

104. GENERAL STANDARDS OF CONDUCT



RICHFIELD POLICE DEPARTMENT POLICY

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Authority: Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

To establish general rules of conduct for employees as assigned to the Police Division of the Public Safety Department.

II. POLICY

Employees **shall** conduct themselves in a manner which fosters professionalism and personal integrity; with due regard for the mission of the Department and the rights of fellow employees and the general public.

III. PROCEDURE

Text Statements which include "**shall**" constitute rules and statements which include "should" constitute procedures as specified under the Policy entitled "Direction."

AUTHORITY

The chain of command from the Chief of Police on down through the ranks and the line of authority from the patrol officer on up through the ranks **shall** be preserved in order to maintain principles of sound administration. This is equally applicable to both oral and written communications. Rank **shall not** be bypassed except under emergency or unusual situations which demand it. Copies of written communication routed outside the chain of command constitutes bypassing the chain of command. If the written communication is of a nature where the chain of command is not relevant, then the distribution of copies is not restricted.

Authority delegated or granted to ranking officers is not confined to their respective commands, but **shall** include supervision over all employees of the police divisions as may be necessary for efficient administration. This authority **shall** be exercised with utmost discretion, avoiding the issuance of direct commands to personnel not assigned to the ranking officer's control except where necessary, e.g. in periods of emergency, serious breach of discipline, etc. In the case of such an event, the matter **shall** be communicated to the subordinate's supervisor. .

A ranking officer should exercise the authority of their position under all conditions which require the use of such authority in the best interests of the Department. The ranking officer **shall not** unnecessarily countermand any orders of officers below the ranking officer's rank or needlessly interfere with the specific duties of such officers.

When a question of seniority may arise regarding who **shall** be in command, such seniority **shall** be determined:

- 1) First, by rank.
- 2) Second, if officers are of equal rank, by one employee having been designated as in command:
 - a) by high authority

- b) or by nature of assignment.
- 3) Third, by time in grade within the Department.

Where two or more officers are working together on the same assignment or detail and are of equal rank, seniority **shall** be exercised only when an emergency necessitates it.

Officers who have been designated to serve in an acting capacity by proper authority **shall** have vested in them all of the authority, command and responsibility of the acting rank. The orders of officers with an acting rank **shall** be obeyed as if the officers actually possessed the acting rank.

A pattern of repeated violation of Department policies demonstrates a disregard for the legitimate Departmental authority vested in the Chief of Police and constitutes insubordination.

ORDERS

Failure or deliberate refusal of any employee to obey a lawful order given by a superior officer **shall** be considered insubordination. Ridiculing a superior officer or the superior officer's orders, whether in the superior officer's presence or during the superior officer's absence, also is insubordination, if it in any way affects the operation of the Department.

No command or supervisory officer **shall** knowingly issue any order which is in violation of or tends to nullify any law or ordinance. Since obedience to an unlawful order is never a defense for any unlawful action, no employee is required to obey any order which is contrary to federal, state, county, or local law. Responsibility for refusal to obey rests with the employee(s) who **shall** be strictly required to justify their action.

PERFORMANCE OF DUTY

Officers of the Department **shall** be charged with the enforcement of all federal, state and local laws and ordinances; the preservation of the public peace; the protection of life and property; the prevention of crime; and the detection, apprehension, and prosecution of violators of the law.

Officers on duty **shall** be alert and observant of activity which takes place within their sight and hearing and **shall** take appropriate action if required.

Officers **shall** patrol their areas and perform their assigned duties in proper fashion. They **shall not** leave their area, post, duty or assignment except as directed by a superior officer or in the discharge of police duty.

Officers **shall** perform those specific duties and responsibilities assigned to them. They **shall** perform all such other duties as may be required of them by competent authority.

Officers assigned to specialized duties or assignments are not relieved from taking proper action outside the scope of their specialized assignment when necessary.

It **shall** be the responsibility of every employee of the Department to thoroughly familiarize themselves with the policies, rules, and orders of the Department and to conform to and abide by the same.

Officers **shall** have a working knowledge of all laws and ordinances in force related to their duties. Officers **shall** observe all such laws and ordinances and render service to the City with courage, and discretion.

An employee, when acting with other employees of the Department, **shall** be jointly responsible for compliance with Department policies and the proper performance of duty.

All officers are required to take appropriate police action toward aiding a fellow officer exposed to danger or in a situation where danger might be impending. Officers **shall** act together and assist and protect each other in the maintenance of law and order. No officer **shall** desert their fellow officer under fire, or when physical danger is present, or **shall** permit serious injury to another citizen or officer through fear for their own safety.

Employees **shall** conduct themselves in a manner that will foster the greatest harmony and cooperation between each other and between other governmental departments or agencies.

Any officer who, in the performance of their official duties displays reluctance to properly perform their assigned duties, or who acts in a manner tending to bring discredit upon themselves or the Department, or who fails to assume responsibility or exercise diligence, intelligence, and interest in the pursuit of their duties, or whose actions or performance in a position, rank, or assignment are below acceptable standards, **shall** be subject to disciplinary action.

Officers **shall** have regular hours assigned to them for active duty, and when not so engaged are considered off duty. However, they **shall** be subject to duty as needed. While technically off-duty, officers **shall not** be relieved from the responsibility of taking proper police action in conformance with state statute or Department policy. However, off-duty officers should not concern themselves with minor regulatory or traffic ordinances and laws.

Employees of the Department **shall** be punctual in reporting for duty at the time and place specified. Unless otherwise directed, officers **shall** report to daily roll call, properly uniformed, equipped, shift ready, and able to take calls. There, they **shall** give careful attention to orders and instructions for the day.

All employees **shall** remain at their assignment and on duty until properly relieved by another employee or until dismissed by competent authority.

Officers **shall** take their lunch and coffee breaks as close as possible to their assigned duty areas, subject to modification by their shift supervisors. Meals and food or beverages **shall not** be contained or consumed in private areas or backrooms of restaurants, stores, or eating establishments.

Officers on duty **shall not** conceal themselves except for the furtherance of a police objective. They **shall** be immediately and readily available to the public during duty hours, and **shall** immediately respond to the lawful orders of superior officers and other competent authorities.

Although emergency calls take precedence, all calls **shall** be answered as soon as possible, consistent with normal safety precautions and vehicle laws. Failure to promptly answer a call for police assistance without justification **shall** constitute cause for disciplinary action. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no officer(s) **shall** fail to answer any radio call directed to them.

Employees taking any property into custody in connection with their official duties should as soon as practicable inventory and secure such property in accordance with Department procedures.

Officers should promptly take any person in their custody before competent medical authority whenever there is any visible or reasonable evidence of the need for medical attention or where the prisoner claims to be in need of such attention.

Employees **shall not** use their position or employment to promote private businesses or enterprises, or for personal publicity.

PERSONNEL

The mission of the Department takes priority in the scheduling and deployment of personnel.

Whenever a condition exists that is deemed by the Chief of Police to be of an emergency nature, regular tours of duty may be extended and/or days off and leave of absences of any or all Department personnel may be cancelled.

Every employee who fails to appear for duty at the date, time, and place specified for so doing without the consent of command or supervisory authority is "absent without leave." Such absences **shall** be reported by the ranking officer in charge of the shift in writing through the chain of command to the appropriate Section Lieutenant as soon as they are noted.

Employees served with notices that they are being sued as a result of actions performed in the line of duty **shall** immediately notify in writing their Section Lieutenant. Such reports **shall** include all of the facts of the incident and details relating to the civil suit.

Employees who have been arrested and/or charged with any criminal offense (misdemeanor and above) and/or any controlled substance violations including small amounts of marijuana **shall**, within 24 hours, notify their division commander.

Employees **shall** cooperate with Department personnel and personnel of other government agencies in the conduct of investigations of criminal matters or incidents involving Department employees.

Refusal to testify before duly constituted Federal, State, County, or Local Courts, Grand Juries, investigative committees and hearings **shall** constitute improper conduct and subject the Department officer to disciplinary action. This paragraph **shall not** be applied in situations involving the officer's refusal to testify by reason of self-incrimination in a criminal proceeding.

COMMUNICATIONS AND CORRESPONDENCE

Employees **shall not** mark, alter, or deface any posted notice of the Department. Notices or announcements **shall not** be posted on bulletin boards without the permission of a Command Staff Member. Notices of an inflammatory or derogatory nature **shall not** be posted at any time. Notices **shall not** be placed anywhere on Department property except on bulletin boards established for such purposes.

No employee of the Department **shall** make false official reports or enter or cause to be entered in any Department book, record, or report any inaccurate, false, or improper information.

Employees **shall not** use the Department or any Department facility as a mailing address for private or personal purposes. The address **shall not** be used on any motor vehicle registration or operator's or chauffeur's license.

Employees **shall not** use Departmental letterheads for personal or private correspondence. Correspondence **shall not** be sent out of the Department over their signatures without the general permission of the Director of Public Safety or their Section Lieutenant.

Department telephone equipment should not be used for excessive or extended personal conversation. Personal conversations exceeding 5 minutes in length would generally be considered excessive.

Department telephones **shall** be answered promptly and conversations carried on in accordance with current procedure and courtesy. Employees **shall** be bound by Department policies in conveying official Department communications by telephone outside the City.

Officers are required to have access to a telephone in the place where they reside. It is the duty of each employee to see that their telephone number and correct residential address is recorded with the Administrative Assistant. Changes in telephone numbers and/or residential addresses **shall** be reported to the Administrative Assistant and to the officer's immediate superior within 24 hours of such change.

No employee **shall** use Department equipment, including copy machines, computer, fax, and radio for unofficial purposes without the permission of their Section Lieutenant.

The use of slang, profanity, obscenity or derogatory remarks is prohibited over Department communications devices.

Internet usage from Department owned computers and devices shall be for appropriate purposes only.

Department e-mail is the primary means of communication within the Department. It shall be used in a professional responsible manner.

PERSONAL CONDUCT

Officers should conduct themselves in their private and professional lives in such a manner as to avoid bringing themselves or the Department into disrepute.

Officers **shall** treat superior officers, subordinates and associates with respect, being courteous and civil in their relationships with one another at all times. When on duty and in the presence of the general public, officers should conform to the normal standard of courtesy and refer to each other by title or rank.

Use of tobacco **shall** be consistent with the City's Tobacco Free policy.

Officers **shall** be courteous and efficient in their dealings with the public. In non-restrictive situations, the attitude of each officer should be pleasant and personal; and on occasions calling for regulation and control, the attitude should be firm and impersonal, but avoiding an impression of rudeness. They **shall** perform their duties in such a manner as to avoid harsh, violent, profane, or insolent language and **shall** remain calm regardless of provocation to do otherwise. Upon request they **shall** supply their names, rank, and badge numbers in a courteous manner; and **shall** attend to requests from the public quickly and accurately, avoiding unnecessary referral to other individuals of the Department.

All employees **shall** maintain an impartial attitude toward all persons regardless of an individual's race, national origin, gender, age, religion, sexual orientation, or influence.

Officers **shall** treat all individuals in an impartial manner. Similarly, unwarranted interference in the private business of others when not in the interest of justice is also prohibited.

No officer **shall** seek the influence or intervention of any person outside the Department for purposes of personal preference, advantage, transfer or advancement.

Officers **shall not** consume alcohol while off-duty to the extent that evidence of intoxication is apparent when reporting for scheduled duty or to the extent that ability to perform duty is in any way impaired or to the point that the blood alcohol level is .02 or more while on duty. The odor of alcoholic beverage on the breath **shall not** be permitted at roll call or during any period when the officer is on duty.

Officers that are requested to report for unscheduled or callback duty who have consumed alcohol or a drug while off-duty, when the consumption may affect their performance, or be detected in a test of blood alcohol level, **shall** immediately report the consumption to the duty supervisor prior to responding to the station for duty. It **shall** be the responsibility of the duty supervisor or command officer to make a determination if the officer is allowed to respond for duty, except that if the officer believes that they are impaired, under the influence, or intoxicated due to the consumption of the alcohol or drug, the officer **shall not** respond for duty. Under no circumstances shall officers report for duty with the odor of an alcoholic beverage on their breath.

Officers **shall not** consume alcohol while on duty unless it is necessary in the performance of a police duty, and then only under the specific direction or permission of the Director of Public Safety or designee.

No alcohol **shall** be consumed by an employee on City property.

Officers in uniform **shall not** consume alcohol whether on or off duty.

Officers who are taking prescribed medications which may affect their performance **shall** report the use of the prescribed medication to the duty supervisor prior to responding to the station for scheduled or unscheduled duty. It **shall** be the responsibility of the duty supervisor or command officer to make a determination if the officer is allowed to respond for duty, except that if the officer believes that they are impaired, under the influence, or intoxicated due to the use of the prescribed medication, the officer **shall not** respond for duty.

Officers of the Department, whether on or off duty, **shall not** use or possess marijuana, habit-forming drugs, or narcotics unless such drugs or narcotics are properly prescribed by a physician for an illness or injury.

Officers who reside in the City should not become involved in neighborhood quarrels or disputes while off-duty. These disputes should be handled by disinterested persons, and other officer(s) should be called when necessary.

Department personnel, whether on or off-duty, shall avoid actions which give the appearance of impropriety or which indicate a disregard for the law or instability of character or personality.

Employees **shall not** solicit or accept either directly or indirectly any gift, service, gratuity, loan, fee, kickback, discount or anything of value arising from or offered because of police employment or any activity connected with said employment in compliance with Department policies. This rule also includes the acceptance of free meals, snacks, or beverages or partial discounts on such items when the discount is duty or Department connected.

Employees **shall not** accept any gift, gratuity, or reward in money or other consideration for services rendered in the line of duty to the public or to any person, business, or agency except that authorized by the Director of Public safety.

Any unauthorized gift, gratuity, loan, fee, reward, service, or other thing falling into any of these categories coming into possession of any employee **shall** be forwarded immediately to the office of the Director of Public Safety.

Officers **shall** refrain from certain acts, some of which may not be wrongful in themselves, are not proper to members of this Department because they unnecessarily embarrass the Department publicly, or tend to impede the attainment of police objectives.

Employees **shall not** mark or deface any surface in any city building.

Officers **shall not** enter into any financial or business transaction whatsoever with any arrestee, person under investigation or any person acting in behalf of such parties.

Officers are prohibited from associating on a social basis or engaging in business relationships with individuals whose character, reputation, or background as to bring discredit upon themselves or the Department.

Officers are prohibited from visiting, attending, entering, or patronizing, other than strictly in the line of duty, any premises or establishments where illegal activities are known, believed or suspected to take place.

TRANSMISSION OF INFORMATION

Employees **shall not** obtain or attempt to obtain any information from Department files, sources or reports other than that to which they are entitled in accordance with their duties and assignments. Any such information improperly acquired **shall not** be passed on to other parties within or outside of the Department.

Employees **shall not** use for their own private purposes information received or acquired during the course of employment or duty.

Information from Department records, files, or other sources **shall not** be passed on to other parties within or outside of the Department except as authorized by Department policies or state statute.

Employees **shall** treat as confidential the official business of the Department and **shall not** reveal police information outside the Department except as provided elsewhere by Department policies or as required by law or competent authority. Information contained in police records, other information ordinarily accessible only to employees of the Department, and names of informants, complainants,

witnesses, and other persons known to the police are considered confidential, and are responsible to safeguard such information.

Allegations, gossip, hearsay, rumor, and anonymous uncorroborated information **shall** be treated as confidential.

Employees **shall not** discuss or impart confidential information to anyone except those for whom it was intended, or as directed by their superior officers, or under due process of law.

No official record(s) of the Department **shall** be removed, altered, added to or destroyed except as authorized by Department policy.

It **shall** be the duty of every employee to properly report any information given to the employee in good faith by any citizen regarding matters which indicate the need for action or recording by the Department.

All reports must be promptly completed and submitted by the end of their duty assignment unless extenuating circumstances dictate and approved by a supervisor.

MISCELLANEOUS

Employees **shall** respond truthfully to all legitimate inquiries by supervisors or superiors. Any form of deception; such as, but not limited to; a misleading response or denial based upon a technicality of the inquiry rather than the substance of the inquiry; a lapse or failure of memory which is inconsistent with the totality of the event in question; a partial response which is less than fully candid; or, any response other than a complete and candid response to the best of the employee's ability and recollection; shall constitute an untruthful response.

Officers should keep the interest of the City in mind and should report matters of importance to other divisions.


While on duty or when using city facilities/equipment or when access to information depends on their employment, no employee **shall** conduct any investigation for other than law enforcement purposes.

While on duty or when using city facilities/equipment or when access to information depends on their employment, no employee **shall** conduct a criminal investigation as an agent of any person or interest outside the Department, except when furnishing officially approved cooperation to other law enforcement agencies in the line of duty.

Officers can work a maximum of 18 hours within a 24-hour period. Officers will not be allowed to work longer periods of time unless a member of the Command Staff has been notified and has given consent. Several issues will be taken into consideration before an officer is allowed to work past the 18 hours. This may include, but not limited to the following:

- 1) Nature of Assignment
- 2) Schedule being worked
- 3) Shift length
- 4) Time of Day

By Order Of:



Chief of Police