoes, Western Style or Military Combat Style Boots Are Not Authorized)	Allowance
Bicycle Utility Uniform (Where Required):	
Shirts, Short Sleeve Navy or White Knit Pullover, With Sewn-on Uniform Badge on Front and "POLICE" in Contrasting Bold Lettering on Back.	Issue
Shorts, Navy, With Belt Loops, Plain Front Pockets, Two Back Pockets	Issue
Pants, Navy, With Belt Loops, Plain Front Pockets, Two Back Pockets	Issue
Wind breaker, Navy, With "POLICE" in White Bold Lettering on Back	Issue
Belt, Duty Nylon, With Nylon Accessories, Belt Keepers, Black Color	Issue
Headgear, Approved Protective Bicycle Helmet, White or Black With "POLICE" in Contrasting Bold Lettering on Both Sides	Issue
Bicycle Shoes, To Be Determined Locally	Issue

<u>Uniform Item</u>	<u>Provided By</u>
Dog Handlers Utility Uniform (Where required):	Issue
Shirt, Long Sleeve, Navy Blue Combat Cloth With Four Front Pockets, With Sewn-on Shoulder Patches, Badge Patch And Fabric Name Tag	Issue
Trousers, Navy Blue Combat Cloth With Two Front Pockets, Two Back Pockets, And Two On Seam Cargo Pockets.	Issue
Collar Pins, Metal, Nickel in Color, With Initial "K-9" Belt, Duty Nylon, With Nylon Accessories, Belt Keepers, Black in Color	Issue
Headgear, Navy Ball Cap With Sewn-on Uniform Badge	Issue
Shoes To Be Determined Locally	Issue
Bullet Resistive Vest: (Fitted or Unfitted), Meeting National Bureau of Standards Class II, With a Minimum of Front, Rear, and Side Panels. (Authorized Only by Local Policy)	Issue
Badge Set: (VA Headquarters Issue)	Issue
Patches:	
VA Police Officer Badge Patches For Outer Garment (Locally Procured and Issued as Needed, VA Headquarters Approved Only)	Issue
VA Police Officer Shoulder Patches (2 Per Shirt And Outer Garment, Locally Procured, VA Headquarters Approved Only)	Issue
Duty Belt: 1 1/2-inch, Smooth Leather or Simulated Leather, With Belt Keepers, Black Color.	Issue
Weapons:	
OC Projector With Smooth Black Leather Holster.	Issue
Police Side Handle Baton With Holder	Issue
Handcuffs: 7 to 10 Ounce, Hinge or Chain, With Two Keys. (Optional: Nylon Flex-cuff May Be Issued In Addition To The Handcuff)	Issue
Handcuff Case: Smooth Black Leather, Fully Encasing Type Only.	Issue

<u>Uniform Item</u>	<u>Provided By</u>
Flashlight: Two Cell, With Holder. (Optional: Mini-Mag Flashlight With Holder).	Issue
Protective Glove Pouch: Black in Color, Belt Mount	Issue
Rank Insignia: Military Style Black, Nickel or Gold (Chief Only) Color Collar Pin-on as follow:	Issue
Patrolman: Collar Pins With Initial "VAP". (Optional).	Issue
Lead Officer, Shift Supervisor, or Other Officer, Who Is One Grade Above the Journeyman Level: Sergeant Collar Insignia or Blue Chevrons With Black Trim, Sewn on Both Sleeves	Issue
Supervisor or Other Officer, Who is Two Grades Above the Journeyman Level: Single Bar Collar Insignia.	Issue
Supervisor or Other Officer, Who is Three or More Grades Above the Journeyman Level: Double Bar Collar Insignia.	Issue
Uniformed Assistant Chief: Collar Pins With The Words "Assistant Chief".	Issue
Uniformed Chief: Collar Pins With The Word "Chief", Gold in Color	Issue
No Other Rank Insignia Is Authorized.	
Name Tag: Pin-On Type:	
Black Plastic, With White Lettering	Issue
OR	
Metal, Nickel In Color With Black Lettering	Issue
OR	
Metal, Gold In Color With Black Lettering (Chief Only)	Issue

DEFINITIONS

- 1. Arrest.** This is the placing of a person in custody or under restraint, usually for the purpose of compelling obedience to the law and to have the person answer for a criminal charge.
- 2. Assimilative Crimes Act.** This statute gives to the Federal government the authority to assimilate a State law in those instances where there is no comparable Federal law, and a crime is committed on Federal property under exclusive or concurrent Federal jurisdiction. (18 U.S.C. 13)
- 3. Code of Federal Regulations (CFR).** Contains rules and regulations which are published in the Federal Register. Specifically, 38 CFR contains all published rules and regulations of the Department of Veterans Affairs.
- 4. Concurrent Jurisdiction.** This term is applied in those instances where, in granting to the United States authority which would otherwise amount to exclusive jurisdiction over an area, the State concerned has reserved to itself the right to jointly exercise authority with the United States. Specific circumstances of each case and local arrangements determine which entity enforces the law.
- 5. Crime Against the United States.** This term is defined as a violation of a public law enacted by the United States Congress and incorporated in the Federal Criminal Code (18 U.S.C.) or other 'Federal statutes.
- 6. Department Property.** Land or buildings, owned or leased, that are under the jurisdiction of the Department of Veterans Affairs and are not under the control of the General Services Administration.
- 7. Drug Abuse and Prevention (Terms Defined).** General terms related to Drug Abuse and Prevention may be found in Title 21 U.S.C. 802.
- 8. Drug Schedules.** This is the system by which the Food and Drug Administration establishes a classification of controlled substances. Specific definitions of Schedules I through V may be found in Title 21 U.S.C. 812.
- 9. Entrapment.** Entrapment is the act of an officer or agent of the government in inducing a person to commit a crime not previously contemplated by the person in order to initiate criminal prosecution against the individual.
- 10. Exclusive Jurisdiction.** This term is applied when the Federal Government possesses sole authority over the site and in which the State concerned has not reserved to itself the right to exercise any authority concurrently with the United States except the

right to serve civil or criminal process in the area for activities which occurred outside the area.

11. Exigency. An urgent or emergency situation requiring immediate attention or action.

12. Felony. This term is defined as any offense punishable by imprisonment for more than one year, or death, as classified and set forth in Title 18 U.S.C. 3559.

13. Frisk. A pat down of the outer clothing or effects of a person during a “reasonable suspicion” stop when the officer reasonably concludes that the person may be armed and dangerous.

14. Infraction. This term is defined as any offense punishable by imprisonment for five days or less, to include no imprisonment, as classified and set forth in Title 18 U.S.C. 3559.

15. Investigative Detention (Stop). When knowledge of specific facts leads a police officer to reasonably suspect that a person is involved in criminal activity, the officer may stop and briefly detain the person for questioning even though probable cause does not yet exist for an arrest. A detention on less than probable cause should be brief unless circumstances dictate otherwise. These stops will normally be limited to fifteen minutes or less.

16. Juvenile. Anyone who is under 18 years of age.

17. Miranda Rights. Those Fifth and Sixth Amendment rights against self-incrimination and the right to representation of which an officer must advise a person who is in custody and about to be interrogated.

18. Misdemeanor. This term is defined as any offense punishable by imprisonment for one year or less, but more than five days, as classified and set forth in Title 18 U.S.C. 3559.

19. National Crime Information Center (NCIC). The NCIC is a computerized information/filing system of documented criminal justice data of nationwide interest and a locator file for missing and unidentified persons that was established for use by all criminal justice agencies.

20. National Law Enforcement Telecommunications System (NLETS). NLETS is a national computer-controlled message switching network linking local, state, and federal agencies together for the purpose of information exchange. It provides law enforcement with the capability to exchange criminal justice and criminal justice related information interstate.

21. Partial Jurisdiction. This is a modification of exclusive or concurrent jurisdiction wherein the State concerned has reserved certain authority to serve civil or criminal process in the area (e.g., the right to tax private property, application of zoning laws, etc.).

22. Probable Cause. Sufficient knowledge of articulable facts and circumstances that would lead a reasonable and sensible person to conclude that a person has committed or is committing a crime.

23. Proprietary Jurisdiction. This term is applied in those instances wherein the Federal Government has acquired some right or title to an area in a state, but has not obtained any measure of the State's authority over the area. In this instance, the State has sole criminal jurisdiction except for violations of Federal statutes and violations of established rules and regulations.

24. Reasonable Suspicion. Information giving birth to more than a hunch or mere suspicion, but less than that which will be probable cause. Those specific and articulable facts must, under the totality of the circumstances, support a reasonable and rational inference that a crime either has been, is being, or is about to be committed.

25. Title 18, United States Code. The Federal Code which contains criminal offenses and penalties.

26. Title 21, United States Code. The Federal Code which contains laws governing drug abuse prevention, control, and drug related offenses and penalties.

27. Title 38, United States Code. That body of laws having to do with Veterans' Benefits including medical benefits and the operation of the Department of Veterans Affairs.

28. Title 38, United States Code §901-905. Establishes law enforcement authority on property under the jurisdiction of the Department of Veterans Affairs.

29. Title 38, Code of Federal Regulation (CFR) 91.218. The Code of Federal Regulations section that implements VA Regulations governing security, law enforcement, and standards of conduct on Veterans Affairs property.