

BETHLEHEM POLICE DEPARTMENT GENERAL ORDERS

SUBJECT: GENERAL RULES OF CONDUCT

CALEA STD. REF. 1.2.2, 1.3, 12.1, 26.1.1, 22.2.7

AMENDS/SUPERSEDES:

EFFECTIVE DATE: 9/2007

REVISED: 09/11/2009

APPROVED: 9/2007

NOTE: In any civil action against any individual, agency, or governmental entity, including the State of New Hampshire, arising out of the conduct of a law enforcement officer having the powers of a peace officer, standards of conduct embodied in policies, procedures, rules, regulations, codes of conduct, orders or other directives of a State, County or local law enforcement agency shall not be admissible to establish negligence when such standards of conduct are higher than the standard of care which would otherwise have been applicable in such action under State law. (RSA 516:36).

INDEX WORDS: Code of Ethics; general duties; obedience to laws; authority; violation of law; conflict of orders; obedience to orders; civil rights; constitutional violations; arrests of law enforcement officers; evidence; lost property; false statements; off-duty enforcement; bribes; use of force; deadly force; warning shots; reporting use of force; medical assistance; disciplinary actions; prohibited behavior; general conduct; gifts; grievances; duty; leave; information; public information; public appearances; use of alcohol; use of drugs; use of tobacco; property; equipment, uniforms; off-duty employment; reporting arrests; court action, civil cases; memberships; money; resignations; grooming.

I. POLICY:

Both the Police Department and the public expect police personnel to maintain high standards of appearance and conduct. The citizens delegate considerable authority to the police. This authority is carefully circumscribed by State and Federal law, and, ultimately, by the Constitution and Bill of Rights. Our powers to arrest, seize property, and interfere, at times, with the lives of citizens constitute a public trust. We can demonstrate that we regard this trust as vital by exemplary performance of our jobs, and by always conducting ourselves in an exemplary fashion. It is not enough to "do the thing right"; we must also always "do the right thing."

II. PURPOSE:

To define departmental expectations for personal behavior on-duty and, to a degree, off-duty. To provide a clear understanding of what is expected in the way of behavior from

all employees, in such a way as to bring forth an atmosphere of professionalism to the department.

Although we have no desire to control the private, off-duty time of our employees, we also recognize that some off-duty conduct may reflect negatively on the individual, the department, the law enforcement profession, or the community, and that such conduct, on- or off-duty, is clearly unacceptable.

III. DEFINITIONS:

All officers will display the degree of integrity required by the **Law Enforcement Code of Ethics**:

"As a law enforcement officer, my fundamental duty is to serve humankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all persons to liberty, equality, and justice."

"I will keep my private life unsullied as an example to all; maintain courage in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that which is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of duty."

"I will never act officiously or permit personal feelings, prejudice, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals. I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities."

"I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession--law enforcement."

IV. OVERALL GUIDELINE:

- A. All officers and civilian employees of the department shall conduct themselves in a courteous, well mannered and professional fashion at all times while serving in their respective capacities as employees of the Town/City.
- B. Citizens, including complainants and arrested persons, shall always be treated with appropriate, genuine respect for their complaints and concerns.

- C. Persons being questioned or arrested shall be handled in accordance with the applicable procedures and in a courteous manner, never being the target of ridicule or distasteful humor. Arrested persons shall be treated as the officer or employee would wish to be treated, or to have a member of his or her family treated, under the same circumstances.
- D. Respect, discipline, courtesy and restraint shall guide all your actions in dealing with persons who come to the attention of the department or require its services.
- E. You shall promptly report any complaints of misbehavior or malfeasance on the part of any other member of the department, through the proper channels.
- F. You shall accomplish the handling of any public funds with strict adherence to proper business and accounting procedures.

V. OFF-DUTY CONDUCT:

- A. At all times, on- or off-duty, members of the department shall not conduct themselves in a manner which, if known, could reflect adversely on the credibility or reputation or undermine public confidence in the member, the department, or the law enforcement profession.

VI. GENERAL APPEARANCE AND BEHAVIOR:

- A. Appearance: Your physical appearance and grooming shall at all times be neat and clean, and conform to contemporary professional standards.
- B. Drinking: Public intoxication, on- or off-duty, is prohibited. Driving a motor vehicle while impaired by alcohol or legal or illegal drugs, on or off-duty, is prohibited. Reporting for duty with alcoholic beverage in your system or with the odor of alcoholic beverage on your breath is prohibited. Consumption or possession of any controlled substance except in strict accordance with a physician's prescription is prohibited, on- or off-duty. A member reasonably suspected of a violation of this rule shall not refuse to submit to a chemical or physical test upon orders of a superior officer.
- C. Tobacco: Consumption of tobacco in any form is prohibited while riding in a police vehicle, while in the non-smoking area of any public or private building including the police station, or at any time while in uniform in public view.
- D. Chewing Gum: The chewing of gum while maintaining a conversation with a member of the public can be seen as rude, and should be avoided.

E. Relationships: Personal relationships between police employees and the public shall not violate contemporary community or professional standards. Adultery being a criminal offense in the State of New Hampshire, no member shall engage in an adulterous relationship. Officers shall be scrupulously careful in their contacts with members of the opposite sex, and cognizant of the appearance of their conduct. Examples of improper-appearing conduct that should be avoided include on-duty meetings with members of the opposite sex for no legitimate business purpose, romantic affiliations with under-age persons, overt public displays of romantic affection, and social relationships with known or suspected felons, drug dealers, or other persons whose reputation in the community is such that association with them might cast doubt on the credibility or reputation of the employee or the department. These are provided as examples of improper relationships and are not intended to be all-inclusive.

F. On-Duty Relationships: Members of the department shall maintain harmonious professional relationships with one another and avoid any romantic relationships of the sort that could detract from the image of the department or interfere with the quantity or quality of work performed by either party, or with the ability to supervise or be supervised.

G. Ranks and Titles: All subordinates shall address supervisors by title or rank at all times, and properly address all fellow employees at all times with respect and courtesy.

H. Cruiser Operation: All employees shall at all times have their police vehicle under control and operate it with due regard for applicable laws and regulations. Police cruisers shall not be used to transact private business, or to transport unauthorized passengers.

I. Outside Employment: All outside employment shall require prior written approval of the Chief of Police, and shall be approved only if it does not have the potential to reflect negatively on the officer or the department, result in a conflict of interest, interfere with the officer's availability or job performance, or cause excessive exposure of the Town to civil liability. The department may place a reasonable limit on the number of hours to be worked on special details or outside employment, in the interest of making sure that officers are alert and able to pay full attention to their regular duties.

J. Public Appearance: Whenever on duty or in uniform, each employee shall maintain a professional demeanor, conduct, and appearance, avoiding inappropriate conduct, including but not limited to horseplay, erratic vehicle operation, sexual harassment, use of profanity or vulgar language, or other behavior that would cause public disgust or alarm.

K. Obedience to the Law: All officers, on- and off-duty, shall obey all applicable federal, state, and local laws and ordinances, and shall conduct themselves in accordance

with the Law Enforcement Officers' Code of Ethics as adopted by the International Association of Chiefs of Police.

L. Gratuities: No member shall accept gifts, food, admissions to entertainment or sporting events, cash, or any thing of value that is not available to the general public, and which is or could be interpreted to have been offered because of their status as a police department employee. Any member who is offered such gifts, food, or admissions, shall report the same if it appears to have been offered in violation of State law.

M. Off-Duty Arrests: Ordinarily, officers shall avoid making off-duty arrests, and endeavor to utilize on-duty personnel to make arrests when violations come to their attention. If circumstances arise to make it necessary to arrest while off-duty, the officer shall properly identify himself/herself, and the situation and seriousness of the offense shall be such that immediate police intervention was advisable to prevent a breach of the peace, personal injury or property damage, or to prevent a wanted person from eluding capture. Police personnel shall not use personally-owned motor vehicles to pursue violators or make emergency runs while utilizing emergency exemptions to the motor vehicle laws, unless such vehicles are equipped with proper emergency warning devices, their use has been specifically authorized by the Chief of Police, and a copy of the officer's liability and property damage policy covering the vehicle is on file with the department.

N. Positive Intervention: Any officer observing a fellow officer breaking the law or mistreating a prisoner bears an obligation to intervene appropriately and to report such conduct to a superior.

VII. SYNOPSIS OF DUTIES:

A. The department's officers shall, at all times, within jurisdictional limits, prevent crime, preserve the peace, protect lives and property, detect and arrest law violators, and enforce the laws of the United States, the State of New Hampshire, and all local ordinances, in accordance with the rules, regulations, policies, procedures, and orders of the jurisdiction and the department. Officers shall always be aware that when they act under "color of law," that phrase includes not only laws but also policies, procedures, ordinances, common usage, and customs.

B. Obedience to laws, ordinances, rules, regulations

1. **Definition** - Employees of the department (which term when used in these rules and regulations shall mean both sworn and civilian members of the department) shall obey all Federal and State laws. They shall also obey all laws and ordinances of the Town or other municipality in which the employees may be present. Employees shall obey all rules, regulations, directives and orders issued by the department.

2. **Authority** - Employees of the department shall obey all lawful orders issued to them by competent authority.

3. **Violation of Law** - Supervisory officers of the department shall not knowingly or willfully issue any order in violation of a law, ordinance or rule, regulation, general or special order of the department.

4. **Conflict of Orders** - Employees shall promptly obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. If an employee is given two apparently lawful but different orders that may be in conflict, the last order given shall be complied with unless the order is retracted or modified. In the event an employee receives conflicting orders, then s/he shall inform the person giving the last order of the conflict of orders. The person giving the conflicting order shall then resolve the conflict by either retracting or modifying it, or requesting the employee to comply with the latest order. In the event the conflicting order is not altered or retracted, the employee shall not be held responsible for disobedience of the order or directive previously issued.

5. **Obedience to Orders** - No employee of the department shall be required to obey any order which is contrary to the laws of the United States, the State of New Hampshire, or ordinances of the Town, City, County; however, such refusal to obey is the responsibility of the employee and s/he will be required to justify such action.

6. **Civil Rights** - All members shall carefully observe and respect the civil rights of citizens, as the term "civil rights" is commonly understood.

7. **Arrests of Law Enforcement Officers** - An officer who arrests a member of another law enforcement agency shall immediately notify his/her own supervisor of the fact. Officers shall take whatever action is appropriate to the circumstances, including issuance of citations or making an in-custody arrest. No more nor less discretion shall be applied in the case of a police officer than another citizen under the same circumstances.

a. The department shall forthwith report the arrest of any police officer to the New Hampshire Police Standards and Training Council, pursuant to the rules of that body..

8. **Evidence** - Contraband and evidence seized from suspects or arrestees shall be stored in an evidence storage locker or other secure location designated by the department for that purpose, before and during trial. Following trial or other legal proceeding, the department shall apply to the court for a destruction order. Upon receiving the order, the department shall conduct, or cause to be conducted, the destruction, in the presence of a witness, and shall document the destruction

appropriately. The officer conducting or supervising the destruction shall so notify the Chief of Police and provide appropriate documentation:

a. Officers shall not give away evidence to anyone. Further, officers shall not appropriate any evidence or other property to their own use under any circumstances.

b. If any citizen refuses to accept returned property that was used as evidence or otherwise acquired by the department, the property shall be disposed of in accordance with applicable New Hampshire law, under the supervision of the Chief of Police.

9. **Lost Property** - Officers who encounter lost property shall treat such property as evidence, storing it in an evidence storage locker, if possible, or otherwise securing the property under guidance of the Chief of Police. Officers shall document the circumstances and describe the property. Officers shall make a reasonable effort to determine the ownership of the property and return it. Upon releasing property, or obtaining property from a citizen who finds it, officers shall issue a receipt.

10. **False Statements** - On any official matter whatsoever, members shall not knowingly make any false statements or misrepresentations of the facts, nor withhold information that would assist in resolving the matter.

11. **Enforcement While Off-duty** - If an officer, while off-duty, witnesses a violation of the law committed in his/her presence which, in the officer's professional judgment, demands immediate attention, the officer may make an arrest, providing:

a. the law violation was committed in the officer's jurisdiction, **and**

b. the officer does not use his/her own personal vehicle to chase or pursue the violator, but observes **all** traffic laws applicable to citizens, **and**

c. the officer displays police identification to the violator and announces his/her purpose, **and**

d. The officer can make the arrest without jeopardizing his/her own safety, the safety of the violator, and of the public, **and**

e. The seriousness of the offense is such that immediate police intervention is required to prevent a breach of the peace, personal injury or property damage, or to prevent a wanted person from eluding capture.

12. **Bribes** - Employees of the department who have accepted or failed to report bribes shall be dismissed from employment with prejudice.

a. All employees shall forthwith report to the Chief of Police and/or the County Attorney all knowledge of bribes received or offered (RSA 640:2).

13. **Use of Force - General NH RSA 627:5 I** - A law enforcement officer is justified in using non-deadly force upon another person when and to the extent that he/she reasonably believes it necessary to effect an arrest or detention or to prevent the escape from custody of an arrested or detained person, unless s/he knows that the arrest or detention is illegal, or to defend the officer or a third person from what s/he reasonably believes to be the imminent use of non-deadly force encountered while attempting to effect such an arrest or detention or while seeking to prevent such an escape.

14. **Deadly Force NH RSA 627:5 II** - A law enforcement officer is justified in using deadly force only when s/he reasonably believes such force is necessary:

a. To defend the officer or a third person from what s/he reasonably believes is the imminent use of deadly force; or

b. To affect an arrest or prevent the escape from custody of a person whom s/he reasonably believes:

(1) Has committed or is committing a felony involving the use of force or violence, is using a deadly weapon in attempting to escape, or otherwise indicates that s/he is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay; and

(2) The officer has made reasonable efforts to advise the person that s/he is a law enforcement officer attempting to affect an arrest, and has reasonable grounds to believe that the person is aware of these facts.

c. Nothing in this regulation constitutes justification for conduct by a law enforcement officer amounting to an offense against innocent persons whom s/he is not seeking to arrest or retain in custody.

d. As used in this policy, "reasonable belief" means when facts or circumstances the officer knew or should know, if true, would in law constitute an offense justifying the use of force. "Serious bodily injury" means any harm to the body which causes severe, permanent or protracted loss of or impairment to the function of any part of the body. "Deadly force" means any force which, in the manner it is used, intended or threatened to be used, is known to be capable of producing death or serious bodily injury.

e. Firearms are issued to officers for self-defense and the protection of the public, recognizing that in the performance of their duties they may have to deal with dangerous persons who place them in life-threatening situations. Deadly weapons shall not be used when other, less drastic means of apprehension are possible.

15. **Warning Shots:** Warning shots are strictly prohibited, and shall not be fired at any time.

16. **Reporting Use of Force:** Officers shall report **any** use of force to their superior as soon as possible.

a. Any use of force caused by police action and resulting in apparent injury shall be reported to the officer's superior as soon as practicable.

b. All other use of force by police shall be reported in a written report of the incident.

17. **Medical Assistance:** Officers shall render, or cause to be rendered, medical assistance to **any** injured person. Good faith assistance within the limits of the officer's skill and knowledge, absent negligence, shall render the officer free of civil liability. (See RSA 508.12, III).

C. Disciplinary/personnel actions

1. Disciplinary actions may include an oral or written warning or reprimand, suspension with or without pay, reduction in pay, demotion or termination. Personnel actions may include probation, counseling, training, close supervision, performance evaluation, transfer, and termination.

2. As appropriate, disciplinary action may be taken for any or all of the following reasons, and the following shall apply to civilian as well as sworn employees of the department:

a. Incompetent or inefficient performance of duty, or inattention to or dereliction of duty.

b. Insubordination, discourteous treatment of the public, a superior, or a fellow employee, or any act of omission or commission of similar nature tending to discredit or injure the public service; or any act jeopardizing the effective functioning of the police service.

c. Violation of a written or posted regulation of the department.

d. Mental or physical unfitness for the position which the employee holds.

e. Conviction of a felony, misdemeanor, violation, or a pattern of misconduct.

3. Examples of behavior specifically prohibited include:

a. Use of alcoholic beverages on-duty, or reporting for duty after having consumed liquor or alcoholic beverages so that there is the odor of alcoholic beverage on the breath or in excess of .02 blood or breath alcohol content.

No employee shall refuse to submit to a test to determine the alcoholic content of their blood, breath or urine upon request of a supervisor having reasonable suspicion that the employee has any alcohol or drugs in their system.

b. Possession or consumption of illegal drugs or narcotics, or being under the influence of legal or illegal drugs or narcotics.

c. Purchasing or consuming liquor or alcoholic beverages while on-duty, except as may be necessary to the carrying out of an assignment while operating in an undercover capacity, with the permission of a superior officer.

d. Posting bail for anyone other than a family member.

e. Releasing any information to a suspect or convicted person that would enable an escape from custody or hamper an investigation, or releasing information from the department's computer system for a fee, or under circumstances where such information is protected by law or regulation.

f. Selling, trading, or buying chances, bets, or raffle tickets, or engaging in any other illegal gambling.

g. Recommending a specific legal counsel or bondsman to any person.

h. Publicly ridiculing in an insulting manner any member of the Department, members of other law enforcement agencies, any manager, or any town official.

i. Use of harsh, profane, abusive, or obscene language to any member of the department or to the public.

- j. Sleeping while on duty.
- k. Engaging in any sexual or romantic activities while on duty.

4. Nothing in these rules and regulations shall limit the charges against employees because the alleged act or omission does not specifically appear in this manual, orders of the department, or in the laws or ordinances which the department is responsible to enforce.

D. General conduct

1. Employees of the department shall display respect for their superior officers, subordinates, and associates. When on duty and in the presence of the public, superior officers shall be addressed or referred to by their appropriate rank.

2. Employees shall address their subordinates, associates, supervisors or members of the public courteously, and shall not use abusive, violent, insulting or provoking language which could be deemed insulting to any person or group by reason of their racial, ethnic or religious background or sexual orientation.

3. Employees shall at all times be civil and courteous. They shall maintain an even disposition and remain calm in the face of provocation in executing their duties.

4. The department recognizes the rights of all employees under the First Amendment to the U.S. Constitution to free speech. However, to be protected under federal constitutional standards, an employee's speech must relate to a matter of public concern, and the employee's interest in the matter must not be outweighed by any injury the speech could cause to the interest of the Town/City as an employer, in promoting the efficiency of the public services it performs through its employees. Pickering v. Board of Education, 391 U.S. 563 (1968); Bennett v. Thomson, 116 NH 453 (1976). Therefore, employees shall not engage in malicious gossip or speak rumors detrimental to the department or another employee.

5. Employees shall always display absolute honesty.

6. Employees shall cooperate and coordinate their efforts with other employees to insure maximum effectiveness. This high degree of cooperation and coordination shall extend to other law enforcement organizations and government agencies.

7. Employees shall not conduct personal business while on duty, and shall restrict social visits, conversations and other activities during on-duty time to those

which are consistent with the objectives of community policing and do not interfere with their performance of duty.

8. No officer shall display cowardice in the line of duty or in any situation where the public or another police officer might be subjected to physical danger. Unless actually incapacitated themselves, every officer, regardless of rank or assignment shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might reasonably be impending.

9. Employees of the department shall not at any time use or attempt to use their official position, badge or credentials or departmental name, stationery or logo for commercial or political advertising, or for personal or financial gain or advantage.

E. Gifts, gratuities, rewards

1. Employees shall not solicit any gifts, gratuities, loans or fees where there is any direct or indirect connection between the solicitation and their departmental employment.

2. Employees shall not accept either directly or indirectly any gift, gratuity, loan or fee or any other thing of value arising from or offered because of police employment or any activity connected with law enforcement employment.

3. Employees shall not accept any gift, gratuity or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of the employee or any other employee in any manner of official business; or which might tend to cause any adverse reflection on the department or any employee thereof.

4. No employee of the department shall receive any gift or gratuity from other employees junior in rank, without the express permission of the Chief of Police.

5. Employees shall not accept any gift, gratuity or reward in money or other considerations for services in the line of duty to the community, or to any person, business or agency, except the employee's lawful salary.

F. Suggestions or grievances

1. Employees wishing to make suggestions for the improvement of the department, or who feel injured or offended by the treatment, orders, or neglect of duty of a superior, may communicate either orally or in writing, through proper channels such suggestion or complaint to the Chief of Police. Certain matters such as those of a personal or confidential nature may be brought directly to the Chief of Police rather than through the chain of command.

If the Chief deems appropriate, s/he may refer the employee through the chain of command to insure its proper and efficient functioning.

2. Employees who are not satisfied with a decision of the Chief of Police regarding discipline, pay, or benefits may grieve the decision to the governing board of the Town/City, in accordance with the policies herein set forth.

G. Duty

1. Employees shall report for duty at the time and place specified by their assignment or orders, and complete the number of hours on duty required by their assignment.

2. Employees, while on duty, shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.

3. Officers serve in order to protect lives, preserve the peace, enforce the laws of the Town/City, State, and Nation, and to assist the public in any reasonable request.

5. Officers shall identify themselves to any person requesting the officer's name, rank, and badge number.

6. As a condition of employment, all officers shall maintain a means to be contacted 24 hrs a day (cell phone, land line or pager). Officers shall notify the **Police Department** and **dispatch center** of their telephone number, address, and any changes in same.

7. All officers shall, in a timely and absolutely truthful fashion, complete and submit all forms and reports required by law or by the department.

8. Officers shall not provide information from computer-based vehicle license checks to citizens for any purpose not directly related to the safety of the citizen. Citizens requesting such a check for any other purpose shall be directed to put their request in writing to the state Motor Vehicle Division.

9. If injured, officers shall promptly notify their supervisor of the injury and the circumstances of it, and the supervisor shall be responsible for the filing of any required reports to the insurance carrier or the New Hampshire Department of Labor.

10. Officers, while on-duty, shall keep the dispatcher appropriately informed of their whereabouts and any changes in duty status or availability. Officers shall keep their

portable radios charged, turned on, and in their immediate possession at all times. Officers who are issued a pager shall keep the pager with them and turned on, at all times.

11. Officers shall maintain a professional attitude and manner when communicating by radio. Officers shall communicate in plain language or approved codes, abiding by Federal Communications Commission requirements and the policies of the department.
12. Officers shall not loiter at headquarters, but shall use headquarters for official purposes only. Each officer shall take responsibility for the cleanliness and upkeep of the office and any assigned police vehicles, uniforms and equipment.
13. Officers shall not use police vehicles for personal errands nor for the transportation of unauthorized persons, except in emergencies, or with approval of a superior. Authorized persons include arrested persons, detained juveniles, victims, official citizen ride-along, other law enforcement officers, and witnesses.
14. Officers shall clean the interiors of their assigned police vehicles daily. Officers shall have their assigned police vehicles washed no less than once every week, in accordance with departmental provisions for washing.
15. Officers shall keep their financial debts and obligations in a current payment status. Delinquent debt may be a cause for disciplinary action.
16. No employee shall use his or her position with the department for personal or monetary gain.
17. Employees may make long distance telephone calls when necessary for official purposes. Long distance calls made from the police office telephone shall be logged with the dispatcher. If the call is personal, the employee shall so advise the dispatcher, and the officer shall subsequently pay the cost of the call.
18. Officers shall carry police identification and a valid driver's license whenever carrying a firearm. It is strongly recommended that officers carry police identification and a valid driver's license at all times.

H. Leave

1. Employees shall not be absent from duty without first obtaining permission from their supervisor(s).
2. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisor(s) of the circumstances as soon as possible.

3. Employees shall request vacation days at least thirty (30) days before they wish to take them.

4. Leave shall be granted by the Chief of Police or his/her designee, based on, but not limited to rank, seniority, shift coverage, and special circumstances for long range planning.

I. Information

1. Employees shall not communicate to any person not an employee of this department any information concerning operations, activities or matters of police business, the release of which is prohibited by law, or would violate confidentiality requirements, or which might have an adverse impact on the department's operations or administration, except such information as may be a permissible exercise of the employee's First Amendment rights. Employees having any questions regarding the applicability of this regulation are encouraged to check with the administration prior to making public statements if they are in doubt as to the applicability of this policy.

2. Employees shall communicate promptly to a supervisor information received regarding possible crimes or criminal activity, citizen complaints about a fellow officer or employee, or other relevant law enforcement information which comes to their knowledge. After conferring with the supervisor, the employee and supervisor shall notify the Chief of Police of the information.

J. Public appearances

If an employee receives a request to make an official public presentation or appearance, or to publish an article concerning his/her duties, the officer shall request permission from the Chief of Police. This regulation shall not be enforced in such a manner as to abridge the rights of employees under the First Amendment to the U.S. Constitution. The department can and will authorize appearances or writings that represent the agency in a positive manner.

K. Use of alcohol

1. Employees shall not drink any liquor or alcoholic beverage while on duty or on standby, and shall not report for duty with the odor of an alcoholic beverage on their breath, or while impaired to any degree. Officers in plainclothes, with the consent of their commanding officer, may drink limited quantities of liquor or alcoholic beverage while on duty when necessary to accomplish an undercover police mission.

2. In the event of an emergency recall, each officer must determine fitness for duty if alcohol has been consumed. A supervisor shall be consulted and asked to confirm or deny, as appropriate, the officer's judgment in the matter. No adverse actions shall be taken if, in the case of an unanticipated recall, the officer believes himself or herself to be incapacitated for duty and declines to be recalled, or does so on the advice of a supervisor.

3. Officers shall not carry weapons when off-duty in a situation where it would be socially inappropriate, particularly where an officer expects to consume liquor or alcoholic beverages.

4. Officers shall not carry backup weapons nor off-duty weapons while off-duty other than while engaged in hunting or target shooting, without the prior written approval of the Chief. An officer who is authorized to carry a backup or off-duty weapon shall be required to qualify with it prior to receiving said approval, and to re-qualify with it every calendar year at the time and place of annual firearms qualification, at the officer's expense as to the ammunition. The serial number of the weapon shall be recorded in the officer's personnel file, and a test projectile and casing from the weapon shall be kept on file by the Firearms Training Officer. The weapon shall be inspected annually by the Firearms Training Officer, and the ammunition shall be commercially available and approved by the Firearms Training Officer.

L. Use of drugs

1. Employees shall not use any narcotic, stimulant, controlled substance or other dangerous drugs while on duty or off duty unless prescribed by a physician. Employees using any prescribed drug or narcotic or any patent medicines that could possibly induce impairment of their performance shall notify their supervisor(s).

2. Officers and dispatchers shall at any time and on a random basis, if requested by a supervisor, submit to a chemical test or tests of their blood, breath, or urine, for the purpose of determining the presence of any narcotic, stimulant, controlled substance or metabolite thereof, or other dangerous drugs, or for abuse of prescription drugs. Other employees shall submit to such a test upon request of supervisor having reasonable suspicion that such employee is under the influence of drugs or using illegal drugs.

M. Property, equipment and uniforms

1. Employees are held responsible for the proper care and use of department property and equipment assigned to or used by them. They shall promptly report to their supervisor(s) any loss, damage, destruction or defect therein.

2. Employees shall operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the driver shall notify a supervisor immediately. Under no circumstances shall an officer investigate his or her own traffic accident. Wherever feasible, the accident shall be investigated by an outside agency, and if no outside agency is available, the accident shall be investigated by a supervisor from within the department.

3. At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisor(s). Unless damage or defects are reported, it shall be presumed that the employee inspected the vehicle and found no damage or defects. The employee, in such case, shall be held responsible for the damage.

4. Officers shall keep their uniforms clean and pressed, their shoes and other leather equipment polished and shined, and badges and name plates clean and bright.

5. Employees wearing civilian clothing on duty shall present a neat and clean, businesslike appearance. Employees shall wear clothing which is appropriate to the type of duties and citizen contact expected, e.g., coat and tie for men and equivalent skirt, blouse or pants outfit for women are appropriate for business contacts; more informal sports clothing might be appropriate for late hours of work. Civilian dress shall not be such as to constitute a source of negative comment from the community. Male officers unless on an undercover assignment shall not wear beards and shall not let their hair grow beneath the level of the collar. Neither male nor female employees shall wear earrings while on duty in other than an undercover capacity.

6. Employees shall not temporarily or permanently convert any department property, found property or evidence to their own personal use, or to the use of any other person.

7. When an employee terminates employment, all issued equipment shall be returned to a supervisor on the day the termination is effective. Failure to return all items of Town/City-owned property shall result in withholding final pay or taking legal action.

8. Employees shall be issued a copy of the rules and regulations manual, and shall maintain and make appropriate changes or inserts as directed. Duty manuals are the property of the department, and shall be returned by the employee upon termination. Persons outside the department requesting copies of the duty manual or any portion thereof shall be told to make their request to the Chief in writing. On an annual basis, the department will require each employee to present their duty manual for inspection, to insure compliance with this regulation.

9. The Department may furnish the following uniform items subject to available financial resources:

- summer shirts
- winter shirts
- pants, year-round material
- coat or jacket
- uniform hat(s)
- pair of shoes
- pair of boots
- gun belt
- gun holster
- handcuff case
- bullet pouch
- ballistic vest
- set of handcuffs and handcuff key
- aerosol defense spray
- baton
- badges
- name plates
- ties
- adopted departmental firearm(s) and approved ammunition
- other

10. All uniforms shall be an approved color with black leather gear. Uniform shirts and coats shall display the department patch on both shoulders. Name plates shall be worn on the outside of the uniform.

11. Uniforms or coat and tie for men and equivalent skirt, blouse or pants outfit for women, shall be worn for all court appearances.

12. When uniform items are damaged or worn out and need replacement, officers shall request replacement or repair in writing to the Chief of Police, giving reasons why the items were damaged.

N. Part-time or off-duty employment

All employees shall request permission from the Chief before engaging in any outside employment or business activity. Approval shall be granted only if such activities are within the following guidelines:

1. The employment shall not render the officer unavailable during an emergency, or physically or mentally exhaust the officer to the point that his or her performance on duty will be affected.

2. Employment shall not in any way conflict with the objectives of the department, impair its reputation, or compromise enforcement authority.

3. The police uniform shall not be worn nor police equipment used, unless so authorized by the Chief of Police.

4. Each employee while engaged in off-duty employment shall conduct themselves in accordance with any applicable department standards, and if on a special paid detail assigned by the department, shall be under the control of department supervisors. The Chief of Police may from time to time place reasonable limits on the number of hours that may be work in off-duty employment or details, or the proximity to the time of a duty shift that an outside detail may be worked.

5. A member or employee, at the discretion of their commanding officer, may be called to duty at any time, irrespective of his or her off-duty employment.

6. Failure to meet these guidelines, or other just cause, may require the Chief of Police to deny permission for such activity to commence or continue. The Chief's decision shall be final, and not subject to higher appeal.

O. Reporting arrests, court action, civil cases

1. Employees of the department shall immediately report to their supervisor any arrests or court action instituted against them.

2. Any employee of the department who becomes involved in any accident or altercation, or any problem which may be reasonably expected to come to the public's attention, in this or another community, shall give oral notification as soon as possible, and within twenty-four hours in writing, to his/her supervisor. Supervisors shall forward relevant information through the chain of command as rapidly as possible.

4. Employees shall wherever possible avoid involvement in any civil disputes between their own relatives, neighbors or acquaintances. Further, officers shall not remove children from parental custody, or property from citizens without court order, or probable cause, and in accordance with existing State laws. Further guidance shall be found in the General Order on this topic.

VIII. CONSTITUTIONAL VIOLATIONS:

A. The department recognizes that all officers have an absolute responsibility to take immediate action or to otherwise intervene and subsequently report any constitutional violations being committed by police officers, regardless of rank, status, or professional standing.

B. Officers are expected to intervene and take steps to deter or otherwise stop the violation from taking place or continuing. A failure to do anything, even though not actually participating in the illegal action, will subject an officer to disciplinary procedures.

C. No special exemption exists for some officers because of rank, social or departmental status or experience, that gives them special permission to commit constitutional violations upon persons, whether under the color of law or otherwise.

D. All officers have a duty imposed by their office and position to take steps to deter or intervene or to otherwise stop constitutional violations from taking place, due to their obligation to protect and uphold the State and Federal Constitutions.

E. No code of silence exists, and officers are expected to honestly come forward with information regarding misconduct of other officers.

F. We recognize that physical confrontations present themselves because of the nature of police work. Nevertheless, in unison with physical conditioning, defensive tactics training, communications skills and defusing techniques, within the confines of the law we must ensure that when confrontations take place, we are required to use only that force which is reasonably necessary to accomplish our objectives.

G. All supervisors shall set an example for subordinates to follow that is consistent with this policy. In cases where a supervisor witnesses a constitutional violation, s/he shall take steps to intervene or prevent it from taking place, and shall report the facts and circumstances in writing, using the formal chain of command, to the Chief of Police.

H. Non-supervisory personnel have a similar duty to report, and are not insulated because the violation was committed by a superior or an officer from another agency. Any officer witnessing a constitutional violation shall take appropriate steps to intervene or deter the violation, and shall report the facts and circumstances to the Chief through the next highest-ranking supervisor not associated with the violation. No officer shall be penalized or reprimanded for the legitimate reporting of what they perceive is a violation of the spirit and intent of this policy.