

*Portsmouth Sheriff's Office***The Community Advisor****25th Annual National Night Out**

The citizens that organize and take part in the event, come together beforehand in meetings and on the NNO picnic that Ms. Millner and her husband hosted this year. Great food and a fun filled afternoon! Thank you, Mr. & Mrs. Millner and South Fairview Civic League! Then September 5th, citizens of the City of Portsmouth came together to promote awareness, and support Law Enforcement in ousting crime, to take back their neighborhoods. The Police Department, Sheriff's Office, Fire Department, some Civic Leagues, and Neighborhood Watches formed a Motorcade and rode throughout Portsmouth and came to rest at a field next to the old Cradock High School on George Washington Highway. They had a stage for entertainment and several vendors selling refreshments. In the school itself, were a lot of tables set up, with brochures of the different programs the participating agencies have to offer. The Sheriff's Office had a team of Deputies there, to make ID cards, with fingerprints for children (Ident-A-Kid), to talk about Crime Prevention and the Senior Watch. The 25th Annual National Night Out had a decent participation, however there are some neighborhoods who chose not to get involved. It would be a tremendous statement to all on the wrong side of the Law, if all of Portsmouth would get together. Our Police Department works hard to ensure our safety, but they cannot do it alone. If all subdivisions would form Neighborhood Watches along with their Civic Leagues, we all could fight crime and show that we will not tolerate any criminal activities in our community and we are taking back our neighborhoods. The Portsmouth Sheriff's Office Community Enforcement Unit works with the Police Department and rely on tips from the public in order to build a case and give enough information to the Police Department. We all can make a difference, but we need your help. We have to work together to make Portsmouth a safe and family oriented City where our children can play and go to school without worry. Please consider to join us next year. If you are interested in forming a Neighborhood Watch, please call Lt. Cherry at 391-3310. He will be glad to assist you.



Virginia H.E.A.T. Program

The people/agencies sponsoring the HELP ELIMINATE AUTO THEFT program had a promotional event at Harbor Park to increase public awareness of auto theft, the prevention of auto theft and the H.E.A.T. Rewards Program on August 3rd. The Sheriff and several others came out to work at the event. Here are some tips on how to protect your vehicle from being stolen and yourself from being carjacked:

- Lock your car-- half of all vehicles stolen are left unlocked.
- Take your keys-- nearly 20% of all vehicles stolen have keys in them.
- Park in well-lighted areas-- car thefts occur at night more than half the time.
- Park in attended lots-- car thieves don't like witnesses.
- Don't leave your car running, even for a minute-- convenience stores, gas stations, and ATMs are common hunting grounds for thieves, and cars left running to warm up on cold mornings are easy prey.
- Completely close your car windows.
- Don't leave valuables in plain view.
- Don't hide a spare set of keys in the car; the pros know where to look.
- Keep your registration card with you not in the glove compartment.
- Park with your wheels turned toward the curb.
- If your vehicle has rear-wheel drive, back into your driveway-- rear wheels lock on rear-wheel drive vehicles, making them tough to tow--front-wheel drive vehicles should be parked front end first.
- Always use your emergency brake when parking.
- If you have a garage, use it-- and when you do, lock both the vehicle and the garage door.
- If your vehicle is going to be unattended for a long period of time, disable it--for example, remove the ignition fuse, coil wire or distributor rotor.
- Audible alarms .
- Steering wheel locks.
- Steering column collars.
- Theft deterrent decals.
- Tire locks.
- Smart keys.
- Use cut-offs.
- Kill switches.
- Starter, ignition and fuel disablers.



Protection against carjacking:

- Before getting into your car, pay attention to your surroundings and be alert to nearby activity.
- Always approach your car with your keys in hand.
- Always check the back seat before opening your car.
- Make sure doors you left locked are still locked when you return.
- If someone is loitering near your car, don't approach it.
- Once you're in your car, keep your doors and windows locked.
- Carry a cellular phone and know your emergency numbers: #77 for Virginia State Police and 911 for local police.
- Avoid high--crime areas, especially after dark.
- Be wary of people who approach your vehicle to ask for directions or change, or to hand out flyers.
- When stopped in traffic, leave enough distance from the car in front of you to pull away quickly if necessary-- if another car bumps you, or if a tire goes flat, keep your doors and windows closed and locked, wait for the police to arrive, or drive to the nearest police station, service station or convenience store.
- Stop only at ATMs that are well--lighted and visible from the street-- pull as close as possible, then check your mirrors and look outside before opening your window.
- If an armed carjacker confronts you, don't resist-- get out of the car quickly; it's better to lose your car than your life.



If you know anything about an auto theft, contact the H.E.A.T. Program on line and you could help yourself to a cash reward up to \$25,000, if the information you give leads to an arrest. Visit their website at www.heatreward.com, or call 1-800-847-4928. When you contact them either via e-mail or by telephone , no one will ask your name, and everything you say will be held in the strictest confidence.

“Thank You “ from the City of Suffolk

Sheriff Watson was invited by William A. Freeman, Chief of Police and the Suffolk Police Department to attend a Suffolk City Council Meeting on August 20th for an Award Ceremony. At the meeting the Sheriff accepted a plaque on behalf of the Portsmouth Sheriff's Office, for all the volunteers that helped with the cleanup effort and provided security in Driver and Suffolk. Besides Sheriff Watson, representatives from the Virginia State Police, Portsmouth, Isle of Wight, Newport News, Norfolk, Chesapeake Police Departments were present to accept this honor for their agencies. Suffolk Mayor Linda T. Johnson and Chief Freeman expressed their gratitude for the support the City of Suffolk received from the surrounding cities. Sheriff Bill Watson is very proud of the dedicated men and women that make up the Portsmouth Sheriff's Office and ordered the plaque displayed in the Portsmouth Sheriff's Office Charles A. Fisher Training Academy for all to see.



Your Community Advisor



**Let's stand together,
as a Community. For
the benefit of our
children and for
those that can not
speak for themselves.**

This Newsletter is published with the Community in mind. Our goal is to inform you of happenings in our Office, City, and programs the Portsmouth Sheriff's Office has to offer. In the event that you have some news, or functions, that would benefit other citizens in our City, or you have any suggestions on how to improve this newsletter, please do not hesitate to contact me at 393-5461 and I will include it in my next issue. Sheriff Watson was born and raised in Portsmouth and loves our City. He is always eager to attend, listen and assist Civic Leagues and Neighborhoods alike. If you would like the Portsmouth Sheriff's Office to be part of your Meetings and talk about our programs, or you have any concerns, give us a call and we will make arrangement to support you in anyway we can. The newsletter is now also available on our website.

Senior Watch



For those who are not familiar with this program, the Senior Watch was established by former Sheriff Gary Waters. The original program had a member of the Sheriff's Office call the persons enrolled every morning to ensure that they are able to answer the telephone and were doing alright. At that time, we had about 12 to 15 seniors on that list. Under Sheriff Bill Watson, the service of the program was greatly expanded and has grown to a list of 100 citizens. Our Community Service Unit is in charge of this service and will not only call, but visit, and assist the elderly of our City daily. The Deputies assigned to this division visit the homes periodically to make sure the citizen has all medication, food, and everything they need, because sometimes a call is not enough and of course a little conversation is always welcomed by the participants. In addition the Deputies will provide transportation to the doctors office, or get the medication for them, if the person has no other means to get it. These Deputies also participate in the Meals on Wheels program. If the Deputies find that the person is in need of longtime assistance, they will notify the agency in charge, to guarantee the well being of the senior. Over the years we have learned, that when asked, if they needed anything, most will say they are doing just fine. However, when we stop by to visit, we see in some cases, that they are not. Some will need food, medical attention, medicine, and some just don't want to be a burden to anybody. The program is credited with lives and ensures that medical attention is brought to the ones in need. We are extremely proud of the fact that we are able to help the people that make up the Greatest Generation, living alone, have no family, are on a fixed income, in poor health, or handicapped, and like to stay independent as long as they can. If you know anyone fitting this description and needs assistance, or you would like more information, please give us a call at 686-2565 and ask for Major Clemons or Deputy Compton.

Work Crews



I am sure you see the Sheriff's Office Work Crews, working on the road sides, on trash trucks, fire stations, city property, cemeteries, and many other places throughout the City. They are always assisting in clean ups after storms and saving tax dollars in doing so. These guys are out there rain or shine and so are the Deputies supervising them. I know many of us think, well they are in jail for a reason. This is true, but these guys are volunteering their labor. They could sit in the jail doing nothing, but they choose to give something back to the community and be productive in some way. I am not trying to raise sympathy for them, but like to give them and the Deputies credit for their hard work. After a storm they have worked along side of the Sheriff and some Deputies in Cedar Grove Cemetery to clean up storm damage.

In Recent Headlines

Most of us read The Virginian Pilot or watched the news broadcasts on TV lately. There has been a lot of talk about the Portsmouth Sheriff's Office in reference to Police Chief Corvello resigning, and then changing his mind, and staying on the Police Department as Chief. Most of the talk was about funding, training, and is the Sheriff's Office authorized to work traffic and criminal law. I am also aware that some Police Officers, Commonwealth's Attorney, and some others commented on the Sheriff's Office "playing police". I would like to clarify it, so everybody will know what is going on. In the resignation letter to the City, Chief Corvello wrote that it was unhealthy for the Police Department and the Sheriff's Office to compete for City funding. The Community Enforcement Unit (CEU) is strictly funded by federal money. This money is earned by housing federal inmates and our Deputies in Corrections are working hard for it. The money belongs to the Sheriff's Office and cannot be spent for anything else, other than the Sheriff's Office. The Sheriff had to go before City Council to get the money allocated and the pilot program for the CEU approved. The City of Portsmouth does not give us a penny toward the CEU or Traffic. There is a Memorandum of Understanding between the City of Portsmouth, Chief of Police (Edward Long at the time), and the Sheriff. It clearly outlines the duties, restrictions and commitment of all involved. Chief Corvello was not aware of some of the facts stated in the M.O.U. Now to the training or certification of our Deputies working the streets. Everybody in the CEU is law enforcement certified, so are the guys working in Traffic, and in CAU. Even in Civil Process most of the Deputies are law enforcement certified, however they do not have to be, serving papers. We have Deputies that have gone through the Basic Jailer Academy and some that have also been in the Law Enforcement Academy and are certified in both. Deputies that have gone through the Law Enforcement Academy, also had Field Training with a certified Field Training Officer of the Police Department or of the Portsmouth Sheriff's Office. The Sheriff hired people for the CEU that are already LEO certified and worked as police officers, are retired, left the force for other reasons and have extensive law enforcement experience. There are still some that will challenge these evident facts, however we have the certifications on file. As far as our Deputies violating citizens rights, this is not true. Our guys are following Federal, State Laws, and City Codes. The other issue I would like to address is the one of authority. It was said that the Sheriff Office is doing Police work and Deputies have only Civil Authority, because the locality has a Police Department. Let me share a letter from the Attorney General to Sheriff Gary Waters, when he inquired about the duties and authority of the Sheriff's Department.

The Attorney General wrote:

This is in reply to your request for my opinion whether a city sheriff and his deputies, in a city with an existing police department, have the authority and the duty to enforce the criminal and motor vehicle laws of the city and State.

1. City Sheriff and Deputies Have the Authority and Duty to Enforce Criminal and Motor Vehicle Laws.

Article VII, § 4 of the Constitution of Virginia (1971) requires the election of a sheriff in every city and states that the sheriff's duties "shall be prescribed by general law of special act." As to your particular situation, § 6.06 of the Charter for the City of Portsmouth imposes on the sheriff certain duties, not relevant here, "(i)n addition to the duties imposed upon him by State law...". Included among State statutes which give authority to or impose duties upon the sheriff's and which are relevant to your inquiry are §§ 15.1-79, 19.2-76, 19.2-81 and 46.1-6 of the Code of Virginia.

Section 15.1-79 provides, that "(e)very officer to whom any order, warrant, or process may be lawfully directed, shall execute the same within his county or corporation...."

Section 19.2-76 states, that "(a)n officer may execute within his jurisdiction a warrant or summons issued anywhere in the State. A warrant shall be executed by the arrest of the accused...."

Section 19.2-81 provides, *Inter alia*, as follows: "(T)he sheriff's of the various counties and cities, and their deputies....(and) the members of any duly constituted police force of any city...provided such officers are in uniform, or displaying a badge of office, may arrest, without a warrant, any person who commits any crime in the presence of such officer and any person whom he has reasonable grounds of probable cause to suspect of having committed a felony not in his presence."

Section § 46.1-6, a part of the title containing the motor vehicle laws of the State, provides that "(e)very county, city, town or other political subdivision of the State... shall enforce the provisions of the chapters 1 through 4 (§§ 46.1-1 through 46.1-347) of this title through the agency of any peace or police officer, **sheriff of deputy....**"

Section 19.2-71 provides, that "(p)rocess for the arrest of a person charged with a criminal offense may be issued by the judge, or clerk of any circuit court, any general district court, any juvenile and domestic relations court, or any magistrate..."

Section 46.1-37 provides, the **(a) The commissioner (of the Department of Motor Vehicles), his assistants, and police officers appointed by him are vested with the powers of the sheriffs** for the purpose of enforcing the laws of this Commonwealth which the Commissioner is required to enforce. **(b) Nothing in this title shall be construed as relieving any sheriff or sergeant, commissioner of the revenue, police officer, or any other official now or hereafter invested with police powers and duties, state or local, from the duty of aiding and assisting in the enforcement of such laws within the scope of their respective authority and duty.**

Reading the above statutes together, **it is clear that a city sheriff and his deputies have the authority to enforce the criminal and motor vehicle laws within the city.** Compare Opinion the Honorable A. Lee Ervin, Commonwealth's Attorney for Augusta County, dated June 20, 1986. This would include any city ordinance, the violation of which is made a misdemeanor. Compare Opinion to the Honorable John R. Isom, Sheriff for Loudoun County, dated July 26, 1985.

With regard to the **duty of a city sheriff and his deputies** to enforce the criminal and motor vehicle laws within the city, the Supreme Court of Virginia stated in Commonwealth v Malbon, 195 Va. 368, 78 S.E.2d 683 (1953), that “**(the sheriff)** is....a conservator of the peace and charged with the enforcement of all criminal laws within his jurisdiction. It is his duty, as well as the duty of the other police officers if the county of city, to investigate all violations of law and to serve criminal warrants.” 195Va. At 371, 78 S.E. at 686.

In light of both the above statues and the Court’s opinion in Malbon, it is my opinion that the **city sheriff and his deputies have both the authority and the duty to enforce the criminal and motor vehicle laws within the city.**

2. Existence of Police Department Does Not Affect Sheriff’s Authority; Does Affect His Duty

Although the Malbon case involved the duty of a county sheriff to enforce the law in his county and in a second-class city within his county, that factual distinction does not compel a different conclusion here.

Section 15.1-824 provides, inter alia, **that city sheriffs shall perform the same duties and exercise the same powers in cities as county sheriffs do in counties.**

Section 15.1-48, A sheriff’s deputies have the same authority and duty as does the sheriff to enforce the criminal and motor vehicle laws.

Section 15.1-138 provides, in part, as follows: “ The officers and privates constituting the police force of counties, cities and towns of the Commonwealth are hereby invested with all the power and authority which formerly belonged to the office of constable at common law in taking cognizance of, and in enforcing the criminal laws of the Commonwealth and the ordinances and regulations of the county, city or town, respectively, for which they are appointed or elected. Each policeman shall endeavor to prevent the commission within the county, city or town of offenses against the laws of the Commonwealth and against the ordinances and regulations of the county, city or town; shall observe and enforce all such laws, ordinances and regulations; shall detect and arrest offenders against the same; shall preserve the good order of the count, city or town, and shall secure the inhabitants thereof from violence and the property therein from injury.

See also §§ 15.1-79, 19.2-76, 19.2-81 and 46.1-6. discussed above. **These statues provide that the authority of members of the city police department to enforce the criminal and motor vehicle laws within the city is co-equal with that of the city sheriff and his deputies.** Moreover, §15.1-138 specifically imposes an affirmative duty upon city police officers to exercise that authority.

With regard to the **duty of the sheriff and his deputies in a city with an existing police department**, I again refer you to Malbon, wherein the Court states that the creation of a separate police department “ **does not relieve the sheriff of his duty to enforce the criminal laws**....However, in the absence of evidence to the contrary, he has a right to assume that the regular police officers of the police departments are performing their duties in enforcing the criminal laws.....

that any such officer is deliberately ignoring or permitting violations of law, it is his duty to take proper steps to prevent and suppress such violations and prosecute the violators.” 195 VA. At 372, 78 S.E. 2d at 686.

Conclusion

In light of the above, it is my opinion that (1) **the city sheriff and his deputies** have the authority to enforce the criminal and motor vehicle laws within the city, **which authority they share co-equally with the members of the city police department**; and (2) while the city police have an affirmative duty to exercise that authority, **the sheriff and his deputies should exercise that authority** in accordance with the principles abated by the Supreme Court of Virginia in Malbon.

I hope I didn't bore all of you to death, but I thought some of you would like to know this. However, do not forget that the Police Department is the primary Law Enforcement Agency. We are only to assist and react when we see something in progress, or have a citizens complaint at the time of our presence, and as soon as the police arrive they will take over. If you have any further questions in reference to the recent articles or news, please give us a call and we will be happy to answer you.

As far as comments that our Deputies should show up in Court like it is required of the Police Department, deputies will be in Court as ordered and have nothing but respect for the judicial system. The incident with a Deputy not being in Court for a case, is simply explained by the fact he was not issued, or served a subpoena and was not aware of the case being heard. If he had received the document he would have been in court. Others talked about a "Drug Bust" not being a good one and that the drug the CEU confiscated were not Methamphetamine. The pills were tested in the field by a police officer and the test was positive, that is why we sent it off to a lab to test. However, what was not mentioned is the fact that a large amount of Marijuana was also found and that within 1,000 feet of a school. These alone are some very good charges. I hope I was able to clarify some issues for you.

Portsmouth Sheriff's Office

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