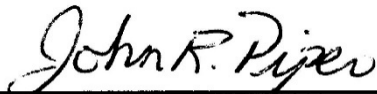




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

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 2-2		Effective Date May 16, 2022	Review Date April 25, 2022	Reviewing Division Administration
Subject PATROL		<input type="checkbox"/> New Policy <input type="checkbox"/> Replaces <input checked="" type="checkbox"/> Revised:		This policy shall apply to personnel assigned to the following divisions: <input checked="" type="checkbox"/> All Personnel <input type="checkbox"/> Patrol Division <input type="checkbox"/> Administration Division <input type="checkbox"/> Investigation Division
References VLEPSC OPR.01.07, OPR 04.02. OPR07.11				
<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <hr style="width: 100%;"/> Chief of Police or Designee </div> <div style="text-align: center;"> May 16, 2022 <hr style="width: 100%;"/> Date </div> </div>				

I. PURPOSE

The purpose of this directive is to define and outline procedures for handling commonly encountered patrol situations.

II. POLICY

Patrol is the primary activity of a law enforcement agency and includes much more than driving through neighborhoods looking for violations of criminal and traffic laws. The Winchester Police Department expects officers to conduct patrol vigorously and to enforce traffic and criminal laws, answer complaints, conduct investigations, promote community relations activities, and prevent crime.

III. PROCEDURES

A. Patrol Coverage

1. The Department provides twenty-four (24) hour patrol coverage for the City of Winchester each day of the week. Overlapping shifts provide continuous law enforcement coverage. Patrol coverage is divided into three (3) shifts that do not rotate.
2. The City of Winchester is divided into four (4) wards. The on-duty supervisor assigns officers to each ward, while the remaining officers are

assigned to assist the ward officers. The on-duty supervisor determines the rotation of the ward assignments. The ward rotation is used to evenly distribute the workload between officers on the shift.

3. Officers assigned to the Patrol Division are subject to work any assigned shift or hours as mandated by the Chief of Police or his/her designee.

B. Patrol Activities

1. Patrol can be defined in terms of its component activities:
 - a. Crime prevention;
 - b. Response to requested services;
 - c. Investigation of crime, incidents, and conditions, including arresting offenders;
 - d. Traffic direction and control;
 - e. Regulation of certain businesses or activities as required by law;
 - f. Maintenance of public order;
 - g. Provisions of emergency services;
 - h. Development of relationships between citizens and the department in furtherance of community oriented policing ideals; and
 - i. Reporting of information to appropriate entities.
2. Responding to calls for service effectively and safely may, in some situations, require several officers. The Emergency Communications Center (ECC) shall ensure the dispatch of two (2) or more officers to certain situations. An officer can also request additional assistance if needed. If the first responding officer finds that the does not require multiple officers, he or she shall notify the ECC so that assisting officers can be cancelled.
3. Officers will acquaint themselves with traffic hazards, geography of their wards, and particularly the location of streets and highways. Officers will also learn the locations of, first aid stations, medical centers, fire and rescue stations, magistrates, general district and circuit court judges, commonwealth's attorneys, medical examiners, public and private social service agencies, and any other public or private officials that prove helpful in the administration of their duties.

C. Incidents Requiring the Presence of a Supervisor

A supervisor shall be notified by the responding officer and shall assume command or provide instruction to the assigned officers at the following incidents:

1. Any injury to an officer;
2. Traffic crash involving a department vehicle;
3. Major incidents to include all death investigations, bank robbery, escape, rape or violent sexual assault, kidnapping, or malicious wounding where serious bodily injury or death may occur;
4. Barricade or hostage situations;
5. Bomb threat or arson;
6. Disasters, catastrophes, or severe weather producing emergency conditions;
7. Any citizen complaint involving an officer;
8. Any serious accident, injury, or incident involving City of Winchester personnel or property;
9. Traffic crash with significant, life threatening injuries;
10. Any incident where an officer uses force to effect an arrest; and
11. Any other incident where a supervisor is requested.

D. Special or Emergency Notifications

1. Subject to the availability of personnel, emergency messages of any legitimate type, as defined by the on-duty supervisor, may be delivered. Officers shall deliver in person any message pertaining to a death, serious injury, or serious illness. The following procedures shall be used whenever possible and practical for valid notifications by Department personnel:
 - a. Notification shall be made as promptly as possible and in person, not by telephone if possible;
 - b. The presence of the a relative or close friend of the person the message is delivered to should be arranged whenever possible before notification;
 - c. If notification is made to the next of kin alone, the officer shall offer assistance in contacting a relative, close friend, or member of the clergy; and
 - d. Officers delivering emergency notifications shall provide information regarding the source of the information.

2. If the next of kin lives in another jurisdiction, the ECC shall send a teletype message to the law enforcement agency in that jurisdiction, requesting notification.
3. When requested by another agency to make notification of next of kin, the ECC or an officer shall collect all available pertinent information about the situation in order to assist the person receiving the message. Other law enforcement agencies must request an emergency notification by teletype.
4. If the request for emergency notification originates from a private agency or a medical facility, the ECC shall notify that agency or facility to contact their local law enforcement agency to verify the request and send a notification request to the department by teletype.
5. Telephone verification of notification requests from outside agencies are not acceptable.

E. Highway Maintenance and Public Utilities

1. Patrol officers may identify a variety of hazardous situations such as bad roads or weather conditions, unsafe structures, and potentially dangerous calls for service. Officers with knowledge of hazardous situations shall promptly notify the ECC and the on-duty supervisor. Some hazardous situations may require immediate notification of local media outlets in order to request public service announcements. Normally, the Chief of Police or the public information officer shall contact local media for this purpose.
2. At any time when a hazard exists, officers shall request the ECC to notify the proper agency responsible for correcting the situation. Hazards may be grouped into the following two (2) categories:
 - a. Hazards requiring immediate notification of the proper agency:
 - (1) Essential traffic light in need of repair;
 - (2) Large holes in the roadway;
 - (3) Electrical power lines down;
 - (4) Large debris or obstacles in the roadway;
 - (5) Breaks in water, gas, or other utility lines;
 - (6) Snow or ice on the road. See City Ordinance 14-33;
 - (7) Fire hazards needing immediate attention; and
 - (8) Any other observed problem which poses a significant hazard to the public.

- b. Hazards requiring notification at the beginning of the next business day:
 - (1) Non-essential traffic lights in need of repair;
 - (2) Small, non-hazardous holes in the roadway;
 - (3) Street lights in need of repair;
 - (4) Telephone or video cable lines down, but not creating a hazard;
 - (5) Dead animals in the roadway;
 - (6) Potential fire hazards not requiring immediate attention; and
 - (7) Excessive growth of weeds, grass, etc.

F. Disabled Vehicles

To the capabilities of their training and qualifications, officers shall provide general and emergency assistance to motorists. Assistance includes providing information and directions, assisting stranded or disabled motorists, and obtaining medical and other emergency assistance. Officers shall, within reason, ensure that the requested service is provided in a timely fashion. If, after arranging for assistance, the officer is unable to remain with the motorist until assistance arrives, the officer shall take the necessary steps to provide safety to the motorist or arrange for transportation. If the need arises, officers may transport a motorist to a place of safety.

IV. SPECIFIC PATROL SITUATIONS

A. Medical Facility Response

- 1. Officers may respond to calls for assistance from medical facilities, take prisoners to medical facilities for treatment, or interview hospitalized persons. In these situations, officers are not required to give up their firearms upon request by medical personnel. However, psychiatric wards or sections will not allow firearms inside their areas unless there are exigent circumstances.
- 2. In the absence of a court order for mental commission, or criminal charges of any nature, officers responding to any medical facility requesting their assistance in detaining a mental patient, should not initiate such action except for exigent circumstances that may require this action. The responsibility for detaining such a patient rests with the medical facility staff and security personnel. However, the officer responding to the medical facility shall provide assistance should the situation escalate to a confrontation where the safety of persons or preservation of peace becomes a law enforcement responsibility.

3. When a court order for mental commission is present, officers must take whatever action is necessary to enforce the court order.
4. Unless necessary to remove handcuffs in order for a prisoner to receive medical treatment, handcuffs or restraints shall remain on the prisoner. If prisoner handcuffs are to be removed, leg irons are to be used to prevent escape. See GO 2-10, Prisoner Restraints for additional information.
5. Officers entering a medical facility for the purpose of interviewing a patient, shall notify the medical facility personnel on duty of their presence and the identity of the person to be interviewed.
6. Officers who must interview an employee of a medical facility shall make every effort to conduct the interview away from the medical facility, unless the purpose of the interview is in conjunction with the person's employment.

B. Residential Security Checks

1. The Department attempts to honor requests from citizens to conduct security checks of their homes when the owners are away for periods of time. To that end, a Request for Security Check form will be completed by the homeowner, ECC specialist or officer, dependent upon the circumstances of the request.

C. Shoplifting Arrests

1. If available, two (2) officers or more shall be dispatched to the location of any shoplifting offense. Detained shoplifters may be violent, so responding officers shall exercise caution.
2. Officers shall discuss the offense with the merchant, agent, or security guard to determine if an offense has actually occurred and if probable cause has been established for the apprehension. Before these determinations, the officer does not have the right to conduct a search incident to an arrest or a search for evidence of the offense, but may upon reasonable fear for his or her safety conduct a pat down search of the person's outer clothing for weapons. Any object thought to be a weapon and later found to be evidence is admissible for prosecution. See GO 2-1, Limits of Authority for additional information.
3. The merchant, agent, or security guard must have direct, first hand knowledge of the offense, either by having observed the offense or by some other means.
4. If the offense is a felony, the situation is handled as a physical arrest according to the provisions of GO 2-7, Arrests. If the offense is a misdemeanor, the officer may issue a summons unless the shoplifter:
 - a. Refuses to give written promise to appear in court;

- b. Appears likely to disregard the summons to appear in court;
 - c. Fails or refuses to discontinue the unlawful act; or
5. Virginia Code allows for the introduction of a photograph of shoplifted property as competent evidence in court. The use of photographs in lieu of property should only be done when the items are seized during or immediately following the incident. Any other instance would require the consultation of the Commonwealth's Attorney

E. Funeral Escorts

- 1. The funeral home requesting the escort shall provide an estimate of the number of vehicles involved as well as the locations of the origin and conclusion of the funeral procession.
- 2. Funeral homes are responsible for coordinating with other agencies if the funeral procession passes into another jurisdiction.
- 3. Funeral homes must inform all funeral procession participants of any requirements and provide all equipment necessary.
- 4. Officers have the authority to refuse to start any funeral escort which presents a hazard to the safety of either the officer or the public, or for an emergency or other pressing enforcement necessity. If an officer refuses to start a funeral escort for any reason, the officer shall contact the on-duty supervisor.
- 5. If a funeral escort is refused, ECC shall contact a representative of the funeral home to explain the reasons for the refusal.
- 6. Officers shall choose the funeral escort route to be taken, based upon resources available, weather, time of day, traffic flow, road hazards, and any permits issued.
- 7. All funeral processions which proceed on an interstate highway shall be notified that interstate traffic normally will not be stopped for the funeral procession.
- 8. The funeral procession shall not exceed the posted speed limit and shall not enter an intersection on a red traffic light unless it is clear and safe.
- 9. In the event the funeral procession is larger than anticipated, the officer in charge of the procession may ask for an additional officer.

10. Officers shall inform the funeral director that they cannot wait beyond thirty (30) minutes for the funeral escort to begin. If an officer must abandon the escort because of a delay beyond thirty (30) minutes, then the officer must notify the on-duty supervisor.
11. A Department vehicle escorting a funeral procession shall have emergency lights in operation at all times. The siren shall be used as appropriate to warn other drivers that the funeral procession is proceeding through the area. Marked Department vehicles are encouraged to be used for a funeral escort.
12. All vehicles participating in a funeral procession shall have their headlights illuminated.

F. Residential and Vehicle Lock Outs

1. The Department shall assist citizens who are locked out of their residence or vehicles only in an emergency situation.
2. Persons requesting assistance in gaining access to a vehicle or residence from which they are locked out shall be referred to private businesses which conduct this service, unless one of the following circumstances exists:
 - a. A medical emergency;
 - b. A child or disabled citizen is locked in the home;
 - c. A child, disabled citizen, or an animal is locked in a vehicle;
 - d. A law enforcement matter as authorized by a supervisor; and
 - e. When the welfare of a person could otherwise be in jeopardy.
3. If no emergency exists, officers or the ECC shall tell the person requesting assistance that the Department has neither the expertise nor the special equipment necessary to enter a locked vehicle or residence. Persons shall be referred to a locksmith for assistance.
4. When called to assist a person locked out of a residence or vehicle, the officer shall:
 - a. Determine if an emergency exists;
 - b. Collect proper identification from the requesting person and make a reasonable inquiry to determine that the requesting person has a right to gain entry (except in life threatening situations or emergencies where immediate action is necessary);
 - c. Notify the requesting party that the Department is not responsible for any damage incurred by the assisting officer;

- d. Call for assistance, when necessary, from the fire department or other appropriate agency; and
- e. Avoid forcible entry if possible.

G. Loud Parties

1. If available, two (2) officers shall respond to reports of a loud party. Officers shall attempt to record names and addresses of complaining witnesses as this may be important in justifying enforcement.
2. Officers shall notify the resident or person in control over the premises of City of Winchester Ordinance Chapter 17 on noise control, and shall notify the violator that any subsequent complaints will result in issuance of a summons and closure of the party. Officers may photograph or videotape the scene to show cars blocking entrances, fire hydrants, or other examples of illegal parking, litter, or people drinking alcohol outside of the location where the party is taking place.
3. Identifying the violator may be difficult. Officers shall attempt to gain entry to the location by obtaining the permission of the owner or manager, resident, or if the party is attended mainly by juveniles, a responsible adult. If no one can be found to give permission for entry, officers shall consider whether exigent circumstances exist for a warrantless entry. See GO 2-1, Limits of Authority for information on exigent circumstances. If an exigency or emergency does not exist, then a search warrant may be appropriate.
4. Under most circumstances, upon a second call and after consultation with a supervisor, officers may end the loud party and may issue an appropriate summons. Before ending the party, officers shall notify the on-duty supervisor of the decision and request additional officers, if necessary.
5. Based on the totality of evidence, officers may decide that a search warrant is required to gain entry into the premises. Officers shall summon the on-duty supervisor if a search warrant is required under the circumstances.
6. If persons at the party do not comply with an officer's order to leave, then the officers at the scene shall use appropriate legal means of ending the party, particularly through the issuance of summonses for observed violations.
7. If officers arrive and find or suspect that the loud party involves underage drinking of alcohol, they shall take reasonable steps to identify and control juveniles whom they have observed consuming alcohol, and shall further ensure that juveniles are safe and secure after closing the party and before leaving the location. The provisions listed for notifying a supervisor, determining exigent circumstances, or obtaining a search warrant apply.
8. If officers develop probable cause that underage drinking is occurring at the loud party and have entered the premises pursuant to a search warrant, consent, or exigent circumstances, officers shall:

- a. Search the premises and locate all persons who are present;
- b. Seize any contraband in plain view;
- c. Provide medical attention as needed and have incapacitated juveniles transported to a medical facility;
- d. Photograph or videotape the scene; and
- e. Have the ECC begin contacting responsible parents or guardians and the juvenile intake officer concerning any juveniles who have been issued summonses.

H. Warrant Service

Officers are expected to regularly check out warrants from ECC and attempt service in their everyday patrol duties. Any attempt to serve a non-permitted or Felony warrant shall have two (2) officers at the location prior to attempted service. These attempts should occur between the hours of 0600 and 2200. Exceptions are permissible through the on-duty supervisor and include warrants being obtained as a result of a current call for service or felony warrants. Refer to GO 2-7 for further policy guidelines on arrest procedures.