# CHAPTER 1 INTRODUCTION

# 1.1 GUIDING PRINCIPLES

Pursuant to Mississippi Code Section 21-21-1.

“Marshal or Chief of Police”

The marshal or chief of police shall be the chief law enforcement officer of the municipality and shall have control and supervision of all police officers employed by said municipality.  The marshal or chief of police shall be an ex officio constable within the boundaries of the municipality, and he shall perform such other duties as shall be required of him by proper ordinance.  Before performing any of the duties of his office, the marshal or chief of police shall give bond, with sufficient surety, to be payable, conditioned and approved as provided by law, in an amount to be determined by the municipal governing authority (which shall be not less than Fifty Thousand Dollars ($50,000.00)).  The premium upon said bond shall be paid from the municipal treasury.  If any marshal or chief of police shall fail to perform any of the duties of his office, it shall be the duty of the district attorney or county attorney upon receiving notice thereof to immediately file quo warranto proceedings against such official.

The provisions of this section shall be applicable to all municipalities of this state, whether operating under a code charter, special charter, or the commission form of government, except in cases of conflict between the provisions of this section and the provisions of the special charter of a municipality, or the law governing the commission form of government, in which case of conflict the provisions of the special charter or the statutes relative to the commission form of government shall control.

Pursuant to Mississippi Code Section 21-21-3

“Police Force or Night Marshals”

The governing authorities of municipalities shall have the power and authority to employ, regulate and support a sufficient police force or night marshals, to define the duties thereof, and to furnish and supply all suitable and necessary equipment therefor.

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 Roshaun Daniels, Chief

Chapter 1

Winona Police Department
Authority and Purpose

 The Code of Conduct of the Winona Police Department is set forth by the Chief of Police by authority of the Winona Board of Mayor and Aldermen and upon it’s adoption takes precedence over previously dated Winona Police Department regulatory directives.

 The Code of Conduct of the Winona Police Department is designed to promote efficiency, discipline, and good public relations be setting forth polices governing the conduct of every member of the Police Department, both on and off duty. The use of the terms “he” and “his” refer to a member of the Department, shall indicate either male or female police officer and the term “officer” shall refer to each employee of the Police Department.

 In order to carry out the duties that are imposed on a group assigned to the enforcement of law and order, it is necessary to promulgate the rules and regulations which will assist in the carrying out of these duties in a uniform and orderly manner with the least amount of confusion. This manual is not complete, nor is it ever likely to be. Changing conditions will naturally result in changing policies and procedures over the years, so that additions, deletions, and alterations are not only inevitable, but desirable.

 Those acts, not specifically set out herein, which involve moral turpitude or which may bring discredit upon the individual or Police Department or conflict with policy of the Department, if committed by an employee will be taken cognizance of and action shall be taken according to the seriousness of the offense, in the same manner and degree as if the offense has been specifically set out herein.

 It shall be the duty of every member of the Department to thoroughly familiarize himself with the provisions of the Code of Conduct within fifteen (15) days of issuance. Officers are required to maintain a working knowledge of this Code of Conduct, of all pertinent laws and ordinances in force in the City of Winona and State of Mississippi and the written rules and policies of the Department and Division hereof. In the event of improper action or breach of discipline it will be presumed that the officer was familiar with the law, rule or policy in question. Upon entering employment, each member will be issued a manual that will be required to be turned in along with other City issued equipment if for some reason he leave employment with the Department.

 Officers of the Department, upon appointment and before being assigned to any duties in the Department, shall take and subscribe to an oath of office administered by the Mayor or Chief of Police or other authorized person in such form as may be required.

Winona Police Department

Violations, Probation, Suspension, Appeal and Promotion

 It is the Police Department’s policy that all employees, including probationary officers, who do not have a written employee contract with the City for a specific fixed term of employment are employed at the City’s will and are subject to termination at any time, for any reason, with or without cause or notice. The requirements imposed on officers in this Chapter as well as other chapters in this Code of Conduct are meant to be representations, and not exclusive lists, of the types of misconduct that can result in disciplinary action. Although a lesser penalty may be imposed, a violation of any of the rules found in the Code of Conduct may result in a written reprimand, reduction in rank and/or suspension or discharge from employment. Action taken will depend on the degree of severity of the offense, the record of the offender, and the seriousness of the consequences of the violation.

 It shall be the duty of all commanders, supervisors, and officers to take corrective action and/or submit a written report to the Chief of Police whenever they learn through personal observation or report any violation of the Code of Conduct, the City of Winona Personnel Rules, the ordinance of the City of Winona and/or the laws of the State of Mississippi or the United States of America by any member of the Department within twenty-four (24) hours.

1. Should the violation involve an incident of a serious nature, the supervisor detecting the violation shall relieve the offender from duty and take custody of any credentials and firearms issued by the Department. Should the observing supervisor be of lesser rank than the offender, he shall notify a supervisor of equal or superior rank to that of the offender. The offender may be arrested whether on or off duty. The offender will be instructed to report to the office of the Chief of Police at 8:00 a.m. the following day.
2. A written report of the incident shall be submitted by the reporting supervisor, who shall be present at the office of the Chief of Police at the same time the offender reports, 8:00 a.m. the following day.

When a violation involves neither gross misconduct or moral turpitude, but could cause discredit to the Department or any member thereof, a report shall be made in writing by the Officer’s supervisor, setting out the known facts of the case, and an investigation initiated to determine the nature and degree of the violation.

Minor violations which do not involve gross misconduct or moral turpitude and which will not reflect discredit upon the Department, but which indicate a need for some form of discipline and/or training may be handled by the offender’s supervisor. A written report will be documented by the offender’s supervisor.

Any officer who, by any act or conduct, attempts to violate or conspires with any person to violate general orders, rules or policies of the Department shall be subject to the same discipline as though the actual violation had been accomplished.

 No officer shall procure appointment in the Department by means of willful misrepresentation or omission of any fact concerning his personal history, qualifications for employment or physical condition.

 New members of the Winona Police Department are accepted subject to a ninety (90) day period of probation. This probation is an important step in the selection process and the final test as a trial on the job. During the probationary period, the new member must successfully complete the field training officer (FTO) program and within two (2) years successfully complete the basic law enforcement certifications course maintained by the State of Mississippi (BLEOST). Also evaluated during the probationary period will be the new member’s attitude, enthusiasm, loyalty, competency, morals, emotional stability, conformance to the Department policies, ability to follow instructions, performance of duty, and relations to the public. At the end of the probationary period, the officer will be expected to maintain a qualifying score of 75 points out of a possible 100 points on a designated firearms course. The carrying and use of a firearm is a tremendous importance in the responsibility of the Department for the safety of citizens and officers. The inability to qualify at the end of probation will result in immediate dismissal thereafter.

Members holding the position of probationary officer must meet the minimum standards of employee performance and comply with the Code of Conduct, the City of Winona Personnel Rules, the Ordinance of the City of Winona, the laws of the State of Mississippi, and the United States of America and Departmental regulations.

 Should any member of this Department who has successfully completed the entire period of probation be discharged, suspended or reprimanded because he has violated any rule of the Code of Conduct, the City of Winona Personnel Rules, the Ordinances of the City of Winona and/or the laws of the State of Mississippi or the United States of America, he shall receive written notice setting forth the rule(s) violated and acknowledge in writing having received same.

 It is the desire of the City of Winona to address grievances informally. If the situation cannot be resolved with the Chief of Police, an employee may make an appointment with the Mayor. If the Mayor cannot resolve the grievance the employee shall, upon written request, be entitled to appear before the Mayor and Board of Alderman with a representative of his choice.

 No promotion of any member of the Department shall be deemed complete until a period of six (6) months had elapsed following said promotion. At any time during this six month probationary period, the Chief of Police may rescind the promotion.

Winona Police Department
Code of Ethics

The purpose of this order is to establish the Code of Ethics and Rules of Conduct for the

Winona Police Department and to inform all personnel of adoption of the Code of EthicsandRules of Conduct. The following Code of Ethics is adopted by the Winona Police

Department and approved by the Winona Board of Mayor and Aldermen.

The Law Enforcement Code of Ethics

1. As law enforcement officer, my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, the peaceful against violence or disorder, and to respect the Constitutional Rights of all men to liberty, equality and justice.
2. I will keep my private life unsullied as an example to all, maintained courage, remain calm in the face of danger, scorn or ridicule, develop self-restraint, and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal life and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature, or that is confided in me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of duty.
3. I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime, and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will. I will never employ unnecessary force or violence, nor will I accept gratuities.

# 1.2 INTRODUCTION

The rules, regulations, and information contained in this manual are for the guidance and direction of all employees of the Winona Police Department. Every employee of the department will be individually responsible for the reading and complying with all General Orders, Operations, and Special Orders listed within this manual.

The Winona Police Department operates under the Chain of Command Structure. That structure is as follows:

1. CHIEF
2. ASSISTANT CHIEF
3. CAPTAIN
4. LIEUTENANTS
5. SERGEANTS

Each employee should understand that no set of rules and regulations could be established to cover every situation, which may arise in the discharge of their duties. The instructions and guidelines contained herein cover as many of the subjects as possible, but because of the variations inherent within Law Enforcement are endless, the application of many of these instructions or guidelines must necessarily be left to the judgment and discretion of the individual. If there are any questions regarding the implementation of a policy or any other decision that arises, use the Chain of Command.

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 Roshaun Daniels, Chief

Winona Police Department
Chain of Command Guidelines

Ever organization must have good order and a chain of command. It is imperative that we put in place a structured chain of command and have a clear understanding of the chain of command. The chain of command is the formal line of authority, communication, and responsibility within an organization.

It is the policy of this Department the order in which authority and power in an organization is wielded and delegated from top management to every employee at every level of the organization. The Winona Police Department will establish a chain of command within the ranks of its officers.

1. Instructions flow downward along the chain of command and accountability flows upward.
2. Information flow starts with the Chief of Police and will pass downward through: Captains, Lieutenants, Sergeants, in this order. The sergeants have the option of delegating authority to their officers if they are supervising in the absence of the Captain or Lieutenant
3. If you have a complaint or a grievance, you must start with the lowest supervisor and run your complaint through the chain of command
4. Your immediate supervisor must know your whereabouts at all times
5. No employee of this Department shall take upon himself or herself to make complaints of any kind to anyone outside of this Department without proper authority given by a supervisor. This will include any city official (sworn or civilian; mayor or members of the Board of Aldermen).
6. Any violation of the chain of command will result in disciplinary actions to include suspension and/or termination.

# 1.3 TABLE OF CONTENTS

Table of Contents

[CHAPTER 1 INTRODUCTION 1](#_Toc3468709)

[1.1 GUIDING PRINCIPLES 2](#_Toc3468710)

[1.2 INTRODUCTION 3](#_Toc3468711)

[1.3 TABLE OF CONTENTS 4](#_Toc3468712)

[1.4 MISSION STATEMENT 6](#_Toc3468713)

[1.5 OBJECTIVE STATEMENTS 7](#_Toc3468714)

[1.6 DEFINITIONS OF TERMS USED IN THIS MANUAL 8](#_Toc3468715)

[1.7 SELECTION AND PLACEMENT OF PERSONNEL 9](#_Toc3468716)

[1:8 DISCIPLINE AND ACCOUNTABILITY 12](#_Toc3468717)

[CHAPTER 2 STANDARDS, ETHICS AND MANAGEMENT 15](#_Toc3468718)

[2:1 ABUSE OF AUTHORITY 16](#_Toc3468719)

[2.2 APPEARANCE AND GROOMING 18](#_Toc3468720)

[2.3 PROFESSIONAL CONDUCT 20](#_Toc3468721)

[2.4 INSUBORDINATION AND CONDUCT 22](#_Toc3468722)

[2.5 GRIEVANCE PROCEDURES 23](#_Toc3468723)

[CHAPTER 3 ORDERS 25](#_Toc3468724)

[3.1 GENERAL ORDERS 26](#_Toc3468725)

[3.2 ORDERS AND INSTRUCTIONS 28](#_Toc3468726)

[3.3 EMERGENCY CALL OUTS 30](#_Toc3468727)

[3.4 SAFETY CHECKPOINTS and SATURATION PATROL 32](#_Toc3468728)

[CHAPTER 4 INVESTIGATIONS 33](#_Toc3468729)

[4.1 CRIME SCENE 34](#_Toc3468730)

[4.2 DOMESTIC ABUSE INVESTIGATIONS 35](#_Toc3468731)

[4.3 ARREST PROCEDURES 39](#_Toc3468732)

[4.4 MOTOR VEHICLE SEARCH 41](#_Toc3468733)

[4.5 SEARCH AND SEIZURES 42](#_Toc3468734)

[CHAPTER 5 REPORTS AND CRIMINAL PROCEEDINGS 43](#_Toc3468735)

[5.1 REPORT WRITING 44](#_Toc3468736)

[5.2 COURT ATTENDANCE 45](#_Toc3468737)

[CHAPTER 6 TRAINING 46](#_Toc3468738)

[6.1 BODY ARMOR POLICY 47](#_Toc3468739)

[6.2 FIREARMS 48](#_Toc3468740)

[6.3 FITNESS FOR DUTY 51](#_Toc3468741)

[6.4 VEHICLE PURSUITS 53](#_Toc3468742)

[6.5 USE OF FORCE 56](#_Toc3468743)

[6.6 DEPLOYMENT AND USE OF INTERMEDIATE WEAPONS 63](#_Toc3468744)

[6.7 CRITICAL INCIDENTS 65](#_Toc3468745)

[CHAPTER 7 PUBLIC RELATIONS 68](#_Toc3468746)

[7.1 COMMUNITY RELATIONS 69](#_Toc3468747)

[7.2 SOCIAL MEDIA 71](#_Toc3468748)

[CHAPTER 8 EQUIPMENT 72](#_Toc3468749)

[8.1 USE OF AGENCY VEHICLES / MAINTENANCE 73](#_Toc3468750)

[8.2 SEATBELT USE 74](#_Toc3468751)

[CHAPTER 9 BODY CAMERAS 75](#_Toc3468752)

CHAPTER 10 JUVENILE CUSTODY POLICY AND PROCEDURE………………………………………...…76

CHAPTER 11 K-9 OPERATIONS

# 1.4 MISSION STATEMENT

The Mission of The Winona Police Department is to serve our community by providing superior public safety and service, in an ethical and fiscally responsible manner, while preserving the rights of all individuals.

The following objectives have been established to accomplish the mission of the Winona Police Department. Members of the Winona Police Department are committed to the following values:

**Leadership**

- A leader, who selflessly serves others by example, works to provide necessary resources and assists others to develop their skills and abilities.

**Respect**

- Our employees display humility while treating others with fairness and dignity.

**Discretion**

- We expect our employees to enforce the spirit of the law, to be flexible in finding solutions to problems and to use common sense, good judgment and compassion, keeping in mind what is the best outcome for the community.

**Loyalty**

- We display loyalty to the Police Department, each other, the community and trust that each member supports and is dedicated to the Mission and Values of the Police Department.

**Integrity**

- We value honesty and high ethical standards. We will do what is right in difficult situations, despite any pressure to do otherwise.

**Teamwork**

- All employees will work with each member pulling a share of the load and working to achieve team goals.

**Quality Service**

- We recognize that the citizens are our customers and although we cannot please everyone, we are committed to excellence and we will do our best to provide unbiased quality service.

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 Chief Roshaun Daniels

# 1.5 OBJECTIVE STATEMENTS

The following objectives have been established to accomplish the mission within in the budgetary and work force constraints imposed on the agency:

1. **Protect Life and Property:** To provide services that contribute to the preservation of life, the protection of property, and the safety of the community.
2. **Maintain Public Order:** To maintain peace and public order; To assist during times of natural or technological occurrences or disasters; To provide for the safe and effective flow of both vehicular and pedestrian traffic and the investigation of traffic related accidents.
3. **Prevent Detect and Investigate Criminal Activity**: To prevent crime through aggressive patrol that limits the opportunity for a crime to occur, and through education of citizens, that reduces the likelihood of them becoming victims of crime. To provide a thorough, appropriate, and efficient investigation of criminal activity.
4. **Apprehension of Offenders:** To provide for the expeditious and prudent apprehension of suspected violators of the law, regardless of an individual’s status in the community.
5. **Community Service:** To provide the resources necessary for assisting citizens under special non-criminal circumstances.
6. **Compliance with Ethical Standards and Professionalism**: To ensure integrity and adherence to the professional standards of the Agency by investigating all complaints against Agency personnel. Work to provide for the training needs of Officers and promote a high rate of proficiency in the Officers of this Agency.

# 1.6 DEFINITIONS OF TERMS USED IN THIS MANUAL

1. **City** – The area within the boundaries of the city limits of Winona.
2. **Employee** – Both sworn officers and civilian employees of the Winona Police Department.
3. **Officer** – A sworn Officer of the Winona Police Department, to include persons of all ranks, or job positions, and to have no reference to civilian employees.

1. **On Duty** – A Officer is on duty during the period when they are actively engaged in the performance of their regularly assigned duties, when they are performing some special mission for the Police Department, while traveling either to or from their employment, or when they are directed by the Asst Chief and/or to perform in a Officers capacity at other than their regular assigned duty hours. A sworn Officers will always enforce the law when a violation occurs in his presence either on or off duty when the violation is necessary to insure the safety of the community.
2. **Operations Order** – A written or verbal order by the Chief or Asst. Chief to define policy and to direct procedures for special situations or events. This order will be permanently effective unless amended or rescinded.
3. **Insubordination** – The refusal to obey or comply with a lawful order or direction given from the Chief or Asst Chief,
4. **Derogatory** - The use of words or actions towards another employee that are belittling, critical, damaging, defamatory, degrading, despiteful, dishonoring, disparaging, humiliating, malicious, minimizing, sarcastic, scornful, slanderous, or spiteful.

# 1.7 SELECTION AND PLACEMENT OF PERSONNEL

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| **Issue Date: 7/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

The Winona Police Department places a priority interest in the selection and placement of personnel given the applicant qualifications, and budgetary constraints. This Agency strives to meet and exceed State standards on officers qualifications for employment while maintaining an equal employment opportunity and discrimination-free environment.

**PROCEDURE:**

**Equal Employment Opportunity:**

The Winona Police Department is an Equal Opportunity Employer who supports the Americans with Disabilities Act, (ADA), and must respond to reasonable requests for job accommodations and take reasonable action to employment-qualified individuals with disabilities. This agency is committed to making reasonable sustained, diligent efforts to identify and consider such individuals for employment and for possible advancement opportunities arising during employment.

The Winona Police Department prohibits any retaliatory action against an employee for opposing a practice, which he or she believes to be discriminatory. This includes the filing of an internal complaint or the filing of a complaint with a state or federal civil rights enforcement agency.

Maintaining the ideals of Equal Opportunity Employment, no individual inquiring about employment within the Winona Police Department may be discriminated against based on:

1. Race
2. Color
3. Religion
4. Sex
5. National Origin
6. Disability
7. Age
8. Veteran status
9. Handicap
10. Marital Status
11. Political affiliation
12. Sexual preference

All employees are expected to abide by the procedures as outlined within this policy. Violation of this policy will subject an employee to disciplinary action, up to and including dismissal.

**Employment Requirements:**

All persons seeking employment with the department as a Police officer must:

1. Be a United States citizen;
2. Be a resident of Montgomery Co MS or become a resident within ninety [90] days of employment;
3. Be at least twenty-one [21] years of age;
4. Possess a valid MS Driver’s License;
5. Have a high school diploma or GED; or
6. Successfully complete the Basic Law Enforcement Training Academy;
7. Never have been convicted of a *felony* or *misdemeanor involving moral turpitude* oris not currently under indictment for any criminal offense;
8. Be free of misdemeanor convictions for the last twelve [12] months;
9. Have no previous or current charges of *driving while Intoxicated* or *driving under the Influence of drugs or alcohol*;
10. Never been convicted of any family violence offense;
11. Not be prohibited by state or federal law from operating a motor vehicle;
12. Not be prohibited by state or federal law from possessing firearms or ammunition;
13. If served in the armed forces of any country, demonstrate stability, reliability, & integrity, by having an Honorable Discharge [*Dishonorable, General*, or *Medical* discharges are not acceptable];
14. Have never had a commission or peace officer license denied by final order or revoked;
15. Not be currently on suspension, or have a voluntary surrender of license currently in effect;
16. Demonstrate honesty and integrity, by successfully completing pre-employment testing;
17. Demonstrate good general medical health as determined by a medical doctor, who is licensed by the Mississippi State Board of Medical Examiners, and physical performance testing;
18. Free from illegal drug use,
19. Be declared in satisfactory psychological and emotional health by a psychologist, who is licensed by the Mississippi State Board of Examiners of Psychologists; &
20. Be fingerprinted and subjected a search of local, state, and national records and finger print files.

**Acceptance of Applications:**

Employment applications are accepted at any time, even if all positions are filled, for future evaluation. The completion of a regular application form will ensure that each candidate be considered for all positions within the department for which he is qualified. Applications are kept on file for at least six months, after which the application will be destroyed. Applications of hired individuals are maintained in their employee file.

**Disqualification of Applicants:**

Applicants may be disqualified for a number of reasons, including, but not limited to:

1. Not possessing the minimum qualifications for the position;
2. Failing to be punctual in taking prescribed tests or undergoing evaluation;
3. Making fraudulent statements during interview, or on any application; or
4. Failing to properly complete the application in the manner prescribed.

**Continued Employment Standards:**

To be eligible for continued employment an employee must, in addition to other conditions and standards, meet the requirements as specified in Employment Requirements, above.

**Will and Pleasure:**

The employment of employees of the Winona Police Department is for an indefinite term and continues at the pleasure of the Chief. At any time, the Chief may dismiss any employee.

# 1:8 DISCIPLINE AND ACCOUNTABILITY

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| **Issue Date: 7/15/2021** | **Revision Date:**  |
| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

Officers and civilian employees use their best effort to live up to the ideals expressed in our Mission Statement, Code of Ethics, and Objective Statements. Additionally, all members of the Winona Police Department will obey department *policies and procedures*, written and verbal orders, rules, directives, and standards of conduct. Noncompliance with these goals and standards may result in disciplinary action to improve individual and group performance.

**DISCUSSION:**

Discipline in the law enforcement profession is essential to our very survival, and is the determining factor in securing the trust of those we serve and those we serve with. To maintain a high level of discipline, employees are required to conduct themselves in accordance with standards of conduct which a reasonable person would know is expected of someone in the workplace who is granted the authority of the State.

**PROCEDURES:**

**Disciplinary Action:**

Any noncompliance or violation of conduct that interferes with operations, discredits the Agency or is offensive or dangerous is grounds for disciplinary action, whether or not such behavior is specifically prohibited by written goal, objective, policies and procedures, order, rule or directive.

Employees are expected to perform assigned tasks efficiently and safely and in accordance with applicable quality standards and safety requirements.

All employees are expected to treat visitors, other employees, managers, supervisors, and others in the work place with courtesy and respect.

The Winona Police Department does not discriminate or show favoritism based on *sex, ethnicity, race, religion, color, age,* or *physical disability*. Disciplinary actions are based on the concepts of *equality and equity*.

The Chief has the sole right to determine the disciplinary process applicable in particular circumstances as well as the discipline to be imposed for violations or non-compliance.

Progressive disciplinary measures are generally followed. However, employee attitudes and performance, and any extenuating and mitigating factors may be considered when determining the discipline to be imposed.

Progressive discipline may include, but is not limited to, *counseling, warning, and suspension,* or *any other remedial steps* deemed desirable, such as *demotion, permanent or temporary disqualification, transfer, wage reduction, training* and/or imposing *conditions on continued employment*.

*Discharge from the department* may be imposed for a first offense and may be imposed at any point in a progressive chain, whether or not any other step(s) of progressive discipline have first been imposed.

The Asst. Chiefis designated to oversee disciplinary actions. He will consult with and receive authorization from the Chief prior to imposing and/or determination of any discipline.

The Agency may, in its discretion, keep documents and other records of disciplinary action, which may be considered in future personnel decisions.

In cases of serious misconduct such as major breaches of policy or violations of law, procedures contained in this policy may be disregarded. Disciplinary action on the part of the department does not shield the officer or employee from criminal or civil charges that may arise out their deliberate or negligent acts.

**General Reasons for Disciplinary Action:**

A officer or civilian employee may be disciplined or terminated for a number of reasons including, but not limited to:

1. Dishonesty, such as falsifying or altering any document, record, or report relating to the department and/or relating to employment, such as a time card, employment application, medical report, or expense reimbursement request and including providing false or misleading information and/or failing to provide truthful and complete information in connection with any investigation.
2. Conviction of a criminal offense, including a felony or certain misdemeanors, or any other offense involving moral turpitude.
3. Insubordination to the directives of a superior.
4. Violation of the Civil Service Law.
5. Reporting to work under the influence of alcohol or any drug not prescribed by a licensed physician.
6. Offensive or derogatory conduct or language toward the public, superior, or other PoliceDepartment employees either senior or junior in rank.
7. Carelessness or negligence in the use of departmental property.
8. Accepting or encouraging the taking of a bribe.
9. Encouraging other persons to commit illegal acts.
10. Failing to report to work, court or official duty assignments without reasonable cause.
11. Excessive tardiness and absenteeism.
12. Failure to observe starting, quitting times.
13. Horseplay or dangerous acts.
14. Violation of security, health, safety or environmental standards.
15. Careless workmanship or production.
16. Competing with the interests of the department.
17. Theft, attempted theft, misappropriation, or willful damage to property.
18. Distribution, transfer, sale, possession or consumption at the work place or on government property of any alcohol, intoxicant, or controlled substance which has not been prescribed for the one in possession, the recipient, or the one consuming.
19. Threatening, intimidating, harassment, coercing, abusing, or interfering with a supervisor, manager, independent contractor, supplier, visitor or co-employee, either by words or action.
20. Unauthorized disclosure of any confidential information.
21. Failure to report any accident, misconduct, or rule violation to the Asst. Chief or failing to cooperate with and/or failing to provide information requested in connection with any authorized investigation or inquiry.
22. Violation of departmental, agency, or governing body rules, regulations, policies and/or procedures.

**Non-Disciplinary Action:**

Not every supervisory interaction or intervention with a member is to be construed as *discipline.* The following are examples of *non-disciplinary* courses of action:

1. **Supervisory Consulting:**  Except in cases of culpability, correcting undesirable conduct is first handled by the Asst. Chief or the Chief in an informal atmosphere. This means taking the member aside and discussing the problem, candidly and openly. These actions may or may not be formally documented on the first occasion, depending on their discretion. Repeat violations must be documented by the Asst. Chief and/or the Chief.
2. **Counseling:**  At times, personal problems may interfere with the member’s ability to perform normally. When the results are not serious enough for discipline but call for a more formal type of supervision, counseling is an excellent tool to help the member. Counseling is not a form of discipline but is a tool available to correct problems and refocus on performance priorities.
3. **Administrative Leave:**  Administrative leave can occur any time the member must be removed from duty until an investigation or other administrative proceeding is completed. Usually situations of this nature involve cases of suspected misconduct, such as alleged criminal activity, fighting, continued non-compliance, or being mentally or physically unfit for duty. In such cases, leaving the member in position would create an unreasonable liability or safety issues for the individual other employees or the Agency.
4. **Administrative Furloughs:** Following a *deadly use of force* or *major injury to the deputy*, a furlough may help the member adjust and handle any personal or emotional needs resulting from traumatic events. Administrative furloughs are mandatory, initiated by the Asst. Chief and the Chief.Furloughs should continue until the deputy involved has received counseling by a professional.
5. **Layoffs:** It may be necessary to lay off employees if the Agency is experiencing a shortage of funds, work, or when a technological advancement eliminates a job. Any decision to lay off employees is the responsibility of, and at the discretion of the Chief.

**Termination:**

It is the policy of Winona Police Department to terminate members when:

1. Economic necessity requires reductions in the workforce;
2. A member fails to demonstrate a willingness or ability to improve his or her conduct, behavior, or performance deficiencies without intense supervision; or failing to terminate the member creates an unreasonable risk of negligently retaining a member who has failed to display the necessary competencies or quality of performance to remain in his or her position.

# CHAPTER 2 STANDARDS, ETHICS AND MANAGEMENT

# 2:1 ABUSE OF AUTHORITY

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| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

All officials of Winona Police Department decline any special privileges or exemptions for themselves or for any:

1. Spouse
2. Child
3. Parent
4. Other family member or relative
5. Friend
6. Acquaintance
7. Non-acquaintance

**DEFINITIONS:**

***Authoritative position:*** All deputies have a position of great authority that is afforded by society. Because of this authority, officers are in a position to influence citizens within a community. With this authority come grave responsibilities.

***Conflict of interest:*** A situation for which a person may have more than one specific self-interest in the outcome.

**PROCEDURE:**

**Abuse of Position:**

In compliance with departmental procedure, all members of Winona Police Department will consider the following situations abuses of position:

1. Becoming involved in a situation that is a conflict of interest.
2. Use of authority for the purpose of financial gain.

**Conflict of Interest Regarding Abuse of Position:**

All officers of the department must avoid becoming involved in any situation, either on or off duty, for which a conflict of interest is present. If a officer responds to a call for which a conflict of interest presents itself, the officer must control the situation, notify the Asst. Chief and/or Chief, and cease any further involvement in the situation after being properly relieved.

**Financial Gain Regarding Abuse of Position:**

Officers of the Winona Police Department, while in their official capacity, must **NEVER**:

1. Accept payment, cash, or property for services delivered in their capacity as a officer. Any officer confronted with such a situation should immediately inform Asst. Chief and/or Chief.
2. Accept any gift or gratuity from a subordinate, unless approved by the Chief.
3. Attempt to negotiate any payment of cash or property from another person or institution in his or her capacity of official Police Business. Any abuse of this authority is subject to disciplinary action;
4. Give testimony, use their name, or photograph regarding commercial advertising, unless approved by the Chief.
5. Seek personal publicity, either directly or indirectly, in the course of their employment.
6. Solicit subscriptions or sell books, papers, tickets, merchandise, or any other items of value without prior approval of the Chief.

# 2.2 APPEARANCE AND GROOMING

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**POLICY:**

Employees consistently maintain a neat, clean, and professional appearance during the performance of their official duties, or at any time they are representing the Winona Police Department.

**DISCUSSION:**

Employees of the Winona Police Department are authority figures within this community, and serve representatives of the Winona Police Department. As such, it is essential that employees present a professional image to the public.

**PROCEDURES:**

In the performance of duty, officers are required to wear uniforms as dictated by the Winona Police Department policy, except in special circumstances authorized by the Asst Chief or Chief. Determination of compliance with this policy is completely at the discretion of the Chief or Asst Chief.

Officers who fail to meet appearance standards may be sent home, and not permitted to work until their appearance meets Agency standards, or they may be disciplined in other forms. Failure to comply on repeat occasions is *insubordination*, and disciplinary action will be taken.

**Male Employees:**

Male officers on duty, and in uniform, must keep their hair trimmed according to the following guidelines:

1. Neatly tapered, rounded or squared at the back, and may extend down to the top of the collar.
2. Hair in front may not fall lower than one-half inch above the tops of the eyebrows.
3. Hair on the sides may not extend lower than half way down the ear.
4. Side burns may not extend below the lowest part of the ear, nor flare any wider at the bottom than their natural width at the top.
5. Officers may maintain a neatly trimmed mustache.
6. Officers may maintain a neatly trimmed beard at the desecration of the Chief.

Male officers are prohibited from wearing earrings or any body piercing items. Male officers must maintain clean, short, and neatly trimmed fingernails.

**Female Officers:**

While on duty, and in uniform, female officers hairstyle must be worn according to the following guidelines:

1. Not extend below the bottom of the collar.
2. Styled in a fashion that allows a cap to be worn over the hair.
3. Conspicuous pins, barrettes, and combs are not authorized.

Female officers are prohibited from wearing body piercing. Female officers may wear earrings small enough as to not be torn off by a suspect. Only one set [one for each ear] may be worn.

**All Employees:**

Both male and female employees are required to maintain cleanliness by bathing daily, practicing good hygiene, and by wearing clean clothes free from unpleasant odors. In addition, the following guidelines apply:

1. All employees are encouraged to wear a minimum amount or no loose jewelry.
2. Do not bring or wear expensive items you are not willing to lose or have stolen.
3. All Officers will comply with the Winona Police Department Bullet Proof Vest policy, any deviations to this policy will result in disciplinary action.
4. All Officers, regardless of their position or assignment, shall maintain a regulation uniform in serviceable condition, subject to inspection at any time. Employees in civilian dress shall wear clean, neat clothing consistent with their duties and shall maintain a well-groomed appearance in accordance with accepted practice for business offices.

**General Uniform guidelines:**

Uniform regulations are furnished for the information and guidance of all officers. All officers shall wear, in the manner prescribed herein, ONLY those articles of uniform, clothing, and accessories, which are hereby authorized by the Chief or Asst Chief.

 Generals Regulations;

* + - 1. Officers shall practice good habits at all times when on duty. Their uniforms and equipment shall be maintained in a clean serviceable condition, and all officers shall wear their uniform in conformity with these regulations.
			2. Officers shall wear uniforms that are issued by the Winona Police Department. These uniforms will be worn in a manner as prescribed by the Asst. Chief and/or Chief.
			3. All officers shall wear black duty equipment, i.e. Black duty belt, black holster, black radio holster.
			4. All officers shall wear tan/coyote boots with their uniforms. Any deviations to this policy must be approved by the Chief or Asst Chief.

The Asst Chief, due to the nature of his responsibilities, is authorized to wear proper civilian attire. This attire will be maintained so that they present a clean and professional appearance. The style and appearance of this attire will be governed solely by the Chief.

# 2.3 PROFESSIONAL CONDUCT

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| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

All department personnel of Winona Police Department must conduct themselves honestly, efficiently, and with integrity. The public is entitled to courteous and competent responses to requests for law enforcement service.

**PROCEDURES:**

1. Sworn or civilian employees are always courteous when interacting with the general public.
2. Officers shall make every effort to assure the victims of a crime and the public that the Winona Police Department and its employees work diligently to resolve every call we respond to.
3. Employees must avoid behaviors and practices that cause the public to question individual employees or the Police Department integrity.
4. Off-duty officers are required to conduct themselves as though they were on duty.
5. Officers are not to reveal, or make public, any order or information to any person unless the disclosure is authorized, and the intended receiver has a need to know.
6. Officers are governed by ordinary and reasonable rules of good conduct and behavior whether on or off duty.
7. Officers will always demonstrate morals and values and will not commit any act that could adversely affect the Police Department.
8. Officers always remember that they are sworn to uphold the law, abide by the *policies and procedures* of this Office, and the law, while protecting the rights of all people as afforded by the Constitution of the United States of America and the State of Mississippi.

**LAW ENFORCEMENT CODE OF ETHICS:**

**AS A LAW ENFORCEMENT OFFICER**, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality and justice.

**I WILL** keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Agency. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

**I WILL** never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately, without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

**I RECOGNIZE** the badge of my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideas, dedicating myself before God to my chosen profession ... law enforcement.

# 2.4 INSUBORDINATION AND CONDUCT

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| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

The Chief’s door is always open for employees with issues or suggestions they wish to discuss with the Chief. All Winona Police Department employees shall maintain a proper level of professionalism within the work space and shall not speak critically or in a derogatory manner to other employees at any time unless it is in their job description to do so, and then any critical comments must be done in a private setting where other employees are not present.

 Any issues, personnel or otherwise, concerning the Police Department are solely the Chief’s prerogative to handle as he sees fit. No employee shall address the Board of Alderman on any matter concerning the

Winona Police Department without the approval of the Chief. Circumventing the Chief on this matter are grounds for immediate dismissal.

**DEFINITION:**

***Insubordination:***Any act of defiance, disobedience, dissension or resistance to authority.

***Derogatory****:* The use of words or actions towards another employee that are belittling, critical, damaging, defamatory, degrading, despiteful, dishonoring, disparaging, humiliating, malicious, minimizing, sarcastic, scornful, slanderous, or spiteful.

**PROCEDURES:**

**General Guidelines:**

The organizational structure of the Winona Police Department is determined by the Chief.

# 2.5 GRIEVANCE PROCEDURES

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| **Approval Authority:**  **Chief\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

The Winona Police Department treats all employees fairly regarding employment matters.

**DEFINITION:**

***Eligible Employee*:** All permanent, probationary, or regular part-time employees. Regular part-time employees are those who work twenty [20] hours per week or more on a continuous basis for at least six months.

**PROCEDURES:**

The grievance procedures set forth in this policy are applicable only to *eligible employees*.

**Conditions and Limitations:**

The Chief retains the right under law, regulations, and policy to direct employees in the performance of their duties; to take the necessary actions to achieve proper ends under routine and emergency situations; and to hire, promote, transfer, and assign employees as well as to suspend, demote, discharge, or take disciplinary action against such employees for cause at any time.

This grievance procedure is not applicable to matters for which an appeal process is otherwise provided.

**Grievance Procedure:**

The Asst Chief is designated as the grievance coordinator within the Police Department. The grievance procedure established by the Winona Police Department consists of steps, which must be followed, before appeal is moved to the next step, unless otherwise specified in this policy. These steps include:

1. An employee who believes that their work environment can be made more effective shall:
2. Discuss the specific problem with the Asst Chief. It is always preferred that employees follow the chain of command when practical. A problem that results from a specific event or action must be presented within seven [7] days of the occurrence.
3. The recommendation of the Asst Chief will be rendered to the employee within a timely manner after review. If the problem cannot be resolved through discussions with the Asst Chief the employee may request to document the grievance for additional consideration by the Chief.

**Response from Appeal:**

A written response will be provided to the employee in a timely manner after receipt of the appeal to include:

1. Response to the grievance;
2. Discussion or comments, if any;
3. Affirmation or denial of the allegations;
4. Identification of any additional remedies or adjustments, if any.

 **Withdrawal of Grievances:**

At any time during the grievance process, the employee may withdraw the grievance by making written notification of the withdrawal available to all parties involved in the grievance process.

# CHAPTER 3 ORDERS

# 3.1 GENERAL ORDERS

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| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

1. Officers shall preserve the public peace, prevent crime, detect and arrest violators of the law, protect life, and property, and enforce the laws of the state of Mississippi and the ordinances of Winona, MS.
2. Specific duty assignments do not alter a officer’s obligation to take police action in problems requiring immediate attention. Regardless of specific assignment of responsibilities while on-duty, all employees will perform all other duties that may be required of them.
3. Employees of the Winona Police Department shall become thoroughly familiar with Administrative regulations and Department Orders, including all orders issued by the Chief or Asst Chief. All officers shall conform to and abide by them; failure to do so may result in disciplinary action.
4. All employees shall have a regular hours assigned to them for active duty; at other times, they shall be considered off duty. All off duty officers are subject to recall at any given time.
5. While on duty all officers will remain in radio communication at all times during their shift. All officers will check in and out of their vehicle. Officers will keep their radios turned on and assist in any/all calls requiring assistance. Failure to answer a call, or assist another officer on a call at any time including a dinner/supper break will result in reprimand at the discretion of the Asst Chief and/or Chief.
6. All employees shall maintain a valid recall phone number. All employees shall immediately advise the Asst Chief of any change of address and/or to their recall phone numbers. Failure to maintain a valid recall number may result in disciplinary action.
7. All Winona Police Department employees will not misuse or abuse city equipment, and shall immediately report to the Asst Chief, all loss of or damage to city owned equipment. Any employee guilty of neglect or willful damage to such property may, at the discretion of the Chief, be required to pay for the cost of its repair or replacement, and may, in addition, receive disciplinary action.
8. All employees within the Winona Police Department shall not make false reports or knowingly enter, or cause to be entered in any Agency books, records, or reports, any inaccurate or false information. All Officers will annotate, via an incident report, all calls that they respond to via the EOC.
9. Games of chance will not be permitted in Police Department buildings, nor will employees participate in games of chance at any other location while on duty except with approval to gain evidence in an investigation.
10. All employees of the Winona Police Department shall courteously supply their name and/or badge number when requested to do so by any person.
11. No officer, while on-duty, shall leave the city without authorization by the Chief, or Asst Chief , except in the immediate pursuit of a person to be arrested. When a Officer leaves the city, they shall notify the dispatcher of their departure from the city and shall report their return when entering back into the city.

1. Employees shall not reveal official business of the Police Department, except: to those for whom it is intended, as directed by the Chief, Asst Chief , or under due process of law.
2. All Winona Police Department officers, when off-duty, shall take police action on felony or other serious criminal matters coming to their attention.

\*Officers SHALL carry their issued off-duty weapon on or off duty. The weapon must be worn concealed, and any display or use of it will be governed by the same regulations that apply to on duty personnel.

1. Engaging in any off-duty employment of gainful occupation, which is considered detrimental to the department, will be prohibited to all employees. Employees will not engage in outside employment while on duty. The Chief must approve all off duty employment.
2. The Chief or Asst Chief shall approve all Police Department employees with any plans for public appearances before groups of any kind, including radio and television, for the purpose of discussing any Police’s Department issues prior to the event.
3. Police Department employees shall not engage in political discussions in a public place while on-duty, nor shall they speak critically of nationality, color, creed, or beliefs of another person. All Police’s Department Employees shall restrict their use of Social media to personal matters and not discuss or represent the Police’s Department business on personal accounts. They shall not display Police’s Department Property on Personal sites.
4. Winona Police Department employees shall not recommend the employment of any particular attorney, bail bondsman, wrecker, or other service for which a fee is charged.
5. All employees shall be punctual in reporting for duty at the time and place designated by the Chief and/or Asst Chief as is scheduled. Failure to report for duty on time will be deemed neglect of duty. Going in-service with the EOC, for patrolling officers, constitutes reporting for duty. Failure to do so will result in possible disciplinary action.
6. All personnel shall keep the Asst Chief and/or Chief informed of any unusual activity, or problem with which the Police’s Department would logically be concerned.

# 3.2 ORDERS AND INSTRUCTIONS

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| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

The Winona Police Department will issue orders in several forms. As a sworn officer or employee of this organization, you are responsible for knowing, understanding, and complying with all lawful orders. Immediate and consistent compliance with orders is essential to accomplishing our mission and protecting human life.

**PROCEDURES:**

Orders will be given in the following forms:

General Orders

General orders are vital to successfully accomplishing our objectives. General orders are published in writing. You are expected to know these rules and follow them both in letter and spirit. No deviations should occur without the expressed personal authority of the Chief. General Orders will be provided and discussed in your training and widely disseminated. You should immediately ask if you have any questions about compliance. You have the duty to immediately report General Order violations.

Special Orders

Special orders will always be written. They are authorized and signed by the Chief or the Asst Chief. Special orders provide short-term instructions in matters of critical concern to the Chief. Special orders are numbered, each bearing an effective date, expiration date, and the signature of the Chief or Asst Chief. Special Orders are provided and discussed in training, announced at the start of a shift, and published as the need arises. It is your responsibility before starting your tour of duty each day to know what, if any, Special Orders are in effect, and to comply with their requirements. Any questions about compliance or known violations of a Special Order should be referred to the Asst Chief or Chief.

Policies & Procedures

The Chief is solely charged with the responsibility of setting policy and determining the procedures that will be followed to accomplish the mission of the Agency and maintain effective control. Policies and procedures often vary from organization to organization, depending on the management style of the policy maker, the needs and desires of the community, and available resources.

The Chief provides this manual as a detailed guide to performance expectations. Each policy is published separately, containing a statement of the policy and detailed procedures regarding how to carry it out. Policies are the orders, and procedures are the instructions for carrying out the orders.

Not every situation is foreseeable. It is important for sworn officers and other employees to know and understand these policies and procedures and apply them in a variety of situations.

 When faced with a dilemma, ask and answer . . . what would the Chief want me to do in this case? Your Confidence as a law enforcement officer is built on experience, training, careful review, and practiced compliance with the policies and procedures, and other requirements in this manual.

Post Orders

Post Orders, sometimes referred to as job descriptions, are written and published for each job or duty station in the organization. Each job has a published set of post orders, which detail the responsibilities and the job. When assuming a post, duty position, or assignment for the first time, each officer and employee will read, understand, and sign the post orders located at that position, station, or in the patrol unit. The employee reporting for duty will not assume the duties of the position until post orders are read, and fully understood.

During subsequent assignments to the same post, the officer or employee will review the post orders immediately upon arrival at the place of assignment to determine if there have been changes in the duty instructions. In those cases where another employee or officer is being relieved of the duties at that post, the arriving officer or employee will review the post orders before the other officer is allowed to be relieved or depart the general area. Officers will discuss the activity at this particular post verbally before the relieved officer is free to depart. Officers being relieved will never leave a post until instructed by the relief officer, and after insuring that the newly arrived officer is fully apprised of prior events, any threats, or other conditions of interest.

If there are any questions about the performance of work required at this duty assignment, the officer or employee will notify the Asst Chief or the Chief for immediate help, instruction, or assistance. Employees will not assume or work a duty position without fully understanding the requirements of the position and satisfying themselves that they are mentally and physically capable of carrying out the responsibilities of the assignment, except in declared emergencies. If an employee is incapable of carrying out the responsibilities of a particular post, the employee will ask to be immediately relieved of duty.

Direct or Verbal Orders

Direct orders are most often issued through the spoken word. These orders may be given at any time, but most often are issued verbally during the course of the shift. These verbal orders will be given by the Chief or Asst Chief.

# 3.3 EMERGENCY CALL OUTS

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| **Approval Authority:**  **Chief\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

It is the responsibility of all Winona Police Department employees to work jointly in response to emergency situations.

**PROCEDURES:**

**Notification of Major incidents:**

Dispatch notifies the Asst Chief and/or the Chief concerning any major incident to include, but not limited to:

1. A police officer involved shooting;
2. Any serious physical injury to any officer or public employee;
3. Any homicide within the department's jurisdiction;
4. Any crime or incident involving a "gang" or other groups of people who have the potential for violating the law;
5. Any serious crime against a federal, state, or municipal government and/or employee;
6. Any crime in which an officer of the Winona Police Department is a suspect;
7. Any civil unrest, natural disaster, or major accident;
8. Any crime so unusual that it would shock the conscience of the public; &
9. Any time that a officer determines that it is necessary to have the Asst Chief informed of a situation.

**General Guidelines:**

There are times when incidents occur where the help of off duty officers is necessary to provide assistance. The Asst Chief or Chief will make the decision when to call out personnel who are considered off duty. Listed below are examples of incidents that may require extra personnel to be used.

1. A criminal investigation:
	1. Homicides;
	2. Felony Battery offenses;
	3. Major Thefts or Burglaries;
	4. Robberies; or
	5. Rape or sexual offenses.
2. Incidents involving, but not limited to:
	1. Civil unrest;
	2. A natural disaster;
	3. Any major accident; or
	4. A search for missing persons.
3. A tactical unit for incidents involving, but not limited to:
	1. A hostage situation;
	2. Civil unrest;
	3. In search efforts following a major accident or natural disaster; or
	4. To issue a high risk felony warrant.
4. Upon an emergency call-out all personnel are required to:
	* + - 1. Provide an approximate response time.
				2. Be properly equipped for the particular incident.
				3. Notify of any special circumstances they may have. I/E Illness, altering medications, use of alcohol, lack of sufficient rest, etc…

# 3.4 SAFETY CHECKPOINTS and SATURATION PATROL

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**POLICY:**

 The Winona Police Department sometimes conducts proactive measures including various roadside safety checkpoints and saturating areas in the district through general patrol tactics to help insure the safety of the citizens living in the City of Winona as well as those visiting or passing thru.

**AUTHORITY:**

The Safety Checkpoints and Saturation Patrols are an operational procedure that is issued upon request from the officers and approved by the Asst Chief or Chief.

**PROCEDURE:**

The procedure used in conducting Safety Checkpoints should be measured against the following considerations and priorities:

1. Enhancement of officer and motorist safety.
2. Avoidance of undue inconvenience to the public.
3. The location used should fulfill minimum requirements:
	1. Adequate safety and visibility to oncoming motorists.
	2. Adequate room for officer and public vehicles.
	3. Availability of a secondary screening area.
	4. Sufficient lighting to ensure motorist and officer safety.
	5. Proper safety equipment for all officers on scene.

Any officer of the Winona Police Department assisting another agency with a Safety Checkpoint is subject to this policy and must follow the same request and procedures of this policy.

The procedure for conducting Saturation Patrols is to assign extra officers at different times to show a high visibility of patrol presence. This procedure is designed to deter individuals from driving under the influence as well as other violations of State Laws. Patrol Saturation details are conducted from time to time throughout the city.

# CHAPTER 4 INVESTIGATIONS

# 4.1 CRIME SCENE

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| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

Officers of the Winona Police Department must understand and follow established protocols relating to first responder patrol duties related to crime scenes. The following protocols are to be followed.

**DISCUSSION:**

The actions taken by patrol and investigative officers at crime scenes often determine the course and success of criminal investigations. Initial responding officers play a critical role by protecting evidence, rendering emergency services, and initiating investigations. Remember that the public, the courts, and other law enforcement agencies judge our Agency by the manner in which we carry out what appear to be *mundane and routine* tasks at a crime scene.

The public is becoming ever mindful of the manner in which crime scenes should be handled and preserved.

**PROCEDURES:**

1. Officers of the Winona Police Department shall respond to reports per patrol duty regulations. Once on scene, it is the responsibility of the responding officers to execute the following duties.
	1. Secure the crime scene including victims, suspects and/or witnesses.
	2. Establish and maintain a perimeter if necessary.
	3. Maintain an accurate crime scene log reflecting names, addresses, phone

 contact numbers and statements (if necessary) of all parties present.

* 1. Make contact with appropriate personnel as soon as possible.

1. In the event of major crimes resulting in serious injury or death, the responding Officer shall contact the following:

 **Advise the EOC of the situation and notify the Asst Chief and Chief**.

1. No officer or other responding officer shall alter the crime scene in any fashion except as necessary to preserve safety or persons. This shall include the collection or marking of evidence, removal of evidence, destruction of evidence or any other activity, which will hinder the investigation.

It is the responsibility of the responding officers on larceny or burglary cases to process the scene for evidence related to the crime in question. Each Officer shall be issued a basic finger print kit to assist them in finger printing of the crime scene. It shall be each individual officer’s responsibility to maintain this equipment in working order and to request additional supplies as needed to ensure the availability when needed.

# 4.2 DOMESTIC ABUSE INVESTIGATIONS

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| **Approval Authority:**  **Chief\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

The Winona Police Department reduces incidences and severity of *domestic abuse* whenever reasonably possibly. We attempt to identify victims of domestic abuse, protect them, and provide support through a combination of direct law enforcement intervention and referrals to community services. At the same time, training and supervision enhance officer safety when responding to *domestic abuse* calls for service.

**DEFINITIONS:**

* ***Domestic Abuse:***Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily harm, bodily injury or assault between family or household members; or criminal sexual conduct between family or household members, whether minors or adults. Sometimes referred to as *family violence, domestic violence, spousal abuse, wife abuse, husband abuse, family abuse,* and/or *child abuse.* Victims of domestic abuse may be adult or child, male or female.
* ***Family or Household Members:*** Spouses, former spouses, parents, children, and persons related by blood, persons who are presently or in the past have resided or cohabited together as a family, or having children in common although not living together regardless of gender.

**DISCUSSION:**

The outcome of a disturbed domestic relation is impossible to predict. Unlike *stranger on stranger* crimes, almost everyone involved in a domestic disturbance incident have a prior history with one another. The responding Officer(s), no matter how well meaning and professional in their conduct, are often deemed as *interfering outsiders.* Do not assume that the complainant appreciates your efforts. As a law enforcement officer, use your *discretion to determine* the most reasonable course of action under emotional circumstances and within the law.

Complainants often want responding Officer(s) to make the alleged offenders *behave,* butnot *arrest him or her.* In other instances, the abusive pattern may have been occurring for some time and the victims are intimidated and fearful of retribution.

Responding Officers are tested at every turn in a domestic disturbance call. Officers need to exercise extreme caution while dealing with both complainants and alleged offenders.

More troubling and difficult to handle are domestic disturbance calls involving law enforcement officers, or from family members of officers or agency employees. Officer discretion may become skewed or influenced by factors that are not readily apparent.

PROCEDURES:

Dispatch Procedures:

Dispatchers receiving *domestic abuse* calls can provide the responding Officer with vital information that could save the victim’s and the Officer’s life. The dispatcher gives domestic abuse calls the same priority as any other potentially life-threatening call. When reasonably available “Two Officers” should respond to the reported location of any domestic call.

Dispatchers do not have the authority to cancel an officer responding to a domestic abuse complaint based solely on a follow-up call from the original complainant. The Officer must ensure that some form of secondary verification is required before the call for service will be cancelled.

All Officers will try to ascertain all critical information before arriving at the scene including:

Nature of the alleged conduct;

Has anyone sustained injury, and if so to what extent;

If the alleged offender is present and, if not, the offenders possible location;

If the alleged offender has left in a vehicle, what is the description and last direction or possible destination?

The alleged offender’s description;

If weapons are involved in the incident;

Are there any weapons at the location?

If the alleged offender is under the influence of drugs or alcohol;

If there are children present; &

If any household member has undergone any recent traumatic experience such as *loss or job, death in the family*, etc.

Responding Officers Procedures:

If the alleged offender is still at the scene of the incident, the responding Officer(s):

Restore order by gaining control of the situation;

Take control of weapons used or threatened to be used in the crime;

Relocate the alleged victim to a safe place, if weapons are at the location.

Assess the need for medical attention and call for assistance, as indicated;

Interview all parties; separating them to a point to eliminate contact, but not to a point that the Officers cannot see each other.

Interview any children separately. They do not know to lie.

Determine whether arrest(s) should be made or other actions taken. Should an arrest need to be made, separate the offender from children especially and other family members or associates before affecting the actual physical arrest whenever practical or as the situation in question dictates;

Collect and record evidence and when appropriate, take color photographs of injuries and property damage;

Complete offense or incident reports to document the response, whether or not a crime was committed or an arrest made;

Tell victims how to obtain a copy of the incident report;

Advise victims that a temporary protection order may be filed through Justice Court

Advise all parties about the serious and criminal nature of domestic abuse, its potential for escalation, and help that is available;

Arrest criminal offender if *probable cause* exists, and it is deemed appropriate;

Remain on the scene until satisfied that the threat has diminished;

Provide victim(s) with referral information for legal or social assistance and support.

\*If the alleged offender has left the scene and in the judgment of the Officer(s), a crime has been committed, the responding Officer(s) will:

Conduct a search of the immediate area;

Obtain information from victim(s) and witnesses as to where the alleged offender might be;

Assess the need for medical attention and call for assistance, as indicated;

Interview witnesses, children separately and alone;

Determine if arrest(s) should be made, or other actions taken;

Collect and record evidence and when appropriate, take color photographs of injuries and property damage; tape recording of the initial phone call;

Complete offense or incident reports to document the response;

Tell victim(s) about how to obtain a copy of the incident report;

Advise victim(s) that a temporary protection order may be filed with the City Court Clerk of Winona;

Advise those present about the serious and criminal nature of domestic abuse, its potential for escalation, and help that is available;

Provide victim(s) with referral information for legal or social assistance and Support;

If evidence warrants and supports a criminal charge, refer the matter to the

City Court.

Arrest Procedure:

When Officer have *probable cause* to believe a person has committed acts, which constitute a crime under the domestic abuse laws of this state, the Officer, should make an arrest. If the incident did not take place in the presence of the Officer, and the Officer reasonably believes that the offense occurred within the past twenty-four (24) hours. In addition, if there is Damage or disarray to any part of the home or surroundings and especially any marks or injuries on anyone are signs of violence and an arrest should be made at that time.

Responding to Calls Involving Law Enforcement Officers:

The Winona Police Department provides unbiased and impartial law enforcement services to all members of the community including family or household members of agency employees. If a domestic disturbance call for service is from a residence, family member, or employee or Officer of this agency the dispatcher and the responding Officer will:

Notify the Asst Chief and Chief Immediately.

Continue to monitor response progress and report same progress to the Asst Chief and Chief.

Winona Police Department Policy does not provide any *professional courtesy, special consideration* or *special treatment* to Officers or employees of this agency who are alleged suspects in a domestic disturbance incident. In such instances, responding Officers will follow the *responding Officers procedures* and *arrest procedures* described above.

Violation of a Protection Order:A person commits the offense of “*violation of a valid order of protection”* if the offender knowingly violates any condition of that order. Officers should arrest any alleged offender of a protection order, even if the violation did not take place in the presence of the officer as allowed by law

Mississippi Crime Victims Bill Of Rights (MVCBR):

Mississippi Law Section 26 in Article 3 of the Mississippi Constitution gives certain rights to victims of violent crime. Any victim of a violent Crime, under Article 3, must be given a copy of the MCVBR. These crimes are:

Crimes which involve physical injury or the threat of physical injury;

Any Sexual offense;

Any offense involving spousal abuse or domestic violence;

The deputy responding to the call must give the victim a copy of these rights. Have the individual sign the “request to exercise victim’s rights” sheet. If they choose not to sign the form, leave a copy with them.

# 4.3 ARREST PROCEDURES

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| **Approval Authority:**  **Chief\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

The Winona Police Department uses only legal justification and established procedures to initiate and affect an arrest. As a part of the arrest process, Officers provide all suspects *legal warning and protection* as required by the United States Constitution and State law.

**PROCEDURE:**

**Officers Responsibilities during All Arrests:**

When making an arrest, officers will:

1. Use caution, planning, and established techniques to help reduce dangers to officers, bystanders, and suspects;
2. Only arrest when there is:
	1. A misdemeanor offense was committed that carries an exception for arrest by state law.
	2. Officers have *probable cause* to believe a suspect has committed a criminal offense.
	3. A felony or misdemeanor offense has been committed in their presence or view.
	4. In the case of an Arrest Warrant.
	5. A suspect may be detained if officers reasonably believe a suspect has committed a felony offense.
3. With warrant arrest in which the warrant originates from another county or state, it is highly advisable to receive written confirmation to confirm that the warrant is still active. It is also advisable to confirm that jurisdiction in which the warrant is located will extradite the warrantee before affecting an arrest. This will often require some time elapse, however, it will prevent embarrassment for all parties;
4. Verbally advise the suspect that they are *under arrest, so a reasonable suspect will know they are* under arrest, and not free to leave.
5. Take some physical action to prevent the suspect from leaving the controlling presence of the Officer;
6. Read the suspect their “Miranda Rights” when these rights apply.

Most citizens who are arrested will comply with the arrest procedure without incident. However, some arrestees become argumentative or violent in their refusal to submit to a lawful arrest.

**Arrest Procedures for Compliant and Non-Compliant Individuals:**

When suspects becomes argumentative, violent, or resistant to a lawful arrest the following guidelines must be followed:

1. Use only that force necessary to effect the arrest. [See: Use of Force Policy];

**Arrests outside Jurisdiction of This Agency:**

A officer operating outside the jurisdiction of this department may make non-warrant arrests for felony or misdemeanor offense when the officer:

1. Observes a felony, *or life threatening* offense being committed;
2. After the arrest, immediately notifies the law enforcement agency where the arrest was made. The notified agency takes custody of the suspect; &
3. Completes all reports or documents required by this department, and the agency having primary jurisdiction.
4. Notify the Montgomery EOC **“Immediately”** of the incident.

**Officer Actions Incidental to Arrest:**

Officers complete arrest actions by completing the following tasks:

1. Search the suspect for any potential weapons, evidence, or extraneous items that could potentially aid in escape;
2. Provide or request first aid or medical treatment if needed;
3. Secure, bag, and tag any actual or potential evidence;
4. Make arrangements for the security of the suspect’s motor vehicle;
5. Transport suspect in an authorized law enforcement vehicle to the jail, investigative office or other secure facility, and when necessary call for an ambulance to have suspect transported to the hospital.
6. Complete all required reports incidental to the arrest.

**Officer Care & Responsibility:**

The care, custody, control, and safety of a suspect are the sole responsibility of the arresting officer. This responsibility remains in effect until the suspect is turned over to another officer for transport or released to the County Jail. Arresting officers are required to protect suspects from other suspects, victims, fellow officers, deputies, and self-inflicted injuries. In some instances, this may not be an easy task and will require assistance from other officers.

**Never leave an arrested suspect unattended anywhere or at any time. Your patrol vehicle is not a secured detention facility.**

# 4.4 MOTOR VEHICLE SEARCH

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| --- | --- |
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| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

The Winona Police Department will only conduct searches that are legal and thorough, while strictly observing the constitutional rights of drivers and other occupants. Searches are only conducted with due regard for the safety of officers on the scene, other persons, and the property involved.

# 4.5 SEARCH AND SEIZURES

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| --- | --- |
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| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

The Winona Police Department will only conduct searches that are legal and thorough, while strictly observing the constitutional rights of the owner and or other occupants of the place to be searched. Searches are only conducted with due regard for the safety of officers on the scene, other persons, and the property involved.

# CHAPTER 5 REPORTS AND CRIMINAL PROCEEDINGS

# 5.1 REPORT WRITING

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| --- | --- |
| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

Winona Police Department personnel will prepare written reports in order to better manage the department, document events, and support the criminal justice process through effective communications.

**PROCEDURES:**

**Reports:**

Departmental employees are required to initiate, maintain, and safeguard written reports/incident reports, in appropriate form, for all of the following situations:

1. Citizen Complaints
2. Citizen reports of crime
3. Follow-up investigations
4. Incidents involving arrests, citations, or summons
5. Situations where any officer is dispatched by EOC or as directed by the Asst Chief or Chief.
6. Situations where any officer is assigned to take action at a later time
7. Criminal and non-criminal cases initiated by officers
8. All Traffic Stops.

In all instances the Officers will use EFORCE and other standardized forms. These standard forms are provided for the purpose of aiding officers and employees in preparing written communications. However, the failure to have a proper form does not relieve the officer or employee of the responsibility of producing the incident report. If there are any questions regarding how to document an incident, traffic citation, or any other form that you are unfamiliar with or cannot locate it is the responsibility of each officer to contact the Asst Chief for answers.

Winona Police Department
Report Writing

 It is the policy of this Department that it prepares written reports in order to better manage the agency, document events, and support the criminal justice process through effective communications.

Procedures:

1. Written Reports:

Agency employees are required to initiate, maintain, and safeguard written reports, in appropriate form, for the following situations:

1. Citizen complaints
2. Citizen reports of crime
3. Follow-up investigations
4. Incidents involving arrests, citations, or summons
5. Situations where an officer is dispatched
6. Situations where an officer is assigned to take action at a later time.
7. Criminal and non-criminal cases initiated by officers.

In some instances the agency uses standard forms for the purpose of aiding officers and employees in preparing written communications. However, the failure to have a proper form does not relieve the officer or employee of the responsibility of producing the report. When in doubt, and no standardized form is available, a blank sheet of paper is used.

1. Permanent Notebook System:

All officers and specialized employees of this agency carry and use a permanent notebook. Guidelines for this notebook system are:

1. Write name, badge, or identification number on the notebook for verifications that the book contains your original notes. This also serves as a means of identification if the notebook is lost.
2. Keep all notes in the notebook, not on loose scraps of paper.
3. Notes taken must be neat and accurate. When introduced in court, illegible notes may cause a case to be dismissed.
4. Pages should be kept intact. These pages are kept in sequence of date and time with daily inquiry activities included.
5. Information from separate investigations or inquiries is not placed on the same page. This causes confusion.
6. Take complete notes at the time of the incident or inquiry. Too much information is preferred to insufficient information.
7. Report Preparation:

Reports prepared by employees and officers of this agency.

1. Contain correct information based on accurate, observations, notes and
recordings;
2. Axe brief and explicit, including relevant information regarding the elements
of the crime;
3. Clearly communicate ideas;
4. Axiswer the following questions:
5. WHO was involved:

All persons involved are identified by their role, as suspects, victims, witness,
etc. Obtain first, middle, last names, possible aliases, home and work
address, telephone numbers, dates of birth, other identifiers and race.

1. WHAT happened?

Exactly what type of offense was committed, what means of transportation,
tools, or equipment was apparently used. What was the actor’s modus
operandi? Did the actor use direct attack, or were his tactics more indirect or
crafty.

1. WHEN did it occur?

Record the crime discovery time and the time the crime is likely to have
occurred. Use terms such as recent, and look for other clues to time of death.
Conversely, if rigor mortis has set in, and blood is dry, it has been at least
hours. Also indicate the time witnesses and victims are contacted, and arrest
are made.

1. WHERE did it happen?

Locations is to be as exact as possible. If unable to obtain an address, record
the nearest intersection or permanent landmark. Describe the area as
business, residential, open country, apartment complex, etc. Look for
evidence that the crime could have started somewhere else, and ended up at
the reported location.

1. WHY did this incident occur?

*Was this apparent motive or purpose of the crime* revenge, monetary or
personal gain, thrill, drug-related, accidental, *etc.?*

1. HOW did it happen?

Based on reasonable observations at the scene, and information provided by
witnesses, explain how entry was made, how property was obtained, or how
the suspect chose and approached the victim.

1. Avoid inappropriate language such as slang or jargon, unless quoting a
suspect, witness or victim;
2. Never use radio codes, numerical designations or other terms particular to law enforcement in report narratives;
3. Print and write legibly, except for officer’s signature;
4. Be objective and unbiased, recording information whether positive or negative;
5. Contain correct grammar and spelling;
6. Place events in chronological order;
7. Keep a copy of the report for future references
8. Report Style:

Good reports, even technical reports contain a lot of facts, but should be easy to read

and understand. Remember, the reports you write today will be seen by a jury

tomorrow, and you will be judged by the way you write, what you say, and the way it

is stated.

1. *Write the* way you talk *in a normal conversation. Add details, the way you speak. Avoid writing* Unit 16 approached the door and spoke to Suspect #2. *Instead use.../* walked to the door and spoke with Mr. Doe.
2. *Write in the* first person singular. *Use.../ or* me, *not* Officer Johnson.
3. *Write in past tense, if it happened in the past or not...* appro aching the car 1 see the gun in the back seat. *Instead,* I walked along the driver’s side of the car and saw the gun in the back seat.
4. Carry and use a dictionary and a thesaurus. Using the right word to describe your meaning is important.
5. Use everyday words and avoid unfamiliar wording.
6. Avoid using police jargon.
7. Be careful about using the word suspect. Are they really suspects or simply individuals? Suspects must be suspected of something and read their Constitutional Warnings. Get their names and use them in the report.
8. Lastly, read over your report when you are finished. Ask yourself, would a regular citizen clearly understand this report? If the anser is no, a jury will not understand it either. Redo it!
9. Offense Reports:

Offense reports are designed to:

1. Provide a means whereby officers can conduct and record a preliminary investigation of a criminal offense;
2. Provide complete and accurate information for follow-up investigation and prosecution;
3. Provide patrol officers and investigators with certain decision-making points that enable them to identify follow-up investigative needs;
4. Improve control of the report flow process within the agency thereby improving report: access and statistical recording;
5. *Aid other officers in the collection of* crime data, patterns, suspect information, and determine modus operandi, *etc.*

Offense reports must be completed for all criminal acts and suspected acts. These reports clearly and concisely report elements of the crime by answering critical who, what, when, where, how, and why questions. It is the responsibility of the first officer arriving on the scene to complete the first handwritten copy.

Offense reports are timely written, either during or shortly after the shift on which the incident was reported. Preferable as soon after the incident has occurred and before another incident occurs that may require another report. The information is fresh on the officers mind. Officers turn in the report to their supervisor for evaluation, approval, and further action by the agency. Once approved, the supervisory passes the report to distribution, and notifies the dispatcher for entry or clearance with NCIC and state reporting systems.

1. Arrest Reports:

Arrest reports accurately reports the circumstances surrounding the taking of physical custody of a suspect or escapee. The arresting officer completes the report and includes sex, race, and date of birth, other identifiers, age, home address, specific charge, and probably cause for arrest. Supervisors review the arrest report for clarity, completeness, and accuracy, and once satisfied, forward the report for action. If a final disposition is reported, the supervisor updates the indexed arrest record. Arrest files are alphabetically filed in the agency arrest index.

1. Supplementary Reports:

Supplementary reports are used when additional information is discovered through an investigation. The officer who discovers this new data is responsible fo the supplementary report. The updated portion is attached to the related report with a supplement number and date. Every officer arriving at or entering onto a major crime must complete a supplemental report detailing the reason for their response, and the actions taken once arriving at the crime scene. The supplemental report contains the same level of detail as contained in the original offense report, but as observed by the officer completing each supplemental report.

1. Case Files:

Case files are primarily designed to assist investigators by collecting all documents
relating to a criminal or intelligence case into one location. Case files often consist

of the following items:

1. Contents sheet
2. Original offense reports
3. Investigator’s field notes
4. Complain reports
5. Supplementary reports
6. Arrest reports
7. Accident reports
8. Property receipts
9. Vehicle tow slips
10. File Maintenance:

This agency maintains a comprehensive report filing system. This system includes:

1. Reports are filed and indexed as data is received and approved by supervisors.
2. *Case files remain* opened, *until the case is solving by* arrest and accepted by the prosecutor for prosecution; *or, the* statute of limitations *has expired.*
3. Some cases may not have enough information for further investigation.

These cases may be placed in an inactive file or cold case file and may be reactivated at a later date.

1. When a case is closed, all unneeded copies are destroyed.
2. Master index card is prepared listing each report and filed. When a file is updated such information is entered into the case file and on the offense index card.
3. Radio Dispatch Logs:

Radio dispatch log entry’s are recorded on all alleged or reported crime, and in some cases, are th only record of law enforcement action taken. The requirements for a radio dispatch log entry include, at a minimum, the:

1. Date and time of the initial report of the incident;
2. Name, address and telephone number of the officer, citizen, victim or complainant requesting service;
3. Supplemental reports or additional calls for service;
4. Any reported injury or deaths;
5. Nature of the incidents;
6. Date, time, and type of action taken by the officer.
7. Autopsy reports
8. Crime scene photos
9. Suspect photographs & data
10. Latent Prints
11. Criminal profiles
12. Statements
13. Record checks & NCIC inquiries
14. State reports

6. Date, time, and type of action taken by the officer.

K. Confidentiality of Records:

Law enforcement records contain critical and potentially life-threatening information. Such mundane information as complainant’s address, location and phone number; trial and appearance dates; potential witness list; and status of a case if released into the wrong hands can cost an officer or resident their life.

Police reports and files are reported, collected, and disseminated on a need-to-know basis. Just because an officer or employee is an employee of the agency does not mean that he or she needs or should know vital information about an open case or a case pending for trial.

As a result:

1. Case information may not be discussed or released outside of those officers and employees having a strict need-to-know.
2. An officer or employee may not release to non-law enforcement personnel case information until after verification of a need-to-know is established.

# 5.2 COURT ATTENDANCE

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| --- | --- |
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| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

Court appearance is an integral part of our law enforcement duties. Winona Police Department personnel appearing in court in any capacity, attend at the appointed time without fail, present a well-groomed appearance, are prepared, and behave professionally.

**PROCEDURES:**

**Court Appearance:**

1. Attendance at a court or quasi-judicial hearing, whether notified by subpoena or other notice by the Police Department, prosecution, or hearing officer is an official duty assignment, and all employees and Officers will attend without fail. Permission to omit this duty is obtained from the prosecuting attorney or other competent official, prior to the appearance date and time.
2. All Officers will be punctual and attend until dismissed by the prosecution, the person issuing the subpoena or the court.
3. All Officers will wear the complete and official uniform when appearing in court. Non-sworn employees may appear in conservative business attire. Officers may substitute uniforms for conservative business attire when approved by the Asst Chief or the Chief.
4. Officers will avoid mannerisms or expressions, which might imply disrespect to the court, other witnesses, those charged with criminal offenses, or plaintiffs testifying. Officers will have notes and case files prepared, and all evidence suitably arranged for presentation before trial appearance.

**Subpoena Precedence:**

Ifa officer receives more than one subpoena to appear at any court or quasi-judicial hearing on the same date and the same time, the subpoena priority is Federal Court, State Court, Justice Court, City Court, civil cases, and then administrative hearings. Courts are notified of the conflict when this occurs.

**Court Absences:**

If a officer is scheduled to be in court and cannot attend, he/she notifies the Asst Chief of the reasons for non-attendance at least seventy-two [72] hours or three [3] business days prior to the scheduled court date. In cases of unforeseen emergencies, verification of that emergency is submitted to the Asst Chief or Chief immediately.

**Penalties for Unexcused Court Absences:**

The court clerk forwards all unexcused absences to the Chief or the Asst Chief . Disciplinary actions for not appearing in court are addressed as with other disciplinary matters and may include the following:

1. Written reprimand, suspension or termination from employment.
2. This does not preclude the court from taking whatever action the court deems appropriate for non-appearance.

# CHAPTER 6 TRAINING

# 6.1 BODY ARMOR POLICY

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| --- | --- |
| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

All Winona Police Department, Full time and Part time must wear protective vests, while working for the Winona Police’s Department.

**DISCUSSION:**

A protective vest, referred to as a **bulletproof vest (BVP),** is an item of personal armor that helps absorb the impact from firearm-fired projectiles. A BVP is an item that is worn under the Officers shirt. BVP’s are made from many layers of woven or laminated fibers and can be capable of protecting the wearer from small caliber handgun and shotgun projectiles. Metal or ceramic plates can be used with a soft vest, providing additional protection from rifle rounds, and metallic components or tightly woven fiber layers can give soft armor resistance to stab and slash attacks from knives and similar close-quarter weapons.

**PROCEDURES:**

Winona Police Department Officers will wear protective vests, while on duty with the Winona Police Department unless specifically authorized not to by the Chief.

In addition, all Winona Police Department Officers shall wear issued ballistic plate carriers and ballistic helmets during any high-risk and/or tactical situations.

 Examples of these “High-risk” or “Tactical” situations include, but are not limited to:

* + - 1. Search warrant executions
			2. Drug raids
			3. Initial crime scene response
			4. Serving Felony arrest warrants
			5. Calls of Persons with a weapon

All Winona Police Department officers, full time or part time, working in any police-related secondary employment position or paid details, arranged through the Winona Police Department officers, must wear BVP’s vests.

The Asst Chief or Chief may periodically check compliance at the start of each shift and perform spot checks when encountering Officers in the field. Failure to wear a BVP during a tour of duty will result in disciplinary procedures.

# 6.2 FIREARMS

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| --- | --- |
| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

All Officers or armed employees [regular, part-time, reserve, or auxiliary of The Winona Police Department are required, at least annually [every twelve months], to demonstrate proficiency with all firearms they carry or have occasion to carry on duty but must attend all scheduled training. This includes handguns, long guns and any secondary firearms, used as back-up weapons.

DEFINITIONS:

*Demonstration of Proficiency:* The student or officer demonstrates to the satisfaction of the instructor the successful ability to carry out or accomplish the learning objective in the time and manner prescribed. In firearms training, a proficiency demonstration is not limited to just a score on target. The shooter must be able to explain the task, and repeatedly perform the task safely and efficiently in the time and under the conditions imposed.

*Cold Range:* Firing range where all weapons, magazines, clips, or speed loaders are unloaded at all times, except on the verbal command of a range or safety officer. There are no exceptions. This is a very effective method of control for basic shooters, and prior to commencement of any live fire exercise.

*Hot Range:* Firing range where weapons, magazines, clips, or speed loaders are loaded at all times. This method of control requires more instructor control and officer’s skill. Hot range operations are most effective in teaching tactical, maneuver, and gun advanced handling techniques.

**PROCEDURES:**

**General Provisions of Firearms Training & Use:**

The following standards apply to the carrying and use of firearms in training, on-duty, and off-duty status.

1. No individual may carry or use a firearm on-duty who is not a current Certified Officer.
2. No Officer may carry a firearm type that is not approved by the Chief, and the Officer has not demonstrated proficiency within the last twelve [12] months.
3. No Officer may carry or use ammunition that has not been approved by the Chief.
4. No Officer is allowed to use a firearm when the Officer anticipates the use of, or is under the influence of mind-altering chemicals including alcohol, prescription drugs, or like substances.

The exception to 1, 2, 3, & 4 above is action taken during a **life-threatening emergency***.* Exceptions based on an emergency declaration will be documented in writing to the Chief.

**Firearms & Range Officer Qualifications:**

Firearms instructors of the department must meet the following qualifications:

1. Complete an approved law enforcement firearms instructor course conducted by certified instructors of the State of Mississippi, the National Rifle Association, or US Military.
2. Demonstrate 80% proficiency with each category of firearm carried by officers and employees of the department.
3. Be proficient in teaching firearms safety, care and cleaning, safe storage, tactical firearms use, and weapons retention.
4. Hold a current Firearms Instructor Certification from the Mississippi Department of Standards and Training

**Demonstration of Proficiency Guidelines:**

1. Initial qualification and annual [at least] demonstrations of proficiency include live fire training conducted at specified times at an approved firing range or location, and safe gun handling.
2. Deputies will enter the firing range as a **COLD RANGE**. All weapons and magazines or speed loaders will be empty when entering the controlled area.
3. The range only becomes a **HOT RANGE** at the instruction of the firearms instructors.
4. Qualified firearms instructors conduct all firearms training and proficiency demonstrations.
5. Minimum firearms proficiency demonstration score for armed employees of The Winona Police Department is75% percent of the required courses of fire. This standard applies to all firearms carried or used by individual officers.
6. Officers must also demonstrate proficiency in *tactical loading, reloading, clearing of malfunctions, safe gun handling*, and *care and cleaning of the firearms.*
7. Officers unable to demonstrate proficiency will be scheduled for a conference with the Asst Chief and/or Chief. Any Officer who is unable to meet the minimum Firearms Qualification Score established by the Agency will not be eligible to perform duties of an armed employee. Inability to consistently demonstrate proficiency with a firearm will cause the employee or officer to be reassigned or dismissed from the Agency.

**Proficiency Course of Fire & Demonstration:**

The firearms instructor determines the course of fire and *demonstration of proficiency* requirements prior to the date set for firearms proficiency qualifications subject to the approval of the Chief. The firearms instructor then publishes a description of these requirements to all officers. The firearms instructor may vary these requirements from time to time to provide officers with innovative and realistic training. Physical movement, use of cover and concealment, and verbal command responses, and firearms retention practices may also be required and/or included in training scenarios. Firearms retention practices may also be included in training scenarios.

#### Range Safety Rules and Regulations:

1. Fire the actual weapon and the actual type and make of ammunition carried on the job.
2. Records of all approved firearms training is maintained at the department level, with a listing of *pass* or *fail only*. Actual scores are not recorded on Certificate letters.
3. Weapons must be empty except on the firing line or unless told otherwise by training officers.
4. Load your weapon only after you are on the firing line and given the command to *load*.
5. The firearms instructors and deputies receiving the training will maintain strict discipline at all times.
6. When picking up a firearm, open the cylinder or action and check to see that it is loaded. Check the weapon a second time to assure that it is safe.
7. Do not give a firearm to anyone unless the cylinder or action is open and no rounds are in the weapon.
8. Do not anticipate a command on the range.
9. Always check the barrel of a firearm for obstructions before loading.
10. Unload when and as instructed.
11. Keep the barrel of your firearm down range in the target area at all times when in your hands.
12. Do not remove a weapon from its holster with your finger on the trigger.
13. The index finger is indexed [placed on the frame of the weapon] until the command to *fire* is given.
14. Full attention must be given to instructions and commands of the Firearm Instructor(s).
15. If a firearm is dropped or the muzzle touches the ground, notify a firearm instructor or safety officer immediately. Unload the weapon. Check the barrel for obstructions and follow the commands of firearm instructor before resuming a firing exercise.
16. In the event of a misfire, jam, or malfunction, clear the weapon immediately and attempt to complete the firing exercise in the time allowed. Loading additional rounds is permissible to accomplish the proficiency objective [in the time allowed]. Demonstration of proficiency includes prevention and recovery from mal-functions.
17. Do not go in front of the firing line until the Firearm Instructor has given the command to *Cease Fire*, and the line has been cleared and the order to *Go Forward* has been given.
18. Dry firing on the range is prohibited except when under the supervision of the Firearm Instructor.
19. If you are taking any type of medication or have consumed alcoholic beverages within eight (8) hours of firing a weapon, the Firearm Instructor must be notified.
20. Repeated violations of any Safety Rule or Regulation, whether intentional or unintentional, will result in loss of proficiency or removal from the range.
21. Ear and eye protection is required to be worn while firing a weapon during range training. Equipment will be provided, however, employees are also allowed to use personal items. Privately owned equipment is subject to approval by the Training Officer for the Winona Police Department.
22. Firearms instructors, regardless of rank, are in charge of the firearms training. All officers, including supervisors, must follow the firearms instructor’s commands concerning range operation, and demonstration of proficiency procedures. The firearms instructor reports to the Asst Chief and/or Chief, any problems he/she might encounter as a result of this policy provision.
23. Employees attending firearms training will be attentive and cooperative in class and on the firing range. Misconduct, horseplay, or negligence of any kind will not be tolerated.
24. Any officer has the right to challenge the scoring of his or her target. The challenge must be made to the Firearm Instructor at the time of the original scoring.

# 6.3 FITNESS FOR DUTY

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| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

Law enforcement tasks require physical exertion, concentration, and decision-making in various environmental conditions and in situations that are *tense, uncertain,* and *rapidly evolving*. Officers must be mentally and physically capable of performing their duties in order to accomplish the task, while safeguarding themselves, other deputies, officers, and members of the public.

**PROCEDURES:**

**Applicants:**

Persons applying for a position within the Winona Police Department may be required to undergo physical and psychological assessments by licensed professionals. If a physician or mental health professional identifies conditions that could limit physical or emotional ability to cope with the stress of law enforcement duties, the applicant will not be eligible for certification as a law enforcement officer with the Winona Police Department.

**Law Enforcement and Civilian Personnel:**

The following guidelines are maintained by all sworn and civilian employees of the Winona Police Department:

1. After employment, the department may reexamine employees at anytime to determine each officer’s continued fitness for duty, including:
	1. For purposes of a criminal or internal investigation; or
	2. For suspicion of emotional or physical problems due to documented accounts of an employee’s psychological behavior, or decline in physical health.
2. If a qualified physician or mental health professional indicates the presence of a condition that could limit an employee’s physical or emotional ability to perform his or her duties, that employee must be placed on leave and not be allowed to return until:
	1. Released from care of a medical facility; &
	2. An authorization letter is received and approved from a healthcare professional indicating the physical or emotional stability of the employee.

**Responsibility:**

It is the responsibility of the Chief to enforce this policy. However, any employee who is witness to a decline in mental or physical stability in themselves or a fellow employee is required to report the behavior to the Asst Chief and/or the Chief. Any employee refusing to submit to a physical or psychological examination following the request of the Chief is subject to suspension from duty, or discipline, to include dismissal.

Officers are required to use their best efforts to control medical conditions (such as diabetes, etc.) that can adversely affect duty fitness. Some examples of these conditions may include but are certainly not limited to:

*diabetes, substance or alcohol abuse, high or low blood pressure, excessive amounts of overtime, or off-duty employment,* etc.

# 6.4 VEHICLE PURSUITS

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| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**PURPOSE:**

The Winona Police Department pursuit policy is to establish guidelines for making decisions with regard to vehicular pursuits.

**POLICY:** Vehicular pursuits of fleeing suspects can present a danger to the lives of the public, officers, other officers, and suspects involved in the pursuit. It is the responsibility of this agency to assist officers in the safe performance of their duties. To fulfill these obligations, it will be the policy of the Winona Police Department to regulate the manner in which vehicular pursuits are undertaken and performed.

**DEFINITIONS:**

1. ***Vehicular Pursuit****:* an active attempt by officer/officers in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude a law enforcement officer.
2. ***Authorized Emergency Vehicle****:*a department vehicle equipped with operable emergency equipment as designated by state law.
3. ***Primary Unit****:*the unit which initiates a pursuit or any unit which assumes control of the pursuit.
4. ***Secondary Unit****:*any unit, which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

**PROCEDURES:**

**Initiation of Pursuit:**

1. The decision to initiate pursuit will be based on the pursuing officers conclusion that the immediate danger to the officer and the public created by the pursuit is less than immediate or potential danger to the public should the suspect remain at large.
2. Winona Police Department officers in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit also may be justified if the officer reasonably believes that the suspect if allowed to flee would present a danger to human life or cause serious injury.
3. In deciding whether or not to initiate pursuit, the officer will take into consideration:
	1. Road, weather and environmental conditions;
	2. Population density and vehicular and pedestrian traffic;
	3. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
	4. The seriousness of the offense; and, presence of other persons in the police vehicles.

**Pursuit Operations:**

1. All emergency vehicle operations will be conducted in the strict conformity with applicable traffic laws and regulations.
2. Upon engaging in a pursuit, the pursuing vehicle will activate appropriate warning equipment.
3. Upon engaging in pursuit, the officer will notify the EOC of the location, direction, and speed of the pursuit; the description of the pursued vehicle; and the initial purpose of the stop. The officer will keep communications updated on the pursuit. EOC personnel will notify all effected agencies, the Asst Chief and Chief of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
4. When engaged in pursuit, officers will not drive with reckless disregard for the safety of themselves or of other road users.
5. Unless circumstances dictate otherwise, a pursuit will consist of no more than two units; a primary and secondary unit, unless instructed to participate by the Asst Chief or Chief.
6. The primary pursuit unit will become secondary when another unit has been assigned primary responsibility.

**Supervisory Responsibilities:**

1. When made aware of a vehicular pursuit, the appropriate supervisor will monitor incoming information, will coordinate and direct activities as needed to ensure that proper procedures are followed, and will have the discretion to terminate the pursuit.
2. Where possible, the Asst Chief and/or Chief will respond to the location where a vehicle has been stopped following a pursuit.

**Pursuit Tactics:**

1. Officers will not normally follow the pursuit on parallel streets unless authorized, or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
2. When feasible, available patrol units having the most prominent markings and emergency lights will be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such units will disengage when a marked unit becomes available.
3. All intervention tactics short of deadly force, such as tire deflation devices low speed tactical vehicle intervention techniques, and low speed channeling (with appropriate advance warning), will be used when it is possible to do so in safety and when the deputies utilizing them have received appropriate training in their use.
4. Decisions to discharge firearms at or from a moving vehicle or to use roadblocks will be governed by the department’s Use of Force Policy, and are prohibited, if they present an unreasonable risk to others. They will, whenever possible, be authorized by the Asst Chief or Chief.
5. Once the pursued vehicle is stopped, officers will utilize appropriate safety tactics and will be aware of the necessity to utilize reasonable and necessary force to take suspects into custody.

**Termination of the Pursuit**

1. The primary pursuit unit will continually re-evaluate and assess the pursuit situation, including all of the initiating factors, and will terminate the pursuit whenever he/she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The primary pursuit unit may terminate the pursuit at any time.
3. The Asst Chief or Chief may order the termination of a pursuit at any time.
4. A pursuit will be terminated if the suspect’s identity has been determined, and immediate apprehension is not necessary to protect the public or officers and apprehension at a later date is feasible.

**After-Action Reporting**

1. Whenever a officer engages in a pursuit, the officer will file a written report on the appropriate form detailing the circumstances. This report will be critiqued by the Asst Chief to determine if policy has been complied with and to detect and correct any training deficiency.
2. The Chief may periodically analyze pursuit activity and identify any additions, deletions, or modifications warranted in departmental pursuit procedures.

**Training**

Officers who drive department vehicles will be given initial and periodic update training in the agency’s pursuit policy and in safe driving tactics.

# 6.5 USE OF FORCE

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| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

Human life is sacred. Protecting human life is the most important mission of the Winona Police Department Apprehending criminals is less important than protecting innocent human life, including the officer’s own life.

Officers maintain a constant readiness and ability to act in instances where, in *their perception*, the use of force or deadly force may be appropriate. By maintaining readiness and capacity, officers reduce the likelihood of opposition and of the actual need for a forceful response of any kind. While *officer discretion* is critical, the need for accountability and control of law enforcement activities is necessary to prevent potential abuses of authority. Officers only use the amount of force reasonably necessary to protect life and enforce the law under guidelines established in this policy manual.

###### DEFINITIONS:

***Authorized weapon*:** A weapon approved by the department for sanctioned use by its officers. No weapon is authorized for carry or use by a officer unless the agency expressly approves it and the officer has demonstrated proficiency with the weapon type in accordance with agency guidelines.

***Auxiliary weapons of availability*:** A officer may come separated from their agency issued firearm or secondary impact weapons. Should this occur, the deputy might have access to a *weapon of opportunity*, including but not limited to a flash light, citation holder, handcuffs, or any object that could be used as a weapon in the defense of them self or another.

***Baton or expandable baton***: an impact weapon capable of inflicting bodily injury by striking with a portion of the weapon. Only batons authorized by the department may be carried or used. Carrying or using *saps, Billy clubs* or *slapjacks* is prohibited.

***Chemical weapon*:** Weapons capable of temporarily incapacitating a person through the controlled release of some chemical irritant or agent. Only chemical weapons authorized or issued by the Winona Police Department will be used by officers.

***Certification with weapon:***Officer has demonstrated proficiency with a particular weapon, and been tested in its safe care and use. The officer is thereby authorized to carry and use this weapon in the performance of his official duties regardless of whether the officer is on-duty or off-duty. Without such certification, the officer may not carry or use this or a similar weapon.

***Deadly force*:** An action, with or without the use of a weapon, intended to cause death or serious bodily injury; or, the use of any object in a manner intended to cause death or serious bodily injury.

***Electronic weapon:*** Weapons using small bursts of electrical energy to temporarily incapacitate a person without causing death or serious bodily injury.

***Firearm*:** any device designated, made, or adapted to expel a projectile through a barrel by using energy generated by rapidly expanding gases, or any device readily convertible to that use; including all handguns, rifles, and shotguns.

***Force, non-deadly force, or less-lethal force****:*actions not calculated under the circumstances to cause death or serious bodily injury.

***Knife*:** Any edged weapon that is designed to inflict serious bodily injury or death that stabbing, cutting, slicing, whether legal or illegal, and including swords, daggers, axes, hatchets, etc.

***Lateral Vascular Neck Restraint [Shoulder Pin]*:** A method or manner of restraining or controlling a person by physically restraining the person's neck from behind. The technique involves the initial restraint of a person through contact and control methods which may ultimately be used to incapacitate the person by rendering the person temporarily unconscious where the person refuses to submit to lesser levels of control.

***Less than lethal or Intermediate Weapons****:* Weapons that are designed to provide *force,* but usually *less than deadly force.*

***Empty Hand Control****:* Any physical actions by one or more officers (e.g., holding, restraining, pushing, and pulling) which may include special skills (e.g., boxing, karate, and judo) but do not include the use of *deadly force* or any authorized/other weapon.

***Probable cause:***  Sufficient reason based upon known facts to believe a crime has been committed or that certain property is connected with a crime. Probable cause must exist for a officer to make an arrest without a warrant, search without a warrant, or seize property in the belief the items were evidence of a crime. *Probable cause* is often subjective, but if the officer’s belief or even hunch was correct, finding stolen goods, the hidden weapon or drugs may be claimed as self-fulfilling proof of probable cause. Technically, probable cause has to exist prior to arrest, search or seizure.

***Serious bodily injury:*** Harm that creates substantial risk of death, serious permanent disfigurement, or loss or impairment of any bodily function or organ.

**PROCEDURES:**

**Levels of Use of Force:**

Use of force or deadly force is controlled by the basic elements of a *reasonable officer’s perception* and a *reasonable officer’s response*. Officers may use only the level of force that is reasonably necessary to stop the perceived threat.

To better understand and explain *use of force* and force issues, *officer* *perceptions* and *officer force options* are illustrated in the *Use of Force Continuum* that is located on the last page of this policy. Officers must be familiar with, and know how to apply and explain this Continuum.

Officer’s general perception and corresponding force options are:

* **Level 1** – (***Psychological Intimidation***) - attitude, appearance, physical readiness, clenching of fists, etc.
* **Level 2** – (***Verbal Noncompliance***) - Stating “No, I will not put my hands behind my back to verbal threats.
* **Level 3** – (***Passive Resistance***)- sit in protest
* **Level 4** – (***Defensive Resistance***) - pulling or pushing away.
* **Level 5** – (***Active Aggression***) - physical assault on officer or another person but less than deadly force.
* **Level 6 –** (***Deadly Force Assault***) - Force used against an Officer or another person that may result in great bodily harm or loss of human life.

**Levels of Control**

* **Level 1:** (**Officer Presence**) - uniformed officer/verbal identification of being an officer.
* **Level 2:** (***Verbal Direction***) - most subjects comply with verbal direction.
* **Level 3:** (***Soft Empty Hand Control***)- joint locks/pressure points/distraction techniques
* **Level 4:** (***Hard Empty Hand Control***)**-** PPCT’s Defensive Counterstrikes
* **Level 5:** (***Intermediate Weapons***) - chemical agents / impact weapons (including flashlights, radios, etc.)
* **Level 6:** (***Lethal Force***)- any force used by a officer that may result in great bodily harm or loss of human life

Only when there is a reasonable expectation that altered or damaged property may place others in imminent risk of death or serious bodily injury *deadly force* is appropriate to protect property. For example, stopping a suspect from setting a fire, or throwing a bomb.

It is important to remember that almost all incidents faced by law enforcement are not scripted, easy to understand, or predictable as to outcome.

Officers use their best effort to determine the threat level and apply the corresponding response. Time permitting, officers must use care in evaluating a suspect’s actions and perceived threat level. If there is reasonable doubt and time permits, seek assistance before acting. Justification for the use of force and deadly force must be limited to what is *known or reasonably perceived* by the Officer at the time of the incident. Facts unknown at the time force is used should not be considered later to determine whether the force was justified.

Officers may not intentionally use more force than is necessary and reasonable under the circumstances. Officers may never use force in response to mere verbal provocation or abusive language directed at the officers. Officers must never use deadly force, except to protect his/her life, or the life of other human being.

**Application of Use of Force and Deadly Force:**

Officers of the Winona Police Department may use deadly force when the officer has reasonable belief that the subject of such force poses imminent danger of death or serious bodily injury to the deputy or another person. Deadly force may be used to prevent the escape of a violent and dangerous felony suspect.

Warning shots are prohibited.

Application of *force* but not *deadly force* is authorized by a peace officer only to achieve the following lawful objectives:

1. To preserve the peace;
2. To defend themselves, or others against unlawful violence;
3. To prevent the commission of self-inflicted injury, or suicide by any person;
4. To make lawful arrests or searches; to overcome resistance to such arrests or searches; and to prevent escape from custody;
5. To prevent or interrupt an intrusion on, or interference with the lawful possession of property.

Before using any force against a suspect, time permitting, officers must:

1. Have *probable cause* to arrest that suspect;
2. State his intentions to arrest, and identify himself as a peace officer.
3. State the reason for the arrest.

The amount and degree of force officers may use to achieve an objective takes into consideration the subject/officer size and gender, and if known any special skills of the subject.

Before officers use force (but not deadly force) when protecting a person from self-inflicted bodily injury [suicide attempt] or from uncontrollable circumstances, the officer must consider other available alternatives to protect that person from harm.

Officers may use unauthorized objects as weapons, or use weapons in unauthorized manners if emergency circumstances make it necessary to protect human life and prevent serious injury.

Officers may draw and ready any authorized weapons for use only when they reasonably anticipate that they may have to use such weapon(s). This does not require officers to use the weapons.

###### Use of Non-Deadly Force:

Officers use physical strength and skill, restraint devices, chemical weapons, electronic weapons, or impact weapons to apply the minimum amount of force necessary to effect arrest.

Officers have no obligation to *retreat* or *back down* before resorting to approved use of force, including deadly force. Officers may consider retreat or withdrawal where delay could make a more peaceable arrest, or stop, likely if such tactics would not increase risk to him/her or others. In some cases, an increased show of force may reduce the amount of force necessary to accomplish the Officer’s objective.

Officers should not attempt to affect arrests alone if there is substantial risk to him/her from the arrestee or another party unless there are no available reasonable alternatives.

Officers use handcuffs or other restraining devices on all arrestees unless it is obviously unnecessary or impractical (e.g. the elderly, young juveniles, amputees, crippled, injured, or other applicable subjects). Officers must take reasonable precautions to protect arrestees from injury caused by handcuffs or other restraining devices. Only restraining devices and techniques approved by the department may be used.

Officers may use chemical weapons for self-protection, or to subdue a person unlawfully resisting arrest. Any person on which a chemical weapon has been used must be treated or decontaminated for exposure to the chemical agent as soon as practical and thereafter monitored for possible latent effects.

Officers may use approved electronic weapons in accordance with this policy. An electronic weapon is only be used to protect persons from assault or to subdue persons unlawfully resisting arrest.

Lateral Vascular Neck Restraints [LVNR] may only be used by officers to restrain a person if the officer is trained in the proper techniques of applying and using LVNR and the officer has periodically demonstrated a proficiency in the use of such techniques. Officers will not use a choke hold as a method of controlling or restraining a person except when deadly force is justified.

Officers may use impact weapons to protect him or another from assault or to arrest a person who unlawfully and violently resists arrest if lesser methods have failed, or if circumstances warrant the immediate use of the baton. However, officers should use the baton according to the impact weapons training.

Officers not trained and currently certified with impact weapons are not authorized to use flashlights or other similar devices as substitutes, except in extreme life-threatening emergencies.

###### Use of Deadly Force:

Deadly force may be used only to protect officers or others from serious bodily injury or death.

Reporting the Use of Force:

Anytime a officer discharges a firearm, uses chemical weapons, electronic weapons, impact weapons, special weapons, knives, or who cause bodily injury or death to other persons by use of force or deadly force the Asst Chief and/or Chief shall be immediately notified.

Officers are required to complete a written report detailing the circumstances surrounding the use of force incident. This written use of force report requirement must be met even though other required reports may have already covered the situation.

**Reporting Requirements:**

In incidents where officers cause serious bodily injury or death through the application of deadly force, they first call for medical assistance, secure the scene as well as possible, and notify the Asst Chief and/or Chief. Upon arrival, the Chief or Asst Chief will take charge of the scene along with any investigations concerning the incident.

In incidents involving the use of force, all officers assist in every way possible with the investigation. Any report required by this policy shall be turned over to the Chief for review in order to:

1. Protect the integrity of the facts and the evidence;
2. Ensure that the Officer's use of force complied with all appropriate state and federal laws, and department policy;
3. Determine if the Officer's use of force indicates a need for special counseling, training, or disciplinary action;
4. Determine whether the situation requires further action; &
5. Evaluate the need for additional, or future, training.

Each officer who witnessed the incident or responded to the scene must complete a written report. These witness reports must be completed no later than the conclusion of the shift in which the incident occurred and filed with the Asst Chief or Chief.

The Officer/Officers who actually used or employed the deadly force will be relieved of duty and transported to the station. At the time the officers are relieved of duty the weapon(s) used in the incident are collected and tagged as evidence. The Officer/Officers who used deadly force will:

1. Refrain from making any statements to the news media, other officers, or supervisors;
2. Refrain from discussing the matter between officers or witnesses [if more than one officers];
3. Return directly to the station; &
4. Refrain from completing any reports or statements for at least twelve [12] hours.

The officer is to be given the opportunity to receive counseling if they or the department request it as soon as arrangements can be made. Upon return to duty the next day, the Officer/Officers involved in the deadly force incident must complete their report and make all required statements. The Officer/Officers provide all required information as if a witness to the incident, first hand *perception of events* at the time, and the *corresponding force options used*.

All reports completed by the deputies using force, other officers or witnesses must include the following:

1. A description of the events leading to the use of force or deadly force;
2. The original offense or *probable cause* for the stop or action;
3. An accurate description of the incident and reasons for employing force;
4. A description of the weapon or device used and the manner in which it was used;
5. A description of the injuries suffered, and the treatment given or received;
6. A list of all participants and witnesses to the incident; and
7. A copy of all incident reports compiled because of the incident.

**Weapons Control & Issue:**

Officers must register all firearms carried on-duty and only carry or use authorized duty weapons, firearms and ammunition under these standards:

1. Firearm is registered with the department.
2. Specific firearm and ammunition is approved for use by the Chief.
3. Firearms have been inspected, fired, and certified safe by the department's firearms instructor.
4. The Officers has demonstrated proficiency and been certified in the last twelve [12] months in the use of all weapons and ammunition he carries on-duty.

Deputies may not modify or alter an authorized weapon in any material way without Agency approval.

**Allegations against Staff:**

The Asst Chief and Chief, investigates all allegations of improper use of force & deadly force. In cases where possible criminal acts are involved, the appropriate law enforcement agency or prosecutor office must be notified.

**USE OF FORCE CONTINUUM**



# 6.6 DEPLOYMENT AND USE OF INTERMEDIATE WEAPONS

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| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

It is the intent of the Winona Police Department and its officers to use only the level of force necessary to control or otherwise subdue individuals. This policy is set standards and control measures for the deployment techniques, carrying techniques, and after deployment actions

**DEFINITIONS:**

***Intermediate Weapon:*** A weapon (other than a firearm) approved by the Winona Police Department used to control a suspect or subdue an individual for the purpose of applying handcuffs to detain/arrest the individual.

**INTERMEDIATE WEAPON EXAMPLES:**

1. Pepper Spray:
2. JPX Pepper Gun:
3. Taser:

**DEPLOYMENT:** Deployment of these devices will be evaluated using the force continuum in the Police Department Policy and Procedures under Use of Force. Officers must make an assessment of each situation to determine when to use a intermediate weapon. The assessment should be made according to the totality of circumstances and in accordance with the training provided to each Officer before the issuance of the weapon.

**GUIDELINES:**

1. A officer may only utilize the use of the intermediate weapon after successfully completing the approved training by the Police Department.
2. Officers are responsible for the basic care of all intermediate weapons issued or used by them.
3. Any deployment shall be reported, and a use of force form completed except during training.
4. Each officer is responsible for knowing recommended target areas according to training.
5. Jail personnel are to be notified of an inmate being booked in that has been exposed to any intermediate weapon.
6. In cases of Taser deployment, Officers should evaluate individuals during and after exposure and provide emergency medical treatment if necessary, or in the case where medical treatment is requested.
	1. If the Taser probes have penetrated the skin in a sensitive area, (as shown during training), or if the probes are difficult to remove, medical personnel should be called to the scene. Officers at the scene may remove all probes in non-sensitive areas.
	2. After deployment, the probes should be removed as soon as safe to do so.

 Once the Taser is deployed, the probes, wires, and cartridge along with any other evidence should be collected, placed in an evidence bag and marked with case number, date and initials. Photographs should be taken of the markings on the violator.

1. In cases of JPX deployment, Officers should evaluate individuals during and after exposure and provide emergency medical treatment if necessary, or in the case where medical treatment is requested.
	1. After exposure to JPX, deputies should monitor the individual and decontaminate the affected area with water as soon as safe and possible to do so.
2. In cases of OC Spray deployment, Officers should evaluate individuals during and after exposure and provide emergency medical treatment if necessary, or in the case where medical treatment is requested.
	1. After exposure to OC Spray, deputies should monitor the individual and decontaminate the affected area with water as soon as safe and possible to do so.

# 6.7 CRITICAL INCIDENTS

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| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**PURPOSE:**

The purpose of this order is to provide for the utmost psychological and physical care for all employees during and after a critical incident. The Winona Police Department recognizes the high amount of stress evolving from law enforcement duties related to the protection. As a result of this recognition, all policies and procedures established by this order shall be adhered to in the strictest manner.

A Critical Incident is any situation faced by a deputy that causes him/her to experience unusually strong emotional reactions that have the potential to interfere with his/her ability to function normally. Though this covers a wide variety of situations, some specific incidents and guidelines to handle them are:

**POLICY:**

A. Officer Inflicted Injury; Officer Not Injured: In the event a Officer causes death or serious injury to another person, the following guidelines shall be followed:

1. Assistance from other law enforcement personnel, as appropriate, as well as emergency medical personnel shall be contacted immediately. As soon as possible, the Asst Chief and the Chief shall be notified of the incident.

1. The Officer may choose a companion to accompany him/her through the events, which follow. This companion should be any sworn officer chosen by the Officer and approved by the Chief.

1. All officers at the scene should avoid judgmental responses and remarks. Officers not directly involved in the incident shall make every effort to protect the officer from hearing remarks made by other persons at the scene. Officers shall only make positive comments and express concern for the physical well being of the officer involved.
2. The officer shall be removed from the scene as soon as possible by Police Department Personnel after providing information that is detailed enough to preserve crucial evidence at the scene. Once removed from the scene, the deputy involved shall remain with his/her chosen companion but shall be available for recall to the scene, if necessary.

1. The officer involved shall have access to a private attorney prior to any statements as long as crucial evidence at the scene is identified to investigating law enforcement officers.
2. The Officer’s firearm (if used) shall be handled as evidence. A replacement firearm shall be issued immediately, unless the Officer is under arrest or the circumstances dictate that a replacement weapon not be issued.
3. The officer should notify his/her family as soon as possible to advise them of his/her physical well-being. Family members may be allowed to see the officer as soon as deemed appropriate or necessary by the Chief or Asst Chief in absence of the Chief.

1. All incoming telephone calls and visitors to the officer shall be screened and logged by Department personnel. The officer should not talk to news media, family or friends of the injured victim, or to any person who does not need to know details of the event.
2. The release of information to the news media shall be made in accordance with Agency policies and procedures. The name of the officer shall only be released by the Chief. The officer involved shall not make any statements to the news media.
3. The officer may be placed on administrative leave for a minimum of two days following the event. The officer may resume duties only after approval by the Chief.
4. After a proper defusing and after the opportunity to consult with a private attorney, a person designated by the Chief to conduct an investigation will interview the officer. Full cooperation by the officer with the administrative investigation is required; however, the officer is entitled to have his/her attorney present during this interview.
5. If deemed appropriate by the Chief, all employees shall be notified of the event through the Asst Chief. Officers should use caution in contacting the officer involved until a proper debriefing has taken place.
6. Within three days of the incident, the officer shall complete the requested written report detailing all events that are pertinent to the incident. The Officer’s attorney prior to submission may review this report. No written report shall be submitted until a proper defusing has taken place. This report will be the only written report prepared by the officer.

B. Critical Incident/ Officer Injured: In the event a officer is injured during critical incident, the following guidelines shall be observed.

1. All of the guidelines in Section A shall be followed except when injury prevents such adherence.

 2. The officer shall be given first aid by other officers and shall be transported to a professional medical care facility as soon as possible.

 3. Whenever possible, the officer involved in the incident shall notify his/her family of the injury. When the officer is not physically able, the Chief or Asst Chief shall designate those officers who will notify family members of the event. Officers shall transport family members to the injured officer as appropriate. Family members shall be allowed to visit the officer unless medical personnel prohibit such visit.

 4. Designated officers shall remain with the injured officer as well as the family if a potential for harm to the officer exists.

C. Other Traumatic Event; Officer Injured: If a officer is injured intentionally or by accident during the performance of his/her duties, the following guidelines shall be followed:

 1. All guidelines in Section B shall be followed, if applicable.

 2. The Chief shall assess the event and determine if implementation of this policy is appropriate.

D. Officer Death: If a officer is killed in the line of duty, the following guidelines shall be followed:

1. The Chief shall be notified immediately.
2. The Chief shall immediately assign persons to inform the spouse and other family members in person. This notification should always be in person
3. The identity of the officer shall not be released to the news media until the family has been notified and approved by the Chief.
4. The family should be encouraged to allow officers to drive them to the hospital or funeral home. Officers shall remain with the family as long as the family requests.
5. Security and protection shall be given to all immediate family members as determined by the Chief.
6. The Chief shall visit with surviving family members as soon as possible. Chief should maintain weekly contact with the surviving immediate family member for as long as deemed appropriate by the Chief.
7. Other Critical Incident: non-defined: The Chief may assign persons trained in the handling of critical incident stress to any officer’s or Police Department personnel’s family whenever any critical incident not specifically defined by this policy occurs. At the discretion of the Chief, any event may be defined as a critical incident and warrant an appropriate response.
8. Family Members involved in Critical Incidents: The Chief may assign persons trained in the handling of critical incidents stress when a critical incident occurs to a officer’s immediate family.

# CHAPTER 7 PUBLIC RELATIONS

# 7.1 COMMUNITY RELATIONS

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| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

The Chief recognizes that no law enforcement agency can operate at its maximum potential without supportive input from the citizens it serves. The Winona Police Department wishes to actively solicit and encourage the cooperation of all citizens to reduce and limit the opportunities for crime, and to assist in bringing to justice those who break the law.

**DISCUSSION:**

This department is committed to correcting actions, practices, and attitudes, which may contribute to community tensions and grievances. Law enforcement personnel are an integral part of the community. Citizen participation and interaction with law enforcement personnel is necessary for a healthy community. This agency identifies and implements policies, procedures, and programs that enhance the quality of life in the community.

**PROCEDURES:**

**Community Relations Objectives:**

1. Create and maintain liaison with community groups and organizations including:
	1. Exchanging information;
	2. Identifying law enforcement service needs of the community;
	3. Promoting law enforcement and citizen contacts; &
	4. Acquainting each other with mutual problems and encouraging action aimed at solving these problems.
2. Develop community relation’s policies for the Winona Police Department;
3. Publicize department objectives, problems, achievements and successes;
4. Obtain input from community groups to ensure that department policies reflect the needs of the community;
5. Identify sources of conflict between law enforcement and the community and encourage efforts to resolve them;
6. Establish neighborhood watch groups where such groups are needed and do not now exist;
7. Identify training needs relating to community relations through input from citizens, groups, and complaint reports;
8. Provide the «Approval\_title» information regarding concerns of the community, potential law enforcement/citizen problems, and recommended actions;
9. Evaluate all department community relations programs on a semi-annual basis and to participate in an annual survey of citizens’ attitudes and opinions with respect to law enforcement service; &
10. Conduct an annual survey of citizen attitudes and opinions with respect to:
	1. Overall department performance;
	2. Overall competence of department employees;
	3. Officer attitude and behavior toward citizens;
	4. Concern over safety and security in the community; &
	5. Recommendations and suggestions for improvements.

**Public Information Programs:**

These programs seek to publicize department objectives, problems, achievements and successes through the media, brochures, guest speakers, news releases, press conferences and newsletters.

**Community Relations Programs:**

The focus of these programs is to meet with civic groups, minority groups, neighborhood councils, crime watch groups and individuals to exchange information and convey information back to the department. Present programs such as DARE, GREAT, McGRUFF, or other similar programs of interest to all area schools when budget allows.

**Crime Awareness/Prevention Programs:**

These programs provide citizen groups information on making their families, homes, and business more secure and work to establish crime watch neighborhoods where none exists to include, but not limited to:

1. Neighborhood Crime Watch;
2. Burglary Prevention;
3. Rape Prevention;
4. Fraud Prevention;
5. Emergency Reporting Procedure;
6. Home Security Survey;
7. Operation ID;
8. Robbery Prevention; &
9. Commercial Burglary Prevention.

# 7.2 SOCIAL MEDIA

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| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

All employees of the Winona Police Department shall when it comes to Social Media in a responsible, professional, ethical and lawful manner. The Law Enforcement profession is a highly visible one and the conduct of employee’s off-duty as well as on duty is a direct reflection on the Chief and the City of Winona. This policy is intended to guide employees conduct as it relates to the reputation of the Winona Police Department concerning Social Networking venues.

**DEFINITIONS:**

***Social Networking:*** sites that use Internet services to allow individuals to construct a public or semi-public profile within that system, define a list of other users with whom they share some connection, and view and access their list of connections and those made by others within the system. The type of network and its design may vary site to site.

(*The absence of, or lack of explicit reference to a specific site does not limit the extent of the application of this policy)*

**PROCEDURE:**

**Abuse of Position:**

In compliance with departmental procedure, all members of Winona Police Department will consider the following situations abuses of position:

1. Becoming involved in a situation that is a conflict of interest.
2. Conduct that could be seen as counterproductive to the reputation of the Chief or City of Winona.

**Conflict of Interest Regarding Abuse of Position:**

All officers of this office must avoid becoming involved in any situation, either on or off duty, for which a conflict of interest is present. If a officer responds to a call for which a conflict of interest presents itself, the officer must control the situation, notify the Asst Chief and/or Chief, and cease any further involvement in the situation after being properly relieved.

**Conduct regarding the reputation of the Chief:**

All officers of this office must realize that the actions they take while being a sworn officer of the City of Winona directly reflects on the Chief, the Police Department employees, the Board of Alderman for the City of Winona as well as the citizens that we serve. Each officer should keep in mind that actions taken by them on and off duty may be a direct reflection on the Chief’s character as well as all Employees of the Police Department and should conduct themselves accordingly.

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# CHAPTER 8 EPUIPMENT

# 8.1 USE OF AGENCY VEHICLES / MAINTENANCE

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| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

Motor vehicles operated by the Winona Police Department are maintained, repaired, cleaned, and serviced as a matter of planned routine. As part of this plan, vehicles are inspected by the operator and any issues or damage is reported to the Asst Chief as soon as possible.

**PROCEDURES:**

1. Officers/Drivers of each vehicle ensure that their assigned vehicle is properly maintained. Any problems associated with any of the vehicles shall be documented on a Winona Police Department Vehicle Maintenance Form and forwarded to the Asst Chief in a timely manner.
2. Individual Officers are responsible for assuring that their vehicle is washed and cleaned regularly. This should not be necessary every day, but the vehicles should always be neat in appearance.
3. Individual Officers are responsible for assuring that all preventive maintenance, oil change, oil filter, all fluid levels are checked. 3000 miles for oil change on all vehicles and tires rotated every other oil change.
4. The Asst Chief will remain aware of any problems with vehicles by reviewing vehicle Maintenance form forwarded to his attention. In the case of any serious problems the Asst Chief will notify the Chief.

# 8.2 SEATBELT USE

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| **Subject:**  | **Policy Number: 8.2** |
| **Issue Date: 07/15/2021** | **Revision Date: 08/01/2022** |
| **Approval Authority:**  **Chief\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**POLICY:**

It is the policy of the Winona Police Department to maximize officer safety and comply with state laws through the use of seatbelts while driving or riding in a City vehicle. This includes the driver and all passengers, including all prisoners.

# CHAPTER 9 BODY CAMERAS

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Winona Police Department
Body Cameras

It is mandatory that all officers shall bring their department issued body camera with them to each shift they work.

It is the officers responsibility to make sure the body camera is charged and operable when they clock in for their shift.

It is mandatory that the officer use the body camera any time they are interacting with the public. These encounters include traffic stops, safety check points, calls that are responded to and any other situation that relate to their job duties.

It is mandatory that each officer upload the data from their body camera at the end of each shift. The data is to be uploaded to the computer at the Winona Police Department and saved to personal file on that same computer.

Failure to follow these guidelines will result in a written reprimand and/or a

Suspension without pay and each additional violation of this policy will result in going before the Winona City Board of Aldermen and possible termination.

# CHAPTER 10 JUVENILE CUSTODY POLICY AND PROCEDURE

Winona Police Department
Juvenile Custody Policy and Procedure

It will be the policy of the Winona Police Department to handle juvenile offenders in a manner consistent with the Mississippi Juvenile Code and the Federal Juvenile Justice and Delinquency Prevention Act of 2002, as amended. To abide by the recent updated rules, the following procedures will be followed

It is the policy of this Department to addresses the secure and non-secure custody of

juveniles. Secure is defined as hardware of construction fixtures designed to physically restrict the movements and activities of persons in custody, e.g., secure perimeter, cells (whether or not the door is closed), lockable rooms, or handcuffing to a stationary object. Non-secure is custody where physical restriction of movement is provided solely through law enforcement staff (the juvenile may be handcuffed to him or herself, but not to a stationary object).

 Purpose

All juveniles taken into custody by this Department shall be treated in a manner which provides for the safety of all concerned, respect for human dignity, the preservation of legal rights and property of the individual accurate documentation and administrative efficiency. Juveniles, those persons under the age of eighteen, require special consideration due to state law and federal regulations.

1. Juveniles:

Any person under the age of eighteen (18) years, except those accused of crimes that do not come under the jurisdiction of the youth court.

1. Status Offense:

Any offense committed by a juvenile which would not, under law, be an offense if committed by an adult. Examples are runaways, curfew violators, underage drinking, underage possession of alcohol/tobacco, truancy, etc.

C Non-Offender:

Any juvenile who has not committed any offense, e.g., a dependent, neglected or abused child, or a juvenile picked up on a mental health hold with no delinquent charges.

1. Delinquent Offense:

Any offense committed by a juvenile that has committed a crime that would also be a crime if committed by an adult.

1. Arrest and Detention:

In cases where a juvenile is placed in secure custody, all of the following requirements must be satisfied:

1. The secure area must be sight and sound separated from incarcerated adults, including trustees. Juveniles may not see, hear, or touch an incarcerated adult.
2. There may be no adults being processed in the booking area when a juvenile is present. Time phasing (using the same area for juveniles and adult, just not at the same time) is permitted and must be supported with policies and procedures.
3. The reason for his or her custody
4. The time within which review of the custody shall be held
5. His or her rights during custody, including right to counsel
6. The rules and regulations of the place at which he or she is held
7. The time and place of the detention hearing once it has been set
8. The condition of his or her custody (how long and where it will be held).
9. The following information must be recorded on the Juvenile Jail Log on all juveniles placed in a secure setting:
10. Name and ID number
11. Sex
12. Face and ethnicity
13. Most serious offense
14. Date and time the juvenile was placed in the secure setting
15. Date and time the juvenile was removed from the secure setting to go to

court (if applicable)

1. Date and time the juvenile was placed back into the secure setting after court (if applicable)
2. Date and time the juvenile was permanently removed from the secure setting
3. Location and to whom the juvenile was released.
4. The Juvenile Jail Log will be subject to periodic review by the Juvenile Facilities Monitoring Unit, Mississippi Department of Public Safety Planning Division of Mississippi Department of Public Safety. Only secure facilities have to fill out the Juvenile Jail Log.
5. The office shall notify the parents, the county court, a legal guardian, a responsible adult, or an appropriate agency after taking the juveniles into custody for notification and release purposes.
6. If no responsible adult or agency can be located within a reasonable amount of time, the juvenile shall be taken to the designated juvenile detention facility and the youth court officials notified.

J. If the Department only had a secure booking area, and no no-secure booking area within any area of the facility, the status offender may be booked in the secure area provided:

1. There is an officer with the juvenile at all times during the booking process,
2. There are no adults in the booking area,
3. Once the booking is completed, the juvenile is removed immediately and does not languish in the booking area for any period of time.

K. Accused Delinquents:

Accused delinquents are juveniles that have committed a crime that would also be a crime if committed by an adult. It is the preference of federal mandates to detain accused delinquents non-securely while in custody. Exceptions include violent and combative juveniles who cannot be subdued and pose a threat to the officer or themselves. The safety of the juvenile, officers, and other must be taken into consideration. Accused delinquents charged with serious misdemeanors or any felony that cannot be subdued and/or pose a threat to the officer or themselves may be held in secure custody sight and sound separated from any adult prisoner(s). Those exceptions must be documented.

1. For transport purposes, accused delinquents may be handcuffed to themselves.

M. An accused delinquent, when brought to the Department, shall be booked and arrangements shall be made to release to a parent, responsible adult, or other agency or juvenile detention facility within six (6) hours. A delinquent juvenile can be detained for up to six (6) hours in a sight and sound separated area for processing purposes only.

N. Once the six (6) hour clock starts, it cannot be turned off until the juvenile is permanently removed from the secure setting. For example, placing a delinquent in a secure setting at 1 P.M., removing him or her at 2 P.M., placing him/her back in the secure setting at 4 P.M., and then permanently removing him/her at 6 P.M. counts as five (5) hours in a secure setting.

O. When a delinquent is placed in a secure setting, they must be recorded on the Juvenile Jail Log.

P. All juveniles detained by the Winona Police Department shall be kept SIGHT AND SOUND SEPARATED FROM ADULT INMATES AND TRUSTEES AT ALL TIMES. This includes while being booked and/or detained by the police Department or other locations while in custody.

Q. Violations Occur When:

1. A status offender or non-offender is placed in a secure setting (counts as two violations, one under deinstitutionalization of status offenders and one under jail removal)
2. A delinquent is held over six (6) hours
3. Any juvenile is held within sight and sound contact of an incarcerated adult
4. Any delinquent returning to the jurisdiction for a court appearance is held over six (6) hours prior to the court appearance or for six (6) hours following the court appearance
5. Any juvenile is held for punitive purposes or for purposes unrelated to processing.