



WRITTEN DIRECTIVE	No.	PD13-2008	Page:	1 of 4
	Subject:	Effective	07-30-13	
	AGENCY RESTITUTION / REIMBURSEMENT	Date:	07-30-13	
		Supersedes/ Amends:	PD10-2008	
	Reference:			



I. Purpose

The purpose of this directive is to establish guidelines for obtaining restitution from members of the public who injure officers in the discharge of their duties, damage items of department-owned property, or cause expenses to be incurred by the department as a result of filing a false report.

II. Policy

It shall be the policy of the Lynchburg Police Department to actively seek restitution for expenses incurred from the actions of persons who willfully injure an officer of this department, damage property belonging to the department, or file a false report requiring a police investigation.

III. Procedure

- A. The Virginia State Code and Lynchburg City Ordinances do not specify a dollar amount in regards to obtaining a warrant for a person who damages the property of another; however, officers should exercise discretion to avoid the pursuance of property damage cases involving low monetary value.
- B. When an officer of this department is injured by a member of the public and medical expenses are incurred, or items of department-owned property are damaged and the property is of sufficient value to warrant restitution, the officer involved will be responsible for the following:
 1. obtaining the appropriate warrant(s) for the perpetrator (e.g. assault and battery, property damage, filing a false report, etc.).
 2. submitting physical evidence in accordance with procedures outlined in PD-1201 (*Evidence, Recovered, or Found Property*).
 - a. Whenever possible, the item(s) of damaged property will be held as evidence.
 - b. Any damaged item that is impractical to hold as evidence may be photographed, and the photograph submitted as evidence.
 3. The appropriate incident report will be prepared and submitted through the proper channels.

- a. Incident reports will be submitted to the Report Review Officer, who will forward copies to:
 - 1) the appropriate Deputy Chief
 - 2) the Chief of Police.
- b. City *Injured Employee forms* will be forwarded to the department Benefits Coordinator who will forward copies to:
 - 1) the appropriate Deputy Chief
 - 2) the Chief of Police
4. The Chief of Police must grant authorization prior to the release of any restitution related reports or other documentation.
5. Prior to the scheduled court date, the officer will obtain statements as to expenses incurred as a result of the defendant's actions.
 - a. The Professional Standards Captain will be responsible for the collection and tabulation of expenses incurred as a result of personal injury.
 - b. The Equipment and Supply Clerk will forward necessary information to the Professional Standards Captain in regards to the cost to replace department owned damaged property.
 - c. The Fleet Manager will forward information concerning damage to vehicles through his chain-of-command.
 - d. For expenses incurred as a result of investigating a false report, the immediate supervisor of the involved officer(s) will:
 - 1) forward a *Memorandum* through the chain of command to the Administrative Division Captain
 - 2) include in the *Memorandum* the following information:
 - a) hours spent as a result of the investigation, including overtime for each officer/investigator or supervisor involved
 - b) any other expenses incurred (e.g. miles traveled).
 - e. In all cases, the Professional Standards Captain will furnish the appropriate statements to the officer involved.
 - f. The officer shall retain these statements for presentation in court.

- g. Once all statements concerning expenses incurred have been received, the officer will:
 - 1) advise the appropriate Commonwealth's Attorney's Office personnel of the circumstances of the case
 - 2) advise the appropriate Commonwealth's Attorney's Office personnel that the department wishes to seek restitution as a condition in the final disposition.
- 6. Once the case has been decided, the officer involved will notify the Records Unit Supervisor as to the disposition of the case.
 - a. Information provided to the Records Unit Supervisor will include:
 - 1) related case number
 - 2) reason for restitution
 - 3) amount of restitution.
 - b. Should restitution not be made part of the final disposition in the criminal proceeding, the Professional Standards Captain may pursue the matter through civil litigation by contacting the City's Risk Management Coordinator.
- C. The Commonwealth's Attorney's Office oversees collection of all money paid as restitution to this department.
 - 1. The Records Unit Supervisor will be responsible for proper application of all money paid as restitution to this department.
 - a. Once collection is made in cases of property damage or in the investigation of a false report, the money will be credited to the appropriate budgetary code(s).
 - b. Once collection is made in cases of personal injury to an officer, the money will be refunded to the Workers' Compensation Fund.
 - 2. In the event the defendant fails to pay the court imposed restitution in the time allotted, the Commonwealth's Attorney's Office will pursue additional action through a court order.
 - a. In such cases, the Records Unit Supervisor will notify the Professional Standards Captain who will:
 - 1) notify the Chief of Police
 - 2) consult the appropriate Commonwealth's Attorney's Office personnel

- 3) if necessary, pursue the procedure outlined in III, B, 6, b.
- D. As allowed by law, officers may seek court-ordered reimbursement when appropriate.
- 1. Effective November 1, 2009, Lynchburg City Code 25-169 allows court-ordered reimbursement upon a conviction of:
 - a. a DUI offense
 - b. reckless driving
 - c. driving while unlicensed, suspended, or revoked
 - d. leaving the scene of an accident.
 - 2. Reimbursement is only allowed if police and fire/emergency medical services are required to respond to the accident or incident.
 - 3. The Traffic Safety Unit Lieutenant will be responsible for overseeing and tracking any reimbursements sought through LCC 25-169 and will forward copies of related paperwork to the Records Unit Supervisor.

Parks H. Snead
Chief of Police

July 30, 2013

Date