



Virginia Department of Criminal Justice Services

Regulatory Issues

Virginia Department of
Criminal Justice Services
www.dcj.virginia.gov

Use of Flashing Lights

- § 19.2-13(A) The order also may ... limit the use of flashing lights and sirens on personal vehicles used by the conservator in the performance of his duties.
- § 46.2-1023. ... within those areas specified in their orders of appointment, by special conservators of the peace and policemen for certain places appointed pursuant to §§ 19.2-13 and 19.2-17 may be equipped with flashing, blinking, or alternating red or red and white combination warning lights of types approved by the Superintendent...

Use of Flashing Lights

§ 46.2-1022. Flashing blue, red and blue, blue and white, or red, white and blue warning lights.

...law-enforcement vehicles may be equipped with flashing, blinking, or alternating blue, blue and red, blue and white, or red, white, and blue combination warning lights of types approved by the Superintendent...

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Use of Flashing Lights

ORDERED: pursuant to Virginia Code 46.2-1023, that the (Appointee Petitioner) is authorized to operate a motor vehicle equipped with flashing, blinking and alternating Blue, Red, White or combination, warning lights of a type approved by the Superintendent of the Department of State Police of the Commonwealth of Virginia; and it is further

3. There is Limited Authority to use flashing, blinking, or alternating lights, sirens and color of lights (red & white & blue or white or red or blue) on motor vehicles operated by the Special Conservator of the Peace; or to otherwise present himself as a Special Police officer and/ or Police Officer pursuant with Section 19.2-13 et seq. of the Code of Virginia, 1950, as amended.

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Violate Traffic Laws

markings on them. The Special Conservator of the Peace may operate either marked or unmarked vehicles. When the Special conservator of the Peace is operating his or her vehicle while engaged in the duties as a Special Conservator of the Peace, he or she may drive 15 mph over the speed limit while having due regard for safety of persons and property, park or stop in areas designated as no parking, no standing, or

crossing the highway centerline, Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard for the safety of persons and property.

- No authorization in Va. Code § 19.2-13 to grant such powers to SCOPS

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Use of "Police"

- §19.2-13(A) "The order may also provide that the special conservator of the peace is authorized to use the seal of the Commonwealth in a badge or other credential of office as the court may deem appropriate. The order may also provide that the special conservator of the peace may use the title "police" on any badge or uniform worn in the performance of his duties as such."

4. The motor vehicles operated by Special conservators of the Peace may have the words 'Special Police' or 'Police' marked on them. The Special Conservator of the Peace may operate either marked or unmarked vehicles.

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Is SCOP a Law Enforcement Officer?

- “The order may also provide that the special conservator of the peace is a "law-enforcement officer" for the purposes of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1.”
- Emergency custody orders for adults and juveniles with
 - mental illness causing potential for harm to self or others
 - needs hospitalization or treatment, and
 - is unwilling or incapable of volunteering for hospital/treatment

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Is SCOP a Law Enforcement Officer?

Code of Virginia, as amended. The Appointee shall be considered to meet the requirements of a qualified law enforcement officer for the purpose of the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. § 926B(c)(1) and for the purposes of §§ ~~18.2-287.01~~, 19.2-81 ~~1~~, ~~19.2-81.6~~ and 37.2-808 of the Code of Virginia, as amended.

ORDERED, the Appointee Shall be considered to meet the requirements of a "Qualified Law Enforcement Officer" under 18 U.S.C. 926B(c)(1); and it is further

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IT APPEARING TO THE COURT that [redacted] is entitled to have certain employees appointed as Law Enforcement Officers per the definition set forth in Section 9.1-101 of the Code of Virginia (1950), who has met the minimum qualifications set forth in Section 15.2-1705 of the Code of Virginia (1950), and, is, therefore, exempt from bonding and registration requirements set forth in subsections A through C of Section 19.2-13, as granted by the Department of Criminal Justice Services;

IT IS HEREBY ORDERED that _____ be appointed Special Conservator of the Peace for law enforcement, pursuant to Section 19.2-13 of the Code of Virginia (1950) as amended and as a Law Enforcement Officer, as defined by Section 9.1-101 of the Code of Virginia (1950); that he may, without limitation, exercise full firearm authority and all other powers of a Special Conservator of the Peace, for law enforcement, under Sections 19.2-13, 37.2-808 and 37.2-809 and of a Law Enforcement Officer as defined by Section 9.1-101 of the Code of Virginia as amended; and that he may do so within the geographic boundaries of _____

has petitioned the court for the appointment of ~~XXXXXXXXXX~~ as a Special Conservator of the Peace in accordance with Code §§19.2-13 of the Code of Virginia. The court finds that the Special Conservator of the Peace appointed pursuant to this order is a law enforcement officer as defined by Code §9-1-101 and meets all of the qualifications for a Special Conservator of the Peace pursuant to Code §§19.2-13 and 15.2-1705.

Accordingly, the court doth ADJUDGE, ORDER, and DECREE that ~~XXXXXXXXXX~~ appointed as a Special Conservator of the Peace for a period of four (4) years from the date of this order.

In addition to such jurisdiction the Special Conservator of the Peace may have by virtue of his qualification as law enforcement officers pursuant to Code §9.1-101, the court doth ADJUDGE, ORDER, and DECREE that he will have authority as Special Conservator of the Peace only within the geographical boundaries of the ~~XXXXXX~~ ~~XXXXXX~~ By establishing the geographical law enforcement areas where he may serve as Special Conservator of the Peace, the court does not limit the law enforcement jurisdiction; he may otherwise have as a "law enforcement officer" as defined by Code §9.1-101.

Is SCOP an LEO?

WHEREAS, the Court further finds that the Special Conservator Of the Peace Proposed Appointee is an adult residents of the Commonwealth of Virginia and meets the requirements of § 15.2-1705 of the Code of Virginia; and

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“Law Enforcement Officer”

- means any full-time or part-time employee of a police department or sheriff's office
- which is a part of or administered by the Commonwealth or any political subdivision thereof,
- and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth,

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“Law Enforcement Officer”

- and shall include any
 - (i) special agent of the Department of Alcoholic Beverage Control;
 - (ii) police agent appointed under the provisions of § 56-353;
 - (iii) officer of the Virginia Marine Police;
 - (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries;
 - (v) investigator who is a full-time sworn member of the security division of the Virginia Lottery;

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“Law Enforcement Officer”

- and shall include any
 - (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115;
 - (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217;
 - (viii) animal protection police officer employed under § 15.2-632; or
 - (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23.
- Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

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VCIN Access

The Proposed Appointee shall have access to Virginia Crime Information Network (VCIN) and the National Crime Information Center (NCIC).

ORDERED that, the Proposed Appointee x is. is not authorized access to the Virginia Crime Information Network (VCIN) and the National Crime Information Center (NCIC) for the purpose of accessing criminal history for Virginia Code §19.2-80.2; and it is further

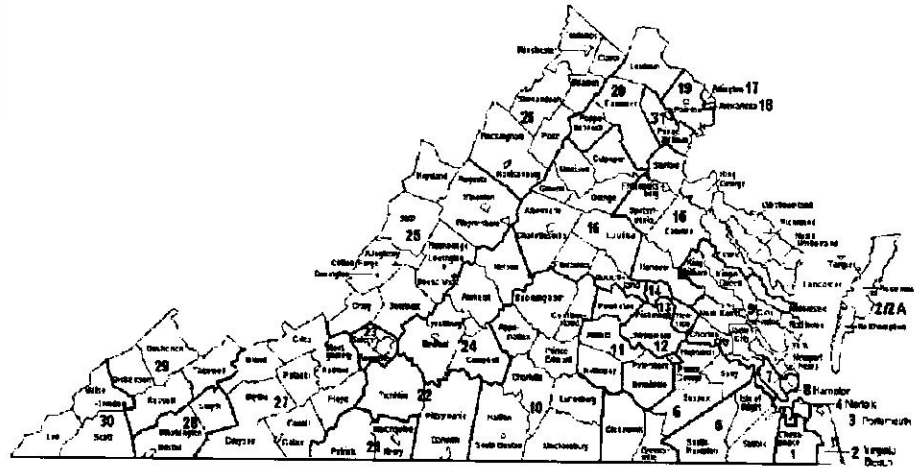
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Geographical Footprint

NOW THEREFORE IT IS ORDERED, pursuant to the provisions of § 19.2-13 of the Code of Virginia, as amended, that [REDACTED] be appointed a Special Conservator of the Peace for the [REDACTED] Judicial Circuit of Virginia, commencing upon the entry of this Order, for a period of four years, unless sooner terminated by the Court.

The Appointee shall have all the powers, functions, duties, responsibilities and authority of any other Conservator of the Peace within the [REDACTED] Circuit. In the performance of duties as such, the Appointee shall utilize a badge, identification card or uniform patch of the designs depicted in Exhibit A, as attached hereto. The carrying of concealed firearms in the performance of official duties shall be conducted in accordance with § 18.2-308 of the Code of Virginia, as amended. The Appointee shall be considered

Geographical Footprint



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Geographical Footprint



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Geographical Footprint

1. ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ Virginia is hereby appointed Special Conservator of the Peace for the purpose of assisting in conserving the peace on the properties of the clients of the Petitioner in the interest of vicinity residents, customers and citizenry whose service extends a distance of two miles beyond the property line (to include streets and property maintained by the City of ~~XXXXXX~~) of each said property in the City of ~~XXXXXX~~ Virginia and none other. Whenever such Special Conservator of the Peace is engaged in his duty as such, he shall remain subject to the following:

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Narrowly Drafted Order

2. Authority to issue summons shall be limited to those violations of Article 1, Chapter 5 [Beaches, Boats and Waterways] and § 6-116 [Surfing Generally] of the Code of the ~~XXXXXXXXXX~~ and exercise of such authority shall only be valid while in the performance of their on-duty employment responsibilities.

3. The ~~XXXXXXXXXX~~ Department of Emergency Medical Services is the lead agency in the event of a beach closure. The authority to immediately issue summons for those violations cited in paragraph 2 above will preserve the peace and good order during those time when sections of the city beaches must be closed due to water quality issues, natural disasters or other immediate hazard.

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SCOP Orders

- Model order available on VSC website
- Who prepares the orders?
- What if the order is incorrect?
 - Motion to reconsider
 - DCJS
 - Sheriff/Chief/Commonwealth Attorney
 - VSP
 - 21 day rule (S.Ct. Rule 1:1)

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Va. Supreme Court Model Order

Explain necessity for the security of property or the peace in the space provided below.

DATE _____

SIGNATURE OF APPLICANT

SHERIFF OF _____

CHIEF OF POLICE OF _____

REPRESENTATIVE OF _____

NAME OF CORPORATION AUTHORIZED
TO DO BUSINESS IN COMMONWEALTH

REPRESENTATIVE OF _____

NAME OF MUSEUM OWNED AND
MANAGED BY COMMONWEALTH

OWNER, PROPRIETOR OR AUTHORIZED CUSTODIAN

OF _____

PRINT NAME OF APPLICANT

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