

# 2010 SESSION

INTRODUCED

10102322D

## SENATE BILL NO. 11

Offered January 13, 2010

Prefiled December 18, 2009

*A BILL for the relief of Botswana Imani.*

Patron—Wampler (By Request)

Referred to Committee on Finance

Whereas, Botswana Imani (Ms. Imani) is the owner of property located at 24256 Mock Knob Road in Abingdon, Virginia; and

Whereas, on or about June 21, 2006, at approximately 9:00 p.m., the Sheriff's Department of Washington County received a 911 emergency call from a person claiming to be a neighbor of Ms. Imani's stating that the yard at Ms. Imani's property had become overgrown, that phone books that had been delivered earlier were still laying at the end of the driveway of the property and that there was an light on upstairs in the house;

Whereas, the Sheriff's Department dispatched deputies to Ms. Imani's property in response to the call; and

Whereas, when Sheriff's deputies arrived at the property they knocked at the front door but did not get a response; and

Whereas, the deputies were able to reach the 911 caller through the dispatcher; and

Whereas, the 911 caller indicated that Ms. Imani had two males working on the property two months earlier and the she was very sure that the men had harmed Ms. Imani; and

Whereas, after considering the location of the 911 caller and the distance from Ms. Imani's property, the deputies could determine that Ms. Imani's property is not visible from the 911 caller's house; and

Whereas, despite having this information, the deputies proceeded to attempt to gain entry through the door using force; and

Whereas, after kicking the door several times and severely damaging it, the deputies were not able to gain entry; and

Whereas, after not being able to gain entry through that door, the deputies attempted entry through a second entrance; and

Whereas, in attempting entry through the second door the deputies broke open an outer screen door and then broke a window pane of the inner door; and

Whereas, the deputies were still unable to gain entry because the second door had a deadbolt that they could not turn; and

Whereas, the deputies went to a third door that was made largely of glass and used a device that caused the glass to explode across a large area of the house; and

Whereas, after gaining entry to the house the deputies searched throughout the house for Ms. Imani but were unable to locate her; and

Whereas, when conducting the search, the deputies tracked glass from the broken door throughout the house; and

Whereas, after being unable to locate Ms. Imani, the deputies determined that it was too dark to search outside of the house; and

Whereas, before leaving the premises the deputies left a Sheriff's Department business card with a short note on the back informing Ms. Imani to contact the Sheriff's Department; and

Whereas, the deputies subsequently left the property without properly securing any of the doors or performing any other inquiry regarding the whereabouts of Ms. Imani; and

Whereas, at no time after the initial entry did the Sheriff's Department of Washington County perform any additional search of the property or conduct any other inquiry into the whereabouts of Ms. Imani nor was any additional effort taken to properly secure the damaged doors; and

Whereas, at the time of the incident Ms. Imani was out of town and did not return to her property until over five weeks later; and

Whereas, for all of the period of time between the entry by the deputies and the return of Ms. Imani over five weeks later, her home was exposed to the elements and capable of being accessed by unauthorized persons and animals; and

Whereas, the damage caused by the deputies gaining entry into the house came to \$14,000.00; and

Whereas, Ms. Imani filed a claim with her homeowners insurance, which accepted coverage for the damage minus the deductible provided by the coverage; and

Whereas, the deductible amounted to \$1,000, which Ms. Imani was required to pay; and

INTRODUCED

SB11

59       Whereas, representatives from the Sherriff's Department and the Sheriff on separate occasions  
60 indicated to Ms Imani and others that the Sheriff's Department would reimburse the amount of the  
61 deductible, however no payment has been received; and

62       Whereas, Botswana Imani has no other means to obtain adequate relief except by action of this  
63 body; now, therefore,

64       **Be it enacted by the General Assembly of Virginia:**

65       1.   *§ 1. That there shall be paid for the relief of Botswana Imani from the general fund of the state*  
66 *treasury, upon execution of a release of all claims she may have against the Commonwealth or any*  
67 *agency, instrumentality, officer, employee, or political subdivision in connection with the aforesaid*  
68 *occurrence, the sum of \$1,000 to be paid to Botswana Imani at P.O. Box 362, Bristol, TN 37621-0362*  
69 *on or before August 1, 2009, by check issued by the State Treasurer on warrant of the Comptroller.*

70  
71