

AGENDA

Board of Wildlife Resources
Law Enforcement Committee
7870 Villa Park Drive, Board Room
Henrico, Virginia 23228

March 23, 2022
9:00 am

Committee Members: Mr. Rovellev Brown, Chair, Mr. Brian Vincent, and Mr. G. K. Washington

DWR Staff Liaison: Colonel John Cobb

1. Call to Order and Welcome
Mr. Rovellev Brown
2. Approval of January 19, 2022 Meeting Minutes
Mr. Rovellev Brown
3. Public Comment – Non-Agenda Item
Mr. Rovellev Brown
4. Office of Professional Standards - Academy Update
Major Milt Robinson
5. Operations – Waterfowl Game Warden Experience
Major Ryan Shuler
6. Law Enforcement Chief Update
Colonel John Cobb
7. Director's Report
Mr. Ryan Brown
8. Chair's Report
Mr. Rovellev Brown

Final Action

9. Additional Business/Comments

Mr. Rovelie Brown

10. Next Meeting Date: Wednesday, May 18, 2022

Mr. Rovelie Brown

11. Adjournment

Mr. Rovelie Brown



VCP Rollicall

January 2022 / Edition #11



Colonel's Message:

If you did not catch it in the recent Command Staff Meeting Minutes, the “All Hands on Deck” ride-alongs initiative in the last 14 months resulted in Lt's and above having conducted, mostly on weekends, 60 patrols (465 total hours) with 47 different officers. We have learned a great deal from being in the field and appreciate these opportunities to get out of the office. Accordingly, we will continue this worthwhile effort in the future.

Being in inauguration parade for Governor Youngkin this past weekend, as well as assisting with the related security at both this event and on Lobby Day, is already starting to show signs of how these opportunities, which build relationships and networking with other law enforcement agencies, can be extremely beneficial as we move forward. If we do not want to be forgotten, we must be seen. Often our profession in the woods makes us excellent at going undetected, but these are opportunities to wave the VCP banner. Thanks to everyone from the Honor Guard Members and K-9 Handlers in the parade to those officers at checkpoints in the cold weather along the way (total of 31 CPO's).

Colonel John J. Cobb / Chief of Law Enforcement



Inaugural Parade w/DWR Honor Guard in the front and K-9 at the end in a Patrol Boat

74th Governor Inauguration Social Media Post:



Here is a video link of the 74th Inaugural Parade:

<https://www.youtube.com/watch?v=Vvou89Bxe9Y>

Around 30:45, DWR Honor Guard are present / Around 32:45, the DWR SAFE Boat is present



NATIONAL LAW ENFORCEMENT APPRECIATION DAY

Across the Commonwealth on January 9th each year, we show support of our local, state, and federal officers including our very own Virginia Conservation Police.

In 2015, organizations that support law enforcement collaborated to celebrate our nation's finest men and women behind the badge by creating this day of appreciation.

A day of national recognition for the men and women of law enforcement who answer the call to public service that is demanding and often unappreciated. Their duties command dedication and the jobs are often thankless. Rarely do they know what their days have in store for them and often officers put their life on the line for their communities.

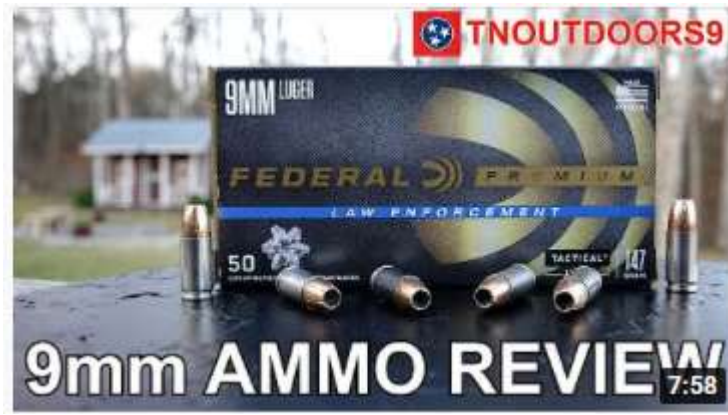
Today we have an opportunity to thank them for their service and offer a token of respect.

There are several ways to show your support as the smallest gestures mean the most.

- Send a note of thanks.
- Wear Blue / Green (CPO's)
- Verbally thank any officer you see in public.

Proactive Initiatives:

- The VCP Roadmap for the next three years is nearing completion and will be ready for implementation soon. The DWR Law Enforcement Committee was shown this presentation yesterday <https://powerdms.com/link/VDGIF/document/?id=2396724>. Currently, we are working on team assignments and timelines for the 50 Proactive Team Projects to be approved at the February Command Staff Meeting.
- There have been some questions about the new 9mm duty ammunition that we will be issuing. The below video does a great job of highlighting this round and its effectiveness (just click on the below pic to open the video):



Office of Professional Standards:

- ❖ UPDATE - Professional Standards Major
 - The 1-24-2022 OPS Advisory Council meeting has been canceled, to be rescheduled to the last week of February 2022.
 - Reminder: OPS Professional Decree and Colonel's Leadership Award Nominations are **due NLT 1-31-2022**.

- ❖ Recruitment / Retention Initiatives
 - Even though we are not currently accepting applications, the Training and Recruiting Section is actively recruiting for future officers. Anyone who is interested in joining the DWR team can receive information about the career, the hiring process, and the training academy by emailing recruiter@dwr.virginia.gov.
 - Prospective applicants can also visit the CPO Recruiting website, <https://dwr.virginia.gov/conservation-police/recruiting/>. There, they will find useful information and answers to many frequently asked questions.

- ❖ Training (Basic and In-service) / Training Offered to Other Agencies
 - Basic Training
 - The 11th Academy is completing Week 17. Since the last Roll Call update, the students completed their Driver Training instruction block. This training included precision driving, high speed handling, and off-road maneuvering. The students of the Basic Academy spent this last week learning from VA State Police training staff related to traffic enforcement and direction. They received firsthand experience directing traffic near DWR's headquarters to wrap up the session.
 - The students of the Modified Academy have completed their training and have entered the field. They will be assigned to veteran officers who will provide guidance and coaching preparing them for the career ahead.

- We have been sharing the training highlights with the public through the DWR Facebook page. Check it out to see a glimpse of their training. <https://www.facebook.com/VirginiaDWR>.
 - In-service Training
 - VCP Leadership Training - The Law Division promotes leadership throughout its levels. In support of this, several courses have been identified and our officers are encouraged to pursue these opportunities.
 - [Training Calendar](#)
- ❖ Citizen Feedback
 - Below are the preliminary commendation totals per region for 2021. In some cases, constituents filed individual commendations for each employee for a singular event or incident.
 - Region 1: 35
 - Region 2: 29
 - Region 3: 11
 - Region 4: 24
 - Spec. Ops (K9): 9
- ❖ Employee Suggestion Program (E.S.P.)
 - [E.S.P. Project List and Completion Tracker](#)
 - Have a suggestion? Submit [VCP-180](#) to LawESP@dwr.virginia.gov.
- ❖ Accreditation
 - Evidence Techs: Reminder of 2nd Quarter inspection due before February 11, 2022.
 - Please continue to send reports, photographs, etc. for proofs of compliance with standards.
 - Monthly Inspections Log
 - A new box will soon be added to the monthly inspection log for corrective action. This section will be used to denote when a noted issues has been resolved.
 - For those not issued a PBT the box will be changed to not be mandatory.
 - Constructive feedback/suggestions for the monthly inspection log can be sent to Lt. Ham.
- ❖ Risk Management
 - Article: Op-Ed piece, written by our FBI Director Chris Wray, titled The [Cops Who Didn't Come Home](#). The article speaks to the 73 brothers and sisters feloniously killed in the line of duty in 2021 – the highest since 9/11. Director Wray wrote about their sacrifices, the continued need to get the most violent offenders off the streets, and to civic/business/government officials and

citizens responsibility to consider how they talk about engaging with law enforcement.

- [2021 End-of-Year Preliminary Law Enforcement Fatalities Report](#)
- Please Stay Safe!

❖ Peer Support

- Reminder: Most if not all Commonwealth Insurance options offer a free annual physical. Being both mentally and physically fit for 2022 are mentioned in the article below. Get 2022 started off in the right direction by scheduling your physical.
- Article: [Operation survival NY2022 Some key tips for staying safe in the new year](#)
- Want to talk to a Peer Team Member? [Contact Information](#)

Support Services:

❖ Division Budget Update

- The division is in the process of developing the FY23 budget. This is a comprehensive process and one that involves critical and strategic thinking. Please feel free to communicate through the chain-of-command any budgetary needs that you feel would enhance your effectiveness.

❖ Communications Center

- We are currently in the process of conducting a background investigation on a new dispatcher and hope to have this position filled as soon as possible.
- We are also patiently awaiting HR to post the new Communications Center Manager position. As a reminder, this position will be a civilian position.

❖ Legal Articles of Interest

- Recently, in [Ingram v. Commonwealth](#), Record No. 1131-20-3 (Dec. 14, 2021), the Virginia Court of Appeals affirmed some well-established principles related to the limits of Fourth Amendment rights where an officer approaches the front door of a residence. In explaining its ruling, the Court stressed that, while law enforcement officers may not enter curtilage to gather evidence, there is a license “implied from the habits of the country” for the general public to approach a home in the hopes of speaking with a resident. Absent the homeowner’s affirmative steps to rescind the invitation, this license typically permits a visitor to approach the home by the front path, knock promptly, wait briefly to be received, and then, absent an invitation to remain longer, leave. The Court went on to note that this license also permits visitors to approach other areas that visitors would be expected to go if the nature of the circumstances surrounding the visit indicate that the visitor could reasonably expect to

seek out residents through areas other than the front door. The Court then expressly noted that this license extends to law enforcement officer. The Court went on to note that, “so long as officers are within the geographic scope of this license, they are free to keep their eyes open.” In other words, the Plain View Doctrine applies because the officer is legally authorized to be there.

- The facts of this case are not remarkable.

❖ Fleet Management

- (4) of (9) F250's have been issued
- (18) 2022 Ford F150 Responders have been ordered (delivery date unknown, possibly in June)
- (2) "Covert" F150s on order
- (4) Pre Sworn Officers were issued fleet vehicles as they head to their respective districts

❖ IT Systems

- Need Help - Call a member of the [IT Cadre](#) to set-up either individual assistance or a small group training session
- If you have IT questions, sent them to LawITCadre@dwr.virginia.gov mailbox

Law Enforcement Operations:

❖ UPDATE - Operations Major Update

- I would like to share with each of you what I shared with our dedicated staff that worked the 74th Gubernatorial Inauguration. This was a very impressive and prideful moment for the Agency and the division:

“Wow! I am not sure I have been more proud of this division and our ability to come together and represent the Agency and Commonwealth in such a professional manner. Saturday was one of the coldest days we have experienced all winter and you all were tasked with enduring those temperatures during a long shift. Whether you stood a post, pulled a truck and boat in the parade, or handled your K9 partner, you all contributed to the success of the event and cast a very bright spotlight on the Department of Wildlife Resources and the Virginia Conservation Police. Thank you for your dedication and professionalism in what was a historical event for this division!”

- Even though this was a team effort, every team has a leader. LT Hickman was assigned to be the operational lead for planning our participation. Throughout the planning period of the event, LT Hickman did an excellent job

of representing the division and seeing that all aspects of our participation were well coordinated. This was complicated by the fact he was charged with scheduling all security posts, which were impacted numerous times by COVID-19. He was also tasked with coordinating the presence of a patrol truck and boat in the parade, as well as the honor guard. In addition to the planning aspect, LT Hickman made multiple trips to the site of the event to walk through to make sure we would not experience any unforeseen issues. To take it one step further, he was also charged with planning our participation in Lobby Day the following Monday, which was another large scale operation involving hundreds of law enforcement officers. Ultimately, this event, which is really a historical event for the division, went off without a hitch. The success of the event can be attributed to LT Hickman's leadership and attention to detail both during the planning and operational phases of this event.

❖ General Information

- Activity Reports:
 - [Weekly Activity Report 12/8 - 12/14 \(External\)](#)
 - [Weekly Activity Report 12/15 - 12/28 \(External\)](#)
 - [Weekly Activity Report 12/29 - 01/04 \(External\)](#)
 - [Weekly Activity Report 01/5 - 01/11 \(External\)](#)
- [CPO Notebook](#)

❖ General Information



The Region 1 Wildlife Division Manager, David Norris, presented a carved shorebird to Governor Northam during the recent WMA dedication on the Eastern Shore. David explained to the Governor that the shorebird was carved by SGT Garvis and the Governor saw fit to have a picture taken with the artist. For those that did not know, SGT Garvis is a man of many talents!

Personnel:

❖ Officer Commendation of the Month

▪ Goes to **Master Officer Dotterer**

This Citizen Feedback Submission read in part, "I reached out to Mr. Dotterer concerning damage to a commercial crop. It was Sunday, so I did not expect a reply until Monday the 3rd of January. But he responded by email within the hour. Then he responded by phone within the next hour. He was helpful and as courteous as any government official has ever been in my professional career. I have been self-employed for 45 years and have always had to deal one on one with the government personnel. All I can say is thank you for having such a fine resource to reach out to. Thanks"

Another one for Master Officer Dotterer read in part, "It is my pleasure to write on behalf of Officer Dotterer. I am an avid outdoorsman and passionate conservationist. My joy comes from improving the land to help our natural resources thrive and provide the younger generations including my two young sons the best opportunity to experience the outdoors as I've been so fortunate to do over my lifetime. As an Eagle Scout I learned early in life respect and appreciation for the outdoors. Unfortunately, there are those who do not share my belief or sentiments. Officer Dotterer met me Sunday afternoon to address and try to curtail some road hunting and spotlighting activity at one of my leased locations. He was extremely professional and helpful during our engagement. He took time to be very thorough about the best strategy to try and catch the perpetrators. He offered great advice on how tighten up security around entry points to the property as well. I think what I appreciate most is officer Dotterer's availability and openness to be of service at any time which is invaluable. I lease a significant amount of recreational acreage in the Pittsylvania and Henry county areas which is both very expensive and time consuming to maintain. With a demanding career in the medical field I don't have time to be there as much as I'd like. It's provides me no small amount of relief knowing that officer Dotterer will be there to help protect and serve when needed. I sincerely appreciate his service and the support of the VA DWR."

❖ Awards & Honors

▪ Regional Nominees are:

❖ Region 1

- CPOY- Amanda Nevel
- BOOY- Joe Rollings

❖ Region 2

- CPOY- Brandon Harris
- BOOY- Shane Wilson

- ❖ Region 3
 - CPOY- Jason Harris
 - BOOY- Gene Wirt
- ❖ Region 4
 - CPOY- Tim Bostic
 - BOOY- Alan Hatmaker
- ❖ Special Ops
 - CPOY- Wes Billings
- ❖ Transfers

▪ Joseph Rollings	Prince George County	Effective: February 1
▪ Cody Barnes	Surry County	Effective: February 1

Upcoming Important Dates:

- The [Virginia Conservation Police Calendar \(Link must be accessed through your DWR google account\)](#) a division wide calendar with important dates for the division staff is under construction. Please add this to your google calendar to stay informed with important dates and reminders.





VCP Rollicall

February 2022 / Edition #12



Colonel's Message:

I just came back from a "Game Warden Experience", dedicated to Waterfowl Enforcement. Much has changed in my 27 years as a Game Warden and CPO, but migratory birds still need our protection. Our own subject matter experts, Master Officer Brian Bratton, Sgt. Steve Garvis and Resident Special Agent In-Charge (Ret.) Rick Perry, did an outstanding job of demonstrating effective techniques in collaboration with our partners at the US Fish and Wildlife Service.

This is a training initiative designed to focus on traditional boots-on-the-ground techniques using a hands-on approach over multiple days in the field. With the loss of institutional knowledge, we want you to be successful in your role as a "Protector of Wildlife and Natural Resources", so we are going to invest in each of you since you are our greatest resource. While compliance checks are important, you need to continually hone those surveillance and investigative skill sets, which will lead to better cases. From my experience, there is a significant personal and professional reward in bringing complex investigations to a logical conclusion and we want you all to have the benefit of carrying those rewarding experiences forward and sharing them with others.

We will certainly move forward with more of these Game Warden Experiences. Sgt. Steve Garvis has agreed to facilitate these special training field sessions to ensure they consistently offer the elements and opportunities that our first one fulfilled, to include; sharing our expertise in a team environment where you will also have some fun. Some other ideas for GW Experiences include: Trapping, Bear Bait, Turkey, Ginseng and Turtle Poaching. If you have an idea, or want to assist in any way with one in the future, please let Steve know.

Colonel John J. Cobb / Chief of Law Enforcement



Waterfowl Game Warden Experience Class Picture on Chincoteague Island

Proactive Initiatives:

- **VCP Career Progression Program (CPP) Update**
 - We have received a response from DHRM on our career progression program with some additional questions. DHRM did state that they fully support the establishment of a career progression plan for CPOs at DWR. We are currently working on a response that will include the additional information that they requested. Stay tuned!
- **Development of Beard and Updated Grooming Standards**
 - General Order 03-03 Uniforms and Personal Appearance is currently under revision to represent the new uniform items as well as developing new facial hair guidelines and new consideration for female officer hairstyles.
- **North American Wildlife Law Enforcement Accreditation (NAWLEA)**
 - Alabama, Arkansas, Florida, Georgia, South Carolina, Texas and Virginia as a coalition of South Eastern Natural Resource Law Enforcement Agencies are in the process of creating NAWLEA to address the uniqueness of natural resources law enforcement. Many of the standards are already consistent with those of VLEPSC and Florida's state accreditation body. The development of this accreditation body will create a network of agencies working together to enhance natural resources law enforcement on a national level.
- **New Firearm Issued**
 - We are getting very close to issuing our new Glock 45 MOS duty weapons. Currently, everyone should have signed-up for a range date next month.
- **Outer Carrier Issued**
 - The Agency has been assigned a new Safariland representative that recently made a visit to HQ. A topic of discussion was the delay on the outer carriers. Fortunately, our new representative was able to work through some issues and we should have the remaining carriers in time for our firearms transition.
- **New Uniforms**
 - The new uniforms have started to roll into HQ. We are currently working on a strategy to get these bulk ordered uniforms organized by officers. We hope to start rolling these out into the field within the next 30-60 days.
- **New Watercraft Regulation that benefits LE** - Special thanks to SGT Goszka!
 - The law enforcement division, with the assistance of Tom Guess, has crafted a proposed regulation that will require *"Every motorboat, when approaching or passing within 100 feet of any law enforcement vessel or emergency services vessel that is displaying flashing blue or red lights, shall slow to no wake speed so that the effect of the wake does not disturb the activities of law enforcement or emergency services personnel."*

- This proposed regulation still has a long way to go before it is published, and it may not make it, but we are committed to providing you all as much protection as possible when you are on the water.

Office of Professional Standards:

❖ UPDATE - Professional Standards Major

- OPSAC meeting scheduled for 2-22-2022 / 10:00-12:30 p.m. / Main Board Room or virtual call-in.

❖ Recruitment / Retention Initiatives

- DWR is planning to hire 25 new officers this year. Meetings are underway that will set the hiring process specifics - including announcement date, the hiring timeline, and the list of duty station locations. Anyone who is interested in joining the DWR team as a conservation police officer can receive information about the career, the hiring process, and the training academy by emailing recruiter@dwr.virginia.gov. Prospective applicants can also visit the CPO Recruiting website, <https://dwr.virginia.gov/conservation-police/recruiting/>. There, they will find useful information and answers to many frequently asked questions.

❖ Training (Basic and In-service) / Training Offered to Other Agencies

- The 11th Academy is completing Week 21. Since the last Roll Call update, the students completed their Officer Water Survival and Firearms training.

The students completed the 16 hour NASBLA Officer Water Survival (OWS) course in accordance with the National Association of State Boating Law Administrators (NASBLA) Boat Operations and Training (BOAT) Program. The purpose of the course is to provide our new officers the skills necessary to survive in and around the water. This course prepares the officer for the unexpected immersion into the water. A key element of this course will be the preparation of participants to become proficient in water survival skills and awareness on how to use their duty gear and survival equipment to increase their chances of survival. The students demonstrated proficiency of each of the subject areas outlined in the course modules through a compilation of measures including objective testing, scenario review, class discussion, practical activities and verification of course prerequisites.

The NASBLA OWS program is in place by many agencies across the country, and was added to the Basic Training Academy's curriculum in 2021.



The Basic Academy has also completed their 10 day firearms training program at the Virginia State Police Facility in Blackstone. The students learned firearm nomenclature and maintenance in the classroom prior to heading out to range. During this training, each student demonstrated their proficiency with the issued Glock 45 pistol and Colt M4 rifle during daytime and low-light conditions.

- The students of the Modified Academy are currently in their field training phase of their training. They are assigned to veteran officers who are providing guidance and coaching to prepare them for the career ahead.

- We have been sharing the training highlights with the public through the DWR Facebook page. Check it out to see a glimpse of their training.
<https://www.facebook.com/VirginiaDWR>.
- The Training staff met with their new DCJS representative this past week. Due to regulation changes, our new representative will meet regularly with Academy staff to discuss the program and to sit in on training courses.
- VCP Leadership Training - the Law Division promotes leadership throughout its levels. In support of this, several courses have been identified and our officers are encouraged to pursue the opportunities. The courses include in-person offerings by FBI-LEEDA and online offerings through the Commonwealth of Virginia Learning Center.
- Basic Field Training Officer Certification Course- This 32 hour course will introduce our officers to the concepts of problem-based learning, while developing facilitation, leadership, and coaching skills. The training will promote adult learning principles and varied individual-based training approaches designed to maximize valuable field training time, overcome training challenges, and allow the officer in training to learn at the appropriate individual pace.
- Colt Rifle Armorer Course- the Law Division had issued the Colt M4 rifle to its field officers. To ensure these firearms are properly maintained, we have arranged for instructors from Colt to deliver this 24 hour course to our firearms instructors. These officers will gain a complete understanding of the design theory, nomenclature, dynamics, compatibility, interchangeability, detailed disassembly, assembly, maintenance and trouble-shooting of the M16/AR-15 family of weapons including rifles, carbines, and sub-machine guns. This class provides a certification that is valid for 3 years. Officers from DCR and VMRC have been invited to attend the course.
- DWR officers will be teaching DCR officers at Westmoreland State Park how to operate ATV's in March. This training will cover several important topics including department policy, officer safety, maintenance, and operation at varied speeds in over terrain.
- [Training Calendar](#)

- ❖ Employee Suggestion Program (E.S.P.)
 - Next O.P.S.A.C. meeting to review new employee suggestion programs is 2/22/2022, if you have an idea please send it in.
 - [E.S.P. Project List and Completion Tracker](#)
 - Have a suggestion? Submit [VCP-180](#) to LawESP@dwr.virginia.gov.

- ❖ Accreditation
 - General Order Review Committee - General Orders will be reviewed annually. In order to maintain the best possible written directives a committee from all levels of the organization is needed. Lt. Ham is currently seeking at least one officer and one sergeant from the field to serve on this committee in 2022. Reviews will be done in PowerDMS, with limited need for personal or virtual meetings. If you are interested please email rob.ham@dwr.virginia.gov
 - Several revised and new written directives will be coming out over this spring. Please check PowerDMS regularly to sign the directives within 10 of your working days.
 - Keep the accreditation proofs coming, photos, RMS report numbers etc. can be emailed to rob.ham@dwr.virginia.gov

- ❖ Peer Support
 - The division's Peer Support Team has recently been working with the Virginia Law Enforcement Assistance Program. Learn more about [VALEAP](#) and the [Post Critical Incident Seminars](#) they provide. If you are interested in attending the PCIS please let one of our peer team members know or register through VALEAP.
 - The Peer Team is looking for members. Contact Lt. Ham if you are interested in joining the team.
 - Want to talk to a Peer Team Member? [Contact Information](#)

Support Services:

- ❖ Grants
 - We have already begun the project research for the 2022 Port Security Grant process and are working on identifying the projects that will be included in the grant application. Even though this grant application process specifically focuses on Region 1 assets, it allows the division to reallocate state funds, which benefits the entire division.
 - The 27' SAFE boat that we acquired based on the 2020 PSGP grant award has been marked and is awaiting STARS radios. She will be on patrol very soon in the Middle Peninsula!



❖ Communications Center

- The process to fill the vacant dispatcher position has been delayed due to some unforeseen complications. Fortunately, we have extended another offer, which has been accepted and we will be working to conduct a background investigation on the applicant in the near future. In reference to the communication center management position, that position closed on the 13th and we are awaiting the list of screened applicants from HR.

❖ Legal Articles of Interest

- The Supreme Court of the United States decided three Fourth Amendment cases in 2021 – Lange v. California, 141 S. Ct. 2011 (2021), Caniglia v. Strom, 141 S. Ct. 1596 (2021), and Torres v. Madrid, 141 S. Ct. 989 (2021).
- The Lange case has been discussed in a prior edition of this newsletter. You may recall that the Court explained that “[t]he flight of a suspected misdemeanor does not always justify a warrantless entry into a home.” Lange, 141 S. Ct. at 2024. The Court cautioned that “[a]n officer must consider all the circumstances in a pursuit case to determine whether there is a law enforcement emergency.” Id. Even so, “[o]n many occasions, the officer will have good reason to enter—to prevent imminent harms of violence, destruction of evidence, or escape from the home.” Id. “But when the officer has time to get a warrant, he must do so—even though the misdemeanor fled.” Id. The underlying facts in this case are that an officer gave chase to Mr. Lange after he drove by the officer playing loud music and honking his horn. Within 100 feet of commencing the chase – a four second drive, Lange turned into his driveway and entered his attached garage. The officer entered the garage and immediately conducted field sobriety tests, leading to a misdemeanor charge. The Court held that, under these

circumstances, the officer violated Mr. Lange's Fourth Amendment rights by the warrantless entry into his home.

- In Caniglia, the Court held that the “community-caretaking” exception to the Fourth Amendment, set forth in Cady v. Dombrowski, 93 S. Ct. 2523 (1973), does not extend to the home; a warrant is still required here. In Cady, the Court held that a warrantless search of an impounded vehicle for an unsecured firearm did not violate the Fourth Amendment. Cady, 93 S. Ct. at 2532. The Court noted that, “[i]n reaching [its] conclusion [in Cady], [it] observed that police officers who patrol the ‘public highways’ are often called to discharge noncriminal ‘community caretaking functions,’ such as responding to disabled vehicles or investigating accidents.” Caniglia, 141 S. Ct. at 1598 (citing Cady, 93 S. Ct. at 2523). That said, the question before the Court in Caniglia is “whether Cady’s acknowledgment of these ‘caretaking’ duties creates a standalone doctrine that justifies warrantless searches and seizures in the home.” Caniglia, 141 S. Ct. at 1598. The Court held that “[i]t does not.” Id.
- The germane facts in Caniglia are that, during an argument with his wife, Caniglia placed a handgun on the dining room table and asked his wife to “shoot [him] and get it over with.” His wife instead left the home and spent the night at a hotel. The next morning, she was unable to reach her husband by phone, so she called the police to request a welfare check. The responding officers accompanied Caniglia's wife to the home, where they encountered Caniglia on the porch. The officers called an ambulance based on the belief that Caniglia posed a risk to himself or others. Caniglia agreed to go to the hospital for a psychiatric evaluation on the condition that the officers not confiscate his firearms. But once Caniglia left, the officers located and seized his weapons. Caniglia sued, claiming that the officers had entered his home and seized him and his firearms without a warrant in violation of the Fourth Amendment. The District Court granted summary judgment to the officers. The First Circuit affirmed, extrapolating from the Court's decision in Cady v. Dombrowski, a theory that the officers' removal of Caniglia and his firearms from his home was justified by a “community caretaking exception” to the warrant requirement.
- In Torres, the Court held that a suspect who was shot by police while fleeing the scene in her vehicle was seized within the meaning of the Fourth Amendment because the application of physical force to the body of a person with intent to restrain is a seizure, even if the force does not succeed in subduing the suspect. The officers' shooting applied physical force to the suspect's body and objectively manifested an intent to restrain her from driving away, so the officers seized the suspect for the instant that the bullets struck her.

- This ruling came about in a case brought by Torres against the officers who shot her. The legal rationale is quite convoluted. Thus it precludes meaningful summary here.
- The germane facts in Torres are that Janice Madrid and Richard Williamson, officers with the New Mexico State Police, arrived at an Albuquerque apartment complex to execute an arrest warrant and approached Roxanne Torres, then standing near a Toyota FJ Cruiser. The officers attempted to speak with her as she got into the driver's seat. Believing the officers to be carjackers, Torres hit the gas to escape. The officers fired their service pistols 13 times to stop Torres, striking her twice. Torres managed to escape and drove to a hospital 75 miles away, only to be airlifted back to a hospital in Albuquerque, where the police arrested her the next day. Torres later sought damages from the officers under 42 U.S.C. § 1983. She claimed that the officers used excessive force against her and that the shooting constituted an unreasonable seizure under the Fourth Amendment. Affirming the District Court's grant of summary judgment to the officers, the Tenth Circuit held that a suspect's continued flight after being shot by police negates a Fourth Amendment excessive-force claim. However, the Supreme Court disagreed, holding that the application of physical force to the body of a person with intent to restrain is a seizure even if the person does not submit and is not subdued.

❖ IT Systems

- Need Help - Call a member of the [IT Cadre](#) to set-up either individual assistance or a small group training session
- If you have IT questions, sent them to LawITCadre@dwr.virginia.gov mailbox

Law Enforcement Operations:

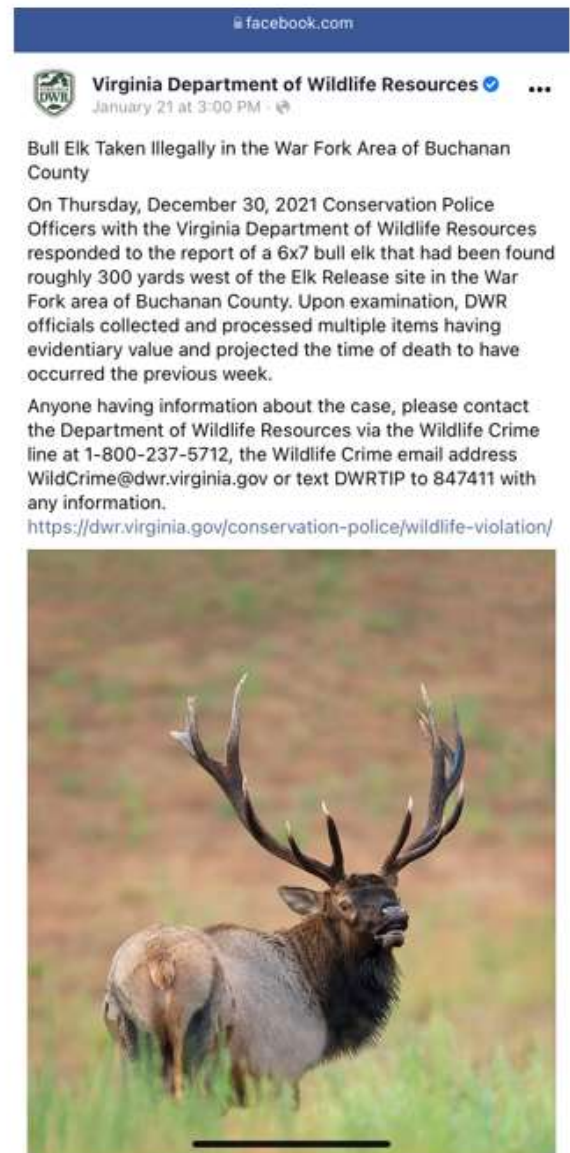
❖ UPDATE - Operations Major Update

- I am going to use this month's update to highlight an initiative that the Colonel referenced in his message, which is the *Game Warden Experience* project that has become a very important focus of the division. As you have already read, the first experience occurred a few weeks ago on Chincoteague Island and the focus was waterfowl enforcement. This was one of the best CPO specific training sessions that I have attended in my career and I would highly encourage each of you to consider participating as we expand this program and begin offering some of the stalwarts, such as the waterfowl workshop, on an annual basis. Not only was this highly informative and interesting, but it was a great opportunity to collaborate with our partners with the US Fish and Wildlife Service and exchange ideas amongst peers. The highlight may have been eating oysters in a heated maintenance bay during

an after-hours social and watching Tyler Sheets demonstrate the Spy High camera mount system (which we will be buying more of). So, keep your eyes peeled for future experiences as we work to offer additional opportunities!

❖ Media Initiatives

- The Division, in conjunction with Leon Boyd, who serves as an Agency Board Member and the Ward Burton Wildlife Foundation, developed and conducted a social media outreach initiative focused on closing a very significant wildlife case that involved a mature bull elk that was poached in the War Fork area of Buchanan County. This effort has led to some additional information and officers in Region 3 are actively working this case.



❖ Recent Enforcement Efforts

- Activity Reports:
 - [Weekly Activity Report 01/12 - 01/18 \(External\)](#)
 - [Weekly Activity Report 01/19 - 01/25 \(External\)](#)
 - [Weekly Activity Report 01/26 - 02/01 \(External\)](#)
 - [Weekly Activity Report 02/02 - 02/08 \(External\)](#)
 - [Weekly Activity Report 02/09- 02/15 \(External\)](#)
- [CPO Notebook](#)

❖ General Information

- Like most hunting equipment, technology seems to continually test our laws and regulations. One of the latest pieces of equipment that we have to review in terms of legality is the [Umarex's AirSaber Elite X2](#), which is a double barreled arrow gun. Based on review by Paul Kugelman, this is a lawful device to hunt with if the hunter is in compliance with the current code and regulations that regulates the use of an arrow gun. Please hit the hyperlink above if you are interested in learning more about this device.

Personnel:

❖ Officer Commendation of the Month

- Commendation Letter from Virginia State Police Superintendent Colonel Gary Settle and goes to Lieutenant Rob O. Ham III; Sergeant Chance Dobbs; Senior K-9 Officer Ian Ostlund and K-9 Reese; Master K-9 Officer Richard Howald and K-9 Sky; Sergeant Ken Williams; Officer First Class Phillip Pritt; and Officer First Class Justin Sumpter

This Citizen Feedback Submission read, "The death of any police officer in the line of duty represents a tragedy of the highest order. The actions of the offender represent not only an attack against the individual officer, but an attack on the fabric and order of our nation and society. Sadly, this is the situation which unfolded on the afternoon of February 1, 2022, on the campus of Bridgewater College when two law enforcement officers from the college police force were shot and killed by an assailant. College Police Officer John Painter and Campus Safety Officer J.J. Jefferson were in the process of responding to a call for a suspicious person when they encountered Alexander Wyatt Campbell outside of Memorial Hall. During this encounter, Campbell produced a firearm and fatally shot both officers. Campbell then proceeded to take Officer Painter's handgun and flee the scene. Through the quick work of responding state and local law enforcement, Campbell was quickly contained and taken into custody on an island in the North River. Campbell has subsequently been charged with multiple felonies in connection with this fatal assault.

Several members of the Virginia Department of Wildlife Resources Conservation Police were among the responding law enforcement personnel. They bravely responded when the calls for assistance were broadcast and remained on scene as members of the Bureau of Criminal Investigation, Culpeper Field Office progressed through the investigation and processing of the crime scene. In particular, supervisors from your agency arranged for assistance from several of your K-9 teams to assist in performing article searches and tracks of the offender's movements. It was through this assistance that an area in the river was identified for search, which resulted in the locating of Officer Painter's stolen handgun. As such, I would like to formally recognize:

*Lieutenant Rob O. Ham, III
Sergeant Chance Dobbs
Senior K-9 Officer Ian Ostlund and K-9 Reese
Master K-9 Officer Richard Howald and K-9 Sky
Sergeant Ken Williams
Officer First Class Phillip Pritt
Officer First Class Justin Sumpter*

As our investigation progresses and we work to achieve justice for Officer Painter and Safety Officer Jefferson, it can never be forgotten that the efforts of your officers helped to contribute to this outcome.”

❖ Promotions/Assignment Change

- OFC Jacob Chaffin K-9 Handler 1/25/2022

Upcoming Important Dates:

- The [Virginia Conservation Police Calendar \(Link must be accessed through your DWR google account\)](#) a division wide calendar with important dates for the division staff is under construction. Please add this to your google calendar to stay informed with important dates and reminders.



DRAFT Meeting Minutes
Law Enforcement Committee
Board of Wildlife Resources
7870 Villa Park Drive, Board Room
Richmond, Virginia 23228

January 19, 2022
9:00 am

Present: Mr. G. K. Washington filled in for Rovel Brown, Mr. Brian Vincent (Virtual);
Absent: Mr. Rovel Brown; **Board Members in attendance:** Mr. Leon Boyd, Ms. Karen Terwilliger, Ms. Tammy Jo Grimes; **Deputy Director:** Ms. Becky Gwynn; **Director's Working Group:** Mr. Gary Martel, Mr. Darin Moore, Ms. Paige Pearson, Dr. Mike Bednarski, Colonel John Cobb.

The Chair called the meeting to order at 9:00 am and welcomed everyone to the meeting. The Chair noted for the record that there was a quorum present for the meeting.

Meeting Minutes: The Chair called for a motion to approve the minutes of the October 27, 2021 committee meeting. Mr. Vincent made a motion to approve the minutes of the October 27, 2021 meeting minutes. It was seconded by Mr. Washington. The Board secretary took a roll call vote: Ayes: Washington and Vincent.

Public Comment – Non Agenda Item: The Chair called for Public Comment – Non Agenda Item.

Mr. Judge Charlton spoke regarding Hound Hunting

VCP Roadmap Implementation: The Chair called on Colonel John Cobb for a presentation.

Colonel John Cobb gave a presentation on the VCP Roadmap Implementation and all the work that had gone into this project to make Law Enforcement a more professional Division and enhance the level of quality of public service.

After comments and questions, the Chair thanked Colonel Cobb for his presentation.

Director's Report: The Chair called on Deputy Director Becky Gwynn for the Director's Report.

Deputy Direct Gwynn reported:

- Complimented Law Enforcement on bringing Law Enforcement into the 21st Century and all the work and dedication by staff.

- Reported that the DWR Law Enforcement Honor Guard was present for the dedication of the first 100 acres of the Doe Creek WMA on Eastern Shore with Governor Northam and Secretary Ann Jennings and staff.
- Reported that Law Enforcement officers worked the Inauguration of Governor Glenn Youngkin and participated in the parade, and volunteered working with Lobby Day on Monday after.

After comments and questions, the Chair thanked Ms. Gwynn for her report.

Chair's Report:

The Chair thanked everyone for attending today's Law Enforcement committee meeting. He commended Law Enforcement staff on their progression and implementation of the VCP Roadmap.

The Chair announced the next Law Enforcement committee meeting will be March 23, 2022 and asked if there were any additional comments, hearing none, he adjourned the meeting at 10:00 am.

Respectfully submitted,

/s/ Frances Boswell