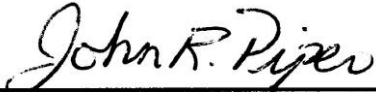




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This policy is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Number 2-18		Effective Date December 8, 2020	Review Date	Reviewing Division Administration
Subject Trespassing		<input checked="" type="checkbox"/> New Policy <input type="checkbox"/> Amends <input type="checkbox"/> Replaces:	This policy shall apply to personnel assigned to the following divisions:	
References VLEPSC PER10.02 CALEA			<input checked="" type="checkbox"/> All Personnel <input type="checkbox"/> Patrol Division <input type="checkbox"/> Administration Division <input type="checkbox"/> Investigation Division	
 _____ Chief of Police or Designee		_____ November 17, 2020 Date		

I. PURPOSE

The purpose of this policy is to provide members of the Winchester Police Department with guidelines for enforcing trespass violations that occur on private property. Providing personnel with guidelines for the enforcement of trespass violations on private property are necessary to protect property and serve the interests of public safety and welfare.

II. POLICY

It is the policy of the Winchester Police Department to accept designation requests, pursuant to City Code 20-26 and Virginia Code 5.2-1717.1, from private property owners, identifying the Winchester Police Department as “a person lawfully in charge of property” for the purpose of forbidding an individual from going or remaining upon private property, as specified in the designation. Every such designation must be in writing and on file with the Department.

III. PROCEDURES

A. Designation Request

1. The owner, lessee, custodian or other person in charge of private property may, in writing, designate the Winchester Police Department as a “person lawfully in charge of the property” for the purpose of forbidding another to go or remain upon the lands, buildings or premises specified on the written Designation Request Form.
2. Designation Requests will be given to the Patrol Division Captain, who will give consideration to accepting the request when there is a significant public safety interest.

3. All original requests will be filed with the Records Division. Requests with approvals will be provided to the Emergency Communications Center for CAD entry and also filed within the Patrol Division. Requests with rejections will have a copy returned to the requesting party.
4. Approved requests are valid for one year. It is the obligation of the owner, lessee, custodian or other person in charge of the private property to initiate the Designation Request process at the conclusion of one year.

B. Trespass Notices

1. Once Designation Requests are approved, the Department has the authority to issue written trespass notices for one or more of the following reasons:
 - a. At the request of the property owner.
 - b. A current or previous arrest, for a crime other than trespassing, on the designated property.
 - c. Officer observed behaviors of drunkenness, urinating in places that are not restrooms, or activity that presents a risk to public health and/or safety.
2. The Department also recognizes that trespass notices can be issued by other persons in charge of private premises in which the Department is not the person lawfully in charge of the property.
3. No-trespass signs posted in accordance with Virginia Code 18.2-119 is also an enforceable trespass notice.

C. Enforcement of Trespass Notices

1. Original trespass notices issued by Department personnel will be filed with and entered by the Records Division. The Department will not enter or file trespass notices issued by persons outside the Department.
2. Department officers may charge individuals for criminal trespass in violation of Virginia Code 18.2-119 after probable cause has been determined. Probable cause is determined through proof of proper notice of trespass outlined in Section B.
3. Before charges are placed for properties under Designation Request approvals, officers must confirm the approval is still active through the Emergency Communications Center.