

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Falls Church Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Falls Church Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administrative Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy may include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administrative Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks (Va. Code § 15.2-1705; Va. Code § 15.2-1503.1; Va. Code § 15.2-1505.1; Va. Code § 19.2-389)
- (h) Polygraph (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment) (Va. Code § 15.2-1705)
- (j) Review board or selection committee assessment

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Falls Church Police Department.

1000.5.1 STATE NOTICES

If required, the Department shall notify the candidate of the information appearing in his/her criminal history record if the information is a basis for an adverse employment determination (Va. Code § 15.2-1503.1).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

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1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administrative Division Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Va. Code § 40.1-28.7:5).

The Administrative Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administrative Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.5 ADDITIONAL REQUIREMENTS

The Department shall not request, require, solicit, or administer a genetic test to any applicant as a condition of employment (Va. Code § 40.1-28.7:1).

For all candidates previously employed as an officer by a law enforcement agency or jail, the Department shall request from any such agencies information related to prior arrests, prosecutions, criminal conduct, excessive use of force, official misconduct, civil suits, or adverse employment actions as required by Va. Code § 15.2-1705, and no candidate may begin employment as an officer prior to the department's receipt of that information (Va. Code § 15.2-1705). The Department shall request that the candidate complete a waiver or release authorizing the request for this information (Va. Code § 15.2-1705).

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1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following (Va. Code § 15.2-1505.1):

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet minimum standards established by Virginia law, including those required in Va. Code § 15.2-1705:

- (a) Be a citizen of the United States
- (b) Pass a background investigation including fingerprint-based criminal history records inquiries to both the Central Criminal Records Exchange and the Federal Bureau of Investigation
- (c) Possess a high school education or have passed a high school equivalency examination approved by the Board of Education
- (d) Possess a valid driver's license if required by the duties of office to operate a motor vehicle

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- (e) Pass a physical examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed physician
- (f) Be at least 21 years of age
- (g) Not have been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth
- (h) Not have produced a positive result on a pre-employment drug screening, if such screening is required by the Department, where the positive result cannot be explained to the Chief of Police's satisfaction
- (i) Not have been convicted of or pled guilty or no contest to:
 - 1. Any misdemeanor involving moral turpitude, including but not limited to petit larceny under Va. Code § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth
 - 2. Any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under Va. Code § 18.2-67.4 or consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of Va. Code § 18.2-371
 - 3. Domestic assault under Va. Code § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United States

The Chief of Police maintains the right to request a waiver and establish department requirements for certain positions when such requirements are determined to be necessary to perform the duties of the position.

1000.8 PROBATIONARY PERIODS

The Administrative Division Commander should coordinate with the Falls Church Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Promotions

1001.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions within the Falls Church Police Department.

1001.2 POLICY

The Falls Church Police Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1001.3 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any announced promotional process will be made available to all Police Department personnel when applicable.

1001.3.1 CHIEF OF POLICE RESPONSIBILITIES

- (a) The Chief of Police is the authority governing all phases of the promotional process.
- (b) The Chief of Police or designee will determine the skills, knowledge and abilities required for each position.
- (c) At the completion of the promotional process, the final decision for the selection of a candidate for promotion will rest with the Chief of Police.
- (d) The Chief of Police will initiate promotional processes on an as needed basis.

1001.4 ELIGIBILITY REQUIREMENTS

Work experience eligibility requirements by rank:

- (a) Sergeants – Officers holding the rank of PFC in this department.
- (b) Lieutenant – Sergeants that have completed one year probationary period as a Sergeant.
- (c) Captain – Appointed position by the Chief of Police. Lieutenant to have completed one year probationary period as a Lieutenant.
- (d) All individuals promoted to the rank of Sergeant will begin and complete their probationary year in the Uniform Patrol division. Other responsibilities may be assigned only at the discretion of the Chief of Police.
- (e) All individuals promoted to the rank of Lieutenant will be assigned at the discretion of the Chief of Police.
- (f) All individuals appointed to the rank of Captain will be assigned responsibilities at the discretion of the Chief of Police.
- (g) Experience eligibility requirements for promotion may be modified by the Chief of Police at the time of testing if it is deemed necessary because of the lack of personnel available for the process.

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1001.5 ELIGIBILITY LISTS

- (a) An eligibility list will be compiled at the completion of the promotional process. The list will rank all competing personnel in the order of their performance in the process.
- (b) Criteria and procedures for the use of eligibility lists include:
 - 1. The duration of an established list shall be up to two years from the date that the list is published as determined by the Chief of Police. Prior to the date the list expires, the Chief of Police, in writing, may announce an extension of the list up to an additional six months for the purpose of completing a new promotion standing list. Should the list become totally exhausted with no remaining candidates on the list, the promotional process shall be commenced again to generate a new promotional standing eligibility list.
 - 2. The system for selecting names from an established list shall consist of a review of the top five candidates by the Chief of Police and the appointment of one individual from the five candidates. If more than five candidates are on an eligibility list, candidates will move up in the order as appointments are made.

1001.6 CANDIDATE EVALUATION

Evaluating the promotional potential of candidates should encompass:

- (a) An evaluation of past performance to date.
- (b) Specific job knowledge and education possessed by the candidate related to the function.
- (c) Past ability by the candidate in decision making, problem analysis, and follow-up in assignments.
- (d) The composure, self-control, leadership, interpersonal sensitivity, dependability, and other job-related attributes possessed by the candidate.
- (e) A review of the candidate's disciplinary record.
 - 1. Any candidate who has received discipline greater than a written reprimand within the 12-month period prior to their consideration for promotion shall not be eligible for promotion.
 - 2. Any candidate who has received two or more written reprimands within the 12-month period prior to their consideration for promotion shall not be eligible for promotion.

1001.7 REVIEW AND APPEAL BY PARTICIPANTS

- (a) Providing that requests are submitted in writing to the Chief of Police within ten business days following written notification of the examination results, all personnel participating in a promotional process may:
 - 1. Review and request a reevaluation of their written examinations (e.g., multiple choice or short answer tests), which shall include a review of the question itself, the answer choices, the correct answer and the source material.

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2. Request an explanation of their ratings in any performance- based examination (e.g., practical examinations or assessment centers). Candidates shall be provided information on how the test was graded and how scores were determined. Reevaluation of performance-based examination scores shall not be allowed.
- (b) In all cases, such reviews shall be coordinated by the designated promotion process coordinator under the direction of the Chief of Police.
- (c) Any participant may, after following these procedures, utilize the City Grievance Procedures in Chapter 25, Article III of the City Code, to the extent permitted within that policy.
- (d) A member who resigns, retires or otherwise permanently separates from the Department is permanently removed from the current promotional standing list.

1001.8 PROBATIONARY PERIOD

- (a) The final stage of the process shall be a six months probationary period. No exceptions are permitted.
- (b) During the probationary period, newly promoted personnel will be closely observed and their performance will be critically evaluated by their assigned supervisor six months from their date of promotion using the standard Department evaluation material. These evaluations will be conducted in addition to the employee's yearly performance evaluations.

1001.9 TEMPORARY PROMOTIONS OR ACTING SUPERVISORY ASSIGNMENTS

- (a) Temporary promotions may occur without a Department promotional process at the discretion of the Chief of Police or their designee.
- (b) Individuals receiving a temporary promotional appointment to any rank shall be selected by the Chief of Police or designee and shall not be open to review, appeal or grievance. Likewise, individuals temporarily promoted to a rank may be removed from the promotion by the Chief of Police or designee and shall not be open to review, appeal or grievance.
- (c) The number of established rank positions within the Police Department shall have no bearing on the decision to make a temporary promotion. The decision will be based solely on the needs of the Department.
- (d) Individuals receiving a temporary promotion shall immediately possess the authority and responsibility of the rank of the promotion.
- (e) Temporary promotions shall only remain in effect as long as deemed necessary by the Chief of Police or designee.
- (f) Compensation (salary and benefits) for the temporary promoted position shall follow normal Department of Human Resources processes.

Anti-Retaliation

1002.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance or City rule or policy.

1002.2 POLICY

The Falls Church Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1002.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1002.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1002.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1002.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff should treat all complaints as serious matters and shall ensure that prompt actions take place including, but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1002.7 WHISTLE-BLOWING

State law protects:

- (a) Members from retaliation for the reporting or intended reporting of violations of law or of the misuse, destruction, waste, or loss of public funds or resources (Va. Code § 2.2-3010.1; Va. Code § 2.2-3011; Va. Code § 40.1-27.3; 1 VAC 42-30-10 et seq.).
- (b) Employees when exercising certain rights to report safety or health issues or to otherwise comment regarding matters of public concern or matters of interest to the community as a whole (Va. Code § 15.2-1512.4; Va. Code § 40.1-51.2:1).
- (c) Employees from retaliation regarding the terms and conditions of employment for (Va. Code § 40.1-27.3):
 1. Providing information or testimony, or participating upon request, in any investigation, hearing, or inquiry by law enforcement or a governmental body.
 2. Refusing to engage in a criminal act that would subject the employee to criminal liability.
 3. Refusing to carry out an order that would result in a violation of law, provided the employee informs the employer of the reason for refusal.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Deputy Chief for investigation pursuant to the Personnel Complaints Policy.

1002.7.1 INFORMATION DISTRIBUTION

The Department shall post notices and take other reasonable measures to make sure employees are informed of the protections and obligations of the Virginia Fraud and Abuse Whistle Blower Protection Act (Va. Code § 2.2-3013).

1002.8 RECORDS RETENTION AND RELEASE

The Administrative Division Commander shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

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1002.9 TRAINING

This policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Arrests, Convictions and Court Orders

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Falls Church Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

1003.2 POLICY

The Falls Church Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1003.3 DOMESTIC OR FAMILY VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Virginia law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Va. Code § 18.2-308.2).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy. Retired officers may be governed under additional guidelines referenced in the Retired Officer Identification Card policy.

1003.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

Virginia law prohibits individuals convicted of or pleading guilty or no contest to a felony and certain misdemeanors from becoming an officer (Va. Code § 15.2-1705).

1003.5 REPORTING

All members shall immediately notify the on-duty Watch Commander (retired officers with identification cards issued by the department should immediately notify the Chief of Police or designee) of any past or current traffic violations, criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

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All members shall immediately notify the on-duty Watch Commander (retired officers with identification cards issued by the department should immediately notify the Chief of Police or designee) if they become the subject of a domestic or family violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable Virginia Department of Criminal Justice Services (DCJS) certification.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retired Officer Identification Card Policy).

1003.5.1 NOTIFICATION REQUIREMENTS

The Administrative Division Commander shall submit, in writing, the proper notice to the DCJS within 48 hours of becoming aware that an officer has (Va. Code § 15.2-1707):

- (a) Failed to maintain the mandatory training requirements.
- (b) Been convicted of a criminal offense that would require reporting.
- (c) Refused to submit to a drug screening or has produced a positive result on a drug screening, where the positive result cannot be explained to the Administrative Division Commander's satisfaction.
- (d) Resigned or been terminated in advance of:
 1. Being convicted of an offense that would require reporting.
 2. A pending drug screening.
- (e) Resigned or been terminated under any other circumstances that require reporting.

Drug- and Alcohol-Free Workplace

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1004.2 POLICY

It is the policy of the Falls Church Police Department to provide a drug- and alcohol-free workplace for all members.

1004.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed any amount of an alcoholic beverage, drugs, or taken any medication, or any combination thereof, that would adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see the Work Restrictions section in this policy).

Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on- duty status.

1004.3.1 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action (Va. Code § 40.1-27.4).

1004.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty member is impaired due to drug or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1004.5 EMPLOYEE ASSISTANCE PROGRAM

The City of Falls Church provides the availability of an EAP to all employees who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1004.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before returning to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall attempt to take appropriate measures to ensure the safety of the employee.

1004.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of his/her duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of his/her duties and becomes involved in an incident that results in bodily injury, death or substantial damage to property.

1004.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1004.7.2 DISCIPLINE

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1004.7.3 SAMPLE COLLECTION AND TESTING

Any blood or urine sample collected will be divided into two samples and the second sample will be preserved and made available should the employee wish to obtain subsequent independent analysis. An employee may request a subsequent test using the second sample by notifying the Chief of Police in writing within 10 days of receiving notice of a positive test. In this event, the disciplinary action may be suspended until the confirmation test results are obtained (Va. Code § 9.1-501). The employee shall pay all costs of the confirmation test unless the confirmation test reverses the findings of the positive test.

Subsequent testing by the employee should follow the general standards as would apply to the testing standards used in a driving under the influence (DUI) investigation set forth in Va. Code § 18.2-268.1 through Va. Code § 18.2-268.12 (Va. Code § 9.1-501).

1004.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1004.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Communicable Diseases

1005.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1005.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (i.e., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Falls Church Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1005.2 POLICY

The Falls Church Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

Nothing in this General Order shall preclude members from adhering to Falls Church City Administrative Regulation 8-31-0-0, Exposure Control Plan.

1005.3 SAFETY OFFICER

The Chief of Police will assign a person as the Safety Officer (SO). The SO shall develop an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures (6 VAC 15-40-393).
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (i.e., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:

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1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
2. Exposure control mandates for bloodborne pathogens in 29 CFR 1910.1030 (Va. Code § 40.1-51.1; 16 VAC 25-90-1910).
3. Reporting any outbreak of a recordable disease, as identified by the State Board of Health, to the local health director or State Health Commissioner (Va. Code § 32.1-37).
4. Notifying emergency medical services personnel and/or an infection control officer of a receiving facility when a person who is in the custody of this department is known to have a communicable disease or is subject to a quarantine order prior to being transferred for medical treatment (Va. Code § 32.1-116.3).
5. Establishing procedures for the safe handling, storage and use of sharps by members (6 VAC 15-40-395).

The SO should also act as the liaison with the Virginia Occupational Safety and Health (VOSH) Program and may request voluntary compliance inspections. The SO should annually review and update the exposure control plan and review implementation of the plan.

1005.4 EXPOSURE PREVENTION AND MITIGATION

1005.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; 16 VAC 25-90-1910):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area of department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.

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1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1005.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030; 16 VAC 25-90-1910).

1005.5 POST EXPOSURE

1005.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall (29 CFR 1910.1030; 16 VAC 25-90-1910):

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

1005.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; 16 VAC 25-90-1910):

- (a) Name of the member exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

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The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Disease, Injury and Death Reporting and Illness and Injury Prevention policies).

1005.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The SO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030; 16 VAC 25-90-1910):

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the SO.

1005.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; 16 VAC 25-90-1910).

1005.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the SO. If the SO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Seeking testing of the source if the member is exposed to bodily fluids that may transmit HIV or HBV or hepatitis C (Va. Code § 32.1-45.1; Va. Code § 32.1-45.2).

Since there is the potential for overlap between the different manners in which source testing may occur, the SO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The SO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1005.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files within the Human Resources Department, and shall not be disclosed to anyone without the member's written consent (except as required

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by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1005.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; 16 VAC 25-90-1910):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1006.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Falls Church Police Department facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1006.2 POLICY

The Falls Church Police Department recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy.

1006.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by sworn members is prohibited.

Personnel Complaints

1007.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Falls Church Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation (Va. Code § 9.1-506).

1007.2 POLICY

The Falls Church Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department shall accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law and municipal and county rules.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

Department administrative investigations process and procedure are available to all personnel.

1007.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if sustained, would constitute a violation of department policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if sustained, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

The Deputy Chief is responsible for internal affairs and personnel complaints investigations.

1007.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the appropriate supervisor is satisfied that action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Deputy Chief, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or

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the Deputy Chief, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1007.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
 - 1. Upon request and as practicable, assistance shall be provided to an individual filing a written complaint (Va. Code § 9.1-600).
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1007.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1007.4.1 COMPLAINT FORMS

Personnel complaint forms shall be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities (Va. Code § 9.1-600).

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1007.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints shall be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1007.5 DOCUMENTATION

The Department shall ensure that all formal and informal complaints are documented on a complaint form and that the nature of the complaint is defined as clearly as possible. The Department shall process and conduct appropriate investigations of all complaints

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against the Department or its members, regardless of the source in order to maintain the integrity of the Department.

All complaints and inquiries shall be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the dispositions. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1007.6 DEPUTY CHIEF

The responsibilities of the Deputy Chief include, but are not limited to:

- (a) The coordination of all administrative investigations.
- (b) The conducting of/or assigning administrative investigations.
- (c) Serving as the repository for all active administrative investigation files.
- (d) Assuring the timely completion of administrative investigations.
- (e) Assuring compliance with the administrative investigation process.
- (f) Classifying complaints.
- (g) Maintaining the confidentiality of investigations assigned to the unit.

1007.7 INTERNAL AFFAIRS INVESTIGATIONS

The procedures relating to internal affairs investigations shall be disseminated to all members. Allegations of misconduct will be internally investigated as follows.

1007.7.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant

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is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.

- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Watch Commander for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1007.7.2 INTERNAL AFFAIRS INVESTIGATION PROCEDURES

Internal affairs investigation procedures are as follows:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Falls Church Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee shall be provided written notice of the nature of the investigation, the employee's rights relative to the investigation and the employee's responsibilities.

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- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
- (g) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (h) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.

1007.7.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1007.7.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

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Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1007.7.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within forty five days from the date of discovery by an individual authorized to initiate an investigation. A request for an extension shall be directed to the Chief of Police.

1007.7.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1007.7.7 NOTICE TO EMPLOYEE OF INVESTIGATION STATUS

The member conducting the investigation should provide the employee who is the subject of the investigation with periodic updates on the status of the investigation, as appropriate.

1007.8 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1007.9 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

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- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift and will report as ordered.

1007.10 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Falls Church Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1007.11 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1007.11.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1007.11.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any

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recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed, and whether remedial training, counseling or other punitive actions are warranted. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally and in writing to the Chief of Police within five days of receiving the notice.
 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response, or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1007.11.3 GRIEVANCE NOTICE

Prior to the imposition of discipline, a member covered by the Law Enforcement Officer's Procedural Guarantee Act (LEOPGA) shall be provided written notice of the right to initiate a grievance under the grievance procedures established by the city. A copy of the grievance procedure shall be provided to the member upon request.

- (a) The member may proceed under the city grievance procedure or LEOPGA, but not both.

1007.11.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1007.12 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.

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- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1007.13 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1007.14 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal using the grievance procedures established by the city (Va. Code § 15.2-1506; Va. Code § 15.2-1507).

In the event of punitive action against a member covered by LEOPGA, the appeal process shall be conducted as provided in Va. Code § 9.1-504 or, if the member elected, using the city grievance procedures.

1007.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy (Va. Code § 9.1-600).

All complaint records and internal affairs investigations shall be considered confidential and secured appropriately. Internal investigation files are the property of the Department and access is restricted to those overseeing the investigation, imposing discipline or administratively processing.

1007.16 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

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In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Chief of Police.

Safety Belts

1008.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards and regulations set forth in 49 CFR 571.213 and Va. Code § 46.2-1095.

1008.2 POLICY

It is the policy of the Falls Church Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1008.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a safety belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1008.3.1 SAFETY RESTRAINT EXEMPTION

Officers must justify any deviation from this requirement. Failure to wear a safety restraint could prevent officers from being covered for injuries during a crash and could face liability while operating a City-owned vehicle. (Va. Code § 46.2-1094)

1008.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with Va. Code § 46.2-1095, Va. Code § 46.2-1096 and Va. Code § 46.2-1100.

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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1008.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by safety belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1008.6 INOPERABLE SAFETY BELTS

Department vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Department vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1008.7 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1008.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Ballistic Vests

1009.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of ballistic vests.

1009.2 POLICY

It is the policy of the Falls Church Police Department to maximize officer safety through the use of ballistic vests in combination with prescribed safety procedures. While ballistic vests provide a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1009.3 ISSUANCE

The Quartermaster shall ensure that ballistic vests are issued to all members and that, when issued, the ballistic vests meet or exceed the standards of the National Institute of Justice.

Ballistic vests shall be issued when an officer begins service at the Falls Church Police Department and shall be replaced when the ballistic vests become worn or damaged to the point that their effectiveness or functionality has been compromised.

The Chief of Police may authorize issuance of ballistic vests to uniformed, non-sworn members whose jobs may make wearing of ballistic vests advisable.

1009.3.1 USE

Generally, the required use of ballistic vests is subject to the following:

- (a) Members shall only wear department-approved ballistic vests.
- (b) Members shall wear ballistic vests any time they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Members shall wear ballistic vests when working in uniform or taking part in department range training.
- (d) Members are not required to wear ballistic vests when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (e) Officers may be excused from wearing ballistic vests when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing ballistic vests, when a supervisor determines that other circumstances make it inappropriate to mandate wearing ballistic vests, or when appearing in court.
 1. In those instances when ballistic vests are not worn, officers should have reasonable access to their ballistic vests.

1009.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that ballistic vests are worn and maintained in accordance with this policy.

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Annual inspections of ballistic vests will be conducted for fit, cleanliness and signs of damage, abuse and wear.

1009.3.3 CARE AND MAINTENANCE

The required care and maintenance of ballistic vests are subject to the following:

- (a) Members are responsible for inspecting their ballistic vests for signs of damage, wear and cleanliness at the start of each shift.
 - 1. Unserviceable ballistic vests shall be reported to the supervisor.
- (b) Members are responsible for the proper storage of their ballistic vests.
 - 1. Ballistic vests should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their ballistic vests pursuant to the manufacturer's care instructions.
 - 1. Ballistic vests should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
 - 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the ballistic vests. If care instructions for the ballistic vests cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Ballistic vests should be replaced in accordance with the manufacturer's recommended replacement schedule, or when their effectiveness or functionality has been compromised.

1009.4 RANGEMASTER RESPONSIBILITIES

The responsibilities of the Rangemaster include, but are not limited to:

- (a) Monitoring technological advances in the ballistic vest industry for any appropriate changes to department-approved ballistic vests.
- (b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved ballistic vests to protect against those threats.
- (c) Educating officers about the safety benefits of wearing ballistic vests.

Personnel Records

1010.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1010.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Virginia (Va. Code § 2.2-3705.1(1)).

1010.3 DEPARTMENT FILES

The department files shall be maintained as a record of a person's employment/appointment with this department. The department files should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (c) Original performance evaluations. These should be permanently maintained.
- (d) Discipline records, including copies of sustained personnel complaints.
- (e) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any member response shall be attached to and retained with the original adverse comment.
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (f) Commendations and awards.
- (g) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1010.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments,

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notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1010.5 TRAINING FILE

An individual training file shall be maintained by the Training Coordinator for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the member's training file.

1010.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Deputy Chief in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Deputy Chief.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Sustained
- (b) Not sustained
- (c) Unfounded
- (d) Exonerated

1010.7 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures (Va. Code § 2.2-3705.1; Va. Code § 2.2-3706).

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

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1010.7.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1010.7.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

The Department should respond to a request from another law enforcement agency or jail for information related to a former officer's prior arrests, prosecutions, criminal conduct, excessive use of force, official misconduct, civil suits, or adverse employment actions, and provide the information required and permitted by law within 14 days (Va. Code § 15.2-1705).

1010.8 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member or former employee may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files (Va. Code § 2.2-3705.1(1); Va. Code § 8.01-413.1).

Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.

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- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for Department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1010.9 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Request for Change of Assignment

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for department members to request a change of assignment in response to an announced vacancy.

1011.2 POLICY

It is the policy of the Falls Church Police Department that all requests for change of assignment be considered in an equitable and nondiscriminatory manner.

1011.3 REQUEST FOR CHANGE OF ASSIGNMENT

Members requesting a change of assignment should submit a request document to the appropriate Division Commander.

The change of assignment request document provides members with the opportunity to list their qualifications for specific assignments. It should include:

- (a) The member's relevant experience, education and training.
- (b) All assignments in which the member is interested.
- (c) Any additional information as required by the assignment announcement.

Commendations and Awards

1012.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Falls Church Police Department and individuals from the community.

1012.2 POLICY

It is the policy of the Falls Church Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1012.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1012.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1012.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

1012.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:

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1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

1012.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administrative secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administrative Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1012.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Medal of Valor.
- Gold Star.
- Purple Heart.
- Gold Cross Life Saving Award.
- Carol A. Hilleary Award.
- Meritorious Public Safety Award.
- Chief of Police Award.
- Division Commander's Award Meritorious Public Safety Civilian Service Award.
- Chief of Police Civilian Award.
- Division Commander's Civilian Award.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

See attachment: [2010-2 Awards and Commendations.pdf](#) for additional details.

Fitness for Duty

1013.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions.

1013.2 POLICY

The Falls Church Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require at no cost to the employee a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

1013.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position. The Department will make available guidelines appropriate for each position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1013.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

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Fitness for Duty

1013.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the Watch Commander or the member's Division Commander.

1013.4.2 DUTY STATUS

In conjunction with the Watch Commander or the member's Division Commander, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the Watch Commander or the member's Division Commander should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1013.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1013.5.1 PROCESS

The Chief of Police, in cooperation with the Department of Human Resources, may order the member to undergo a fitness-for-duty evaluation at no cost to the employee.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

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Fitness for Duty

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Department of Human Resources.

1013.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hours) period
- 30 hours in any two-day (48 hours) period
- 84 hours in any seven-day (168 hours) period

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, outside employment, and any other work assignments.

1013.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

Meal Periods

1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods.

1014.2 POLICY

It is the policy of the Falls Church Police Department to provide meal periods to members of this department.

1014.3 MEAL PERIODS

Officers and emergency communications technicians shall remain on-duty subject to call during meal periods. All other members are not on-call during meal periods unless directed otherwise by a supervisor. Meal breaks outside of the City limits shall be at the discretion and authority of the on-duty supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

Lactation Breaks

1015.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

1015.2 POLICY

It is the policy of the Falls Church Police Department to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her infant nursing child for up to one year after the child's birth (29 USC § 207).

1015.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207; Va. Code § 2.2-3904). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the emergency communications technician or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1015.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Va. Code § 2.2-3904).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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Lactation Breaks

1015.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

Payroll Records

1016.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1016.2 POLICY

The Falls Church Police Department maintains timely and accurate payroll records.

1016.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1016.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records should be completed and submitted to the Administrative Assistant to the Chief of Police or designee in his/her absence.

1016.5 RECORDS

The Chief of Police or authorized designee shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation

1017.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

1017.2 POLICY

The Falls Church Police Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

1017.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1); Va. Code § 9.1-701; Va. Code § 40.1-29.2).

Short periods of overtime worked at the end of the normal duty day (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent shift adjustment within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(k)).

Salary exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

1017.4 REQUESTS FOR OVERTIME COMPENSATION

1017.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Not work in excess of 16 hours, including regularly scheduled work time, overtime and extra-duty time, in any consecutive 24-hour period without Command Staff approval.
- (c) Record the actual time worked in an overtime status using the department-approved form or method. Informal notations on reports, logs or other forms not approved for overtime recording are not acceptable.
- (d) Submit the request for overtime compensation to their supervisors by the end of shift or no later than the next calendar day.

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Overtime Compensation

1017.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of department resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.
- (c) After verifying and approving the overtime, supervisors shall initial/approve worked overtime on the appropriate form.

Supervisors may not authorize or approve their own overtime.

1017.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

1017.5.1 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity, case or court trial, and the amount of time for which overtime compensation is requested varies among the officers, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

1017.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt department operations. Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on department-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

Outside Employment and Off-Duty Employment

1018.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment or off-duty employment.

1018.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by members of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

Off-duty Employment - Law enforcement related duties or services performed by members of this department for a private organization, entity or individual, that are requested and scheduled directly through the Department. Member compensation, benefits and costs for such outside services are determined by the Chief of Police or designee.

1018.2 POLICY

Members of the Falls Church Police Department shall obtain written approval from the Chief of Police or the authorized designee prior to engaging in any outside employment or off-duty employment. Approval of outside employment or off-duty employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or off-duty employment, or engaging in outside employment or off-duty employment that is prohibited by this policy, may lead to disciplinary action.

1018.3 OUTSIDE EMPLOYMENT

1018.3.1 REQUEST AND APPROVAL

Members must submit the designated outside employment request form to his/her immediate supervisors. The request form will then be forwarded through the chain of command to the Chief of Police for consideration.

If approved, the member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form at the start of each calendar year.

1018.3.1 DENIAL

Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

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Outside Employment and Off-Duty Employment

1018.3.2 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 - 1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.
- (b) When a member's conduct or outside employment conflicts with department policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Department or City.

1018.3.3 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief of Police within 10 days of receiving notice of the denial, revocation or suspension.

If the member's appeal is denied, he/she may file a grievance as provided in the Grievances Policy.

1018.4 REQUIREMENTS

1018.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Department reserves the right to deny any request for outside employment that involves:

- (a) The use of department time, facilities, equipment or supplies.
- (b) The use of the Falls Church Police Department badge, uniform or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.
- (e) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the Department (Va. Code § 15.2-1712).

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- (g) Activities which may occasionally require the use of the member's police powers in the performance of such employment that are not authorized by local ordinance (Va. Code § 15.2-1712).

1018.4.2 SECURITY AND LAW ENFORCEMENT OFFICER OUTSIDE EMPLOYMENT

No member of this department may engage in any outside employment as a law enforcement officer, private security guard, private investigator or other similar private security position.

1018.4.3 DEPARTMENT RESOURCES

Members are prohibited from using any department equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using his/her position with this department to gain access to official records or databases of this department or other agencies.

1018.4.4 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief of Police any material changes in outside employment, including any change in the number of hours, type of duties or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

1018.4.5 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief of Police regarding whether such employment should continue.

In the event that the Chief of Police determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include, but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's medical professional advisers.
- (b) The outside employment requires performance of the same or similar physical ability as would be required of an on-duty member.
- (c) The member's failure to make timely notice of his/her intention to the supervisor.

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When the member returns to full duty with the Falls Church Police Department, a written request may be submitted to the Chief of Police to approve the outside employment request.

1018.5 OFF-DUTY EMPLOYMENT

1018.5.1 REQUESTS FOR LAW ENFORCEMENT RELATED SERVICES

Any private organization, entity or individual seeking law enforcement related services (e.g., security, traffic control) from members of this department must submit a written request to the Chief of Police or designee in advance of the desired service. Such law enforcement related services will be assigned, monitored and compensated as determined by the Chief of Police or designee.

- (a) A request for special services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute will not be approved.
- (b) The requester will be required to enter into an agreement that includes indemnification with the Department prior to approval.
- (c) The requester will be required to provide members' compensation, benefits and costs (e.g., city equipment) associated with such outside services.
- (d) Should such a request be approved, any member working off-duty employment shall be subject to the following conditions:
 - 1. The member shall wear the department uniform and carry department identification.
 - 2. The member shall be subject to the rules and regulations of this department.
 - 3. Compensation for such approved off-duty employment shall be determined by the Chief of Police or designee).
- (e) Off-duty employment shall be assigned at the discretion of the Chief of Police or designee and as directed by city rule or policy.

1018.5.2 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in an off-duty employment assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy.

1018.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work off-duty employment in a uniformed or other capacity that could reasonably disclose the officer's law enforcement status.

Work-Related Disease, Injury, and Death Reporting

1019.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries, mental health issues, occupational diseases, and death.

1019.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related injury - An accidental injury, occupational disease, or mental health issue arising out of and in the course of employment with the Falls Church Police Department. An occupational disease does not include an ordinary disease of life to which the general public is exposed outside of the employment with the Falls Church Police Department (Va. Code § 65.2-101; Va. Code § 65.2-107; Va. Code § 65.2-400).

1019.2 POLICY

The Falls Church Police Department will address work-related injuries, occupational diseases and deaths appropriately, and will comply with applicable state workers' compensation requirements (Va. Code § 65.2-100 et seq.).

1019.3 RESPONSIBILITIES

1019.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate, as stated in the City of Falls Church Administrative Regulation 7-2 Worker's Compensation Claim Procedures.

[See attachment: 7-2-0-Workers Comp Claim Procedures.](#)

1019.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational disease should ensure the member receives medical care as appropriate, as stated in the City of Falls Church Administrative Regulation 7-2 Worker's Compensation Claim Procedures.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related City-wide injury- or illness-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

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1019.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Administrative Division Commander to ensure any required Virginia Occupational Safety and Health (VOSH) Program reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1019.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1019.3.5 PEER SUPPORT AND MENTAL HEALTH PROFESSIONALS

The Department should make peer support available for officers whether or not there is a specific incident and should also refer officers seeking services for mental health to an appropriate mental health professional, as required by Va. Code § 65.2-107.

1019.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administrative Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1019.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible. This report shall be forwarded to the Department of Human Resources, the Risk Management Liaison and the City Attorney

1019.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement

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for wages against the person who caused the illness or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1020.1 PURPOSE AND SCOPE

This General Order provides guidelines for the personal appearance of members of the Falls Church Police Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire General Order.

Non-sworn members of the Falls Church Police Department should adhere to the City Administrative Regulations regarding personal appearance standards.

1020.2 POLICY

All members of the Falls Church Police Department will present a neat and clean personal appearance and image to the general public.

1020.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all sworn members. Personnel assigned to investigative duties and other specialized enforcement activities which require any deviation to the below standards, including those in the Investigations Division, may be exempted from the provisions of this General Order upon written approval from the Chief of Police.

Recruit officer grooming standards are subject to the Northern Virginia Criminal Justice Training Academy's written directives. Upon graduation, recruit officers will adhere to this General Order.

Please reference the current [Personal Appearance and Grooming Standards Procedure](#) for complete guidelines.

1020.3.1 GENERAL APPEARANCE

Members of the Department shall be neat and clean in appearance when on duty or otherwise representing the Department.

1020.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. When in uniform, regardless of whether or not a hat is required, hair will be worn in such a manner that it does not fall over the eyebrow or reach the uniform shirt collar. Please reference the current [Personal Grooming and Appearance Procedure](#) for complete guidelines.

1020.3.3 FACIAL HAIR

Facial hair, including mustaches, sideburns, natural beards, and goatees, are permitted within the guidelines set forth in the current [Personal Grooming and Appearance Procedure](#). Under no circumstances shall facial hair interfere with the member's ability to pass fit testing on standard equipment.

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1020.3.4 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. Please reference the current [Personal Grooming and Appearance Procedure](#) for complete guidelines.

1020.4 APPEARANCE

1020.4.1 JEWELRY

Jewelry shall present a professional image and may not create a safety concern for the member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed. Please reference the current [Personal Grooming and Appearance Procedure](#) for complete guidelines.

1020.4.2 BODY ART

Personnel shall not have decorative body art on the head, face, mouth, eyes, scalp, neck, or hands. Body art on other areas visible when in uniform or while wearing business attire must be covered if the body art displays images or words that undermine the trust of the community in the department or detract from its professionalism.

Approval to display body art will be assessed on a case-by-case basis by the Chief of Police or designee. Members seeking to display body art shall submit a memorandum and a photograph of the body art to the Chief of Police through their immediate supervisor.

Please reference the current [Personal Grooming and Appearance Procedure](#) for complete guidelines.

1020.4.3 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Falls Church Police Department in any official capacity. Please reference the current [Personal Grooming and Appearance Procedure](#) for complete guidelines.

1020.4.4 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Falls Church Police Department in any official capacity.

1020.4.5 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion and other items used for body fragrance shall be kept to a minimum.

1020.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling

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security or safety reason and denying the request is the least restrictive means available to ensure security or safety.

Those who request to wear headscarves, simple head coverings, certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

The Chief of Police shall consider accommodations to these grooming standards for medical or religious reasons on a case-by-case basis. A member seeking approval of such an accommodation shall submit a request for an accommodation through their immediate supervisor to the Chief of Police. The Chief of Police will approve the request once the following criteria is established:

- (a) there is a bona fide religious or medical need for such accommodation;
- (b) the requested accommodation is consistent with standards of a neat and professional appearance, and;
- (c) the accommodation will not affect the member's ability to fully perform their job.

Uniforms and Civilian Attire

1021.1 PURPOSE AND SCOPE

This General Order provides guidelines for wearing Falls Church Police Department-authorized uniforms. It is established to ensure that sworn uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms.

Detailed guidance for wearing uniforms can be found in the current [Wearing of Uniform procedure](#).

Other related topics are addressed in the Badges, Patches and Identification, Department-Owned and Personal Property, and Personal Appearance Standards General Orders.

Non-sworn department members should wear Department-issued uniform components under the advisement of their Division Commander, and should otherwise adhere to City Administrative Regulations for appropriate attire.

1021.2 POLICY

The Falls Church Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency as determined by the Chief of Police or the authorized designee. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

1021.3 UNIFORMS

The Chief of Police or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy and in compliance with Va. Code § 19.2-78 and Va. Code § 46.2-102.

The following shall apply to those assigned to wear department-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed. Uniforms that are stained, frayed, ripped, faded or become soiled while on duty shall be replaced immediately.
- (b) Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Uniforms shall be worn in compliance with any applicable department specifications and under the guidelines defined in the [Wearing of Uniform procedure](#).
- (d) Members shall wear only the uniforms specified for their ranks and assignments.
- (e) Civilian attire shall not be worn in combination with any distinguishable part of a uniform.

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- (f) Certain accessories, such as sunglasses, gloves, or jewelry, may be worn when in accordance with the current Wearing of Uniform and Personal Grooming and Appearance procedures.
- (g) Uniforms are only to be worn while on-duty, for court, at official department functions or events, while in transit to or from work, or when authorized by the Chief of Police or the authorized designee.
- (h) Members are not to purchase or drink alcoholic beverages while wearing any part of department-issued uniforms, including the uniform pants.
- (i) All supervisors will perform periodic inspections of members under their commands to ensure conformance to this General Order.

1021.4 BADGE, RANK INSIGNIA, AND SERVICE STRIPES

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Chief of Police. For further specifications on each item, please refer to the current [Wearing of Uniform procedure](#).

- (a) Shoulder Badge or Patch - An officer's metal badge, cloth badge, an embroidered badge, or a sewn badge patch shall, at all times, be affixed to the officer's outer-most garment.
 - 1. Uniformed members shall wear a mourning band across the department badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief of Police.
- (b) Rank insignia - Rank designations indicating the member's rank shall be worn on the collar of the uniform shirt and on the epaulets of the winter jacket and dress blouse.
- (c) Supervisory insignia - The ranks of supervisory officers shall be displayed with stripes on the sleeves of dress blouses.
- (d) Service insignia - The wearing of service stripes (or hash marks) is at each officer's discretion. Each service stripe represents four years of completed service with the City of Falls Church Police Department as a sworn employee.
- (e) Nameplate - The regulation nameplate shall be worn at all times while in uniform.
- (f) Assignment insignias - Assignment insignias (e.g., Special Weapons and Tactics Team SWAT, Field Training Officer (FTO)) may be worn as designated by the Chief of Police.
- (g) American flag pin - An American flag pin may be worn, centered above the nameplate.
- (h) Award/commendation insignia - Insignia representing an award or commendation received under the Commendations and Awards Policy, or other recognition authorized by the Chief of Police, may be worn, centered above the nameplate. If more than one award is worn, or an American flag pin is worn, the insignia shall be equally spaced in one or two horizontal rows centered above the nameplate in a manner that provides a balanced appearance.
- (i) Additional insignia - The following additional insignia may be worn as designated or authorized by the Chief of Police:

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1. Assignment insignia (e.g. Special Weapons and Tactics Team)
2. Award/commendation insignia
3. Firearm insignia (e.g. Firearm Qualification or Firearm Instructor)
4. Crisis Intervention Team pins
5. Other City pins

1021.5 UNIFORM CLASSES

The Chief of Police or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized. Specific guidelines for the components of each uniform class will be listed in the current [Wearing of Uniform procedure](#).

Uniforms are classified as follows:

- (a) Dress Uniform - Full dress uniform to be worn by designated department members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Chief of Police or the authorized designee.
- (b) Class A - Designated duty uniform for court.
- (c) Class B - Standard issue uniform to be worn daily by designated members.
- (d) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions such as K-9 or bicycle patrol.

1021.6 SWORN PERSONNEL CIVILIAN DRESS CODE

There are assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

- (a) Sworn Personnel: If duty position authorizes civilian dress, clothing worn in the workplace shall be clean, neat in appearance, properly fitting, and must be appropriate for professional contact with the public. Battle dress uniform (BDU) trousers and polo type shirts may be worn during day shift for special assignments.
- (b) Detectives: Detectives will receive a clothing allowance within the first year they are assigned to the Criminal Investigations Division and will be paid annually upon completion of the first year in CID.

1021.7 DUTY GEAR

Only duty gear or equipment which is issued by the Department is authorized for wear on duty. All duty gear (except for Department issued handcuffs) shall be black in color, neat, clean, and always conveys professional appearance to the public.

Should an officer require an additional piece of duty gear for their specific needs, they shall make the request through the Quartermaster.

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1021.8 OPTIONAL EQUIPMENT

Any items that are allowed by the Falls Church Police Department but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the Department.

Maintenance of optional items shall be the financial responsibility of the purchasing member.

1021.9 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Falls Church Police Department members may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Department members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

Conflict of Interest

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Falls Church Police Department.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived or potential conflict, in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

1022.2 POLICY

Members of the Falls Church Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and department members.

1022.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members:

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from

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entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and the person is off probation.

1022.4 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member) (Va. Code § 2.2-3103).

Whenever any member is placed in circumstances that would require that member to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify their uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the emergency communications technician to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

1022.5 SUPERVISOR RESPONSIBILITIES

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

Badges, Patches and Identification

1023.1 PURPOSE AND SCOPE

The Falls Church Police Department (FCPD) badge, patch and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

1023.2 POLICY

Members of the Department will use the FCPD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally.

1023.3 UNAUTHORIZED USE

The FCPD badge, patch and identification card shall not be displayed or used by any member except when acting in an official or authorized capacity.

Department members shall not:

- (a) Display or use the FCPD badge, patch or identification card for personal gain or benefit.
- (b) Loan the FCPD badge, patch or identification card to others or permit these items to be reproduced or duplicated.
- (c) Use images of the FCPD badge, patch or identification card, or the likeness thereof, or the Falls Church Police Department name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, social networking or websites.

1023.3.1 LOST BADGE OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their FCPD badges or identification cards are lost, damaged or are otherwise removed from their control.

1023.4 BADGES

The Chief of Police shall determine the form of badges authorized for use by department members. No other badges may be used, carried, worn or displayed.

Only badges issued by this department are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief of Police, may purchase at their own expense a second badge or flat badge that can be carried in a wallet.

1023.4.1 RETIREE BADGES

The Chief of Police may establish rules for allowing honorably retired members to keep their badges (one from each rank) in some form upon retirement, for use as private memorabilia.

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1023.4.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the FCPD badge shall not be used for any purpose without the express authorization of the Chief of Police.

1023.5 CREDENTIALS

All sworn members will be issued an official FCPD identification card bearing the member's name, full-face photograph, badge number, member's signature and signature of the Chief of Police or the official seal of the Department. All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

- (a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their Division Commanders.

1023.6 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department and should contain identifying information including, but not limited to, the member's name, division, and contact information (e.g., telephone number, email address).

Members should provide a business card upon request.

Temporary Modified-Duty Assignments

1024.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or policy. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1024.2 POLICY

Subject to operational considerations, the Falls Church Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period. This practice shall comply with all applicable City Administrative Regulations.

1024.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Virginians with Disabilities Act shall be treated equally, without regard to any preference for a work-related injury.

No position in the Falls Church Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

The Chief of Police may terminate modified-duty assignments at any time.

1024.3.1 ASSIGNMENT GUIDELINES

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their law enforcement officer powers.

Depending on the assignment, Division Commanders may approve the use of a police vehicle by a member on a temporary modified-duty assignment. If available, an unmarked vehicle may be

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assigned. When operating a police vehicle, these sworn members are still expected to stop and render aid to the public within the scope of the member's medical restrictions.

Any sworn member operating a police vehicle while on temporary modified-duty assignment shall not engage or participate in any pursuit.

Any sworn member on temporary modified-duty status is not prohibited from taking enforcement action where failing to act might result in death or serious bodily injury. The member must weigh the seriousness of the situation against their limited physical capabilities.

1024.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request through their chain of command to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate. If the request is approved, the employee will be notified of their assignment by the office of the Chief of Police or designee.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Division Commander, with notice to the Chief of Police.

1024.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the appropriate Division Commander.

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1024.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

1024.5.2 SUPERVISORY RESPONSIBILITIES

While on temporary modified duty, the employee's immediate supervisor shall be the Services Division Commander or designee, who's responsible to monitor and manage the work schedule of those assigned to temporary modified duty.

Supervisory responsibilities shall include, but are not limited to:

- (a) Periodically evaluating the status and performance of employees assigned to temporary modified duty.
- (b) Ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.
- (d) Maintaining time sheets and ensuring all required leave slips are completed in a timely manner.

1024.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide written certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations. These certifications shall be forwarded through the chain of command to the Human Resources Division and the Chief of Police for review prior to the member returning to work.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1024.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled

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employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1024.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1024.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1024.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Speech, Expression and Social Networking

1025.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Falls Church Police Department.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech and use of all Internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1025.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Falls Church Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1025.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Falls Church Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.
- Otherwise disclosing where another officer can be located off-duty.

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1025.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the safety, performance and public-trust needs of the Falls Church Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorifies or endorses dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Falls Church Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
 - 1. Exceptions may be made for portraits, photographs, or recordings taken during Department-sanctioned, official ceremonies such as graduations, promotional ceremonies, Honor Guard appearances, etc.
- (h) Using agency titles, logos, emblems, uniforms, and other materials to create business cards, letterhead, or similar material.

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- (i) Use of the member's official title or position in private correspondence, whether electronic or hard-copied. This includes, but is not limited to, signature lines in a personal email account.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1025.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens, members may not represent the Falls Church Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video or public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Falls Church Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502; Va. Code § 15.2-1512.2).

1025.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, and other social media platforms) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1025.6 CONSIDERATIONS

The Posting, transmitting or disseminating of any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Falls Church Police Department on any personal or social networking or other website or web page, should be undertaken with due care

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and in consideration of the department's reputation, as well as the Law Enforcement Code of Ethics. Such posts are subject to audit by the Chief of Police or designee.

In determining whether any speech, expression, or conduct is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1025.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.

Line-of-Duty Deaths

1026.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Falls Church Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1026.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1026.2 POLICY

It is the policy of the Falls Church Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1026.3 INITIAL ACTIONS

- (a) Upon learning of a line-of-duty death, the on-duty supervisor shall provide emergency notification to the Command Staff and the Emergency Communications Center with all reasonably available information
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Falls Church City Office of Communications section of this policy).
- (b) The on-duty supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the officer shall respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1026.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present. The members should also ensure that survivors are unable to hear radio transmissions during the survivor transport.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

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- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Falls Church Police Department members may be apprised that survivor notifications are complete.

1026.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1026.5 NOTIFYING DEPARTMENT MEMBERS

The Chief of Police or authorized designee is responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio. Under no circumstances will any notification concerning the incident be made by any member of the department without the express authorization of the Chief of Police or authorized designee.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the

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incident. Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1026.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments. Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1026.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Coordinating all official law enforcement notifications and arrangements.
- (e) Making necessary contacts for authorization to display flags at half-mast.
- (f) Ensuring that department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

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- (g) Coordinating security checks of the member's residence as necessary and reasonable.
- (h) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1026.6.2 HOSPITAL LIAISON

The Hospital Liaison will secure mutual aid assistance at the hospital immediately from the appropriate jurisdiction.

The Hospital Liaison should work with hospital personnel to:

- (a) Secure all personal effects of the involved member and potential evidence as related to the incident.
- (b) Arrange for appropriate and separate waiting areas for:
 1. The survivors and others whose presence is requested by the survivors.
 2. Department members and friends of the deceased member.
 3. Media personnel.
- (c) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Falls Church Police Department members (except for members who may be guarding the suspect).
- (d) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (g) If applicable, in coordination with Criminal Investigators, explain to the survivors why an autopsy may be needed.
- (h) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

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1026.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors. The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

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- (h) Coordinating with the department's Falls Church City Office of Communications (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Falls Church City Office of Communications section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1026.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

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- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1026.6.5 FUNERAL HOME LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (b) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (c) Completing funeral notification to other law enforcement agencies.
- (d) Coordinating the funeral activities of the Department, including, but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler
 - 3. Uniform for burial
 - 4. Flag presentation
 - 5. Last radio call
- (e) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (f) Assigning an officer to remain at the family home during the viewing and funeral.
- (g) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1026.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

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- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Falls Church Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1026.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Work-Related Disease, Injury and Death Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Educational Assistance (PSOEA) Program.
 - 2. Social Security Administration.
 - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Surviving spouse and children benefit (Va. Code § 51.1-815).
 - 2. Virginia Line of Duty Act (Va. Code § 9.1-400 et seq.). Information about the benefits available under this Act should be provided to the survivors within 10 days.
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

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- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1026.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1026.7 FALLS CHURCH CITY OFFICE OF COMMUNICATIONS

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

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- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1026.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain are in the Chaplains Policy.

1026.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1026.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1026.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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1026.12 TRAINING

The Training Coordinator should ensure that members are provided training on line-of-duty death benefits within 30 days of employment and every two years thereafter (Va. Code § 9.1-407).