

105. DIRECTION



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

It is the purpose of this Policy to:

- 1) Recognize the established authority and responsibility of the Department's Chief Law Enforcement Officer (CLEO), which is the Chief of Police.
- 2) Provide for the designation of command during the absence of the CLEO.
- 3) Hold supervisors accountable for all aspects of their command.
- 4) Establish procedures requiring the obedience to a lawful order and how to handle conflicting orders.
- 5) Provide a written directive system which accurately communicates desired information to affected employees.

II. POLICY

To provide an orderly method of direction within the Richfield Police Department, a system of verbal and written directives is required. Effective supervision requires that employees promptly obey lawful orders of a superior.

Both professional law enforcement administration and the management of liability require a manual that governs the activities of a police department through a system of written directives which present policies, procedures, and rules to guide the day-to-day legal and ethical functioning of a police department. The Chief of Police will promulgate policy that provides clear direction without unnecessarily limiting an employee's exercise of discretion.

III. DEFINITIONS

PUBLIC SAFETY DIRECTOR: Chief of Police Department, CLEO.

COMMAND OFFICER: Deputy Chief and Lieutenants.

SERGEANT: Person in a sworn position of authority that falls under management personnel.

SWORN PERSONNEL: A Police Department employee who holds a current and active Minnesota Peace Officer license regardless of whether or not an oath of office has been administered.

SUPERVISOR: Any person in a promoted or an appointed position whose job description includes supervisory responsibilities.

DIRECTIVE: A directive is any instruction, verbal or written, used to guide or affect the performance or conduct of Department employees. For the purposes of this Policy, the terms "directive" and "order" are synonymous.

VERBAL DIRECTIVE: A verbal directive is equivalent to a verbal order. Verbal orders permit little, if any, deviation therefrom. Violations of verbal orders normally result in administrative discipline.

WRITTEN DIRECTIVE: A generic term that describes any written document used to guide or affect the performance or conduct of agency employees.

DEPARTMENT POLICY MANUAL: The collection of policies which are currently in effect.

OTHER WRITTEN DIRECTIVES: Other written directives are Written Orders, Memorandums, E-Mail Notices, Training Notices, Standard Operating Procedures (S.O.P.) and Chief's Corner. These directives are not included as part of the Department Policy Manual.

GENERAL ORDER: A General Order is a Department Manual directive. It is a term used to describe a permanent directive containing policies, procedures, and/or rules that are related to the implementation of the policy.

SPECIAL ORDER: A Special Order is a Department Manual directive. It is a term used to describe a directive containing policies, procedures, and/or rules regarding a specific circumstance or an event that is of a temporary nature. Special orders will contain an expiration date.

POLICY: A policy is a statement of the Department's philosophy on a given issue. Policy consists of principles and values which guide the performance of Department employees. Further, policy is based upon ethics, experience, the law, and the interests and desires of the community. Policy statements usually do not establish fixed rules or set procedures for conduct of a particular activity but rather provide a framework for development of procedures and rules. The essence of a policy is that it provides for flexibility in decision making. It leaves scope for the person who interprets the policy to exercise discretion, to use initiative, and to develop judgment in deciding what ought to be done in specific situations.

PROCEDURE: A procedure is a specific method of performing an operation or a manner of proceeding on a course of action. Procedures are often characterized by use of the word "should." Deviation from procedures is permitted under compelling or extraordinary circumstances except when the word "**shall**" is used or when the procedure is contained in a rule.

RULES: A rule is a specific restriction or requirement governing the behavior of employees. Rules are usually characterized by use of the word "**shall**." Deviation from a rule is only permitted: to preserve life or property or to preserve public safety or order; or in cases where officer compliance is impossible due to circumstances clearly beyond the officer's control. Violations of rules normally result in administrative discipline.

WRITTEN ORDER: Any written instruction intended to guide or affect the actions and conduct of Department employees. It does not require a statement of policy or a listing of procedures. A written order may be issued as its own document or be contained within another document. Written orders permit little, if any, deviation therefrom. Violations of written orders normally result in administrative discipline. A written order can remain in effect for a period not to exceed 12 months beyond the date of issue.

INSTRUCTIONAL MATERIAL: Instructional Material is distributed to assist employees in understanding policies and procedures. It is the intent that Instructional Material will result in a more uniform interpretation and implementation of policies. Instructional Material does not add to or delete from any Policy or Special Order currently in force, nor does this material become part of any Policy or Special Order.

MEMORANDUM: A memorandum is a directive if it is used to guide or affect the performance or conduct of agency employees. Memoranda which contain directive material remain in effect for a period not to exceed 6 months beyond the date of issue. If the directive will continue beyond that date, the directive will be incorporated into a Standard Operating Procedure or Department Policy Manual. A memorandum which provides only useful, specific information to employees is not a directive and is not enforceable as an order.

LINE INSPECTION: Line inspection is conducted by personnel in control of the persons, facilities, procedures, or other elements being inspected. Line inspection may be carried out by any supervisor within the chain of command.

STAFF INSPECTION: Staff inspection is conducted by personnel who do not have control of the persons, facilities, or procedures being inspected. A staff inspector need not be in the chain of command of the section or unit being inspected. The results of staff inspections are usually reported to the Chief of Police.

IV. PROCEDURE

DIRECTION

1) Interpretations

The following are the interpretations for the words "should" and "**shall**."

"Should"

When the term "should" appears in a directive, deviation is authorized only when there is a compelling need.

"Shall"

When the term "**shall**" appears in a directive, deviation is authorized only when it is clearly necessary to preserve life and/or property or to preserve public safety or order.

2) Authority - Chief of Police

Pursuant to Richfield City Ordinance 300.13 Subd. 1, the authority and responsibility for the management, direction, control, and administration of the Richfield Police Department is vested in the Chief of Police.

3) System of Succession

Whenever the Chief of Police will be out of the seven county metropolitan area, or will not be able to be reached, or is unable to act for any reason, the Chief or City Manager will designate an Acting Chief who will have and exercise all the powers and duties of the Chief of Police. The system of succession below the position of Chief of Police will follow the chain of command.

The Chief of Police and the Command Staff, should not all, simultaneously, be out of the seven county metropolitan area without notifying dispatch as to how or where they can be reached.

4) Accountability of Supervisory Personnel

Supervisors at every organizational level within the Department will be responsible and accountable for the performance of employees under their immediate control.

DEPARTMENT POLICY MANUAL

1) Department Manual Policies

The Chief of Police is the sole authority for the issuance, revision, and cancellation of Department Manual directives.

2) Order of Precedence

General Orders and Special Orders will not be issued which conflict with previously issued General Orders and Special Orders which are currently in effect, except in cases where short-term, extenuating circumstances exist, a conflicting Special Order may be issued which supersedes a specified General Order for a specific period of time. In such a case, the Special Order will supersede the conflicting General Order for the duration of the Special Order.

If a current General or Special Order conflicts with a current written order or memorandum, the General or Special Order will supersede.

The only exception to the order of precedence listed above is an urgent circumstance requiring the immediate issuance of a written order (other than a Department Policy Manual) intended to supersede a General or Special Order. In such a case, the written order must state which General or Special Order is superseded. The superseded General or Special Order will be replaced by a new General Order or Special Order as soon as reasonably possible, not to exceed 14 calendar days.

3) Review and Approval of Proposed Department Policies

The review and approval process will include the following steps:

- a) All proposed new and revised Department Manual directives will be reviewed by the Command Staff to assess their completeness and applicability and to allow for any recommended modifications prior to implementation.
- b) Following the review by the Command Staff, a proposed new and revised Department Policy Manual will be reviewed by staff to determine whether formal in-service training is appropriate. When training is appropriate, the Police Division will provide for the development, scheduling, and presentation of the training material.
- c) All proposed new and revised Department Manual policies will be approved by the Chief of Police prior to implementation, and will bear the signature of the Chief on the last page.

4) Serial Numbers

When issued, each policy will be assigned a serial number. The serial number will contain two digits for the year of issue followed by a sequence number (e.g. 95-01). A serial number will always represent a unique document.

5) Distribution of Department Manual Policies

General Distribution Procedures:

- a) Whenever possible, Department Manual Policies will be distributed refer to the directive's effective date on the policy.
- b) Sworn employees will receive copies of the new or updated directive(s) in their mailboxes.
- c) The memo must be signed acknowledging receipt of the policy, understanding, and updating of the Policy Manual.
- d) Employees must keep their assigned Policy Manuals up to date at all times.

OTHER WRITTEN DIRECTIVES

1) Types Of Other Written Directives

a) Written Order

Written orders may be issued by any superior officer to subordinate officers under his/her supervision.

b) Memorandum

Supervisors may issue memoranda which contain directive material that affects any subordinates. Memoranda which contain only informational material may be issued by any employee.

c) Police Department Bulletin

Any order, notice, or assignment listed in the Bulletin constitutes a written order. Department personnel are responsible for complying with all applicable current directives published in the Bulletin.

d) Instructional Material

Instructional material is issued under the authority of the affected Section Lieutenant. If more than one division is affected, the issuing authority will be the Chief of Police.

2) Format of Written Orders and Memoranda

All written orders and memoranda should include the following:

- a) The words "Written Order" or "Memorandum" at or near the top of the page to clearly identify the type of document.
- b) The date the document was issued.
- c) Names or titles of persons to whom the document is addressed.
- d) Name of the person who issued the document.
- e) Expiration date if less than the default one year for a written order and 6 months for a memorandum.

3) Distribution Of Other Written Directives

Memorandums, and written orders (other than Department Manual Policies) will be distributed to all indicated or affected personnel by giving the directive to the employee, placing the directive in the employee's mailbox, or by placing the directive in Briefing for the employee's shift or via e-mail. Instructional Material will be distributed using the same procedures as Department Manual Policies.

GENERAL SUPERVISORY RESPONSIBILITIES

1) Training

Supervisors at every organizational level are responsible for ensuring that their immediate subordinates have an adequate understanding of all Department Manual and other directives that have been distributed to them.

Supervisors at every organizational level are the primary trainers for their immediate subordinates. Supplementary training may be provided by the Training Officer for supervisors and/or line personnel. However, the supervisor is responsible for ensuring that immediate subordinates understand issued directives.

In the event a supervisor feels a need for additional training in order for the supervisor to adequately understand and teach the directive or to respond to a question from a subordinate, the supervisor should contact their immediate supervisor for additional training or clarification.

Supervisors should require feedback from their immediate subordinates that demonstrates to the supervisor an adequate understanding of issued directives.

The Training Officer will selectively assess the level of understanding by employees of issued directives. Methods used by the Training Officer may include evaluation of work product, written or computer testing, and/or employee interviews. Any training deficiency noted through this process will be shared with the employee and referred to the employee's supervisor for remedial training.

2) Compliance

The Departmental written directive system is designed to provide employees with a clear understanding of the constraints under which they should operate and the expectations they should fulfill. The failure of supervisors at any organizational level to consistently require compliance with Departmental directives results in employee confusion as to Departmental expectations, the inability to effectively implement the Department policy, and a failure to provide the intended service to the community.

Supervisors at every organizational level should ensure that subordinates comply with Departmental directives. If a supervisor becomes aware of a subordinate under his/her immediate supervision who is not complying with a Departmental directive, the supervisor should take appropriate, progressive, disciplinary action in accordance with the Policy #110 "Progressive Disciplinary Procedures."

If a supervisor observes noncompliance by an employee who is a subordinate but not under their immediate supervision and the noncompliance involves a relatively minor act, appropriate action would be notification of the subordinate's supervisor. If the noncompliance is significant or of a serious nature, the supervisor should take immediate action.

REVIEW OF WRITTEN DIRECTIVES

1) Review Of Written Directives

The Command Staff will be responsible for reviewing policies and procedures. Any proposed revisions to policies and procedures must be approved by the Chief of Police.

Due to the transitory nature of other written directives (Memorandums, Written Orders, Department Bulletin), no review process is required.

VERBAL DIRECTIVES

A verbal directive is a spoken order from a superior officer. All employees of this Department **shall** promptly obey any lawful order from a superior officer, including any order relayed from a superior by an employee of the same or lesser rank.

Obedience to an unlawful order is never a defense for an unlawful action.

Should any order conflict with any previous order from any other superior officer, the employee **shall** promptly and respectfully call attention to such conflict of order for the benefit of said superior officer. If said superior officer does not change the order to resolve such conflict, the most recent order **shall** stand. The person obeying this order will not be held responsible for disobedience of any order previously issued.

1) Authority To Issue

Supervisors may issue memorandums that are directives as long as the directive solely affects the employees under their supervision. Commanders may issue memorandums which contain directive material that affect any subordinates. Although you may not have the authority to issue a directive under your name, you may prepare a directive for issuance by the appropriate authority.

If the memorandum contains only informational material and is not used to guide or affect the performance or conduct of agency employees, it may be issued by any employee.

CONFORMING WITH DIRECTIVES

All Public Safety personnel, including non-sworn employees, are responsible for knowing, understanding, and obeying all provisions of all written directives which reasonably relate to the performance of their duties, their position, their areas of responsibilities, or their conduct. Department employees should treat a relevant written directive in the same manner as a direct order from a superior.

All Public Safety employees **shall** adhere to all policies and procedures issued by the Chief of Police, a supervisor, or a superior officer unless there is a compelling need to deviate from a specific provision of a directive.

If an employee is compelled to deviate from a specific provision of a directive, the remainder of the directive should be complied with. In the event an employee is compelled to deviate from a specific provision of a directive, that employee should notify their supervisor of the deviation and should be prepared to provide a reasonable and comprehensive justification for their actions.

Public Safety employees **shall** adhere to all Department rules and written orders unless violation is clearly necessary in order to preserve life and/or property or to preserve public safety or order.

The Chief of Police will make the final determination whether a violation of a rule or written directive was necessary. As soon as the conditions which justified an employee's deviation from a procedure, rule, or written order allow, justification for failure to adhere ends, and full compliance with the directive is required thereafter.

In the event a written directive appears to be in conflict with another written directive, the employee should bring that fact to the attention of their supervisor for clarification.

By Order Of:


Chief of Police

