

**REPORT OF THE
VIRGINIA STATE CRIME COMMISSION**

Law Enforcement Uniforms and Car Markings

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



Senate Document No. 8

**COMMONWEALTH OF VIRGINIA
RICHMOND
1988**



COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

General Assembly Building

910 Capitol Street

POST OFFICE BOX 3-AG
RICHMOND, VIRGINIA 23208

IN RESPONSE TO
THIS LETTER TELEPHONE
(804) 225-4534

ROBERT E. COLVIN
EXECUTIVE DIRECTOR

MEMBERS:

FROM THE SENATE OF VIRGINIA:

ELMON T. GRAY, CHAIRMAN
HOWARD P. ANDERSON
WILLIAM T. PARKER

FROM THE HOUSE OF DELEGATES:

ROBERT B. BALL, SR., VICE CHAIRMAN
RAYMOND R. GUEST, JR.
THEODORE V. MORRISON, JR.
A. L. PHILPOTT
WARREN G. STAMBAUGH
CLIFTON A. WOODRUM

APPOINTMENTS BY THE GOVERNOR:

L. RAY ASHWORTH
WILLIAM N. PAXTON, JR.
GEORGE F. RICKETTS, SR.

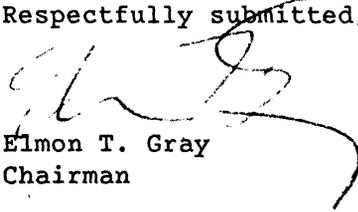
ATTORNEY GENERAL'S OFFICE
H. LANE KNEEDLER

November 9, 1987

To: The Honorable Gerald L. Baliles, Governor of Virginia,
and Members of the General Assembly:

Senate Joint Resolution 174, agreed to by the 1987 General Assembly, directed the Virginia State Crime Commission to examine the standards that may exist for sheriffs' uniforms and car markings and within the various types of law enforcement across the state. In fulfilling this directive, a comprehensive study was conducted by the Virginia State Crime Commission. I have the honor of submitting herewith the study report and recommendations on Uniforms and Car Markings.

Respectfully submitted,


Elmon T. Gray
Chairman

ETG/sab

Respectfully Submitted

by the

Virginia State Crime Commission

From the Senate:

**Elmon T. Gray, Chairman
Howard P. Anderson
William T. Parker**

From the House of Delegates:

**Robert B. Ball Sr., Vice Chairman
Raymond R. Guest Jr.
Theodore V. Morrison Jr.
A.L. Philpott
Warren G. Stambaugh
Clifton A. Woodrum**

Appointments by the Governor

**L. Ray Ashworth
William N. Paxton Jr.
George F. Ricketts Sr.**

Attorney General's Office

H. Lane Kneedler

Subcommittee

Studying

Uniforms and Car Markings

of

Sheriffs and Other Law Enforcement Officials

Members:

Speaker A. L. Philpott, Chairman
Mr. L. Ray Ashworth
Mr. H. Lane Kneeder, Attorney General's Office
Delegate Theodore V. Morrison Jr.
Senator William T. Parker
Mr. William N. Paxton Jr.

Staff:

Robert E. Colvin, Executive Director
Laura J. Armstrong, Special Research Assistant
Kimberly A. Morris, Executive Secretary

Table of Contents

| | | |
|-------|---|---|
| I. | Authority for the Study | 1 |
| II. | Members Appointed to Serve. | 1 |
| III. | Background | 1 |
| IV. | Limits of the Study | 2 |
| V. | Attorney General's Research | 2 |
| VI. | Sheriff's Association's Actions | 2 |
| VII. | Public Hearing. | 2 |
| VIII. | August 27, 1987 Meeting. | 3 |
| IX. | <u>Recommendations</u> | 4 |
| X. | Conclusions | 4 |

Appendices

| | | |
|------------|---|----|
| Appendix A | Recommended Legislation | 5 |
| Appendix B | SJR 174 | 8 |
| Appendix C | Acts of Assembly | 10 |
| Appendix D | Sheriff's Association Recommendations | 13 |
| Appendix E | Chiefs of Police Letter of Request. | 16 |
| Appendix F | Letter from H. Lane Kneeder | 18 |
| Appendix G | Letter from James W. Hopper | 20 |

I. Authority for Study

Pursuant to Senate Joint Resolution 174 of the 1987 General Assembly, the Virginia State Crime Commission was requested to study the standards that may exist for sheriffs' uniforms and car markings, and within the various types of law enforcement across the state. The resolution also requested the VSCC to ascertain the desirability of homogeneity in car markings and uniforms within these respective types of law enforcement officers (Appendix B).

Section 9-125 of Code of Virginia establishes and directs the Virginia State Crime Commission (VSCC) "to study, report, and make recommendations on all areas of public safety and protection". Section 9-127 of the Code of Virginia provides that "The Commission shall have duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in §9-125, and to formulate its recommendations to the Governor and the General Assembly". Section 9-134 of the Code of Virginia authorizes the Commission to "conduct private and public hearings, and to designate a member of the Commission to preside over such hearings". The VSCC, in fulfilling its legislative mandate, undertook the Standard Uniform and Car Markings Study as directed by SJR 174.

II. Members Appointed to Serve

During the April 13, 1987 meeting of the Crime Commission, its Chairman, Senator Elmon T. Gray of Sussex, selected House Speaker A.L. Philpott of Bassett to serve as Chairman of this subcommittee. The members who served on the subcommittee are:

Speaker A.L. Philpott, Subcommittee Chairman
Mr. L. Ray Ashworth of Richmond
Mr. H. Lane Kneedler of Richmond, Attorney General's Office
Delegate Theodore V. Morrison, Jr. of Newport News
Senator William T. Parker of Chesapeake
Mr. William N. Paxton, Jr. of Richmond

III. Background

Chapter 167 of the 1966 Acts of Assembly established the Sheriffs and City Sergeants Standard Car Markings and Uniform Commission to "prescribe a uniform of standard design for all sheriffs and their deputies, and...(to) prescribe a standard color and design of car marking for motor vehicles used by them" (Appendix C). This act, like the current one, allows the sheriff to choose whether or not to require uniforms and car markings, but if he does, they must conform to the standard. In 1971, legislation removed the reference to City Sergeants. By 1977, small changes in uniforms and car markings had been introduced locally and a degree of variety in uniforms and car markings existed statewide. To ensure statewide uniformity, legislators enacted §15.1-90.1 in its current form, abolishing the Commission and specifying the uniforms and car markings in use on July 1, 1977, as the standard ones (Appendix C). A description of these standards, however, was never filed and, as a result, no one is certain of the legal uniform and car marking designs.

IV. Limits of the Study

This study was primarily limited to sheriff's offices, but provided an opportunity for input from other law enforcement personnel such as state police, game wardens, and ABC regulatory agents. Excluded from the study were the various police departments of the cities, counties, and towns of the Commonwealth. The Virginia Association of Chiefs of Police formally requested, by letter to the subcommittee, to be excluded from this study (Appendix E).

V. Attorney General's Research

At the April 13, 1987 meeting of the VSCC, Mr. H. Lane Kneedler, Chief Deputy Attorney General notified the Commission that he would have staff initiate a search for the standards referred to in 15.1-90.1 and 15.1-90.2. In his letter of June 8, 1987, Mr. Kneedler reported that an exhaustive search had not been productive in locating the aforementioned standards (Appendix F).

VI. Sheriffs' Associations Actions

During 1986, the Virginia State Sheriffs' Association formed a committee composed of:

Sheriff C.W. Jackson, Chairman, Westmoreland County
Sheriff Vernie Francis, Southampton County
Sheriff Earl Sasser, Greensville County
Sheriff Ottie Moore, Caroline County
Sheriff Alvin Hudson, Roanoke City

The Committee considered the desirability of standardizing of car markings and uniforms among sheriffs' offices in Virginia, and developed recommendations. At the April 13, 1987 meeting of the VSCC, held at the General Assembly Building in Richmond, Virginia, Mr. John W. Jones, Executive Director of the Virginia State Sheriffs' Association appeared and responded to the Commission's inquiry regarding this issue. Mr. Jones indicated that the above-mentioned committee had developed certain recommendations regarding uniforms and car markings; and, at the August 1986 Summer Annual Conference of the Sheriffs' Association in Arlington, Virginia, the membership of the Sheriffs' Association, at that time, was unable to agree on the committee's report and no action was taken. However, at the July 20-21, 1987 Annual Conference of the Virginia State Sheriffs' Association, in Norfolk, recommendations to the Crime Commission on the issue of uniforms were developed. The Association's recommendations are included in Appendix D.

VII. Public Hearing

On June 29, 1987 the subcommittee held a public hearing regarding the standardization of uniforms and car markings within Virginia. The hearing was held in Richmond in the General Assembly Building, and 15 persons offered their opinions and recommendations to the subcommittee members.

Regarding Sheriffs' uniforms and car markings, those who favored standardization expressed the beliefs that:

- 1) Standardization could still allow for individual patches.
- 2) Deputies could be distinguished from Virginia State Police.

- 3) Individuals may be hesitant to stop for any vehicle that does not have identifiable markings on the car.
- 4) Department personnel would look more professional.

Those who opposed standardization expressed the following opinions:

- 1) Standardization is not cost effective.
- 2) Standardization would create difficulties in distinguishing deputies from the various jurisdictions with respect to filed complaints and each sheriff keeping track of his own personnel.
- 3) Dark colors such as brown attract heat in the summer.

Mr. John Jones, Executive Director of the Virginia State Sheriff's Association presented objective comments on both sides of the issue. He stated that an important issue such as this should be resolved and offered the following observations. He noted that uniformity statewide provided easily recognizable cars and uniforms and ensured a distinction between private security uniforms and those of deputy sheriffs. However, he mentioned that some sheriffs like to preserve their individuality with different patches and different colors of uniforms and automobiles.

VIII. August 27, 1987 Meeting

The subcommittee met in Richmond, Virginia on August 27, 1987 to conclude its findings and develop recommendations to the full Crime Commission. The subcommittee considered the information received at the public hearing and the proposals received in writing. The subcommittee, having heard no request for legislative changes from law enforcement authorities except sheriffs' offices, agreed to limit its focus to §§ 15.1-90.1 (et seq) of the Code of Virginia, regarding sheriffs and deputies.

The Sheriff's Association requested a bill to allow the state to purchase automobiles for Sheriffs on a statewide bid in order to save money. Mr. Aubrey Baird, Administrative Services Officer for the Department of Transportation, presented a handout to the subcommittee members explaining the procedures taken in accordance with § 11-40 of the Virginia Public Procurement Act to purchase vehicles for the Commonwealth. Mr. Baird noted that since 1948 automobiles have been purchased through the Department of Transportation (Highways) pursuant to an executive order because the Department already has a staff of mechanics and engineers who can write the specifications. He stated that the sheriffs' automobiles could be purchased under the current executive order and no legislation would be needed. Mr. Baird also added that the specific paint color should remain consistent with the manufacturer's color already offered because there is a substantial savings to the state by using the manufacturer's colors. The subcommittee agreed that no bill was required and such cost saving measures should be fully utilized in the purchasing process. Mr. John Jones with the Sheriff's Association was present and was informed of authority of the Department of Transportation to purchase automobiles for Sheriffs.

IX. Recommendations

The subcommittee carefully reviewed the recommendations submitted by the Virginia State Sheriff's Association (Appendix D) and agreed to incorporate the major provisions into the subcommittee's report to the Crime Commission. The Virginia State Crime Commission met on November 5, 1987 in Richmond, Virginia and received the report of the subcommittee. After careful consideration, the findings and recommendations of the subcommittee were adopted by the Commission.

The Commission agreed to:

1. Sponsor legislation to repeal § 15.1-90.1 of the Code of Virginia.
2. Sponsor a bill in the 1988 General Assembly to establish and implement standard uniform and automobile markings and specifications for sheriffs and deputies.
3. Sponsor legislation to provide that any new standards for uniforms or automobiles adopted shall go into effect three (3) years from the effective date of adoption.
4. Sponsor a bill that provides only sheriffs and deputy sheriffs may wear uniforms similar to the standards adopted.
5. List the detailed description of the uniforms and car markings in the proposed statute. This would prevent the standards from again getting misplaced and further would make them readily available to anyone with access to the Code of Virginia.

Appendix A presents proposed legislation which would implement all of the above listed recommendations.

X. Conclusions

The subcommittee felt strongly that Sheriffs' offices in the Commonwealth serve similar functions and purposes for the citizens, and the sheriffs and deputies should be easily recognizable. An important consideration is the Commonwealth's major role in funding salaries and operational costs of sheriffs' offices statewide. It was also felt that a particular uniform and car marking be designated and specifically reserved for sheriffs' offices so that private security and other types of law enforcement would be distinguishable from sheriffs and deputies.

Therefore, the Chairman and members of the Commission respectfully submit these recommendations and believe them to be in the best interests of the Commonwealth.

Appendix A

Recommended Legislation

1 D 9/8/87 Brinson C 11/13/87 jds

2 SENATE BILL NO. HOUSE BILL NO.

3 A BILL to amend the Code of Virginia by adding in Article 5 of Chapter
4 2 of Title 15.1 sections numbered 15.1-90.3 and 15.1-90.4 and to
5 repeal § 15.1-90.1 of the Code of Virginia, relating to standard
6 uniforms and motor vehicles for sheriffs and deputies; penalty
7 for wearing standard uniform by unauthorized person.

8

9 Be it enacted by the General Assembly of Virginia:

10 1. That the Code of Virginia is amended by adding in Article 5 of
11 Chapter 2 of Title 15.1 sections numbered 15.1-90.3 and 15.1-90.4 as
12 follows:

13 § 15.1-90.3. Standard uniforms and motor vehicle markings to be
14 adopted by sheriffs.--A. All uniforms used by sheriffs and their
15 deputies while in the performance of their duties shall meet the
16 standards designated in subsection B, except as provided in §
17 15.1-90.2.

18 B. The specifications for a standard uniform are as follows:

19 1. Shirts -- Shirts shall be dark brown. White shirts may be
20 worn by supervisors. An American flag patch is optional.

21 2. Shoulder patches -- Each sheriff may designate shoulder
22 patches which need not be uniform.

23 3. Badges -- Each sheriff shall designate badges which need not
24 be uniform.

25 4. Trousers -- Trousers shall be taupe with a dark brown stripe.

26 5. Hats -- If used, hats shall be brown sheriff's style with a
27 crease in the center of the crown.

Appendix B

Senate Joint Resolution 174

SENATE JOINT RESOLUTION NO. 174
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Rules on
February 23, 1987)
(Patron Prior to Substitute—Senator Canada)

Requesting the Crime Commission to study the salaries of law-enforcement officers and other matters.

WHEREAS, it must be recognized that the cost of living differs from one geographic area to another but undoubtedly is constantly increasing; and

WHEREAS, state and local law-enforcement officers need to be adequately compensated for the invaluable services they provide to the citizens of the Commonwealth; and

WHEREAS, the current salaries of state police officers, special agents of the Alcoholic Beverage Control Commission, sheriffs and game wardens are inadequate to keep pace with the rising cost of living; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission is requested to examine the salaries and other compensation paid to law-enforcement officers and compare their salaries to those paid to law-enforcement officers in other states. The Commission should also examine any standards that may exist for sheriff's car markings and uniforms and the desirability of uniformity in car markings and uniforms within the various types of law-enforcement officers.

The Commission shall complete its work prior to November 15, 1987 and submit its findings and recommendations to the General Assembly prior to the 1988 Session.

The direct costs of this study are estimated to be \$5,544 and such amount shall be allocated to the Virginia State Crime Commission from the general appropriation to the General Assembly.

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| substitute <input type="checkbox"/> | substitute <input type="checkbox"/> |
| substitute w/amdt <input type="checkbox"/> | substitute w/amdt <input type="checkbox"/> |
| Date: _____ | Date: _____ |
| _____ Clerk of the Senate | _____ Clerk of the House of Delegates |

Appendix C

Acts of Assembly

CHAPTER 167

An Act to establish the Sheriffs and City Sergeants Standard Car Marking and Uniform Commission and to define its powers and duties.

[H 413]

Approved March 15, 1966

Be it enacted by the General Assembly of Virginia:

1. § 1. There is hereby established the Sheriffs and City Sergeants Standard Car Marking and Uniform Commission. It shall consist of three members, two of whom shall be elected by the Sheriffs and City Sergeants Association and shall be elected sheriffs or city sergeants. One of the three members shall be appointed by the Governor and shall not be an elected sheriff or city sergeant.

§ 2. The Commission shall elect one of its members as chairman, who shall call meetings, at least once each year, and shall preside over same. Bylaws of the Commission shall be made by it. Members of the Commission shall receive no compensation for their services.

§ 3. The Commission shall prescribe a uniform of standard design for all sheriffs, city sergeants and their deputies, and shall prescribe a standard color and design of car marking for motor vehicles used by them.

§ 4. On and after January 1, nineteen hundred sixty-seven, the uniform, and motor vehicles prescribed by the Commission as set out in § 3 hereof, shall be used by all sheriffs, city sergeants and their deputies, while in the performance of their duties, if the office of the sheriff or city sergeant prescribes that uniforms be worn and marked motor vehicles be utilized.

CHAPTER 300

An Act to amend and reenact § 15.1-90.1, as amended, of the Code of Virginia, relating to sheriffs' standard car markings and uniforms.

364

ACTS OF ASSEMBLY

[VA., 1977

Approved March 22, 1977

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-90.1, as amended, of the Code of Virginia is amended and reenacted as follows:

§ 15.1-90.1. Sheriffs' standard car markings and uniforms. —(a) There is hereby established the Sheriffs Standard Car Marking and Uniform Commission. It shall consist of three members, two of whom shall be elected by the Sheriffs Association and shall be elected sheriffs. One of the three members shall be appointed by the Governor and shall not be an elected sheriff.

(b) The Commission shall elect one of its members as chairman, who shall call meetings, at least once each year, and shall preside over same. Bylaws of the Commission shall be made by it. Members of the Commission shall receive no compensation for their services.

(c) The Commission shall prescribe a uniform of standard design for all sheriffs, and their deputies, and shall prescribe a standard color and design of car marking for motor vehicles used by them.

(d) On and after January one, nineteen hundred sixty seven, the uniform, and motor vehicles prescribed by the Commission as set out in subsection (c). On the effective date of this act, the standards for sheriffs' car markings and uniforms existing on such date shall be used by all sheriffs, and their deputies, while in the performance of their duties, if the office of the sheriff prescribes that uniforms be worn and marked motor vehicles be utilized.

Appendix D

Sheriff's Association Recommendations



Virginia State Sheriffs' Association

9413 HULL STREET ROAD - SUITE D • RICHMOND, VIRGINIA 23236
(804) 745-3720

RECEIVED

AUG 25 1987

VIRGINIA STATE CRIME COMMISSION

President
E. Stuart Kitchen
Immediate Past President
Robert E. Peters
First Vice President
Clarence Dobson
Second Vice President
Earl D. Sasser
Secretary
J. Irving Baines
Treasurer
Alvin Hudson
Legislative Committee Chairman
Clay B. Hester

August 24, 1987

Mr. Robert E. Colvin, Exec. Director
VA State Crime Commission
PO Box 3-AG
Richmond, VA 23208

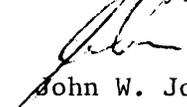
Dear Bob:

The Association has reached a consensus on the issue of standard uniform and car markings. The Association by an overwhelming vote supported the Committee proposal that was originally adopted (copy attached) with the following exceptions:

1. All references to sheriff's department should be sheriff's office;
2. The shoulder patch may be of the sheriff's choosing and need not be uniform;
3. The badge may be of the sheriff's choosing and need not be uniform.

The Association endorsed all of the other items in the Committee proposal.

Sincerely,


John W. Jones,
Executive Director

JWJ:jdr
Enclosure

Region I
J. Darrel McMurray
Region II
Robert Maxey
Region III
Frank Conner
Region IV
Carlton Baird
Region V
Lynn Armentrout
Region VI
John Isom
Region VII
Ron Crockett
Region VIII
F W Howard
Region IX
Vernie Francis
Region X
John Newhart

Executive Director
John W Jones

Appendix E

Chiefs of Police Letter of Request



VIRGINIA ASSOCIATION OF CHIEFS OF POLICE

1500 FOREST AVENUE, SUITE 218
RICHMOND, VIRGINIA 23288
804-285-8227

RECEIVED

APR 22 1987

April 21, 1987

VIRGINIA STATE CRIME COMMISSION

The Honorable A. L. Philpott
Virginia House of Delegates
Post Office Box 864
Bassett, Virginia 24055

Dear Mr. Speaker:

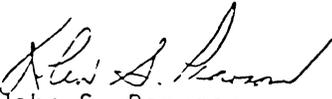
This is written to you as Chairman of the Crime Commission's Standard Uniforms and Car Markings Subcommittee, as established under SJR174.

At its meeting on April 16, 1987, the Executive Board of the Virginia Association of Chiefs of Police voted unanimously to seek exclusion of police departments from this study.

The Association has no desire to have police uniforms or car markings changed or established by state law. They feel changes are not needed nor would they be cost-effective, and they are not aware of any problem with police uniforms or car markings necessitating study.

In view of this, the Virginia Association of Chiefs of Police would like to see police departments excluded from this study.

Sincerely,


John S. Pearson
Executive Director

cc: Mr. Robert E. Colvin
Executive Director
Virginia State Crime Commission

Appendix F

Letter from H. Lane Kneedler



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Mary Sue Terry
Attorney General

H. Lane Kneedler
Chief Deputy Attorney General

R. Claire Guthrie
Deputy Attorney General
Human & Natural Resources Division

Gail Starling Marshall
Deputy Attorney General
Judicial Affairs Division

Walter A. McFarlane
Deputy Attorney General
Finance & Transportation Division

Stephen D. Rosenthal
Deputy Attorney General
Criminal Law Enforcement Division

Deborah Love-Bryant
Public Affairs Assistant

June 8, 1987

Mr. Robert E. Colvin
Executive Director
Virginia State Crime Commission
General Assembly Building
Richmond, Virginia 23219

Dear Bob:

In response to your letter and the request made at the last Crime Commission meeting, I asked our staff to try to locate the standards developed by the 1966 Commission on Standard Uniform and Car Markings. As you noted, John Jones, the Executive Director of the Virginia State Sheriffs Association, mentioned the 1966 Standards at the last Crime Commission meeting but indicated that neither he nor any member of his Association could locate them. We have talked with various persons both within and outside this Office who might be familiar with the standards, but I regret to report that we have not been able to find any record of the standards either.

Best regards.

Sincerely,

H. Lane Kneedler
Chief Deputy Attorney General

HLK/cf

cc: The Honorable A.L. Philpott
The Honorable Theodore V. Morrison, Jr.
The Honorable William T. Parker
Mr. L. Ray Ashworth
Mr. William N. Paxton, Jr.

Appendix G

Letter from James W. Hopper

GARDNER, MOSS & HOPPER

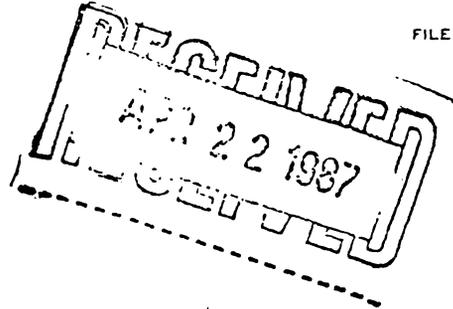
A PROFESSIONAL CORPORATION
SUITE 500, MAIN STREET CENTRE
629 EAST MAIN STREET
P.O. BOX 1201

RICHMOND, VIRGINIA 23209
(804) 643-2500

IN ROANOKE, VA:
213 S. JEFFERSON STREET
ROANOKE, VIRGINIA 24011
(703) 982-7878

IN WASHINGTON, D.C.:
888 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20006
(202) 861-8000

April 20, 1987



FILE NO.:

70032
00002

Mr. John W. Jones
Executive Director
Virginia State Sheriffs' Association
9413 Hull Street Road, Suite D
Richmond, Virginia 23236

Re: Sheriff's Office

Dear Mr. Jones:

You have requested an opinion regarding whether there exists in the Commonwealth of Virginia a "Sheriff's Office" or a "Sheriff's Department." For the reasons stated below, the title "Sheriff's Department" is unknown in Virginia and the proper term to be applied is "Sheriff's Office."

Article VII of the Virginia Constitution creates the Office of the Sheriff. Neither the Constitution of Virginia nor the Code of Virginia provides for the existence of a "Sheriff's Department." The Code of Virginia prescribes the duties and compensation of the Sheriff of a city/county. Therefore, the term "Sheriff's Department" does not exist as a legal entity under the laws of the Commonwealth of Virginia or the Constitution of Virginia. The Constitution of Virginia provides "[T]here shall be elected by the qualified voters of each county and city a . . . Sheriff . . .". Virginia Constitution, Article VII, Section 4.

It is elementary that under 42 U.S.C. § 1983, suits may be maintained only against a "person" who, under color of state law, deprives another of his civil rights. Frye v. Lukhard, 364 F. Supp. 1379 (W.D. Va. 1973). As the "Sheriff's Department" does not exist as a legal entity under the Constitution or the laws of the Commonwealth of Virginia, it is not a person within the meaning of § 1983, and not subject to suit.

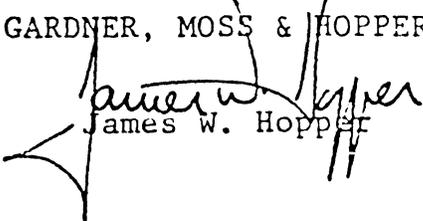
Mr. John W. Jones
April 20, 1987
Page 2

The Sheriff of a city or county holds his office by virtue of Article VII, Section 4 of the Virginia Constitution. "[A] Sheriff is a constitutional officer and his duties are regulated and defined by (state) statute". Hilton v. Amburgey, 198 Va. 727 (1957). "Sheriffs . . . do not hold their offices by virtue of the authority of the General Assembly or by virtue of authority of a municipality or county". Hilton, 198 Va. at 729. See also Demier v. Arlington County, No. 80-1086-A, at 5 (E.D. Va. 1981)(holding that a constitutional officer, the Sheriff, serves independent of a municipal or county government). See also Allen v. Fidelity and Deposit Co., 515 F. Supp. 1185 (D.S.C. 1981); arr'd, 694 F.2d 716 (4th Cir. 1982); Sherman v. City of Richmond, 543 F. Supp. 447, 449 (E.D. Va. 1982). Furthermore, the Sheriff of a city or county controls the day to day duties of his deputies as well as possessing the power to hire and fire his deputies. Brewster v. Shockey, 554 F. Supp. 365 (W.D. Va. 1983); Va. Code Ann. § 15.1-48 (Repl. Vol. 1981). Therefore, it is now well settled that a city and county government cannot be held liable for the actions of a Sheriff of a county or city or his deputies.

Consequently, as set forth above, there is no such legal entity in the Commonwealth of Virginia known as a "Sheriff's Department." The correct terminology to be applied to the Office of the Sheriff is "Sheriff's Office."

Yours very truly,

GARDNER, MOSS & HOPPER


James W. Hopper

JWH:kmp

