




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 directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

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| Number 2-76 | | Effective Date February 9, 2023 | Review Date February 2, 2023 | Reviewing Division Administration |
| Subject CIVIL DISTURBANCE UNIT | <input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Amends <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: | | This directive shall apply to personnel assigned to the following divisions: <input type="checkbox"/> All Personnel <input checked="" type="checkbox"/> Patrol Division <input checked="" type="checkbox"/> Administration Division <input checked="" type="checkbox"/> Investigation Division <input checked="" type="checkbox"/> ECC Personnel | |
| References VLEPSC: OPR.05.02 - .03 CALEA | | | | |
|  _____ Chief of Police or Designee | | _____ March 23, 2023 Date | | |

I. PURPOSE

This Policy identifies guidelines for governing the actions, activities, and functions of the Civil Disturbance Unit.

II. POLICY

Civil disturbances may take many forms and vary in size and degree of danger to the public. Civil disturbances may include riots, unlawful assemblies, and violence arising from dissident gatherings, concerts or other high attendance special events or social gatherings, political gatherings, and labor disputes. The primary importance of the Civil Disturbance Unit is to restore order to these situations.

The Civil Disturbance Unit (CDU) provides the Winchester Police Department with the capability to appropriately respond to large public gatherings, demonstrations, disturbances, or other public safety incidents. The Civil Disturbance Unit must be able to respond to any civil disturbance, isolate it from the remainder of the community, protect life and property, and maintain control, through the measured use of these highly trained and specially equipped officers.

III. DEFINITIONS

A. Civil Disturbance

An unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property, or other unlawful acts.

B. Civil Disturbance Unit

Also referred to as CDU, it is a group of officers specifically trained to handle large-scale protests or acts of disorderly behavior.

C. CDU Team Leader

The staff officer responsible for the overall assignment and deployment of the unit.

D. CDU Assistant Team Leader

The staff officer responsible for the overall assignment and deployment of the unit in absence of the Team Leader.

E. Riot

Any lawful use of force or violence, by three or more persons acting together, which seriously jeopardizes the public safety, peace or order. Virginia Code 18.2-405

F. Unlawful Assembly

Three or more persons assembled who share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to seriously jeopardize public safety, peace or order, and the assembly tends to induce fear, in those of ordinary courage, of serious and immediate breaches of public safety, peace, or order. Virginia Code 18.2-406

G. ECC

Emergency Communications Center and respective personnel.

IV. PROCEDURES

A. CDU Team Structure

1. The CDU team shall consist of the following personnel:
 - a. Team Leader;
 - b. Assistant Team Leader
 - c. Tactical personnel; and

d. Support personnel.

B. CDU Team Selection

1. The CDU Team Leader will post a notice for open positions on the CDU team. Minimum eligibility requirements for CDU candidates are:
 - a. Must have a minimum of one (1) year law enforcement experience and off of hiring probation with the Winchester Police Department;
 - b. Must be a Division of Criminal Justice Services (DCJS) certified police officer; and
 - c. Must be a Department member in good standing with no grievable discipline within the previous year. Nongrievable disciplinary action will not eliminate officers from applying for this position.
2. The final decision on CDU team personnel selection will be made by the Chief of Police after recommendation from the Team Leader.
3. Upon selection, the approved candidate must successfully complete a one (1) year probationary period and complete a basic Civil Disturbance class.
4. Candidates who are already assigned to SWAT will not be eligible for CDU. During a civil disturbance, both teams will become activated.

C. Operations

1. It is the responsibility of the on-duty supervisor in all situations to evaluate each situation and direct appropriate patrol resources in accordance with GO 2-16: Civil Disturbances.
2. All requests for CDU operations will be directed to the Team Leader or in his or her absence, the Assistant Team Leader. The Team Leader will be notified for approval before any CDU operations are conducted. The Team Leader will be responsible for notifying the Chief of Police and other appropriate command level personnel concerning CDU operations.
3. The CDU team may be activated for the following situations according to the threat level present or anticipated:
 - a. Riots;
 - b. Unlawful assemblies, and violence arising from dissident gatherings;
 - c. Concerts or other high attendance special events or social gatherings;
 - d. Political gatherings;
 - e. Labor disputes.

4. The CDU team, when necessary, will utilize a response protocol that enacts the following activities during the conduct of an operation:
 - a. Command post operations;
 - b. Containment, followed by;
 - c. Citizen dispersion;
5. Use of force by the CDU team shall be consistent with applicable laws and Department policies on the use of force and the resulting use of force investigation protocols. See GO 2-4, Use of Force.

D. Training

1. The CDU team shall develop and enact a formalized CDU training program consistent with current Virginia State Police protocols.
2. The CDU team shall train, at a minimum, according to the following schedule:
 - a. A 16-hour basic CDU school;
 - b. Eight (8) hours training every 6 months;
 - c. Upon assignment to CDU, all personnel shall attend the next available CDU basic school.
 - e. Any CDU personnel with specialized roles (Pepper ball, 40mm Launchers) may be required to attend additional training as designated by the Team Leader. These personnel shall attend specialized training prior to being authorized to deploy these crowd control munitions.

E. Special Crowd Control Equipment

1. CDU team personnel shall be responsible and accountable for all individually assigned and team equipment. Team weapons and equipment shall be maintained by individual team personnel.
2. The Team Leader will conduct inventories of equipment at training and shall assign responsibility for the care and maintenance of individual and team equipment to appropriate team members. The Team Leader shall ensure the continuous certification of time sensitive equipment items
3. Equipment used in CDU
 - a. MK-9
 - b. Pepper ball Guns
 - c. Riot Shield
 - d. ASP baton
 - e. Helmet
 - f. Body Armor
 - g. Fire Extinguisher

- h. Nomex coveralls
- i. Gloves
- j. Gas mask
- k. Hydration system
- l. Flex cuffs

4. Use of K-9

- a. The use of K-9 for crowd control shall only be authorized by the Chief of Police or designee.
- b. K-9 may be utilized for perimeter and building searches, in accordance with their standard operational procedures.