



VSP's Role in the Appointment of Conservator of the Peace

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VSP Responsibilities

§ 19.2-13, paragraph B

- ▶ Requires the applicant to submit his fingerprints on a form provided by the DCJS to be used for the conduct of a national criminal records search and a Virginia criminal history records search.
- ▶ Record check conducted by the Virginia State Police.

Barrier Crimes to Achieving SCOP Appointment:

Misdemeanors Involving:

- (a) moral turpitude
- (b) assault and battery
- (c) damage to real or personal property
- (d) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2
- (e) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2
- (f) firearms
- (g) any felony

§19.2-13 (B) Code of Virginia

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VSP Responsibilities

§ 19.2-13, paragraph E

- ▶ . . . the clerk of the appointing circuit court shall transmit a copy of the order of appointment that shall specify the following information: the person's complete name, address, date of birth, social security number, gender, race, height, weight, color of hair, color of eyes, firearm authority or limitation as set forth in subsection F, date of the order, and other information as may be required by the Department of State Police. The Department of State Police shall enter the person's name and other information into the Virginia Criminal Information Network . . . The Department of State Police may charge a fee not to exceed \$10 to cover its costs associated with processing these orders.

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Example of VCIN Confirmation of SCOP

VCIN REPLY
VAVSP0000
RTYPE/HIT

MKE/CONSERVATOR OF THE PEACE
NAM/DUKE, JOHN WAYNE
SEX/M RAC/W DOB/19570425
HGT/510 WGT/200 EYE/BRO HAI/BRO
SOC/123456789
ADR/7109 STAPLES MILL ROAD 125 CTY/RICHMOND STA/VA ZIP/23228
FAI/Y CMP/REGIONAL SECURITY CORPORATION
ISD/20110912 RDE/20110919 EXP/20150912
FIPS/760 RICHMOND CITY CIR
VIC/C00569504 PMT/C760760CL113687
DTE/20110919

Volume of SPOC entered in VCIN as of July 1, 2014 = 818

ERS

Firearms authority data field = FAI

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VSP Responsibility Daily Comparison of VCIN SCOP Records

Personal descriptors (name, sex, race, date of birth and social security number) of persons contained in records of individuals appointed as Special Conservator of the Peace are compared to records of persons named in:

- ▶ Any new arrest reported to the Central Criminal Records Exchange (CCRE).
- ▶ Virginia Protective Order Files
- ▶ Virginia Mental Health Database (For those certified by DCJS/SCOP Appointment Court Order to carry a firearm)

Virginia's Mental Health Database contains records of persons who have been involuntarily committed or agreed to voluntary admittance subsequent to a temporary detention order, pursuant to Sections 37.2-819 and 18.2-308.1:3 of the Code of Virginia.

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Recommendations for Improvement

- ▶ VSP notifies the issuing Circuit Court and DCJS when an SCOP has been arrested, is the subject of a protective order, has been ordered into treatment, have been involuntarily committed or agreed to voluntary admittance subsequent to a temporary detention order.
- ▶ Circuit Court should be required to notify VSP and DCJS when the court revokes an SCOP order.

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Recommendations for Improvement

- ▶ Require courts use the standardized Circuit Court Order
 - Has all the data required to be entered into the VCIN file.
 - Provides a template consistent with the parameters set out in § 19.2-13.
 - Some SCOP orders are written by the SCOPs, their attorneys, etc. These orders often exceed their given authority.

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Standardized Circuit Court Order

**APPLICATION AND ORDER FOR APPOINTMENT OF
SPECIAL CONSERVATOR OF THE PEACE**
COMMONWEALTH OF VIRGINIA - VA-JUD-100-1 (2011)

CIRCUIT COURT

The undersigned applicant petitions the court to appoint the following individual as a special conservator of the peace and states that appointment of this individual is necessary for the security of property or the peace.

NAME OF PERSON FOR WHOM APPOINTMENT IS REQUESTED: _____

NAME OF APPLICANT: _____

ADDRESS OF APPLICANT: _____

DATE: _____

STATEMENT OF APPLICANT:

I, _____, being duly sworn, depose and say that the above-named individual is a resident of the Commonwealth of Virginia and is a person of good character and is qualified to perform the duties of a special conservator of the peace. I further depose and say that the appointment of this individual as a special conservator of the peace is necessary for the security of property or the peace.

ORDER

THE COURT ORDERS that:

1. The applicant has shown a necessity for the security of property or the peace and has presented evidence of the applicant's valid registration based by the Department of Criminal Justice Services. The above-named individual is hereby appointed special conservator of the peace for a term of _____.

2. The special conservator shall have all the powers, functions, duties, responsibilities and authority of any other conservator of the peace within the following geographical limitations:

which is within the counties of the _____ county _____ city _____ town of _____ (the county, city or town that makes application or within the county, city or town where the corporate applicant is located) within the judicial circuit of this court whenever such special conservator is engaged in the performance of his duties as such.

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Standardized Circuit Court Order

1. The applicant having shown good cause therefore, the special conservator's appointment shall extend to the following property(ies) located at the following address(es): _____.

2. The special conservator 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 36 (§ 18.1-225 et seq.) of Chapter 11 of Title 18.1, Code of Virginia.

3. The special conservator is authorized to wear the seal of the Commonwealth in _____ badge.

4. The special conservator is authorized to wear the seal of the Commonwealth in _____ badge.

5. The special conservator may use the title "police" on any badge or uniform worn in the performance of his duties as such.

6. Having completed the minimum training standards established by the Department of Criminal Justice Services, the special conservator has the authority to arrest arrests, using up to the same amount of force as would be allowed to a law-enforcement officer employed by the Commonwealth or any of its political subdivisions when making a lawful arrest.

7. The special conservator is _____ prohibited _____ limited as follows: _____.

8. The special conservator's use of flashing, blinking, or alternate light or red and white combination warning lights, pursuant to Virginia Code § 46.2-1821 and dress on personal vehicles in the performance of the special conservator's duties is limited as follows: _____.

9. The Application for Appointment of a Special Conservator is DENIED for the following reasons: _____.

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Sample Court Order

SENATE ATTENDING SENIOR COMMISSIONER OF THE TREASURY
AND POLICE OFFICER FOR SENIOR PLACES

This day came [redacted] Association, Inc. by [redacted] Attorney at law, and moved this Court pursuant to and in accordance with Sections 18.1-13 of the Virginia Code (1960), as amended, to appoint [redacted] as Special Conservator of the Peace and Police Officer for Certain Places; and

It appearing to the Court that [redacted], is the proprietor of certain grounds within the Commonwealth of Virginia known as [redacted] [redacted], a planned residential community, and overlooks the requirements of subsection (f) of the definition of criminal justice agency in Section 8-1-107 in the Code of Virginia, that [redacted] is their corporate attorney; and that there has been a showing of a necessity for the security of the abovesaid property, that the [redacted] [redacted] [redacted] has investigated the background and character of [redacted] and found no evidence or information that would produce the apprehension of [redacted]. [redacted] as Special Corporator of the Peace and Police Officer for Captain Pines; that [redacted] [redacted] has not the minimum qualifications set forth in Section 8-3-125 as enjoined by two Durhams dated April 8, 2014, issued by the [redacted] Virginia Academy, attached hereto as Exhibit "A".

NOW, THEREFORE, the Court does approve [redacted], if it serves
Special Commissioner of the Police and Police Officer for Certain Police in accordance with
said orders, hereto the duty of re-execution of this Order by the Court until April 1, 2018, and
upon the groups of [redacted]
[redacted] extending the streets and sidewalks adjacent to the grounds thereof in such manner. The
groups shall include all property owned, leased, and controlled in any other Court. The
streets or public [redacted]
[redacted] beginning at the intersection of North [redacted] Street to the intersection of
[redacted] Street, thence east to [redacted] Thence along the
north shore of [redacted] in an easterly direction to [redacted] and the
[redacted] thence in an easterly direction to [redacted]
[redacted] thence to the intersection of [redacted] family, age all
property located in the [redacted] both governmental and private. The applicant
shall have all the powers, functions, duties, responsibilities and authority of any other
commissioner of the police or police officer within the aforesaid geographical area. The
applicant shall be considered a "Law-Enforcement Officer" in the service of Idaho's
[redacted] Section 57-5-305 of title 57 Chapter 8 of the Code of Idaho and may also use
the title "Police" in brochures or other uses in accordance with this order, subject to

Excerpt from a Court Order

- 10) The Proposed Appointee shall have access to Virginia Crime Information Network (VCIN) and the National Crime Information Center (NCIC).
- 15) [REDACTED] Inc is contracted to provide Armed Security and Special Conservator of the Peace for emergency response within the [REDACTED] Virginia for property checks, static foot patrol and vehicular patrol as a vendor contracted through [REDACTED] located at [REDACTED]
- 16) [REDACTED] Inc is contracted to provide Armed Security and Special Conservator of the Peace for emergency response within the [REDACTED] for property checks, static foot patrol and vehicular patrol as a vendor contracted through [REDACTED] located at [REDACTED]

Recommendations for Improvement

- ▶ Educate the judges regarding the SCOP issues.
- ▶ Get the Commonwealth Attorneys involved in the process.
- ▶ Add a conviction of stalking §18.2-60.3 and having an active protective order to the Barrier Crimes (legislation).
- ▶ Barrier Crimes for SCOPs who carry firearms should be the same as CHP (legislation).

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Recommendations for Improvement

- ▶ Implement a suspension process for Barrier Crimes/Disqualifying events for pending charges (legislation).
- ▶ Implement mandatory revocation for convictions of barrier crimes (legislation).
- ▶ Require the court notify VSP/DCJS upon suspension or revocation (legislation).

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Questions?

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References:

Virginia Code Section 19.2-13

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+19.2-13>

Court SCOP Application and Order

www.courts.state.va.us/forms/circuit/cc1430.pd

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