



Virginia Beach Department of Emergency Medical Services



CAAS # 103.01.01

Index #

**Administration**

**CRIMINAL ACTIVITY and TRAFFIC OFFENSE REPORTING POLICY**

**PURPOSE:** The purpose of this policy is to ensure that any alleged criminal activity or traffic offenses are reported.

**APPLICABILITY:** This policy shall apply to all members of the Department of Emergency Medical Services.

**POLICY STATEMENT:** All members of the Department of Emergency Medical Services shall follow the City of Virginia Beach Human Resources Policy 6.02A (Attached) and shall report any and all alleged criminal offenses, including specific traffic violations, to the City of Virginia Beach, Department of EMS.

**PROCEDURES:** All members of the Department are required to notify both their supervisor and the Division Chief of Administration within 24 hours upon being served, arrested or cited for any of the following alleged offenses:

A: Any activity that is alleged to be criminal in nature by law enforcement personnel, including all misdemeanor offenses.

B: All alleged traffic violations that involve speed, DUI, reckless driving or suspension or loss of license.

C: All alleged criminal activity that has or may lead to arrest, detainment or conviction.

D: All criminal court outcomes that may result in the conviction for DUI or reckless driving or the suspension or loss of license and any outcome that may result in detainment.

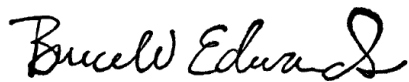
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Failure to report any of these incidents as required shall result in disciplinary action.

Based on the information provide will take any required or appropriate reassignment actions, in accordance with City of Virginia Beach Human Resources policies, including Policy 6.02A.

This policy shall become effective upon the approval of the Chief of Emergency Medical Services.

**APPROVED:**



**1/1/2008**

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**EMS Chief**

**Date**

**Originated**  
**3/20/2006**

**Revised**  
**1/1/2008**

## ATTACHMENT

### POLICY 6.02A: CRIMINAL CHARGE AND CONVICTION POLICY

Adopted: September 14, 1999

#### 1.0 POLICY STATEMENT

The purpose of this policy is to ensure that the City receives notification when a City employee, a volunteer, an individual providing temporary services through an outside agency, or an applicant is charged with or convicted of any misdemeanor involving moral turpitude (lying, cheating or stealing), criminal sexual assault (as defined by Virginia Code § 18.2 - 61 et seq., as it may be amended from time to time), or violence, or any felony, and to aid the City in protecting City employees and members of the public from potential harm.

#### 2.0 PROSPECTIVE EMPLOYEES

No person who has been charged with or convicted of any misdemeanor involving moral turpitude, criminal sexual assault, or violence, or any felony, may be employed by the City of Virginia Beach if:

- (a) the charge or conviction relates to the work to be performed or the position for which the person is applying; or
- (b) the charge or conviction harms the interests of the City; or
- (c) the charge or conviction prevents the applicant from coverage under the City's Faithful Performance Bond.

A representative of the Department of Human Resources and a representative of the hiring department, with the advice of the City Attorney's Office where necessary, shall determine whether an applicant's criminal charge or conviction meets (a), (b) or (c) above. **The Department of Human Resources will maintain a record of all determinations.**

#### 3.0 CITY EMPLOYEES

A City employee, volunteer or temporary services employee who has been charged with a misdemeanor involving moral turpitude, criminal sexual assault, or violence, or any felony, shall be suspended without pay, pending resolution of the charge, where the investigatory panel, defined in section 6.0 of this Policy, determines that the employee's continued presence on the job is deemed to be a substantial and immediate threat or danger to the workplace or to the public and:

(a) the charge relates to the work performed or the position performed by the employee;  
or

(b) the charge harms the City's interests; or

(c) the charge precludes the employee from coverage under the City's Faithful Performance Bond.

A City employee, volunteer or temporary services employee who has been convicted of, enters a plea of guilty or nolo contendere to a felony or any misdemeanor involving moral turpitude, criminal sexual assault, or violence may continue in City employment unless:

(a) the conviction relates to the work performed or the position performed by the employee; or

(b) the conviction harms the City's interests; or

(c) the conviction precludes the employee from coverage under the City's Faithful Performance Bond.

#### **4.0 NOTIFICATION REQUIREMENT**

Any City employee, volunteer or temporary services employee who is charged with or convicted of any misdemeanor involving moral turpitude, criminal sexual assault, or violence, or any felony, is required to notify their supervisor within 24 hours of such charge or conviction. Such supervisor is required to notify the appropriate Department Director, the Director of Human Resources or designee and the City's Risk Manager or designee. Failure to notify a supervisor of a charge or conviction as required by this policy will result in disciplinary action up to, and including, termination. Further, any supervisor who fails to report an employee's charge or conviction may be disciplined under this policy up to and including termination.

#### **5.0 RISK MANAGEMENT**

Risk Management shall report to the City's Bonding Company all incidents involving current or prospective employees who have been charged with or convicted of any misdemeanor involving moral turpitude, criminal sexual assault, or violence, or any felony in order to determine whether such charge or conviction would preclude the employee from coverage under the City's Faithful Performance Bond.

#### **6.0 INVESTIGATORY PANEL**

An investigatory panel, consisting of a representative of the Department of Human Resources, the Police Department and the affected City Department, is hereby formed

under this Policy. The City Attorney's Office will provide legal counsel to the Investigatory Panel as necessary.

The panel shall convene immediately upon notification that an employee, volunteer or temporary services employee has been charged with or convicted of any misdemeanor involving moral turpitude, criminal sexual assault, or violence, or any felony. After a review of the facts surrounding the charge or conviction, the panel will make a recommendation to the City Manager or designee as to whether the employee should be suspended and, if the employee, volunteer or temporary services employee is convicted, pleads guilty, or nolo contendere will make a recommendation about continued employment. The Department of Human Resources will maintain a record of the findings and recommendations of the Investigatory Panel.

The Police Chief shall retain the ability to immediately suspend any officer charged with any crime as authorized by Section 2.1-116 of the Code of Virginia.

## **7.0 PERIODIC VERIFICATION OF EMPLOYEE CRIMINAL RECORDS**

The City of Virginia Beach, through the Department of Human Resources, may periodically update employee criminal records.

## **8.0 VIOLENCE IN THE WORKPLACE**

Notwithstanding anything in this policy to the contrary, the City of Virginia Beach may impose discipline, up to and including dismissal, on any employee who commits an act of violence in the workplace.

## **9.0 CONSTITUTIONAL OFFICES**

All City employees within Constitutional Offices are covered by this policy.