

	Administrative General Order	1.05 Department Rules	PAGE 1 OF 10
	SUBJECT		EFFECTIVE DATE
	Virginia Beach Police Department General Order Chapter 1 – Organizational Command		08/01/2017
			ORIGINATOR/REVIEW
DISTRIBUTION		CALEA: 22.2.7A, 26.1.1	Chief's Staff
ALL			
BY THE AUTHORITY OF THE CHIEF OF POLICE:			<i>James A. Cooper</i>

Purpose

To establish a set of viable rules and regulations that are, designed to support existing policies and procedures. The intent of these rules and regulations is to define, clarify, and emphasize certain substantive areas, which may be unique or have specific applicability to the Department of Police. The enforcement of any rule or regulation requires the reasonable application of judgment and a certain amount of discretion. All personnel who are in positions of authority should be cognizant of the duties and responsibilities of their subordinates and of the personal and social factors that may affect the performance of those duties and responsibilities. Likewise, all personnel, regardless of position should be cognizant of their responsibility to follow, and support the adherence to these rules by others.

Policy

All members of this Department are hereby governed by the following Rules and Regulations. If any section, sentence, clause, phrase, or portion of these Rules and Regulations is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Department Rules

1. **Conformance to Laws and Reporting Violations of the Law:**

- a. Members shall obey all laws of the United States and of any state and local jurisdiction in which the member is present. Additionally, members shall obey any and all court orders.
- b. A conviction for violation of any law shall constitute conclusive evidence of a violation of this section. A conviction is not required to establish a violation of this rule, nor does a dismissal of criminal charges by a court constitute grounds to unfound a violation of this rule. In addition, any member who violates any law involving moral turpitude or the illegal possession, use, or distribution of drugs shall be dismissed provided, however, that this provision shall not preclude the dismissal of a member who violates any other law, of whatever nature, in situations where the circumstances warrant dismissal.
- c. Sworn law enforcement officers are vested by law with the responsibility to prevent the commission of crimes and offenses; to observe and enforce state and local laws, regulations, and ordinances; and to detect and report offenders. Consistent with this responsibility every member of this department, immediately upon learning of any information which leads to reasonable suspicion that any other member(s) of the department, whether on or off-duty, is in violation of, or has violated, any local, state or federal criminal statute, law or ordinance, shall immediately notify an investigator assigned to the Office of Internal Affairs. When

circumstances so dictate, the Internal Affairs investigator will notify the appropriate criminal investigation supervisory personnel.

2. **Conduct Unbecoming**

- a. Members shall conduct themselves at all times, in such a manner as to reflect most favorably on the department. Conduct unbecoming is any conduct that may adversely affect the morale, operations or efficiency of the department or any conduct that may adversely affect, lower or destroy public respect and confidence in the department or the employee. Conduct unbecoming also includes any conduct that may bring the department into disrepute, or may bring discredit upon the officer, employee or department.
- b. Members who interact on social networking sites, including but not limited to *MySpace* or *Facebook*, are subject to the standards outlined in section “a” above. No member shall knowingly post official photographs, video images, audio files or text documents that belong to the Department without the expressed written permission of the Commander of the Professional Standards Division. Members are also cautioned that the use of images depicting departmental property, equipment or personnel, if posted on the internet, in any manner that may be construed as harassing, threatening, sexual, discriminatory, defamatory, or otherwise offensive and prohibited under applicable City Social Media policies shall be subject to discipline, up to and including termination.

3. **Abuse of Position:**

- a. Police Officers, Animal Control Officers, civilian employees, ancillary personnel and volunteers shall not use their official position, official identification or badge, (1) for personal or financial gain, except for authorized part-time employment; (2) for obtaining privileges not otherwise available to them except in the performance of duty; or (3) for avoiding consequences of illegal acts. They shall not lend to another person their identification card or badge or permit them to be photographed or reproduced without the approval of the Chief.
- b. Police Officers, Animal Control Officers, civilian employees, ancillary personnel and volunteers shall not represent themselves as a member of this Department in connection with testimonials or advertisements (where applicable in Code of Ethics) of any commodity or commercial enterprise, without the approval of the Chief.

4. **Unsatisfactory Performance:**

- a. Members shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.
- b. Unsatisfactory performance includes, but is not limited to: a lack of knowledge of the application of laws required to be enforced, an unwillingness or inability to perform assigned tasks, failure on the part of an employee to properly notify a supervisor of critical information pertaining to a situation that may require immediate action, failure to take appropriate action on the occasion of a crime, disorder, or other conditions deserving police attention. In addition to other indications of unsatisfactory performance, repeated poor

evaluations, or a written record of repeated infractions of rules, regulations, directives, or orders of the Department could constitute unsatisfactory performance.

5. **Disobedience of Orders:**

- a. Members of the Department shall promptly obey any lawful order of a supervisory member, including any order relayed from a supervisor by an employee of the same or lesser rank.
- b. Members shall obey all City and Departmental rules, regulations, and General Orders.

6. **Conflicting or Illegal Orders:**

- a. Members who are given an otherwise proper order, but which conflicts with a previous order, rule, regulation, or directive, shall inform the supervisory member issuing the order of the conflict. If the supervisory member issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisory member. Members shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued.
- b. Members shall not obey any order which they know or should know or have a reasonable belief that would require them to commit any illegal act. If in doubt about the legality of an order, members shall request the issuing member to clarify the order or to confer with higher authority.

7. **Insubordination:**

Members shall willingly submit to reasonable authority and shall not disregard expressed or implied directions of a supervisor.

8. **Disrespect:**

Members shall not, through gestures, defamatory statements or any other means, be disrespectful to a supervisor or any other member of the department.

9. **Courtesy:**

Members shall be courteous to the public and other members of the department. Members shall be tactful in the performance of their duties, must 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, members shall not use unnecessarily abusive language or gestures and shall not express any prejudice concerning race, religion, politics, national origin, sexual orientation, gender identification or any similar personal characteristics.

10. **Treatment of Persons in Performance of Duty:**

Police Officers, Animal Control Officers and ancillary personnel shall not mistreat persons in the performance of their duty. They shall handle persons in accordance with the law and departmental procedures.

11. Neglect of Duty:

Members shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.

12. Sleeping on Duty:

Members shall remain awake on duty. If unable to do so, they shall report to their supervisor who shall determine the proper course of action.

13. Personal Appearance:

- a. Police Officers, Animal Control Officers and Ancillary personnel on duty shall wear uniforms or be dressed in accordance with established departmental/division/unit policies and procedures.
- b. Except when acting under proper and specific orders from a supervisory officer, officers on duty shall maintain a neat, well-groomed appearance and shall style their hair according to departmental policy.

14. Failure to Adequately Secure and Care for Departmental Property:

- a. No member will alter or repair Department equipment including vehicles, uniforms, and weapons unless specifically authorized or in accordance with departmental policies and procedures.
- b. Members shall utilize Department equipment only for its intended purpose in accordance with established departmental procedures and shall not abuse, damage, or lose Department equipment. All Department equipment issued to or under the control of a member shall be maintained in proper condition. All employees shall maintain custody and control of departmental equipment to prevent any unauthorized use and/or potential loss or theft.
- c. Members shall report damage to any department equipment, according to departmental or City policy.
- d. Cleaning Departmental Property
 - 1) It is expected that members will clean and maintain their issued equipment when necessary at their command and while on duty.
 - 2) In those unusual circumstances in which a nonexempt member must clean and/or maintain City/Department issued equipment while off duty, and has not obtained prior approval, that member must notify his supervisor. The time may be approved if it is justified and reasonable. It is the supervisor's responsibility to ensure that the circumstances requiring the off duty activity is justified. The supervisor will also be responsible for carefully inspecting the equipment to ensure that it is clean and in good working order. If there is any question or concern about the condition of the equipment, the appropriate supervisor should be consulted.

15. **Departmental Reports:**

Members shall submit all necessary reports on time and in accordance with established departmental procedures. Reports submitted by members shall be truthful and complete; and no member shall knowingly enter or cause to be entered any inaccurate, false, or improper information.

16. **Employment Outside Department: Deleted**

See General Order 2.14, Off Duty Employment

17. **Use or Possession of Alcohol, Drugs, or Steroids: Deleted**

See City of Virginia Beach Policy 6.15

18. **Failure to Assist Another Officer or Citizen:**

Officers shall assist another officer or citizen.

19. **Requests for Assistance:**

When any person applies for assistance or advice or makes complaints or reports, either by telephone or in person, all pertinent information shall be obtained and recorded in an official and courteous manner and shall be properly and judiciously acted upon, consistent with established departmental procedures.

20. **Report of Investigation:**

Members shall submit within 24 hours a written report if they are, or have knowledge, that another member of the Department is, under investigation, or have been charged with violating any criminal statute or court order, by any law enforcement agency, other than the Virginia Beach Police Department. Those members authorized to operate city owned vehicles shall report any involvement in traffic accidents, having been charged with a traffic violation, or any operator license suspension.

21. **Telephone and Address Information:**

Police Officers, Animal Control Officers and ancillary personnel shall have a cellular telephone or a telephone in their residence and shall immediately report any change of telephone number or address to their supervisory members and to such other persons as may be appropriate.

22. **Absent Without Leave:**

Members shall not be absent from duty without proper authorization. Members shall report promptly to a supervisory member any anticipated absence from duty.

23. **Reporting for Duty or Court:**

Members shall report for duty at the time and place required by assignment or orders and shall be fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Members shall also attend court as required or stipulated.

24. Leaving Duty Post:

Members shall not leave their assigned duty posts during a tour except when authorized by proper authority.

25. Public Statements and Appearances:

- a. Members shall not publicly criticize or ridicule the Department, its policies, or other members by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, interferes with maintenance of discipline, or is made with reckless disregard for truth or is false while representing or implying that they represent the Department in such matters.
- b. Members shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondent to a newspaper or a periodical, release or divulge investigative information, or any other matters of the Department while implying that they represent the Department in such matters without proper authority.

26. Use of Police Vehicles:

Police Officers, Animal Control Officers and ancillary personnel shall not permit any person not on official police business to ride in a Department vehicle unless specifically authorized.

27. Operating Vehicles:

Police Officers, Animal Control Officers and ancillary personnel shall operate official vehicles in a careful and prudent manner and obey all laws and all departmental orders pertaining to such operation.

28. Use of Weapons:

- a. Police Officers, Animal Control Officers and ancillary personnel shall not unlawfully or unnecessarily use or display a weapon.
- b. Whenever a firearm is discharged by a member in the performance of his duty, he shall immediately make an oral report to a supervisor in the precinct of occurrence and follow this with a written report.

29. Processing Property and Evidence:

Property and evidence which has been discovered, gathered, or received in connection with departmental responsibilities shall be processed in accordance with established departmental procedures. Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedures.

30. Use of Tobacco:

Officers hired prior to January of 1985, when in uniform, may use tobacco as long as: (1) they are not in a formation; (2) they do not have to leave their assignment or post for the sole purpose of

doing so; and (3) they are not engaged in traffic direction and control. When they are in direct contact with the public, members must obtain permission from the public with whom they are in direct contact to use tobacco. As a condition of employment, sworn personnel hired on or after January of 1985 are not allowed to use tobacco during or off duty.

31. **Dissemination of Information:**

Members shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended and in accordance with established departmental procedures. Members may remove or copy official records or reports from a police installation only in accordance with established departmental procedures. Members shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

32. **Political Activity: (Deleted)**

This rule has been deleted - Refer to City Ordinance 90-1987, which addresses this subject (Section 2-90 of the Municipal Code).

33. **Opinions Concerning Court Fines and Penalties:**

Members shall not render an opinion regarding court fines or penalties.

34. **Endorsement and Referrals:**

Members shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, members shall proceed in accordance with established departmental procedures.

35. **Associations:**

Members shall avoid regular or continuous associations or dealings with persons under criminal investigation or indictment or who have been convicted of felony, except as necessary in the performance of official duties, or where unavoidable because of personal relationships of the members.

36. **Gifts, Gratuities, Bribes or Rewards:**

Police Officers, Animal Control Officers and ancillary personnel shall not solicit or accept from any person, business, or organization any gift (including money, accommodation, discount, or other thing of value) for the benefit of the member or the Department, if it may reasonably be inferred that the person, business, or organization: (1) seeks to influence action of an official nature or seeks to affect the performance of an official duty; or (2) has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty; or (3) accept gifts from sources on a basis so frequent as to raise an appearance of the use of public office for private gain.

37. **Seeking or Soliciting Contributions:**

Officers in the performance of their duties or representing themselves as police officers are prohibited from seeking or soliciting contributions of any kind from anyone by any means, for any purpose, under any circumstances, except as specifically authorized by the Chief of Police.

38. **Truthfulness:**

No member shall knowingly make a false statement to any department supervisor or city official. Upon the order of the Chief, the Chief's designee, or a supervisory member, members shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department which may be asked of them.

39. **Use of Polygraph, Medical Examination, Photographs, Lineups, Alcohol and Drug Tests:**

- a. **Polygraph Examinations:** Upon the written directive of the Chief, members shall submit to polygraph examinations when the examination are specifically directed and narrowly related to a particular internal investigation being conducted by the Department. When a citizen's complaint forms the basis for a non-criminal investigation, it will be the normal practice of the investigator to request that the citizen complainant submit to a polygraph examination prior to the final determination of the necessity for a member to submit to a polygraph examination. In the case of the citizen's complainant's inability, unsuitability, or refusal to submit to a polygraph examination or due to unusual circumstances of the case the Chief may, to aid the investigation and/or protect the integrity of the Department, order members to submit to a polygraph examination at any point in the investigation.
- b. **Medical Examinations, Photographs and Lineups:** Upon the order of the Chief or the Chief's designee, members 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 investigation being conducted by the Department.
- c. **Alcohol and/or Drugs Tests:** A member who is suspected of being impaired from consuming intoxicating beverages or is suspected of using illegal controlled substances or the improper use of controlled substances, in violation of City of Virginia Beach Policy 6.15 Use or Possession of Alcohol, Drugs or Steroids, will submit to the appropriate tests to determine the member's fitness for duty, when ordered by his immediate supervisor. Members assigned to Special Investigations are subject to random drug screens.

The member's immediate supervisor will ensure that the testing is accomplished.

40. **Financial Disclosure:**

Upon the order of the Chief or the Chief's designee, members shall submit financial disclosure statements in accordance with departmental procedures in connection with a complaint in which this information is material to the investigation. These statements shall be maintained by the Chief and shall not be available to the public.

41. **Intervention:**

- a. Members shall not interfere with cases being handled by other members of the Department or by any other governmental agency unless: (1) ordered to intervene by a supervisory

member; or (2) the intervening member believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action. In addition, members shall immediately notify their supervisor and follow up by a memorandum.

- b. Officers shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their supervisor unless the exigencies of the situation require immediate police action.

42. **Identification:**

Officers shall carry their badge and identification card on their person at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name, badge number, official agency identification with a photograph, and business card if issued such cards by the department, to any person requesting that information when they are on duty or while representing themselves as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority. Department members shall immediately identify themselves when conducting department business on a telephone, except when impractical or dangerous to their safety or to an investigation.

43. **Fictitious Illness or Injury Reports:**

Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department concerning the condition of their health.

44. **Meals:**

Members shall be permitted to suspend patrol or other assigned activity, subject to immediate recall at any time, for the purpose of having meals during their hours of duty, but only for such period of time, and at such time and place, as authorized by a supervisor.

45. **Arrest, Search and Seizure:**

Officers shall not make an arrest, search, or seizure which they know, or should know, is not in accordance with law or departmental procedures.

46. **Use of Physical Force:**

The use of physical force shall be prohibited except to the extent reasonably necessary to accomplish a valid police objective.

- a. **Unnecessary Use of Force:** Officers and members shall not use physical force where no physical force or contact is required or otherwise permitted by department policies.
- b. **Excessive Use of Force:** Where physical force is necessary, no officer or member shall use force in excess of that required by the circumstances or beyond that force permitted by department policies and procedures.
- c. **Intervention:** In situations where the force used by an officer appears to be excessive, the officer observing the incident has an affirmative responsibility to intervene. Any such intervention or failure to intervene will be reported to a supervisory member and investigated by the Office of Internal Affairs.

47. **Biased Based Policing:**

Bias-Based Profiling is the interdiction, detention, arrest, or other treatment of an individual based inappropriately upon one's race, national origin, citizenship, religion, ethnicity, age, gender, economic status, or sexual orientation. Members of this department shall not consider race, national origin, citizenship, religion, ethnicity, age, gender, or sexual orientation as the primary reason in determining whether individuals should be stopped, searched, or property seized.

Penalties:

Violations of these rules may be addressed by supervisory members in accordance with the City of Virginia Beach Disciplinary Policy, the guidelines set forth by General Order 2.07 (Discipline) and the Administrative Investigations Field Guide.