

	<b>TYPE OF DIRECTIVE</b> CODE OF CONDUCT	<b>NUMBER</b> 300 (2021)
	<b>SUBJECT</b> CODE OF CONDUCT	<b>EFFECTIVE DATE</b> 06/14/21
	<b>REFERENCE</b> CALEA	<b>RESCINDS</b> 300 (2018) Rev.

**POLICY**

This policy establishes standards of conduct that are consistent with the values and mission of the Henrico County Police Division and are expected of all Division members. The standards contained in this policy are intended to be guidelines identifying many of the important expectations concerning Division members’ conduct. This policy is not an exhaustive list of expectations. In addition to this policy, members are subject to all other policies contained in the Henrico County Policies and Procedures, Division’s Directives Manual, as well as any additional guidance on conduct that may be disseminated by the Division or Division supervisors.

The Division seeks to ensure that the performance of its employees is characterized by lawful police actions carried out in an exemplary fashion. To this end, the Division expects its personnel to maintain the highest standards of conduct at all times, while on duty or off duty.

Violations of the Code of Conduct, the Henrico County Police Division Directives Manual, Henrico County Policies and Procedures, or local, state, or federal laws will result in disciplinary or corrective action in accordance with this policy and RP-25 Disciplinary Action.

**ACCOUNTABILITY STATEMENT**

All Division members are expected to comply fully with the guidelines set forward in this policy. Supervisors are responsible for ensuring that any alleged violation of policy is investigated and appropriate training, counseling, and/or disciplinary action is initiated. This directive is for internal use only and does not create a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by the Division, and then only in a non-judicial administrative setting.

**REGULATIONS**

**300.00 VIOLATION OF RULES**

Members shall not commit any acts, or fail to perform any required acts, that constitute a violation of any of the rules, regulations, directives, SOPs, policies, or orders of this Division or the County of Henrico, whether stated in the Code of Conduct or elsewhere.

**310.01 REPORTING FOR WORK**

Members shall report for duty (to include off-duty work) at the time and place required by assignment or order and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance

## CODE OF CONDUCT (2021)

of duty so that they may immediately assume their duties. Judicial subpoenas, as well as pre-set court dates by either warrant or summons, shall constitute an order to report for duty under this section.

When working an off-duty assignment, officers are expected to respond to any lawful request for service, either handling it themselves or personally seeing that it is handled. There should be no further necessity on the complainant's part to contact other officers unless the provision of such assistance would be detrimental to the responsibilities of the off-duty assignment.

### 310.02 NEGLECT OF DUTY

Members shall perform their duties in a manner that will maintain the highest standards of effectiveness in carrying out Police Division objectives. Members shall give proper attention to their duties and obligations of their position and assignment (including any temporary assignment) and shall effectively address situations they encounter. Members shall not engage in any activities or personal business that would cause them to be neglectful of, or inattentive to, duty.

Neglect of duty may be demonstrated, among other things, by the following:

- a. Failure to perform satisfactorily task(s) at a level reasonably expected of a member in that position/assignment (including those of off-duty jobs when associated with the member's law enforcement duties and responsibilities) or of an individual member based on his experience, training, or demonstrated abilities;
- b. Failure to take appropriate and sufficient action when investigating a crime or responding to a situation that requires police attention;
- c. Failure to complete assigned tasks within a reasonable time frame; or
- d. Sleeping on duty (to include while working off-duty jobs tied to employment with the Division).

### 310.03 GAMBLING

Members shall not engage or participate in any form of illegal gambling at any time.

Members shall not participate in the Virginia state lottery or other forms of legal gambling while in uniform, operating a police vehicle, or while on duty or when working in an off-duty capacity.

### 310.04 VEHICLE OPERATION

Police vehicle operation is critical in performing the mission of the Police Division and is the sole responsibility of the operating officer. It is imperative that each officer realize that the operation of the vehicle is always in public view and often scrutinized by citizens. Officers shall obey Virginia state laws and all rules, regulations, directives, Standard Operating

## CODE OF CONDUCT (2021)

Procedures (SOPs), policies, or orders of the Police Division. Police Division members will exercise good judgment and appropriate caution when operating a vehicle. The operation of any computer equipment, wireless devices, radios, or any other electronic equipment is secondary to safety.

The unpredictability of the driving situations faced by an officer requires that all precautionary measures be utilized. All persons riding in police vehicles shall utilize their seat belt.

Officers engaged in emergency response (emergency lights and siren) shall operate their police vehicle with due regard for their safety and the safety of others. Officers shall adhere to the traffic law exemptions in accordance with Code of Virginia Section §46.2-920. Officers cannot provide assistance if they do not arrive on the scene safely.

Any officer, when operating a police vehicle in an emergency response, who approaches a school bus in any direction and that school bus is stopped or about to stop for the purpose of picking up or discharging students, shall bring the vehicle to a complete stop prior to reaching the school bus. The officer shall not proceed until such time as the school bus driver has signaled the police officer that it is safe to proceed and the officer has checked to ensure that no students are about to cross or are in a position that would endanger their lives should the emergency vehicle proceed. Officers who engage in a pursuit, who approach a school bus under the circumstances above, or approach an “Active School Zone” shall immediately terminate their participation in the pursuit.

An off-duty officer operating a privately-owned motor vehicle shall not engage in traffic enforcement.

### 310.05 IMPROPER ASSOCIATION

Members shall avoid association or dealing with persons whom they know are under criminal investigation or indictment, or who are known to that member to have a reputation in the community or the Police Division for present involvement in an illegal criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of family relationships of the member.

Members shall not knowingly visit, enter, or frequent a house of prostitution or establishment wherein the laws of the United States, the state, or local jurisdiction are regularly violated, except in performance of duty or while acting under proper and specific orders from his immediate supervisor.

### 310.06 INTERFERENCE

Members shall not interfere with cases being handled by other members of the Police Division or by any other governmental agency unless:

- a. Ordered to intervene by a superior officer (i.e., supervisor, training officer, Academy Staff, etc.); or,

## CODE OF CONDUCT (2021)

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

Officers shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the exigencies of the situation require immediate police action. If immediate action is required, notification to an on-duty Division supervisor shall occur once the situation is under control.

### 310.07 ENDORSEMENTS AND REFERRALS

Members shall not recommend or endorse to citizens in an official capacity the employment or procurement of a particular product, professional service, or commercial service (such as attorney, ambulance service, towing service, bondsman, mortician, etc.)

To avoid the possibility of the appearance of conflict of interest or “kickback” arrangements, members are prohibited from recommending to citizens particular products or services related to the performance of their duties.

Members shall not authorize the use of their names, photographs, or official titles that identify them as police employees, in connection with testimonials or advertisements of any commodity or commercial enterprise, without approval of the Chief.

### 310.08 IDENTIFICATION

Members shall furnish their last name, code number, and assignment to any person requesting such information regarding matters in which the member was acting in an official capacity. Names will be provided in a manner that is sufficient to fully identify the employee. The exception to this is if the release of the information would jeopardize an active investigation or operation or the safety of the members involved.

### 310.09 REWARDS, GIFTS, AND FAVORS

Members shall not:

- a. Offer or accept anything of value in consideration of obtaining employment, appointment, or promotion from any person within the Division or with any outside entity.
- b. Offer or accept anything of value in consideration of using his/her public position to obtain a contract for any person or business.
- c. Accept any money, loan, gift, favor, service, business or professional opportunity that reasonably tends to influence the member in the performance of official duties.
- d. Accept anything of value that would cause a reasonable person to question the member’s impartiality in a matter affecting the donor.

## CODE OF CONDUCT (2021)

- e. Accept directly or indirectly, anything of value from any person engaged in or suspected of any illegal activity.

### 310.10 PAYMENT OF DEBTS

Members shall not undertake any financial obligations that they know or should know they will be unable to meet and shall pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases; however, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts is being undertaken.

### 310.11 PROFESSIONAL CONDUCT

While on duty or representing the Division, members are expected to conduct themselves in a professional manner. Members shall be responsive to the needs of the public by rendering prompt and courteous service and consistently conducting themselves in a manner that encourages public respect. Members shall not express any prejudice concerning race, religion, politics, national origin, gender, age, disability, sexual orientation, gender identity and expression, or any other protected characteristic. Members will treat all persons with respect and will not use degrading, profane, abusive or defamatory language when in contact with the public, toward other employees, or when in public view.

### 320.01 UNBECOMING CONDUCT

Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the Police Division. Unbecoming conduct shall include any act or conduct not specifically mentioned in another regulation that may bring the Police Division into disrepute or reflect discredit upon the individual as a member.

### 320.02 ABUSE OF POSITION

Division members shall not use their official position (by direct request, by implication, or by using their 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 engage in any activity that conflicts with the objectives or mission of the Division, damages the Division's image, or compromises its law-enforcement authority.

### 320.03 CONFORMANCE TO LAWS

Members shall obey all laws of the United States and of any state and local jurisdiction in

## CODE OF CONDUCT (2021)

which the member is present.

A conviction of any violation of law shall be prima facie evidence of a violation of this section and appropriate disciplinary action may be taken by the Police Division.

In order to protect members from allegations of impropriety and to monitor incidents which reflect negatively or impact the Police Division, any member receiving any legal notice or summons shall forward a copy to the Internal Affairs Unit when:

- a. The member is charged with a criminal or traffic offense (except parking violations);
- b. The member is named as a plaintiff or defendant in any civil proceeding; and/or
- c. The member receives notification that their driver's license is suspended/revoked.

Any member who receives a witness subpoena or a subpoena duces tecum in any civil matter where the County of Henrico, or any of its employees, or elected officials is a party shall provide a copy of the subpoena to the Commander, Internal Affairs upon receipt.

Members who become aware that they are or have been under investigation by a member of a criminal justice agency for any violation of law will notify Internal Affairs in writing so any alleged impropriety or allegation can be reviewed or further investigated.

Some instances are of minor concern to the day-to-day operations of the Police Division; however, when certain instances come to light, Internal Affairs will be required to conduct a review. If a member is convicted of a violation of law or their status in any incident is believed to impact a member's essential job function or responsibilities, Internal Affairs shall make a report to the Chief of Police.

Summonses received as part of a member's normal duties and responsibilities, such as for court appearances as a witness or as the arresting officer, are exempt from being reported to the Internal Affairs Unit.

### 320.04 IMPROPER SEARCH AND SEIZURE

Officers shall not make any arrest, search, and/or seizure that they know or should know is not in accordance with law and Police Division procedures.

### 320.05 TREATMENT OF PERSONS IN CUSTODY

Officers shall treat persons in their custody with appropriate care and concern for their safety in accordance with law and Division policies and procedures.

### 320.06 FAILURE TO SUPERVISE

A supervisor may be subject to disciplinary action for failure to supervise when

## CODE OF CONDUCT (2021)

circumstances indicate that any member under his command or in his presence had engaged in misconduct, the supervisor reasonably knew, or upon reasonable inquiry should have known, of the misconduct, and the supervisor failed to take appropriate action to remedy, address, or prevent the misconduct.

A supervisor is responsible for overseeing and managing the work performed by any member under his command. Supervisors who neglect their management responsibilities (by, for example, failing to inspect documentation or address performance problems) may also subject themselves to disciplinary action.

For the purposes of this directive, the term “any member under his command” should be construed to mean not only members under the supervisor’s formal chain-of-command, but also members whom the supervisor is responsible for supervising at the time of the misconduct.

### 320.07 ISSUING UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not issue orders or directives that, if carried out, would result in a violation of any law or conflict with department policy. Knowingly following an unlawful order or order that conflicts with Division policy is not a defense and does not relieve the member from administrative discipline.

If a member doubts the legality of an order or if the member believes that the order conflicts with policy, he or she shall ask the issuing supervisor to clarify the order. The responsibility for refusal to obey rests with the member, who shall be required to justify the refusal. Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy, or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for resolving the conflict.

A member receiving an unlawful or conflicting order shall, at the first opportunity and prior to the conclusion of the tour of duty in which the order was given, report the fact in writing to the Chief of Police through the chain of command. This report shall contain facts of the incident and the action taken. A request for the release from such orders may be made at the same time.

### 320.08 INTOXICANTS ON DIVISION PREMISES

Members shall not bring onto or keep any intoxicants on Division premises, except when necessary, in the performance of duty. Intoxicants shall not be transported in any Division or County-owned vehicle, on-duty or off-duty, except as necessary with official duties.

### 320.09 DIVISION EQUIPMENT

Members shall be accountable for the custody, condition, and appropriate use of personally issued Police Division equipment as well as Police Division equipment assigned to them on a

## CODE OF CONDUCT (2021)

temporary basis or made available to them for their use for specific periods or work assignments.

Equipment not issued to members, and not approved in writing by the Chief of Police (or his designee), is unauthorized equipment and shall not be worn or used by any member of the Division.

### 320.10 INFORMATION SECURITY

Division members shall comply with all County and Division policies regulating information technology. Division members shall only access information in Division databases and sources for official police business and in a manner that furthers official police business.

All Division members shall treat the official business of the Division as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established procedures.

Members may only remove or copy reports, videos, audio recordings, and any other official records from any Division facility, database, or data source in accordance with established procedures.

Members shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

### 320.11 SOCIAL MEDIA

Division members who use social media and social networking in the course of their official duties shall comport to the same requirements and expectations for professional conduct as outlined in both County and Police Division policies and procedures. Content posted on social media pursuant to a Division member's official duties may not be protected by the First Amendment and may result in disciplinary action up to and including termination.

Division members are free to express themselves as private citizens on social media sites to the degree that the content does not impair working relationships of the Division, impede the performance of duties, or undermine the Division's ability to fulfill its mission and public service. Division members may not utilize personal social media accounts in a manner which could lead the reader to believe such postings represent the official positions of the Division or the County of Henrico.

### 320.12 MISHANDLING OF CASES

The Division will review any complaint brought to its attention concerning officers who cause a case to be dismissed or not prosecuted because of mishandling. This type of review may be initiated by any member of the court, any Commonwealth's Attorney, any citizen, or any Division member.

Violations of this regulation include, but are not limited to, performance deficiencies that result in negative court outcomes. Mishandling of cases can also include failures in the



## CODE OF CONDUCT (2021)

investigative process including, but not limited to, inadequacies in report taking and/or improper follow-up on information.

### 320.13 UNSATISFACTORY PERFORMANCE

Members shall maintain sufficient competency to perform their duties and to assume the responsibilities required of their assignment and position.

Unsatisfactory Performance may be demonstrated, among other things, by the following:

- a. A lack of knowledge of the application of laws required to be enforced based on the member's position and assignment;
- b. A demonstrated inability to perform satisfactorily assigned tasks after corrective action has been taken to improve unsatisfactory performance or after the issue has otherwise been identified and addressed with the member;
- c. Repeated infractions of rules, regulations, directives, Standard Operating Procedures, policies, or orders of this Division; or
- d. Lack of knowledge of the application of County Policies and Procedures and the rules, regulations, directives, Standard Operating Procedures, policies, or orders of this Division.

### 320.14 PERSONAL INVOLVEMENT

Members shall not intervene or take a report in matters that personally affect them. No member shall undertake any investigation or other official action in which that member may have a personal interest in the outcome, unless the exigencies of the situation require immediate police action. The member shall contact on-duty personnel to handle those situations that require police services. Members who undertake official action due to the exigencies of the circumstance shall notify an on-duty Division supervisor immediately. Members who are unsure if this regulation applies to them in a situation shall contact an on-duty supervisor.

### 330.01 DUTY TO REPORT

It is the responsibility of each member of the Police Division to ensure that the organization's integrity remains intact. This is accomplished through the practice of the Law Enforcement Code of Ethics and working within the color of law. As such, members who witness or have personal knowledge of an act committed by another member that constitutes a violation of law or of any rules, regulations, directives, SOPs, policies, or orders of this Division shall report such violation to their immediate supervisor.

### 330.02 INSUBORDINATION

Insubordination is defined as a generally disaffected attitude and/or discontent against those in authority. It may be demonstrated through failure to obey a lawful order promptly or

## CODE OF CONDUCT (2021)

through an act of verbal or physical defiance, disgust, rebellion, disloyalty, disrespect, or disapproval toward the authority or the order issued, regardless of whether the order is obeyed or not.

All personnel shall promptly obey any lawful order of a superior officer, whether operational or administrative in nature. This shall include orders relayed from a superior officer by an officer of the same or lesser rank.

Police Division members shall not be insubordinate, as defined above, in their dealings with a superior officer of this Division.

### 330.03 RESPONSE TO RESISTANCE

It is the policy of the Henrico County Police Division that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances.

### 330.04 DUTY TO INTERVENE

Any sworn member who, while in the performance of his or her official duties, witnesses another law-enforcement officer (regardless of agency) engaging or attempting to engage in the use of excessive force against another person shall intervene, when such intervention is feasible, to end the use of excessive force or attempted use of excessive force, or to prevent the further use of excessive force.

Sworn members shall render first aid, as circumstances reasonably permit, to any person injured as a result of the use of force.

Any sworn member who intervenes or witnesses another law-enforcement officer engaging or attempting to engage in the use of excessive force against another person shall report their intervention or their observation of the use, or attempted use, of excessive force to a Division supervisor, who shall handle it in accordance with G-36 Internal Affairs.

No Division member shall retaliate, threaten to retaliate, or take or threaten to take any disciplinary action against a law-enforcement officer who intervenes or makes a report pursuant to this policy.

### 330.05 POSSESSION/USE OF DRUGS

Division members shall comply with Henrico County Policies and Procedures Section 14-3, Drug and Alcohol Policy.

When a Division member is prescribed any kind of medication or drug which may impair the member's ability to perform the essential functions of his/her job, the member shall notify

## CODE OF CONDUCT (2021)

the Commander, Personnel in writing prior to returning to work.

### 330.06 CONSUMPTION AND PURCHASE OF INTOXICANTS

Division members shall not consume intoxicants while off-duty to the extent that evidence of such consumption is apparent when reporting for duty or to the extent that the ability to perform their duties is impaired when on-duty.

Members, unless in the performance of official business, shall not consume or purchase any intoxicants while on-duty.

### 340.01 EQUAL EMPLOYMENT OPPORTUNITY/ANTI-HARASSMENT POLICY

It is the policy of the Police Division that its members deserve an environment that is free from all forms of discrimination and harassment. The Division will not tolerate conduct that constitutes, could lead to, or contributes to harassment as defined in the County's Policies and Procedures. Disciplinary action will be initiated against members engaging in such activities. Supervisors who are aware of such incidents and take no action will be considered negligent in their duties and shall be subject to disciplinary action.

### 340.02 TRUTHFULNESS/FULL DISCLOSURE

All members, both sworn and non-sworn, shall truthfully state the facts in all reports, in all statements made to supervisors, and when appearing before any judicial, departmental, or other official investigation, hearing, trial, or proceeding. They shall cooperate fully in all phases of such investigations, hearings, trials, and proceedings.

- a. Division members shall give complete and honest answers to any question related to the performance of their official duties.
- b. Division members shall not give false information or omit pertinent information when completing records relating to employment, promotion, or reassignment.
- c. Division members shall not falsify any department report, record, court document, or time record.
- d. Cheating on any examination is prohibited.

### 340.03 INEFFICIENCY

Division members who display a pattern of actions involving poor judgment and misconduct leading up to and resulting in disciplinary actions will be subject to termination for inefficiency. The totality of disciplinary actions, number of and type of incidents, including the nature and seriousness of each offense, will be weighed to determine whether an individual's action(s) meet the inefficiency threshold.

CODE OF CONDUCT (2021)

PENALTIES

The Division maintains a philosophy of progressive discipline. Typically, disciplinary action for minor infractions is awarded in levels of increasing severity to afford the member the opportunity to correct improper behaviors or inadequate job performance. However, multiple corrective/disciplinary actions within the reckoning period as defined in RP-25 may initiate additional or more severe disciplinary action based on the circumstances. Additionally, depending on the seriousness of the violation and other aggravating circumstances, the Division reserves the right to issue discipline without resorting to progressive discipline.

The following list of classifications and penalties shall not be considered as all-inclusive. Penalties for violations of rules, regulations, directives, SOPs, policies, or orders of the Division or the County of Henrico not otherwise listed in this Table of Penalties will be determined on a case-by-case basis.

Table of Penalties				
Number	Description of Offense	Class*		
		1st	2nd	3rd
300.00	Violation of Rules	U	U	U
	SECTION 310			
310.01	Reporting for Work	1	2	3
310.02	Neglect of Duty	1-2	2-3	3-4
310.03	Gambling	1	2	3
310.04	Vehicle Operation	1	2	3
310.05	Improper Association	1	2	3
310.06	Interference	1	2	3
310.07	Endorsements and Referrals	1	2	3
310.08	Identification	1	2	3
310.09	Rewards, Gifts, Favors	1	2	3
310.10	Payment of Debts	1	2	3
310.11	Professional Conduct	1	2	3
	SECTION 320			
320.01	Unbecoming Conduct	2	3	4
320.02	Abuse of Position	2	3	3-4
320.03	Conformance to Laws	2	3	4
320.04	Improper Search and Seizure	2	3	4
320.05	Treatment of Persons in Custody	2	3	4
320.06	Failure to Supervise	2	3	3-4
320.07	Issuing Unlawful or Conflicting Orders	2	3	3-4
320.08	Intoxicants on Division Premises	2	3	4
320.09	Division Equipment	2	3	3
320.10	Information Security	2	3	3-4

CODE OF CONDUCT (2021)

320.11	Social Media	2	3	3-4
320.12	Mishandling of Cases	2	3	3-4
320.13	Unsatisfactory Performance	2	3	3-4
320.14	Personal Involvement	2	3	3-4
SECTION 330				
330.01	Duty to Report	3	3-4	4
330.02	Insubordination	3	3-4	4
330.03	Response to Resistance	3-4	4	D
330.04	Duty to Intervene	3-4	4	D
330.05	Possession/Use of Drugs	3-4	4	D
330.06	Consumption and Purchase of Intoxicants	3-4	4	D
SECTION 340				
340.01	EEOC/Anti-Harassment Policy	2-4	3-4	D
340.02	Truthfulness/Full Disclosure	D	-	-
340.03	Inefficiency	D	-	-
Class 1 ** Counseling up to 1-Day Suspension				
Class 2 Written Reprimand up to 3-Day Suspension				
Class 3 1-10 Day Suspension up to Demotion				
Class 4 10-30 Day Suspension and/or Demotion up to Dismissal				
Class D Dismissal				
Class U Discretionary Based on Offense Not Listed Otherwise				
*The Chief of Police has the discretion to apply discipline outside of the matrix based on mitigating and aggravating factors.				
**Counseling is not considered a form of discipline, but is considered a resolution option for Class 1 violations.				

By Order of:

Eric D. English  
Chief of Police