



Newport News Police Department - Administrative Manual

ADM-210 - STANDARDS OF CONDUCT/ DISCIPLINARY ACTION

Amends/Supersedes: ADM-210 (01/30/2017)

Date of Issue: 01/21/2021

I. GENERAL

- A. The Newport News Police Department will conform with the policies and guidelines established by the City of Newport News regarding standards of conduct, misconduct groups and disciplinary action and procedures as set forth in the relevant sections of the City Personnel Administrative Manual. [12.2.1(f); 26.1.1]
- B. All Department employees will be governed by [Section 1000 Standards of Conduct](#) of the City Personnel Administrative Manual, and the Newport News Police Department Administrative and Operational policy manuals as they relate to standards of conduct, performance and disciplinary action.

NOTE: In addition to the disciplinary policies given to all city employees when hired, copies of the City Personnel Administrative Manual are accessible to all employees [online](#) and through the City Department of Human Resources. [12.2.2(b)]

- C. All personnel will abide by the [Code of Ethics](#) adopted by the Police Department.

NOTE: All personnel will be required to take part in ethics training at least biennially, as determined by the Police Training Section. [1.1.2]

- D. To prevent a conflict of interest or the appearance thereof, no employee shall become involved, either directly or indirectly, in the investigation, to include internal investigations, of any crime or incident where either the suspect, the victim, witness, or complainant is the employee's relative or close friend. If during the course of an investigation the involved employee should become aware of such a relationship, the employee shall immediately notify their supervisor. In any situations where the employee is unsure if their relationship relative to the involved parties falls within the parameters of this policy, the employee shall immediately contact their supervisor for guidance. Supervisors notified of such conflicts or potential conflicts shall take those steps necessary to eliminate the conflict while observing applicable City and Departmental policies.
- E. Police employees shall perform their duties and apply the law impartially and without prejudice or discrimination. The Newport News Police Department does not and will not condone the illegal and unethical practice of profiling individuals based upon race, ethnicity, national origin, religion, sexual orientation, age, economic status or gender as a basis to conduct a traffic stop, asset seizure, initiate field contact, or other practices. Actions contrary to these statements shall qualify as an investigable issue of misconduct as set out in this policy, and in accordance with the City Personnel Administrative Manual. [1.2.9(a,c)]

NOTE: Sworn officers, and those employees holding the designation of Special Conservator of the Peace, will complete training on bias-based profiling and its legal aspects during their initial training and annually thereafter, as directed by the Police Training Section. [1.2.9(b)]

II. PROCEDURE

A. Upon employment with the City, each employee receives a copy of the policies covering employee standards of conduct contained in the City [Personnel Administrative Manual](#) from the Department of Human Resources. The employee signs a form acknowledging that they have received their copy. A copy of the form is kept in the employee's personnel file in the Department of Human Resources. [12.2.2(a,c); 26.1.3]

B. Violation of Policies

1. All Department personnel will abide by the guidelines set forth in relevant sections of the City [Personnel Administrative Manual](#). Any violation of City or Police Department policy or interest is subject to disciplinary action(s) in accordance with City and/or Police Department disciplinary policies. [1.2.9(c); 26.1.1]
2. Violations of policies and procedures or failures to meet standards related to performance of duties rather than conduct are subject to performance counseling, probation, demotion and termination in accordance with City and Police Department policies. In certain circumstances, violations may be appropriately handled both as misconduct and as performance issues. [26.1.4(b)]

NOTE: Situations in which department personnel are involved in a vehicle collision while operating a city vehicle will be handled in compliance with [ADM-250 Police Vehicle Crash Review](#). [26.1.4(a)]

C. Levels of Misconduct

1. [Section 1000 Standards of Conduct](#) of the City Personnel Administrative Manual establishes groups of misconduct and the prescribed disciplinary action for each group, as well as the accumulation of disciplinary points. This manual also identifies specific misconduct and assigns each to the appropriate group for general application. While the specific misconduct listed in city policy is intended to be processed in the group stated in this manual, the Chief of Police or their designee may determine, in consideration of the totality of the circumstances, that specific misconduct is more appropriately processed at a higher or a lower group than that stated in this manual.
2. In addition to the types of misconduct identified by this manual, appropriate action shall be taken for other violations of the Standards of Conduct using the cited misconduct as guidelines for determining appropriate action.
3. The investigation and handling of alleged misconduct, and the supervisory levels involved in each investigation, will be in accordance with [ADM-270 Administrative and Internal Investigations](#) and applicable City policies. [26.1.5]
4. Employees are required to notify either an on-duty supervisor or a supervisor in their chain of command if they observe or become aware of another employee in violation of departmental policy and/or applicable statutes/ordinances. [1.2.10]
5. The Police Department's Internal Affairs Division will investigate allegations of improper use of force, profiling, illegal or criminal activity, or misconduct by a supervisor. The Department of Human Resources shall investigate allegations of sexual harassment or equal employment opportunity violations.

D. Disciplinary Action

[26.1.5]

1. When it is determined that an employee has committed an act of misconduct as set forth in relevant sections of the City [Personnel Administrative Manual](#), the

employee is subject to the appropriate number of disciplinary points and/or prescribed disciplinary action for the group and seriousness of the act committed.
[26.1.4(c)]

2. The procedures regarding the final disposition of an act or allegation of misconduct and any disciplinary action, if applicable, will be in accordance with City and Police Department policy.

E. Outside Activities

1. Police officers shall conduct themselves, whether on or off-duty, in accordance with the Constitution of the United States, the Code of Virginia, and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.
2. Any conduct, on or off the job, which affects the employee's credibility, effectiveness, performance or ability to fully carry out the responsibilities of City employment and any conduct which is prejudicial to the interests, reputation or operations of the City of Newport News are subject to disciplinary action.

F. Mandatory Referral for Psychological Evaluation

[26.1.4(b)]

In some instances, an employee's misconduct may be of a nature and/or seriousness that the Chief of Police may require psychological evaluation of the employee. In such cases, the Chief of Police and the employee will be governed by the guidelines of [Section 1201 Non-Occupational Disabilities Policies, Procedures and Guidelines](#), Sub-Sections VIII and IX, of the City Personnel Administrative Manual and [ADM-330 Employee Psychological Services](#).

G. Annual Background Records Check

As a condition of employment, each Newport News Police Department employee shall be subject to an annual records check on their background, to take place in the month of their birth.

1. The Internal Affairs Division Commander shall ensure the annual check is conducted on all employees, and that an accurate monthly list containing appropriate information to run the check on all current employees is compiled.
2. The Internal Affairs Division shall conduct the following check on each employee:
 - a. Virginia Criminal Information Network (VCIN);
 - b. National Criminal Information Center (NCIC);
 - c. Virginia Department of Motor Vehicles Driver's Transcript;
3. The Internal Affairs Division Commander will review the completed record checks for each employee.
4. After review by the Internal Affairs Division Commander, each record check shall be destroyed, and the completed list of employees for that month's checks filed by the Internal Affairs Division.
5. Any indication of arrest or legal action (as set out in II.H. below) shall be forwarded to the Chief of Police for further review and possible action.

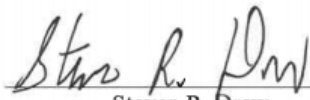
H. Reporting of Arrest or Legal Actions Against an Employee

An employee shall immediately report in writing to their supervisor all instances in which legal action has been taken against him, and shall provide a copy of the documents regarding the legal action (i.e. summons, order, etc.). This shall include

traffic summonses (excluding parking tickets) and arrests, any criminal offense, protective orders where the employee has been named as the respondent and any civil suit filed against the employee. A letter of case disposition shall be submitted within five (5) business days of its final adjudication. A copy of the legal action and the final case disposition shall be forwarded to the Internal Affairs Division for the employee's file.

I. Employees Named as a Respondent in Protective Orders [26.3.7]

1. In addition to notifying their supervisor as outlined in Section II. H above, any employee who is named as the respondent in a Protective Order (see [§16.1-253.4](#), [§16.1-253.1](#), [§16.1-279.1](#), and [§19.2-152.8](#)) or a protective order issued by the United States or any of its states, territories or possessions shall:
 - a. Immediately contact an on-duty supervisor and advise them of the protective order.
 - b. Sworn Employees must immediately turn over all Department-issued firearms to the on-duty supervisor (see [ADM-270 Administrative and Internal Investigations](#) and [OPS-430 Domestic Disturbance & Stalking Cases](#)).
2. The following procedure will apply to any sworn employee who is the respondent named in any protective order:
 - a. The employee will be placed on a restrictive duty assignment not requiring sworn police powers for a period up to 90 days.
 - b. If at the end of this 90-day period, the employee is still subject to the protective order, he may utilize appropriate available leave for an additional period not to exceed 90 days. If the employee does not have sufficient leave, he may request a leave of absence once available leave is exhausted not to exceed the 90-day period.
 - c. If at the end of this 90-day period (total 180 days) the employee is still subject to the protective order, their employment with the Newport News Police Department may be terminated in accordance with Sections [501 Employment Standards](#) and [502 Termination](#) of the City Personnel Administrative Manual.
 - d. While subject to a protective order, employees will not carry firearms (either issued or personal) and shall not become involved in law enforcement activities, which involves exercising sworn authority.


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Chief of Police