



## POLICY & PROCEDURE GENERAL ORDER

SUBJECT: <b>RULES / REGULATIONS and DISCIPLINE</b>		# <b>02-03-00</b>
EFFECTIVE DATE <b>01-01-90</b>	REVISION DATE <b>02-29-2016</b>	PAGE <b>1 OF 18</b>

KENNETH W. STOLLE  
SHERIFF/HIGH CONSTABLE

**VLEPSC - PER 09.01, 09.02, ADM 07.04 d, ADM 07.04 e**  
**MS – NONE**  
**PREA- 115.72, 115.76**

### **Purpose:**

To establish a set of viable rules and regulations which are designed to support existent policies and procedures, and to establish a uniform set of recommended guidelines for disciplinary action which may result from detected violations of these Rules and Regulations. 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 Sheriff's Office. The enforcement of any rule or regulation requires the reasonable application of judgement and a certain amount of discretion. All appointees 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.

### **Policy:**

Appointees are expected to conduct themselves in a manner that is consistent with the goals and objectives of this office. When an appointee fails to meet these standards, supervisory intervention is required. The ultimate goal of supervisory intervention is to correct or eliminate the undesirable conduct through progressive levels of supervisory intervention. Supervisory intervention is of two types: Non-disciplinary and disciplinary.

- Non-Disciplinary Intervention can be informal or formal. In most cases the decision to use formal or informal supervisory intervention rests with the supervisor.
- Formal interventions will be documented in writing.
- Disciplinary intervention is always formal.
- Only formal supervisory intervention of either type can be used to justify progressive discipline.

*Progressive discipline* shall be used as a guide in selecting appropriate penalties for founded infractions of Sheriff's Office Rules and Regulations. It is not intended to replace sound supervisory judgement or act as a subterfuge of supervisory discretion. It is, however, designed to give supervisors a general framework on which to base decisions when imposing discipline after they have given due consideration to all the facts and circumstances which surround any detected violation(s). In cases where an appointee's conduct is sufficiently egregious, serious discipline, up to and including dismissal, may be imposed for even a first offense.

**Definitions:**

The following definitions govern the use of these terms in the Rules and Regulations of the Sheriff's Office.

**Office:**

The Virginia Beach Sheriff's Office.

**Supervisory Appointee:**

An *appointee* accountable for the performance of duty and the conduct of others under their immediate control.

**Sworn Appointee:**

An *appointee* who is dedicated by oath to the law enforcement profession and who possesses the power of arrest.

**Civilian Appointee:**

Any *appointee* of the Sheriff's Office who is not sworn.

**Appointee:**

Any *appointee* of the Sheriff's Office, to include all sworn and non-sworn personnel.

All appointees of the Sheriff's Office are hereby governed by the following Rules and Regulations. If any section, sentence, clause, phrase, or Rules and Regulations - 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.

## **Disciplinary and Non-Disciplinary Intervention:**

### ***Non-Disciplinary Intervention***

Non-Disciplinary intervention is either informal or formal. All formal types of non-disciplinary interventions are to be documented in writing. The goal is to correct the undesirable action without imposing negative sanctions.

Types of Non-Disciplinary Interventions:

- **Advice.** This is the lowest form of supervisory intervention. Advice is the only type of informal supervisory intervention permitted. Advice is verbal supervisory intervention. Advice is when a supervisor talks to a subordinate casually but in an official capacity to provide suggestions on how to correct a minor problem or improve service delivery. Advice generally does not rise to the level of a finding on a PCR. Advice can be given as a result of a founded official investigation.
- **Employee Assistance Program (EAP).** A referral to the Employee Assistance Program is formal non-disciplinary intervention. This program is available to use when an appointee is having workplace difficulties due to some underlying emotional or psychological problem. The goal of a referral to EAP is to help the appointee overcome the underlying problems that are affecting their work performance. Mandatory EAP referrals can only be made when the underlying problem is affecting work performance. Non-mandatory EAP referrals can be made at any time but are foreign to this policy.
- **Work Improvement Plan.** Work Improvement is a formal non-disciplinary intervention. In this situation a written plan devised by a supervisor for a subordinate to overcome workplace deficiencies. The plan must always have a timeline. This plan requires regularly documented meetings to discuss the progress of the appointee. Work improvement plans must always have a date of completion. On the date of completion the success or failure of the plan will be documented in writing. Failure to successfully complete a work improvement plan will result in disciplinary intervention.
- **Administrative Termination.** Non-disciplinary intervention that results in separation from employment. Administrative termination is due to an appointee's inability to continue to meet the minimum qualifications for the position or separation due to budgetary consideration.

## ***Disciplinary Intervention***

Disciplinary intervention is formal intervention to correct or address deficient behavior. The goal is to correct the undesirable conduct and to impose negative sanctions against the offending appointee. Disciplinary interventions are required for serious failures or continued minor failures on the part of an appointee. All formal types of disciplinary interventions are to be documented in writing. The determination of whether allegations of sexual abuse or sexual harassment are substantiated will be based upon the preponderance of the evidence. All types of formal disciplinary interventions will use Personnel Conduct Report (PCR) as the vehicle to document the intervention. A copy of the PCR is placed in the offending appointee's official file and will remain until it can be legally removed.

Procedures for the initiation, documentation, and governing of Personnel Conduct Reports are covered in policies [02-05-00](#) and [02-06-00](#).

Types of Disciplinary Interventions:

- **Counseling.** Counseling is formal disciplinary intervention where the appointee is made aware of the improper conduct. Counseling is properly used when an appointee makes a minor error or makes an error due to a lack of understanding of office policy, procedure or practice. The goal of counseling is to correct the deficient behavior by providing information and guidance to the appointee on how to avoid the mistake in the future. Counseling is always documented in writing.
- **Additional Training.** This is another type of formal disciplinary intervention. Additional training can be recommended when an appointee's deficiency is due to a training need. The goal is to provide the additional training necessary to allow the appointee to perform at an acceptable level.
- **Written Reprimand.** The appointee receives a reprimand detailing unsatisfactory work performance or misconduct.
- **Suspension.** A form of disciplinary intervention where an appointee surrenders any authority granted as part of their employment and is not permitted to work for a period of time. The appointee is not paid for the work period missed.
- **Demotion.** A type of disciplinary intervention where an appointee is reduced in rank with a corresponding reduction in salary. The demotion will also result in a change in duties, assignment and responsibilities.

- **Dismissal.** A form of disciplinary intervention where an appointee is separated from employment with this office.

The Sheriff's Office maintains the practice of progressive discipline. However, depending on the circumstances and facts surrounding a violation, any of the above disciplinary and non-disciplinary interventions may be taken against an appointee who violates any of the Sheriff's Office Rules and Regulations.

Whenever disciplinary intervention is anticipated or a grievance occurs which could lead to dismissal, demotion, suspension, and/or transfer for punitive reasons, the procedural guarantees as listed in Policy & Procedure Disciplinary/Grievance Procedural Guarantees General Order shall apply.

Violations of sexual abuse/harassment by staff shall be subject to disciplinary sanctions up to and including termination. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. Disciplinary sanctions for violations of sexual harassment shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

All terminations for criminal violations of agency sexual abuse or harassment, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the proper law enforcement agency, unless the activity was clearly not criminal, and to any relevant licensing bodies.

1. **CONFORMANCE TO LAWS:**

- A. Appointees shall obey all laws of the United States and of any state and local jurisdiction in which the appointee is present. Additionally, appointees shall obey any and all court orders.
- B. A conviction for violating 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.
- C. Sworn deputy sheriffs are vested by law with the responsibility to prevent the

commission of crimes and offenses. Consistent with this responsibility every appointee of this office, immediately upon learning of any information which leads to reasonable suspicion that the appointee or any other appointee(s) of the office, whether on or off-duty, is in violation of, or has violated, any local, state or federal criminal statute, law or ordinance, they shall immediately notify their supervisor. The supervisor will notify the Professional Standards Office. When circumstances so dictate, the Professional Standards Office Supervisor will notify the appropriate agency responsible for criminal investigation.

- D. If a sworn appointee is involved in a civil matter in the City of Virginia Beach as the Plaintiff or the Defendant, he/she will advise his or her supervisor and the Clerk's Office in which the matter has been filed to have the case placed on the next available conflict docket of that court.

2. **IMMORAL CONDUCT / CONDUCT UNBECOMING**

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

3. **ABUSE OF POSITION:**

A. *Sworn appointees* shall not use their official position, official identification or badge;

- (1) *For* personal or financial gain, except for authorized extra duty employment.
- (2) *For* obtaining privileges not otherwise available to them except in the performance of duty.
- (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 Sheriff.

- B. *Appointees* shall not authorize the use of their name, photograph, or official title which identifies them as *appointees*, in connection with testimonials or advertisements (where applicable in Code of Ethics) of any commodity or commercial enterprise, without the approval of the Sheriff.

4. **UNSATISFACTORY PERFORMANCE:**

*Appointees* shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their position. They must maintain the highest standards of efficiency in carrying out assigned duties with the Virginia Beach Sheriff's Office.

Unsatisfactory performance may be measured by a lack of knowledge of the assigned job, unwillingness or inability to perform assigned tasks, or failure to take appropriate action when conditions warrant immediate attention. In addition, poor evaluations or written records of repeated violations or infractions of the Virginia Beach Sheriff's Office rules, regulations, directives and orders of the Sheriff or his command staff could also constitute unsatisfactory performance.

5. **DISOBEDIENCE OF ORDERS:**

- A. *Appointees* shall promptly obey any lawful order of a supervisor, including any order relayed from a supervisor by an appointee of the same or lesser rank.
- B. They shall obey all State, City and Departmental rules, regulations and General Orders as applicable.

6. **CONFLICTING OR ILLEGAL ORDERS:**

- A. *Appointees* who are given an otherwise proper order, but which conflicts with a previous order, rule, regulation or directive, shall inform the supervisor issuing the order of the conflict. If the issuing supervisor does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. *Appointees* shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
- B. They 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, they shall request the issuing member to clarify or

to confer with higher authority.

7. **INSUBORDINATION:**

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

8. **UNASSIGNED:**

9. **COURTESY:**

While in the performance of their duties, *appointees* shall be courteous to the public and other appointees of the office. They 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 in the face of extreme provocation. While in the performance of their duties, they shall not use abusive language or gestures and shall not express any prejudice concerning race, religion, politics, national origin, life style or any similar personal characteristics.

10. **TREATMENT OF PERSONS IN PERFORMANCE OF DUTY:**

*Appointees* shall not mistreat persons in the performance of their duty. They shall handle persons in accordance with the law and Sheriff's Office procedures.

11. **NEGLECT OF DUTY:**

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

12. **SLEEPING ON DUTY:**

*Appointees* shall remain awake and alert while 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. *Deputies/Appointees while* on duty shall wear only complete uniforms or be



dressed in accordance with established Sheriff's Office policy.

- B. Except when acting under proper and specific orders from a supervisor, deputies/*appointees* on duty shall maintain a neat, well-groomed appearance and shall style their hair according to Sheriff's Office policy.

14. **FAILURE TO ADEQUATELY SECURE AND CARE FOR DEPARTMENT PROPERTY:**

- A. No *appointee* will alter or repair any official equipment including vehicles, uniforms, and weapons unless specifically authorized or in accordance with official procedures.
- B. *Appointees* shall utilize Sheriff's Office equipment only for its intended purpose in accordance with established procedures, and shall not abuse, damage or lose any equipment. All equipment issued to appointees shall be maintained in proper condition.
- C. *Appointees* shall report damage to any equipment according to Sheriff's Office policy and procedure.
- D. Any misuse, abuse or loss of any issued property will result in said property being repaired or replaced at the appointee's personal expense.

15. **SHERIFF'S OFFICE REPORTS:**

*Appointees* shall submit all necessary reports on time and in accordance with established procedures. Reports submitted shall be truthful and complete, and no one shall knowingly enter or cause to be entered any inaccurate, false, or improper information. An appointee who refuses to make a statement to a supervisor or to prepare a required report is subject to discipline, unless the appointee asserts and reasonably believes that they will be implicated in a criminal act thereby. In any such situation, the provision of the Internal Investigation Notice (Garrity Warning) subjects the appointee to discipline for refusal, regardless of the reason.

16. **EMPLOYMENT OUTSIDE THE SHERIFF'S OFFICE:**

*Appointees* may engage in off-duty/extra-duty employment subject to the Extra Duty/Off

Duty Employment Policy.

17. **USE OR POSSESSION OF ALCOHOL, DRUGS, OR STEROIDS:**

- A. *Appointees* while off-duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, obnoxious or offensive behavior which discredits them or the Sheriff's Office, or renders them unfit to report for their regular tour of duty. Additionally, *appointees* while off-duty shall refrain from consuming intoxicating beverages while wearing **any** item of clothing containing VBSO insignia.
- B. *Appointees* shall not consume intoxicating beverages while in uniform or while on duty.
- C. *Appointees* shall not consume intoxicating beverages while serving in a volunteer capacity representing the Sheriff's Office.
- D. *Appointees* 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.
- E. *Appointees* shall not store or bring into any correctional or police facility or vehicle any alcoholic beverages, controlled substances, narcotics or hallucinogens except alcoholic beverages, controlled substances, narcotics or hallucinogens which are held as evidence.
- F. *Appointees* shall not possess or use any controlled substances, narcotics, or hallucinogens except when prescribed by a physician or dentist. When such legal drugs impair performance on duty, *appointees* shall notify their supervisor and follow through with Occupational Health before returning to work. In order to maintain confidentiality, appointees need not disclose to the supervisor the name of the drug or medication. The supervisor shall refer the appointee to Occupational Health for review of the drug and/or medication and appropriate recommendation(s).
- G. *Appointees* shall not possess or use, while on or off duty anabolic steroids, androgenic steroids, human growth hormones, or any controlled substance used or designed to enhance physical development and/or athletic performance, or having the effect of enhancing physical development and/or athletic performance, unless

the possession/use has been prescribed by a physician for treatment of a medical condition, and has been approved by the City physician or his duly authorized designee. Anyone using one or more of the above described substances in accordance with a prescription from a licensed physician shall report said use to his supervisor and follow through with Occupational Health before returning to work. In order to maintain confidentiality, appointees need not disclose to the supervisor the name of the drug or medication. The supervisor shall refer the appointee to Occupational Health for review of the drug and/or medication and appropriate recommendation(s).

18. **FAILURE TO ASSIST ANOTHER DEPUTY, OFFICER OR CITIZEN:**

Deputies shall assist another deputy, officer or citizen in distress.

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 procedures.

20. **REPORT OF INVESTIGATION:**

*Appointees* shall submit within 24 hours a written report if they are, or have knowledge that a member of the Sheriff's Office is under investigation by any law enforcement agency.

21. **TELEPHONE AND ADDRESS INFORMATION:**

*Appointees* shall have a cellular telephone or a landline telephone in their residence, and shall immediately report any change of telephone number or address to their supervisor and to such other persons as may be appropriate.

22. **ABSENT WITHOUT LEAVE:**

*Appointees* shall not be absent from duty without proper authorization. They shall report promptly to their immediate ranking supervisor *any anticipated absence from duty*.

Anticipated absence must be communicated verbally and must be approved by the immediate ranking supervisor within the respective chain of command.

23. **REPORTING FOR DUTY OR COURT:**

*Appointees* 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. They shall also attend court as required or stipulated.

24. **LEAVING DUTY POST:**

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

25. **PUBLIC STATEMENT AND APPEARANCES:**

A. *Appointees* shall not publicly criticize or ridicule the Sheriff's Office, 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.

B. They 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 Sheriff's Office while implying that they represent the Sheriff's Office in such matters without proper authority.

26. **USE OF OFFICIAL VEHICLES:**

*Appointees* shall not permit any person not on official business to ride in an official vehicle unless specifically authorized.

27. **OPERATING VEHICLES:**

*Appointees* shall operate official vehicles in a careful and prudent manner, and obey all laws and all orders pertaining to such operation. Loss or suspension of any driving

license shall be reported to his immediate supervisor and Sheriff, Undersheriff or Chief Deputy within 24 hours of receipt of notification of such loss or suspension. Any arrest for driving under the influence of alcohol or drugs will be immediately reported to a supervisor even if the offense occurred off duty.

28. **USE OF WEAPONS:**

- A. Deputies shall not unlawfully or unnecessarily use or display a weapon.
- B. Whenever a firearm or any weapon whatsoever is used by anyone in the performance of his duty, he shall immediately make an oral report to his supervisor, to the Sheriff via the Chain-of-Command and follow this with a written detailed report.

29. **PROCESSING PROPERTY AND EVIDENCE:**

Property and evidence which have been discovered, gathered, or received in connection with Sheriff's Office responsibilities shall be processed in accordance with established procedures. *Appointees* shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence.

30. **DISSEMINATION OF INFORMATION:**

*Appointees* shall treat the official business of the Sheriff's Office as confidential. Information regarding official business shall be disseminated only to those for whom it is intended and in accordance with established procedures. They may remove or copy official records or reports, only in accordance with established official procedures, and shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

With the exception of requests made through the Public Information Office and requests for information allowed to be released by policy, all requests made by non-law enforcement personnel for information, records, or photographs pertaining to official Sheriff's Office business shall require the issuance of a subpoena duces tecum and the requested material(s) shall only be released through the Professional Standards Office with the approval of The City/Commonwealth's Attorney Office(s) and, if applicable, Risk Management.

Any *appointee* receiving a subpoena duces tecum shall immediately advise the Professional Standards Office and forward the subpoena to them for action.

31. **OPINIONS CONCERNING COURT FINES AND PENALTIES:**

*Appointees* shall not render an opinion regarding court fines or penalties.

32. **ENDORSEMENT AND REFERRALS:**

*Appointees* 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, towing service, bondsman, mortician, etc.). In the case when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, they shall proceed in accordance with established procedures.

33. **ASSOCIATIONS:**

*Appointees* shall avoid regular, personal or continuous associations or dealings with persons under criminal investigation or indictment, or who have a reputation in the community for involvement, past or present, in felonies or criminal behavior, except as necessary in the performance of official duties, or where unavoidable because of personal relationships.

34. **TRUTHFULNESS:**

On any official matter whatsoever, *appointees* shall not knowingly lie, give misleading information, or falsify oral or written communications in any official report, investigation, or in their actions when it is reasonable to expect that the information may be relied upon because of the appointee's affiliation with the Sheriff's Office.

35. **USE OF POLYGRAPH, MEDICAL EXAMINATION, PHOTOGRAPHS, LINEUPS, ALCOHOL AND DRUG TESTS:**

A. Polygraph Examinations: Upon the order of the Sheriff or his designee, *appointees* shall submit to polygraph examinations when the examinations are

specifically directed and narrowly related to a particular internal investigation being conducted by the Sheriff's Office, or a citizen's complaint.

- B. Medical Examinations, Photographs and Lineup: Upon the order of the Sheriff or his designee, *appointees* 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 Sheriff's Office.
- C. Alcohol and/or Drugs Tests: An *appointee* 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 Section 17, Use or Possession of Alcohol, Drugs or Steroids, will submit to the appropriate tests to determine their fitness for duty, when ordered by his immediate supervisor. The *appointee's* immediate supervisor will ensure that the testing is accomplished.

36. **FINANCIAL DISCLOSURE:**

Upon the order of the Sheriff or his designee, *appointees* shall submit financial disclosure statements in accordance with official procedures in connection with a complaint in which this information is material to the investigation. These statements shall be maintained by the Sheriff and shall not be available to the public.

37. **INTERVENTION:**

- A. *Appointees* shall not interfere with cases being handled by other members of the Sheriff's Office or by any other governmental agency unless:
  - (1) ordered to intervene by the Sheriff or his designee; or
  - (2) the intervening member believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action. In addition, they shall immediately notify their supervisor and follow up with a memorandum.
- B. *Sworn appointees* 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 action.

- C. Except as specifically authorized by the Sheriff or his designee, no *appointee* shall investigate or take part in any investigation of another person or Virginia Beach Sheriff's Office *appointee*.

38. **IDENTIFICATION:**

- B. *Sworn appointees* 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.
- C. All appointees shall furnish their name and display their badge and/or ID card 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 official duties or is authorized by proper authority.

39. **FICTITIOUS ILLNESS OR INJURY REPORTS:**

*Appointees* 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 concerning the condition of their health.

40. **MEALS:**

*Appointees* shall be permitted to suspend duties or other assigned activity, subject to immediate recall 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 established by official procedure.

41. **ARREST, SEARCH AND SEIZURE:**

*Sworn appointees* shall not make an arrest, search or seizure which they know, or should know, is not in accordance with law or Sheriff's Office procedures.

42. **USE OF PHYSICAL FORCE:**

The use of physical force shall be prohibited except to the extent reasonably necessary



to accomplish a valid Sheriff's Office objective. In situations where the force used by a deputy appears to be excessive, the deputy 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 Professional Standards and Accountability Office.

43. **USE OF TOBACCO:**

- A. *Sworn Appointees* are not allowed to use tobacco while on duty. This includes extra duty employment where sworn appointees are working in the capacity of a deputy sheriff. All deputies shall not smoke or otherwise use tobacco products while in formation or while otherwise in contact with the public or while performing their duties.
- B. As a condition of appointment, sworn appointees will abide with the conditions set forth in the smoking waiver signed at the date of appointment.
- C. *Non-sworn civilian appointees* are not allowed to smoke or use tobacco products while on duty, inside a City building.
- D. Smoking is prohibited in all Sheriff's Office vehicles.

44. **GIFTS, GRATUITIES, BRIBES, OR REWARDS:**

*Appointees* shall not solicit or accept from any person, business, or organization any gift ( including money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment ) for the benefit of the appointee or the Sheriff's Office, 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 nonperformance of an official duty.

45. **FRATERNIZATION:**

Any *appointee* involved in an intimate, dating or familial relationship with a superior or subordinate within their chain of command or should such circumstances develop due to a transfer or promotion shall immediately disclose the relevant circumstances to the sheriff. The responsibility for notification rests equally with both appointees.

46. **CELLULAR TELEPHONES, TABLETS, PDA's:**

The use of a personal cellular telephone, tablet or PDA for incoming or outgoing personal messages in either voice or data transmission will be restricted to break periods. These devices will not be carried while making rounds or performing other duties. Engaging in multiple or extended conversations on a personal cellular telephone or other device is prohibited. *Appointees* shall not make the use of their cellular telephone available to inmates. The use of a cellular telephone, tablet or PDA that has photographic capability will not be used to take photographs of inmates, victims, or of the interior of the Correctional Center.

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 the Sheriff's Office 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, disciplined, searched, or property seized.

The Sheriff reserves the right to initiate, implement, and redefine new and existing policies, job requirements, and rules of conduct for every appointee of the Sheriff's Office. Failure to address or define a particular issue, rule, or requirement, either orally or in writing, does not in any way negate the Sheriff's right or authority to enforce these and all other rules and regulations in whole or in part or to discipline those who violate them.



Kenneth W. Stolle  
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