	Winchester City Sheriff's Office Manual of General Orders Administration 101	Effective Date: May 1, 2014 Accreditation Standards: ADM .01.02
		Original Policy: May 1, 2014 Last Review Date: October 31, 2023 Next Review Date: October 31, 2024
Subject: Code of Conduct		By Authority of: <hr/> William E Sales, Sheriff

Effective /Review Date	Sections Changed	Changes	Reviewed by	Approved by
02-23-15	VII 62 J	Added Sections "J"	EAS	LRT
08-15-16	Preface	Added: "Mission Statement The City of Winchester Sheriff's Office, in partnership with elected leaders, staff and citizens, as part of public safety, will provide security at the Joint Judicial Center, serve all court process, provide timely transport for prisoners and patients, and uphold the principles and values embodied in the Constitution of the United States and the Constitution of the Commonwealth of Virginia. Our primary responsibility is securing the Joint Judicial Center and serving civil process. The Sheriff's Office holds concurrent law enforcement jurisdiction with local police departments and stands ready to assist the police in their primary duties whenever and wherever needed"	EAS	LRT
06-11-18	VII 62 H	Changed "supervisors, Lieutenants and above" to "only the Major and Sheriff."	EAS	LRT
08-01-19	VII 62 G	Changed, "40 caliber Glock 22" to "Glock 17, 45 or 45 MOS 9mm."	EAS	LRT
02-08-21	VII 63.	Added, "1. Stand-by/On-Call Duty The Sheriff's Office has an "On-Call or Stand by Schedule. The purpose of this scheduling is to have coverage for emergency purposes during off-duty hours, i.e., TDO's, Inmate Security, Etc... Deputies may volunteer and on occasion be assigned this duty. When a Deputy has volunteered or been assigned, it is always their duty to stay ready for assignment during their shift. This includes adhering to Section VII rule 21 of this general order. On-call duty starts at 0800hrs. on the day you are assigned and last until the following day at 0800hrs. (24-hour shift). Each Deputy will be compensated at the rate of; \$28 Daily, \$42 per day on weekends and \$50 per holiday. Failing to report for a call-out	EAS	LRT

		will be treated the same as failing to report for regular work hours and could result in disciplinary action.		
07-01-21	VII 18.	Added, “marijuana, THC”.	EAS	LRT
07-01-21	VII 64.	Added, “64. Marijuana / THC Notwithstanding section VII 18. Of this general order, no sworn employee shall use/consume/possess marijuana or any substance containing marijuana or THC either on or off-duty.”	EAS	LRT

Mission Statement

The City of Winchester Sheriff’s Office, in partnership with elected leaders, staff and citizens, as part of public safety, will provide security at the Joint Judicial Center, serve all court process, provide timely transport for prisoners and patients, and uphold the principles and values embodied in the Constitution of the United States and the Constitution of the Commonwealth of Virginia. Our primary responsibility is securing the Joint Judicial Center and serving civil process. The Sheriff’s Office holds concurrent law enforcement jurisdiction with local police departments and stands ready to assist the police in their primary duties whenever and wherever needed

I. PURPOSE

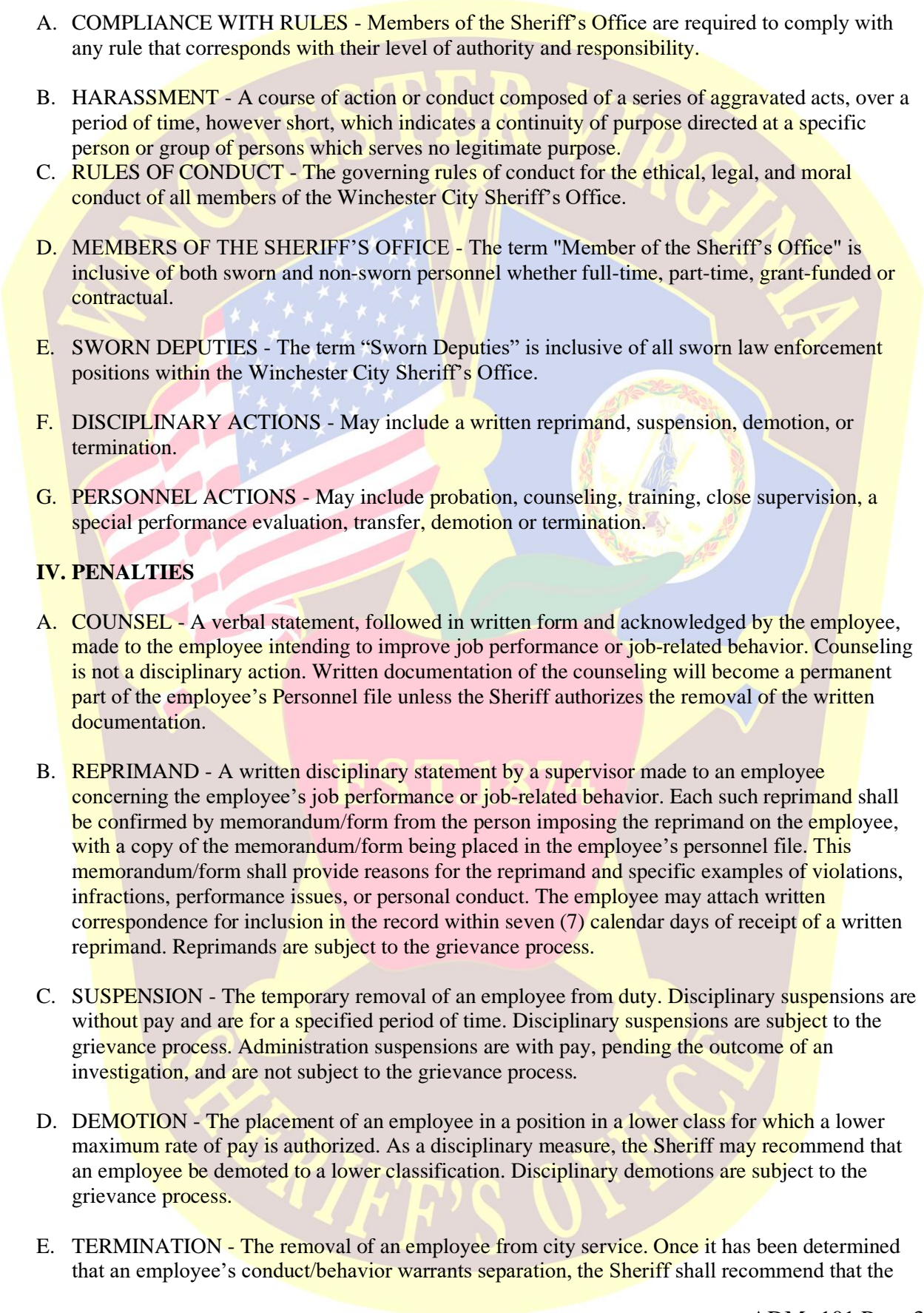
The purpose of this directive is to establish a basis of conduct for all members of the Winchester City Sheriff’s Office. It is recognized that rules, regulations, policies and procedures cannot be prescribed for every specific action or circumstance encountered by Sheriff’s Office members. In emergencies, or situations not addressed in this order, the individual is expected to use his/her own discretion governed by sound judgment. All Sheriff’s Office members are required to familiarize themselves with these rules.

II. POLICY

It is the policy of the Winchester City Sheriff’s Office to ensure that the performance of its members is characterized by prudent law enforcement actions that are carried out in an exemplary fashion. To this end, the Winchester City Sheriff’s Office expects its personnel to maintain the highest standards of appearance and conduct at all times, while on duty or off duty.

Violations of the Code of Conduct, General Orders, Executive Orders, Winchester City Ordinances, and/or laws of the Commonwealth of Virginia or the United States of America shall result in disciplinary or personnel action as defined in this policy. The violation may result in a suspension from duty, a reduction in rank or termination. The disciplinary action taken will depend on the severity of the offense, the record of the offender, and the seriousness of the consequences of the violation. If employees misconduct results in dismissal, the employee will be provided with a statement citing the reasons for dismissal and the effective date of the dismissal.

III. DEFINITIONS

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- A. **COMPLIANCE WITH RULES** - Members of the Sheriff's Office are required to comply with any rule that corresponds with their level of authority and responsibility.
 - B. **HARASSMENT** - A course of action or conduct composed of a series of aggravated acts, over a period of time, however short, which indicates a continuity of purpose directed at a specific person or group of persons which serves no legitimate purpose.
 - C. **RULES OF CONDUCT** - The governing rules of conduct for the ethical, legal, and moral conduct of all members of the Winchester City Sheriff's Office.
 - D. **MEMBERS OF THE SHERIFF'S OFFICE** - The term "Member of the Sheriff's Office" is inclusive of both sworn and non-sworn personnel whether full-time, part-time, grant-funded or contractual.
 - E. **SWORN DEPUTIES** - The term "Sworn Deputies" is inclusive of all sworn law enforcement positions within the Winchester City Sheriff's Office.
 - F. **DISCIPLINARY ACTIONS** - May include a written reprimand, suspension, demotion, or termination.
 - G. **PERSONNEL ACTIONS** - May include probation, counseling, training, close supervision, a special performance evaluation, transfer, demotion or termination.

IV. PENALTIES

- A. **COUNSEL** - A verbal statement, followed in written form and acknowledged by the employee, made to the employee intending to improve job performance or job-related behavior. Counseling is not a disciplinary action. Written documentation of the counseling will become a permanent part of the employee's Personnel file unless the Sheriff authorizes the removal of the written documentation.
- B. **REPRIMAND** - A written disciplinary statement by a supervisor made to an employee concerning the employee's job performance or job-related behavior. Each such reprimand shall be confirmed by memorandum/form from the person imposing the reprimand on the employee, with a copy of the memorandum/form being placed in the employee's personnel file. This memorandum/form shall provide reasons for the reprimand and specific examples of violations, infractions, performance issues, or personal conduct. The employee may attach written correspondence for inclusion in the record within seven (7) calendar days of receipt of a written reprimand. Reprimands are subject to the grievance process.
- C. **SUSPENSION** - The temporary removal of an employee from duty. Disciplinary suspensions are without pay and are for a specified period of time. Disciplinary suspensions are subject to the grievance process. Administration suspensions are with pay, pending the outcome of an investigation, and are not subject to the grievance process.
- D. **DEMOTION** - The placement of an employee in a position in a lower class for which a lower maximum rate of pay is authorized. As a disciplinary measure, the Sheriff may recommend that an employee be demoted to a lower classification. Disciplinary demotions are subject to the grievance process.
- E. **TERMINATION** - The removal of an employee from city service. Once it has been determined that an employee's conduct/behavior warrants separation, the Sheriff shall recommend that the

employee be terminated/dismissed. The employee shall be informed in writing of the charges and shall be given the opportunity for a pre-disciplinary/pre-termination conference.

V. RESPONSIBILITIES

- A. It shall be the responsibility of each member of the Winchester City Sheriff's Office to comply with the Rules of Conduct as defined within this document.
- B. The positive public image, which the Winchester City Sheriff's Office strives to develop with citizens, is fashioned by our adherence to high standards of personal conduct. Deputy Sheriff's wield considerable power over the public in order to provide our services. The Sheriff's Office's enforcement responsibilities and activities result in our members being the most visible form of government representing The City of Winchester. Law enforcement powers are carefully balanced and circumscribed by federal, state, and local laws, and, ultimately, by the U.S. Constitution and Bill of Rights. Law enforcement powers to arrest, seize property, and lawfully interfere with the lives of citizens must be accomplished with public trust. We regard this trust as vital to our success and we must always protect this confidence through exemplary performance.

VI. LAW ENFORCEMENT CODE OF ETHICS

1. All sworn deputies are required to swear to an oath of allegiance upon becoming a member of the Winchester City Sheriff's Office. This oath includes a pledge to lead their lives in accordance with the Law Enforcement Code of Ethics. Winchester City Sheriff's deputies shall manage their affairs in such a manner as to maintain a high degree of integrity in their public and private lives, as required by the 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 law of the land and the regulations of my Office. Whatever I see or hear of a confidential nature that is confided to me in my official capacity will be kept ever secret, unless revelation is necessary in the performance of duty.

I will never act officiously or permit personal feelings, prejudice, 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 so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession--law enforcement."

VII. RULES OF CONDUCT

1. VIOLATION OF RULES

Sheriff's Office members shall not commit any acts or omit any acts that constitute a violation of any of the rules, regulations, directives, or orders of the Sheriff's Office, whether stated in this rule or elsewhere. (This section makes it a disciplinary offense for a member to violate any rule of

the Sheriff's Office. Thus, by inclusion of this section, the Sheriff's Office avoids the cumbersome process of specifying in every rule that "violation of the rule subjects the violator to disciplinary action." It is necessary to be specific when drafting charges; thus, it would not be sufficient to charge an employee with a violation of # 1 alone. The particular offense committed, and the specific rule violated must always be specified.)

2. AUTHORITY OF ORDERS/INSUBORDINATION

Members of the Sheriff's Office will obey all lawful orders issued to them by supervisors of a higher rank. This includes orders relayed from a supervisor by an employee of the same or lesser rank. Unjustified bypassing of rank in the chain of command or the non-exigent circumvention of the chain of command may constitute insubordination. (Failure to obey a lawful order is a clear case of misconduct. The only question that may arise is whether the order is lawful or conflicts with another order. This situation is addressed in # 4.)

3. ISSUING LAWFUL ORDERS

Sheriff's Office supervisors will not knowingly or willfully issue any order in violation of a law, ordinance, rule, or order of the United States, Commonwealth of Virginia, Winchester City or the Winchester City Sheriff's Office.

4. CONFLICTING OR ILLEGAL ORDERS

- A. Employees, who are given an otherwise proper order that is in conflict with a previous order, rule, regulation or directive, shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor issuing the order does not alter or retract the conflicting order, then the employee shall obey the order given by the highest-ranking supervisor. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. Employees shall obey the order from the highest-ranking supervisor, and the employee shall not be held responsible for disobedience of the conflicting order, rule, regulation, or directive previously issued. Additionally, if supervisors of equal rank issue conflicting orders, then the above still applies, but the last order given shall be obeyed.
- B. Employees shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, the employee shall request the issuing supervisor to clarify the order or to confer with higher authority. (This section provides procedures for an employee to follow if he/she is given an order that conflicts with other orders or is issued an order that the employee considers to be illegal. If an employee receives conflicting orders, the employee must notify his/her supervisor so that the conflict may be resolved. Failure to do so may render the employee liable for disobedience of both the order and this section. An employee who receives an order that he/she reasonably believes would require him/her to commit an illegal act must at least question that order, and refuse to obey it if not satisfied as to its legality. An employee may not be disciplined for questioning the legality of an order.)

5. IMMORAL OR UNBECOMING CONDUCT

Sheriff's Office members shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident involving moral turpitude that impairs their ability to perform as law enforcement employees or cause the Sheriff's Office to be brought into

disrepute. Members shall always conduct themselves, both on and off duty, in such a manner as to reflect favorably on the Sheriff's Office. Conduct unbecoming shall include that which brings the Sheriff's Office into disrepute or reflects discredit upon the employee as a member of the Sheriff's Office or conduct that impairs the operation or efficiency of the Sheriff's Office or its employees. (It is difficult to define with any exactness what immoral conduct is. An acceptable standard must be established against which to judge the morality of the conduct. First, there is the "highest standard of the law enforcement profession". This phrase may have meaning through the officer's oath of office, the Law Enforcement Code of Ethics, or his/her status as an officer of the court. Second, the concept of "moral turpitude" is well established in the law and has a fairly precise meaning. Third, impairment of ability to perform as a law enforcement employee refers to the individual's loss of respect among the community or other employees to the point that the notorious nature of the individual's personal character overshadows the authority of his/her office so that he/she can no longer effectively exercise that authority. Fourth, causing the Sheriff's Office to be brought into disrepute refers to the same situation as the third factor above, with the exception or addition that the individual's conduct reflects adversely on the Sheriff's Office as a whole, where, for example, the individual's conduct is generalized by the community to involve the entire Sheriff's Office, and thus interferes with every employee's effectiveness. It is important to note that when an employee is charged with conduct that interferes with the effectiveness or the reputation of the employee or the Sheriff's Office, it is necessary to prove, as one of the elements of the offense that damage has, in fact, been done to the effectiveness or reputation of the Sheriff's Office or the employee. Rules on "conduct unbecoming" are extremely controversial today. In some cases, courts have struck them down as being unconstitutionally vague, and in other cases, such rules have been upheld. This rule must be distinguished from #01 that relates to violations of any other defined rules of the Sheriff's Office. The basic purpose of an "unbecoming conduct" rule is to serve as a catchall, prohibiting acts that are not otherwise prescribed. Because the Sheriff's Office cannot possibly define in advance all the acts that are inappropriate for a law enforcement employee, it is essential to have such a general rule. In each instance, before charging an employee with "unbecoming conduct", the supervisor should examine all other rules to ascertain whether a specific rule violation is applicable. If a particular rule applies, it should be used instead of "unbecoming conduct".)

6. CONFORMANCES TO LAWS

- A. Employees shall obey all laws of the United States and of any state and local jurisdiction in which the employees are present.
- B. Conviction of a crime involving moral turpitude will constitute a basis for disciplinary action and may subject the employee to job forfeiture. Further, any other conviction of the violation of a law shall be prima facie evidence of a violation of this section.
- C. Any member of the Sheriff's Office who is charged with a traffic infraction (excluding parking violations), or learns that he/she may be the defendant in any criminal action, shall report such action to the Sheriff, in writing through channels, without delay. [The Policy and Procedure Manual outlines the responsibilities of employees who are served with lawsuit papers. This section is also a general provision. Subsection A is intended to establish clearly that violation of any law is a Sheriff's Office disciplinary offense as well as an illegal act subjecting the violator to criminal penalties. It is not necessary, under this section, to establish that the illegal act in any way affects Sheriff's Office operation or that the employee may be convicted of the crime. However, the rule must be applied with caution, especially where the criminal act is minor (i.e. traffic violations.).]

7. REPORTING FOR DUTY

Sheriff's Office members shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly dressed and equipped in accordance with Sheriff's Office guidelines. As appropriate, while on duty, members shall have in their possession: Sheriff's Office identification, a valid driver's license while operating a motor vehicle, an approved service weapon (sworn deputies), and be cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this Section. (Because many Sheriff's Office operations function on a shift basis around the clock, it is important that members going on duty be prompt and prepared to assume their duties as soon as the earlier shift is relieved. Also, while there are judicial penalties for ignoring a subpoena, this section provides for administrative action if an employee fails to respond to a subpoena.)

8. LEAVE

All members absent from duty will be placed in an official leave status as prescribed by the Winchester City Employee Manual. Sheriff's Office members shall be present for duty, unless a supervisor has approved the leave. In emergency situations, Sheriff's Office members will notify their supervisors, as soon as practical and request leave.

9. FICTITIOUS ILLNESS OR INJURY REPORTS

Unless incapacitated, all members of the Sheriff's Office will notify their immediate supervisor, as soon as practical, of any injury or illness occurring while on duty. Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Sheriff's Office as to the condition of their health. (While there is a specific rule for reporting illness, with medical certification required in some instances, this section adds administrative penalties to the false report of illness or injury. The section is also aimed at preventing false claims of injury for purposes of workman's compensation or disability retirement.)

10. UNFIT FOR DUTY

Any supervisor may temporarily relieve from duty an employee under his/her supervision for a period of not more than one workday on the grounds that the employee is unfit for duty. "Unfit for duty" may include any physical or mental condition which might, in the judgment of the supervisor, render the employee incapable of adequately performing duties, or performing them in such a way as to embarrass or discredit the Sheriff's Office or jeopardize the safety of any person or property. The supervisor shall immediately notify the Major regarding any action under this section.

- A. A supervisor, who relieves an employee from duty under this Section, may direct that the employee uses sick leave, vacation, or other appropriate leave with pay.

11. NEGLECT OF DUTY

Sheriff's Office members, while on duty, shall not engage in any activities or personal business that would cause them to neglect or be inattentive to duty. Personal calls (Sheriff's Office phones or personal cellular phones), texting, e-mails, etc. shall be kept to a minimum and shall not interfere with official Sheriff's Office business. (This rule covers conducting personal business or attending to personal pleasures which might distract employees from their responsibilities or hamper them from responding to calls for service.)

12. LEAVING DUTY POST

Sheriff's Office members shall not leave their assigned duty posts during a tour of duty except when authorized by proper authority. Deputies should advise their supervisor of any change in their location. (A deputy's failure to remain on his/her assigned post can have serious repercussions that endanger the safety of other deputies and the public.)

13. SLEEPING ON DUTY

Sheriff's Office members shall remain awake while on duty. If unable to do so, an employee shall report to his/her supervisor, who shall determine the proper course of action.

14. SEXUAL ACTIVITY ON DUTY

Engaging in sexual activity while on duty is prohibited. (Engaging in sexual activity while on duty is harmful to the Sheriff's Office's reputation and a breach of the public's trust. It is prima facie evidence of neglect of duty.)

15. MEALS

Sheriff's Office members shall be permitted to suspend patrol or other assigned activity, for the purpose of having meals during their tours of duty, but only for such period of time as established by Sheriff's Office guidelines. As a general rule, employees shall not congregate in any location that would tend to give the appearance of inefficiency. (This rule is necessary to ensure that employees on the same shift do not suspend patrol or other assigned activity at the same time, and that they do not congregate at eating establishments.)

16. UNSATISFACTORY PERFORMANCE

Sheriff's Office members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Sheriff's Office. Unsatisfactory performance may be demonstrated by a lack of knowledge

of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving law enforcement attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives, or order of the Sheriff's Office.

17. COWARDICE

Deputies will not display any behavior that indicates cowardice in the line of duty. Unless incapacitated, members of the Sheriff's Office will aid, assist, and protect fellow Sheriff's Office members and citizens in time of danger or under conditions where danger is imminent.

18. POSSESSION AND USE OF DRUGS

Employees shall not possess or use any controlled substances, narcotics, marijuana, THC, or hallucinogens, except when prescribed in the treatment of the employee by a physician or dentist, or for evidentiary purposes. If an employee is required to take prescription medication, it shall be his/her responsibility to ascertain if the medication could affect or impair the employee's ability to perform his/her duty. If so, the employee shall notify his/her supervisor.

19. ALCOHOLIC BEVERAGES AND ILLEGAL DRUGS IN SHERIFF'S OFFICE FACILITIES

Employees shall not store, or bring into the Sheriff's Office, or a Sheriff's Office vehicle, any alcoholic beverages, controlled substances, narcotics, or hallucinogens, except those that are being held as evidence, are found property, are part of an investigation, or are prescribed by a physician.

20. USE OF ALCOHOL WHILE ON DUTY OR IN UNIFORM

Sheriff's Office members shall not consume intoxicating beverages while on duty or while in uniform. It is recognized that certain undercover and/or investigative operations may necessitate a deputy to consume moderate amounts of alcohol; however, he/she may do so only while acting under proper and specific orders from a supervisor. Members shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath. (This section prohibits employees from drinking alcohol while on duty or in uniform except when under orders to do so. The rule also applies to off-duty drinking which impacts in certain ways upon the employee's duty time.)

21. USE OF ALCOHOL OFF-DUTY

Members of the Sheriff's Office, who are on call back status, will not drink alcoholic beverages or consume any other intoxicants. (Members, while off-duty, shall refrain from consuming intoxicating beverages to the extent that it results in intoxication, or obnoxious or offensive behavior which discredits them, or the Sheriff's Office, or renders the member unfit to perform his/her next regular tour of duty.)

22. USE OF TOBACCO

Members of the Sheriff's Office will observe all existing Sheriff's Office policies and regulations regarding tobacco use in the workplace. Further, members of the Sheriff's Office will not use any tobacco products while in direct contact with the public.

23. GIFTS AND GRATUITIES

- A. It is against Sheriff's Office policy for any employee to accept any gift of value from any person or firm interested in business dealings with the Sheriff's Office, or any gift or favor that might influence the employee in the impartial discharge of his/her duty.
- B. Every member of the Sheriff's Office is positively forbidden to receive or accept directly or indirectly, any gift or present from any person engaged in or suspected of any illegal activity.

24. FINANCIAL DISCLOSURE

Deputies shall submit financial disclosure statements, when ordered to do so by the Sheriff or his designee, and when such order is within the limitations set forth by Virginia Code § 9.1-503. These statements are to be maintained by the Sheriff and shall not be available for public disclosure. Upon appropriate orders, or when an employee is the subject of an internal investigation, the employee may be required to submit personal financial data.

25. ABUSE OF POSITION

- A. Sheriff's Office members shall not use their official position, official identification cards, or badges for personal or financial gain, for obtaining privileges not otherwise available to them except in the performance of duty, or for avoiding consequences of illegal acts. Members shall not lend to another person, their identification cards or badges or permit them to be photographed or reproduced without the written approval of the Sheriff.
- B. Sheriff's Office members shall not authorize the use of their names, photographs, or official titles that identify them as Sheriff's Office employees, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the written approval of the Sheriff.

(This section prohibits an employee from lending or abusing identification cards or badges, as well as commercial exploitation of official position.

26. ENDORSEMENTS AND REFERRALS

Sheriff's Office members shall not recommend or endorse in an official capacity the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, towing service, bondsman, mortician, etc.). In the case a towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, employees shall proceed in accordance with established Sheriff's Office procedures. (In order to avoid any possibility of the appearance of conflict of interest or "kickback" arrangements, employees must be prohibited from recommending particular products or services related to the performance of their duties. Usually, this section will apply to an employee's dealing with persons outside the Sheriff's Office. Although general information may

be provided, there must be no appearance that the employee or the department has taken any part in selecting the product or service, except as stated.)

27. CIVIL ACTION

Every member of the Sheriff's Office shall immediately notify the Sheriff of any civil action that he/she makes against any person or entity; or any civil action that is issued against him or her, which arises out of or relates to the performance of his/her duties.

28. ASSOCIATIONS

Employees shall avoid regular or continuous associations or dealings with persons, whom they know or should know, are under criminal investigation or indictment, or who have a reputation in the community or the Sheriff's Office for involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of their personal relationships to the employee. No Sheriff's Office member shall knowingly communicate, by any means, to any person, information which may assist any person to escape arrest or punishment, prepare for raids, or destroy or conceal evidence. (The underlying policy that this section seeks to implement is that persons of notoriously bad character or reputation must be avoided because of the appearance of impropriety and the danger of contaminating an employee's character or reputation. Some flexibility is allowed in unavoidable personal relationships, such as when the employee's spouse, child, or other family member is included with the prohibited associations.)

29. VISITING PROHIBITED ESTABLISHMENTS

Employees shall not knowingly visit or frequent an establishment wherein the laws of the United States, the state, or the local jurisdiction are regularly violated, except in the performance of duty or while acting under proper and specific orders from a supervisor. (Except in the performance of duties, a law enforcement employee should not be in a place where the employee knows illegal activity is taking place. If the employee has no reason to know of illegal activity, he/she will not be held strictly accountable.)

30. GAMBLING

- A. Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.
- B. The purchasing of lottery tickets by Sheriff's Office personnel, while on duty, is prohibited. (Gambling may be authorized when necessary to the performance of the employee's duties i.e., when the deputy is operating undercover in a gambling investigation.)

31. STATEMENTS AND APPEARANCES

- A. Employees shall not criticize or ridicule the Sheriff's Office, its policies, or other employees by speech, writing, rumor, or other expression, where such speech, writing, rumor, or other expression is defamatory, obscene, and unlawful, undermines the effectiveness of the

Sheriff's Office, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

B. Sheriff's Office members shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the Sheriff's Office, while presenting themselves as representing the Sheriff's Office in such matters, without proper authority.

C. Sheriff's Office members shall not place any statements, photographs, videos, badges, patches, uniforms, vehicles, etc. referring to any official activity of the Sheriff's Office by any member of the Sheriff's Office on any personal social Internet sites to include Facebook, Myspace, Twitter, Youtube, etc. without the written permission of the Sheriff. Furthermore, no Sheriff's Office employee shall appear on any social networking Internet site while wearing any Sheriff's Office uniform or any Sheriff's office equipment

(This section recognizes the employee's First Amendment rights to freedom of speech, as well as the need for the Sheriff's Office to operate without unlawful or destructive criticism. A blending of these factors is present in the rule, which has been upheld in the courts. The second segment of the rule limits employees' statements, when employees are holding themselves out as representing the Sheriff's Office.)

32. PERSONAL APPEARANCE

Sheriff's Office members shall maintain their appearance in compliance with General Order 108, "Equipment and Appearance".

33. IDENTIFICATION

- A. Sworn members shall always carry their badges and identification cards with them within the boundaries of the City of Winchester, except when impractical or dangerous to their safety or to an investigation.
- B. Members shall furnish their name, unit number, or Winchester City code number to any person requesting that information, when they are on duty or while representing themselves as a Sheriff's Office employee, except when the withholding of such information is necessary for the performance of duties or is authorized by proper authority.
- C. Members shall display their identification card and badge when necessary in the course of Sheriff's Office business.

34. CITIZEN COMPLAINTS

It is the responsibility of each Sheriff's Office member to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. Employees shall not interfere, discourage, or delay the making of, or the investigation of citizen complaints. Although an employee may attempt to explain an incident or a Sheriff's Office policy to a citizen, the employee shall adhere to the procedure for handling citizen complaints as outlined in the Policy and Procedure Manual.

35. COURTESY

Employees shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle, gender, or any personal characteristics. (More citizen complaints result from discourtesy than from almost any other cause. Discourtesy may include overt rudeness, annoyance, abusive or insulting language, racial or ethnic slurs, overbearing attitude, sexual or social references, disrespect, or a lack of proper attention or concern. In the performance of their duties, employees must maintain a neutral and detached attitude, without indicating disinterest or that a matter is petty or insignificant.)

36. REQUESTS FOR ASSISTANCE

When any person requests assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Sheriff's Office procedures. (Discourtesy, inattention, delays in response or failures to respond to requests for assistance are major causes of complaints against the Sheriff's Office. To the party requesting assistance, the matter is of paramount importance and an attitude indicating a lack of concern or a failure to respond efficiently is irritating. If the employee knows that a request cannot be handled immediately, the requesting party should be informed of the nature and reason for the delay. It is improper for an employee to intentionally fail to respond to or delay response to a call for service.)

37. POLITICAL ACTIVITY

- A. Any member of the Sheriff's Office, either individually or as a member of a group or political organization, may take part in a campaign of any political organization seeking the election of candidates or any individual political candidate for office provided that the member is off duty and not on the Sheriff's Office's premises. Uniformed members may not be in uniform when engaging in such activity, unless authorized by the Sheriff.
- B. No member of the Sheriff's Office shall use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office, and no member of the Sheriff's Office shall directly or indirectly coerce, attempt to coerce, command, or advise another member of the Sheriff's Office, or any employee of the City of Winchester, to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
- C. No sworn deputy with the Sheriff's Office shall continue in such position, after being elected to any public office elected by voters of an election district which includes all or a part of the City of Winchester, or by the voters at large of the city for a constitutional office serving the City of Winchester, unless it is authorized by the Sheriff.
- D. Members shall not use Sheriff's Office funds or supplies for political purposes or solicitation for activities or causes not related to their job.
- E. Electioneering in any city office building or premises during working hours is prohibited.

38. LABOR ACTIVITY

- A. Employees have the right to join labor organizations, but nothing shall compel the Sheriff's Office to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.
- B. Employees shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

(Public employees have a constitutional right to join labor organizations. Laws prohibiting such actions are void. Persons may not be punished for exercising a constitutional right. However, while the Constitution allows law enforcement officers to join a union, it does not require the employer to recognize or negotiate with that union. An "employee association" is not substantively different from a union unless it is purely social and does not seek to represent members' interests with an employer.)

39. RESIDENCE/PHONE

Sheriff's Office members shall furnish the Sheriff's Office with a current permanent address and telephone number, where they may be reached at any time in the event of an emergency. (This rule is necessary so that the Sheriff's Office is able to contact employees in the event of a civil disturbance or other Sheriff's Office related business.)

40. CHANGE IN DOMESTIC STATUS

Sheriff's Office members shall report to the Sheriff, by the member's next workday, any change in domestic status with reference to marriage, legal separation, divorce, or death of spouse. (This rule is necessary in order that the Sheriff's Office be kept current regarding next of kin.)

41. CONFIDENTIALITY (Dissemination of Information)

No member shall reveal law enforcement information outside the Sheriff's Office except as provided elsewhere in this manual or as required by law or competent authority. Information contained in Sheriff's Office records, information ordinarily accessible only to members, names of informants, complainants, witnesses, and other persons known to the Sheriff's Office are considered confidential. Unauthorized copying or duplication of official records is prohibited. (Employees regularly come into possession of information of extreme sensitivity. The confidentiality of this information must be maintained. Confidential information must not be used to the employee's personal benefit, or to damage the reputation of any person, or to assist any person in avoiding the consequences of criminal acts.)

42. INTERVENTION/INTERFERENCE

Deputies shall not interfere with cases being handled by other deputies of the Sheriff's Office or by any other governmental agency unless:

- A. Ordered to intervene by a supervisory officer, or

- B. The intervening deputy believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

(Each deputy in the Sheriff's Office draws his/her authority from the same source, generally the state law. Within the confines of whatever administrative restrictions may be placed upon him/her, each deputy's power to make arrests is the same as every other deputy's power.)

43. COOPERATION

Sheriff's Office members shall cooperate with and assist each other at every opportunity and shall not publicly criticize the work performance of any other member. In time of emergency, employees are expected to be calm, resolute and cooperate with others so that mutual protection is afforded, and maximum efficiency is attained. While on duty, employees shall aid and/or reasonably assist persons within the city whenever such aid or assistance appears to be called for and is not in conflict with the general principles of law enforcement or in violation of legal statutes or departmental rules and regulations. When rendering assistance, employees shall neutralize hazardous situations or remain on the scene until the hazard is eliminated, giving due consideration to calls for service elsewhere.

44. TRUTHFULNESS

Members are always to speak the truth, whether under oath or not, in giving testimony, or in connection with any official order or duties. EXCEPTION: Undercover investigations or toward lawful objectives during an investigation.

45. POLYGRAPH, MEDICAL EXAMINATIONS, PHOTOGRAPHS AND LINEUPS:

- A. Polygraph Examinations. Employees shall submit to polygraph examinations as required by the Sheriff for internal investigations.
- B. Medical Examination, Photographs, and Lineups. Upon the order of the Sheriff or his designee, employees shall submit to any medical, ballistics, chemical, or other tests, photographs, or lineups. All procedures carried out under this subsection shall be specifically directed and narrowly related to a particular internal investigation being conducted by the Sheriff's Office.

46. RESPECT

Sheriff's Office members shall treat superiors, subordinates, and associates with respect. They shall always be courteous and civil in their relationships with one another. When on duty and in the presence of the public, deputies shall be referred to by rank. Supervisors are forbidden to injure or discredit those under their authority by tyrannical or capricious conduct or by abusive language.

47. USE OF FORCE

Deputies shall not use more force in any situation than is reasonably necessary under the circumstances. Deputies shall use force in accordance with law and Sheriff's Office procedures.

48. TREATMENT OF PERSONS IN CUSTODY

Deputies shall not mistreat persons, who are in their custody. Deputies shall handle such persons in accordance with law and Sheriff's Office procedures.

49. PRISONER SAFETY

The arresting deputy is responsible for the custody and safety of their prisoner, until competent authority relinquishes custody, and the arresting deputy no longer has constructive control over the prisoner. This responsibility extends or transfers to any deputy involved in transporting a prisoner and includes the prevention of acts by any other deputy or person, which violates the law or Sheriff's Office directives.

50. CONSTANT LAW ENFORCEMENT RESPONSIBILITY

Off duty deputies are subject to duty at all times and are encouraged to carry their approved firearms while in their jurisdiction. Deputies are reminded that they have a constant law enforcement responsibility but should temper that knowledge with discretion. (This rule establishes that deputies are always subject to duty. While not making it an absolute requirement, the rule encourages the wearing of an approved firearm while off duty and in their jurisdiction. The Sheriff's Office does not expect its officers to be armed when they have consumed alcoholic beverages or are engaged in recreational activities. The reminder that they have a constant responsibility does not necessarily mean they are mandated to take direct action if wisdom and judgment should dictate otherwise. In some instances, requesting law enforcement assistance from the Emergency Communications Center can fulfill "constant law enforcement responsibility".

51. CARRYING FIREARMS

Deputies shall carry firearms in accordance with law and established Sheriff's Office policies and procedures. Deputies who desire to carry personal firearms during off-duty hours or while working must qualify with such weapons and obtain approval in compliance with Sheriff's Office policy.

52. USE OF WEAPONS

Deputies shall not use or handle weapons in a careless or imprudent manner. Deputies shall use weapons in accordance with law and Sheriff's Office procedures.

53. USE OF SHERIFF'S OFFICE EQUIPMENT

Deputies shall utilize Sheriff's Office equipment only for its intended purpose, in accordance with established procedures, and shall not abuse, damage, or handle Sheriff's Office equipment in a careless manner. All equipment issued to employees shall be maintained in proper working order.

54. OPERATION OF VEHICLES

Deputies shall operate official vehicles in a careful and prudent manner and shall obey all laws and all orders pertaining to such operation. Revocation or suspension of the deputy's operator's license shall be reported to the Sheriff immediately.

55. OFFICIAL NOTICES/SHERIFF'S OFFICE BULLETIN BOARDS

Deputies shall not mark, alter or deface any posted notice of the Sheriff's Office. Posted notices shall not contain derogatory or profane statements directed to any individual or group of persons.

56. ARREST/INVESTIGATIONS IN PERSONAL SITUATIONS

Deputies should not make arrests or investigate incidents in personnel situations or those of family members, except under circumstances that would justify them in using measures of self-defense or detaining the suspect until an on-duty deputy arrives at the scene.

57. PRIVACY

Deputies shall not duplicate, cause to be made, or allow to be made a copy of a key pertaining to the official business of the Winchester City Sheriff's Office without authorization from proper supervisory authority. No employee shall enter the office, filing cabinets, or computer file of another, except for official business or line/staff inspections.

58. INSPECTIONS

Line and Staff Inspections of deputies' appearance, uniform, equipment, or compliance with directives may be made at any time by a designated authority, except that formal inspections are pre-announced. Such inspections may include, but are not limited to, examination of assigned vehicles, lockers, desks, computer files, or other space on Sheriff's Office premises used by any deputy. A reasonable effort shall be made to have the owner of lockers, desks, computer files, or other private areas present or notified of the inspection.

59. CONFLICT OF INTEREST

Deputies will not engage in any activity, which conflicts in any way with the objectives of the Sheriff's Office, damages the Sheriff's Office's image, or compromises its law enforcement authority.

60. DUTY TO INFORM

Deputies shall communicate to their supervisor any violation of the Rules and Regulations, or infraction of, which would bring discredit to the Sheriff's Office.

61. FULL DISCLOSURE

All Sheriff's Office employees shall cooperate with any official internal investigation. Therefore, it is the duty of all employees to answer questions of an official nature completely and candidly. Failure to disclose information pertinent to any internal investigation, when requested by a supervisor, either verbally or in writing, shall be considered a violation of Sheriff's Office policy.

62. PROPERTY, EQUIPMENT, and UNIFORMS

- A. Employees shall be responsible for the proper care and use of Sheriff's Office property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein.
- B. Deputies shall keep their uniforms clean and pressed, their shoes and other leather equipment polished and shined, and badges and name plates clean and bright.
- C. Employees wearing civilian clothing on duty shall present a neat and clean appearance. Employees shall wear clothing which is appropriate to the type of duties and citizen contact expected, e.g. coat and tie for men and equivalent skirt, blouse, or pants outfit for women are appropriate for business contacts; more informal sports clothing might be appropriate for late hours of work. Civilian dress should not be source of negative comment from the community.
- D. Employees shall not temporarily or permanently convert any Sheriff's Office property to their own personal use or the use of any other person.
- E. When an employee terminates employment, all issued equipment shall be returned on the day the termination is effective. Failure to return all items of city property will result in withholding final pay or taking legal action.
- F. Employees shall have, as a part of their issued equipment, a copy of the rules and regulations and general orders manual, and shall maintain and make appropriate changes or inserts as directed.
- G. The Winchester City Sheriff's Office furnishes the following uniform items:
 - Summer shirts
 - Winter shirts
 - Pant, year-round material
 - Pair shoes/boots
 - Gun belt
 - Gun holster

- Handcuffs and case
- Magazine pouch
- Baton
- Can of chemical spray
- Badges
- Name plates
- Traffic-control vest
- Body armor
- Rain gear
- Duty issued weapon (i.e. Glock 17, 45 or 45 MOS 9mm for full-time employees only)

H. All uniforms shall be brown/tan with black nylon gear. White shirts may be worn by only the Major and Sheriff.

I. When uniform items are damaged or worn out and need replacement, officers shall request replacement or repair in writing to the major, or designee, giving reasons why items were damaged.

J. Head gear, such as toboggans, ball caps, or any other cold weather apparel may be worn with the approval of the Sheriff when outside of the Joint Judicial Center and other buildings.

63. Stand-by/On-Call Duty

The Sheriff's Office has an "On-Call or Stand by Schedule. The purpose of this scheduling is to have coverage for emergency purposes during off-duty hours, i.e., TDO's, Inmate Security, Etc... Deputies may volunteer and on occasion be assigned this duty. When a Deputy has volunteered or been assigned, it is always their duty to stay ready for assignment during their shift. This includes adhering to Section VII rule 21 of this general order. On-call duty starts at 0800hrs. on the day you are assigned and last until the following day at 0800hrs. (24-hour shift). Each Deputy will be compensated at the rate of; \$28 Daily, \$42 per day on weekends and \$50 per holiday. Failing to report for a call-out will be treated the same as failing to report for regular work hours and could result in disciplinary action.

64. Marijuana / THC

Notwithstanding section VII 18. Of this general order, no sworn employee shall use/consume/possess marijuana or any substance containing marijuana or THC either on or off-duty.