

# CHARLOTTESVILLE POLICE DEPARTMENT



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

Type of Directive: GENERAL ORDER	Number: 29-99
<b>ANNOYING, THREATENING OR OBSCENE TELEPHONE CALLS</b>	Date: June 18, 2018
VLEPSC Number: Non-Standard	Manual Number: 531.01
	Effective Date: 06/18/18
Authorization: Chief R.M. Brackney <i>Rm Brackney</i>	Follow-up Date: As Needed

## I. PURPOSE

The purpose of this directive is to provide guidelines to members of the Department when they are conducting a preliminary investigation that involves annoying, threatening or obscene telephone calls.

## II. PROCEDURE

### A. Telephone Company Administrative Procedure

- Members of the Department, who are investigating non-threatening, but annoying telephone calls, should refer the reporting party or victim to their service provider. The caller's contact of their service providers Annoyance/ Wanted Call Center can result in an annoyance call account being initiated for the subscriber of the phone service.

### B. Criminal Prosecution Procedure

- When a complainant has received an obscene or threatening telephone call(s), they should be referred to their service providers Annoyance/ Unwanted Call Center for criminal prosecution technical support. The phone company may assess a fee to the complainant for every trace placed on the complainants telephone, whether the phone call is annoying, threatening or obscene. The complainant needs to document the date and time of the call to assist the phone company and the police in accessing the call. The complainant will not receive any information from the phone company pertaining to the phone calls, but the information received by the phone company will be released to a law enforcement agency only. If a hard copy of the phone records of the traced call(s) is needed, the police department will need to subpoena the phone records and no fee will be encountered by the agency. The service providers Annoyance/ Unwanted Call Center personnel shall instruct the caller in the procedure that should be followed.
- A criminal prosecution pursuant to Virginia Code Sections 18.2-427 or 18.2-429 will require that:

- a. an Incident Case Report will be completed;
  - b. the complainant must agree to assist in the prosecution of the offender;  
and
  - c. the caller must be able to be identified.
3. The reporting officer **should assist the complainant in obtaining the necessary warrant(s)** when the complainant desires criminal prosecution and knows who is making the annoying, threatening or obscene telephone calls and can identify the caller.

C. Police Record Only

If the complainant wishes to make only a police record of the harassing telephone calls, but does not wish to prosecute the caller, the investigating member should not complete an Incident Case Report. The complainant should be informed that documentation of their call has been recorded by the Emergency Communications Center and that documentation can be called for information purposes. The complainant should also be informed that no police follow-up will be required in a report made for record purposes only.