

	Winchester City Sheriff's Office Manual of General Orders Administration 114	Effective Date: May 1, 2014
		Accreditation Standards: ADM .02.05
		Original Policy: May 1, 2014 Last Review Date: October 31, 2023 Next Review Date: October 31, 2024
Subject: Biased Base Law Enforcement		By Authority of: William E Sales, Sheriff

Effective /Review Date	Sections Changed	Changes	Reviewed by	Approved by
08-11-16	II	1) Added: DEFINITION: "Bias-based policing is the differential treatment of individuals in the context of rendering police service based solely on a suspect classification, such as race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background.."	EAS	LRT
11-05-20	V A.	Added, "initial and ongoing".	EAS	LRT
03-20-24	V A.	Changed "ongoing training" to "refresher training every other year"	MRA	WES

I. PURPOSE

The purpose of this order is to reaffirm the commitment of the Winchester City Sheriff's Office to unbiased law enforcement by providing quality service and enforcing the laws of the Commonwealth of Virginia and the Codes of Winchester City in a fair, professional, and equitable manner.

II. DEFINITION

Bias-based policing is the differential treatment of individuals in the context of rendering police service based solely on a suspect classification, such as race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background.

III. POLICY

It is the policy of the Winchester City Sheriff's Office that all law enforcement actions including traffic stops, investigative detentions, searches and seizures of persons or property and arrests will be based on the standard of reasonable suspicion or probable cause as required by the Fourth and Fourteenth Amendment of the United States Constitution and the laws of the Commonwealth of Virginia. Deputies must be able to articulate specific facts, circumstances, and conclusions that support reasonable suspicion or probable cause that led to the law enforcement actions.

The Winchester City Sheriff's Office strictly prohibits the detention, interdiction, or other disparate treatment of any person on the basis of race, ethnic status, national origin, gender, sexual orientation, or economic status.

IV. DISCUSSION

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is the right of equal protection under the law. Along with this right to equal protection is a fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are entitled to be free from crime, from the depredations of criminals, and to either drive or walk the nation's public ways in safety protected from reckless or careless drivers. This law enforcement agency is charged with protecting the rights for all citizens, regardless of race, national origin, ethnicity, gender, or sexual orientation. Because of the nature of law enforcement, deputies are required to be observant, so they may identify unusual occurrences and law violations, and take appropriate action. It is in proactive enforcement that detection and apprehending of criminals that keeps citizens free from crime and streets and highways safe. It is the practice of this office to perform law enforcement duties in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws while at the same time insisting that citizens shall only be stopped or detained when reasonable suspicion exists to believe that an offense is about to be committed, has been committed, or is in the process of being committed. To avoid misunderstandings and any perception of unprofessional policing or biased policing, it is essential that the citizen be informed of the reason for the traffic stop or field interview at the earliest and safest opportunity. This policy should not be construed as an effort to inhibit deputies from using the skills gained through training and experience to detect evidence of criminal activity during a citizen contact. Deputies routinely perform traffic enforcement and pedestrian contacts; however, this is not routine for the motorists or pedestrians who are stopped.

These contacts are frequently an emotionally upsetting experience for the citizen. Deputies must be aware of these conditions and shall strive to make each contact non-confrontational. Deputies should attempt to leave the citizen with the understanding that the deputy has performed a necessary duty in a fair, professional, and courteous manner.

V. PROCEDURES

- A. Training: The Major shall ensure that all sworn personnel receive initial and refresher training every other year through courses of instruction that surround this topic. This shall include, but not be limited to, legal aspects of search and seizure, constitutional law, and civil rights guarantees.
- B. Violations: Actions in violation of this policy are unconstitutional and inconsistent with the mission of the Winchester City Sheriff's Office. Alleged violations shall be forwarded directly to the Major for investigation. Members of this Office found to be in violation of this order shall be subject to the full range of disciplinary actions described elsewhere in these General Orders.

VI. ADMINISTRATIVE REVIEW

The Internal Affairs Officer will prepare a summary report of citizen complaints on an annual basis for the Sheriff's review.