CHARLOTTESVILLE POLICE DEPARTMENT

Note: This directive is for internal use only and does not enlarge an officer's liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the Charlottesville Police Department and then only in a non-judicial administrative setting.

Type of Directive: GENERAL ORDER	Number: 0001-01
Loss or Damage to Department Issued Equipment	Date: August 16, 2019
VLEPSC Number:	Manual Number: 400.30
	Effective Date: August 16, 2019
Authorization: Chief R.M. Brackney	Follow-up Date: As Needed

I. POLICY

It is the policy of the Charlottesville Police Department to issue all necessary police equipment to its members, however if this equipment is lost or damaged through negligence, members of the Department may be required to pay for all or part of the equipment's replacement cost.

II. PURPOSE

The purpose of this general order is to establish guidelines for determining responsibility for lost or damaged equipment and establish procedures for reporting of and paying for equipment that is lost or damaged through negligence, and department vehicles damaged as a result of a motor vehicle accident where the employee is determined to be at fault.

III. PROCEDURE

A. Reporting Lost or Damaged Equipment

1. When certain department issued equipment has been lost or damaged, prompt notification must be made to Department supervisors. Notification procedures will vary for different equipment types as follows:

a. Loss or damage to a firearm or police radio - Members shall immediately report the loss of or damage upon discovery whether on or off duty. If the department member is off-duty, an immediate notification shall be made by telephone to the supervisor or shift commander. Members shall then, within three working days, submit a written memorandum to their immediate supervisor.

b. Loss or damage to all other issued equipment - Members shall, within three working days, submit a written memorandum to their immediate supervisor.

c. Department vehicles – damage to department vehicles will be reported in accordance with department General Order 542.01.

2. A memorandum reporting lost or damaged issued equipment shall include the following information:

    a. The type, name, manufacturer, model, size, and distinguishing marks, etc. of the item lost or damaged;

    b. a narrative which provides a description of the circumstances resulting in the loss or damage to department equipment; and

    c. a time of equipment loss/damage with specific notation as to whether the loss or damage occurred "on-duty" or "off-duty".

3. A copy of the memorandum will be forwarded to the appropriate Division Commander and the Budget Analyst.

4. A Case Report will be completed by the reporting member's immediate supervisor involving loss of the following items:

    a. Firearm;

    b. badge;

    c. police radio;

    d. OC spray;

    e. handcuffs;

    f. baton;

    g. flashlights;

    h. cell Phone;

    i. BWC; and

    j. computer.

5. If the loss of a firearm, badge, computer, or police radio occurs outside the City of Charlottesville, a report shall be immediately made with the appropriate jurisdiction's police department.

B. Determination of Responsibility for Replacement Cost

1. When a Department member reports loss or damage to property requiring a Case Report their two successive supervisors shall make a determination of negligence and responsibility in the case of replacement cost of the issued equipment. A memorandum documenting their decision shall be forwarded to the Division Commander and the Budget Analyst.

    When a Department member reports loss or damage to property that does not require a Case Report, their immediate supervisor shall make a determination of negligence and responsibility in the case of replacement cost of the issued equipment. The supervisor shall then forward a memorandum documenting their decision to the Division Commander and the Budget Analyst.

2. If it is determined by supervision that the reporting member is responsible for the equipment's replacement cost, the Budget Analyst will send a memorandum to the reporting member specifying the cost of the lost or damaged equipment.
3. Restitution, not to exceed two hundred-fifty dollars ($250.00) may be ordered based on the current value of the equipment lost or damaged. A copy of this memorandum will be sent to the reporting member's Division Commander and their immediate supervisor.
4. Accidents involving department vehicles will be investigated in accordance with General Order 542.01. Restitution for damage may be ordered in accordance with General Order 517.00.
5. The reporting member shall, within three working days submit a memorandum to their immediate supervisor specifying their intent and desired method of paying for the lost or damaged equipment. A copy of this memorandum shall be forwarded to the Division Commander.

C. Repayment Options and Restrictions

1. Payroll deduction will be an available method of repayment.
2. Repayment for damages or replacement costs will not require payment in excess of $25.00 dollars per month unless a prior agreement has been made between the Department and the reporting member.

D. Right of Appeal

1. Any decision relating to the repayment of costs for replacing lost or damaged equipment may be appealed to the appropriate Division Commander.

IV. Damage to Personally Owned Equipment or Property

A. A department member whose personally owned equipment or property is damaged during the performance of their official duties may be eligible for replacement or reimbursement of costs by the department.

B. A department member requesting replacement or reimbursement of costs associated with personally owned equipment or property damaged during the performance of their official duties shall submit a written memorandum through their chain of command to the Chief of Police.

C. Final decisions regarding such requests shall be at the sole discretion of the Chief of Police.