
Bayport Police Department Policy and Procedure Manual

Policy # RC-1 **Pages:** 5 **Date:** 01-03-05; Revised 3-18-09

Subject: General Rules, Regulations, and Standards of Conduct

I. Introduction

This procedure identifies general rules, regulations, and standards of conduct that do not typically require expansive, independent procedures. Nonetheless, some of these rules may have expanded applications in other procedures in this manual, and it is the responsibility of each employee to be aware of the total manual content. While references to expanded procedures may be made occasionally, these are delegated to assist the employee in reviewing expanded applications, and should not be considered all-inclusive.

II. Rules and Standards of Conduct

A. Violation of Rules

Employees shall not commit any acts or omit any acts that constitute a violation of any rules, regulations, directives, or orders of the department, whether stated in this policy or elsewhere. Failure to comply with all applicable rules, regulations, directives, and orders shall be sufficient cause for disciplinary action.

B. Enforcement/Individual Responsibility

All employees, regardless of position or assignment in the department, shall be personally responsible for their own conduct and actions.

Additionally, all employees shall be required to intervene in any situation in which they are physically present, or in which they possess direct knowledge, that another employee of the department is committing a violation of law or policy. The appropriate form of intervention will be dictated by the circumstances existing at the time of the incident, but in all cases shall include, at a minimum, reporting the violation to a department supervisor.

C. Chain of Command

Employees shall not, without just cause, circumvent or otherwise violate the established departmental chain of command. Each employee has been provided access to a copy of the organizational chart, and each employee will have the responsibility for clearly understanding whom the employee's immediate supervisor is.

D. Insubordination

Employees shall promptly obey any lawful order given by a departmental supervisor of higher rank or position than the employee. This requirement includes orders that are relayed from a supervisor through an employee of

same or lesser rank or position. Employees shall not behave with disrespect, in manner or speech, toward a supervisor.

If an employee is given an order that is in conflict with direction previously provided, the employee shall respectfully make the supervisor giving such an order aware of the conflict. If the supervisor does not alter their decision upon learning of the conflict, the supervisor's order shall be complied with, and the supervisor shall bear the exclusive responsibility for the outcome of the decision.

Employees are not required to obey any order which they know, or should reasonably know, would require them to commit an unlawful act. If in doubt as to the legality of the order, the employee shall request that the issuing supervisor clarify the order or that the issuing supervisor confer with a higher authority.

E. Conduct Unbecoming an Employee/Member

MA-7 (Professional Conduct of Officers) discusses in great detail the issues considered to be unbecoming conduct. While MA-7 is directed towards licensed peace officers, it is the position of this department that these requirements apply to all department employees, with exception to those conditions and references that would only apply to licensed peace officers.

F. Unsatisfactory Performance

Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner that is consistent with the highest standards of efficiency in carrying out the functions and responsibilities of the department.

Unsatisfactory performance may be demonstrated in a number of ways, including, but not limited to: a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's rank, grade, or position; the failure to take appropriate action on the occasion of crime, disorder, or other conditions deserving police attention; absence from the workplace without approved leave; performance reviews that fail to meet established standards; and repeated infractions of the rules, regulations, and other directives or communications of the department or city.

G. General Employee Responsibilities

The employees of the department are required to comply with the following responsibilities in an effort to maintain an appropriate public image, to maintain licensure where appropriate, and to minimize the civil liability exposure of the city and department.

1. Peace Officer License: Employees required by statute to be licensed as peace officers shall maintain a valid peace officer license at all times. The responsibility for maintaining this license, including

standards of conduct and training requirements, rests with the individual employee.

2. Driver's License: Employees required to operate a city-owned vehicle during the course of the employee's work shift shall maintain a valid driver's license at all times, depending on residency. The failure to maintain a valid license shall be sufficient evidence that the employee is unable to fulfill the terms and conditions of their employment with the city. Additionally, the employee shall notify the Chief of Police, or designee, of any pending or actual administrative action being taken against the employee's license by any state agency.
3. Arrest: Employees arrested for or charged with any offense other than petty misdemeanor traffic violations shall promptly notify the Chief of Police, or designee, of the arrest.
4. Medical Conditions: Employees experiencing any medical condition that potentially impairs the employee's ability to safely and effectively perform or complete the employee's customary duties and responsibilities shall promptly notify a supervisor. Such conditions shall include, but are not limited to: pregnancy; infectious diseases potentially transmitted via blood or other body fluids; and conditions or injuries substantially affecting mobility, safe vehicle operation, or the proper operation or handling of a firearm. It is not the intention of the department, nor shall it be the outcome, to discriminate in any way against any employee with any medical condition. In the interest of the affected employee and of public safety, the department must be aware of these conditions in order to ensure the safe and effective delivery of services. The department will consult with legal and medical experts in those situations where it is uncertain whether an employee should continue performing their normal or customary duties.
5. Departmental Communications: In addition to the primary policy and procedural manual, employees are responsible for information contained in e-mail messages, supplemental manuals, weekly bulletins, postings in the squad room, materials placed in mailboxes and on work areas, and all other communications recognized by practice or custom as being official departmental communications. Each employee is assigned either a mailbox or workstation, and these areas shall remain neat and orderly so the employees are aware of new materials that are being placed in these boxes. The mailboxes shall be considered the official distribution location for materials that are designated for delivery to individual employees.
6. City Communications: Employees are expected to comply with the directives, ordinances, and procedures provided by the management staff of the City of Bayport in general, in addition to the specific requirements imposed by the department. In matters where the employee is uncertain as to the appropriate course of action with respect to city communications, the employee shall consult with a supervisor for additional direction or clarification.

H. Dissemination of Information

Employees shall treat the official business of the department as confidential, unless otherwise directed by law, policy, or a supervisor.

Employees may only remove or copy departmental reports, documents or other written communications from the police department with the express approval of a supervisor, or in accordance with written departmental procedure.

G. Use of Department/City Equipment

Employees shall utilize the equipment of the department and city only for its intended purpose and in full accordance with established procedures and practices. All equipment issued to employees shall be properly maintained, and shall not be abused, intentionally damaged or lost. In the event any equipment is lost or damaged, the involved employee shall immediately notify a supervisor and complete all designated reports.

H. Reporting For Duty

Employees shall report for duty at the time and place required by assignments, orders, or legal notifications, and shall be physically and mentally fit to perform their duties. Employees shall be properly equipped and dressed, and shall be cognizant of the information required for the proper performance of their duties.

I. Attention to Duty

Employees shall not engage in any activities or personal business that would cause them to neglect or be otherwise inattentive to duty. Examples of such neglect or inattentiveness include, but are not limited to: being unavailable by police radio when required to do so; failing to remain or become available for service with no reasonable explanation; ignoring or failing to respond in an appropriate manner to calls for service from the community or other departmental employees; failing to remain active and productive during the course of the employee's assigned work shift; failing to meet the terms and conditions of work activity described in the employee's job description; and failing to remain in the employee's assigned work area without reasonable explanation or the approval of a supervisor.

J. Fictitious Illness or Injury Reports

Employees shall not feign illness or injury, falsely report themselves as ill or injured, or otherwise deceive or attempt to deceive any supervisor of the Department as to the condition of their health, or the health of a family member, should the employee intend to use the benefit of sick leave. The use of leave is described in greater detail in the Union Contract and in the City of Bayport Personnel Policy under Division 3. Benefits.

K. Sleeping on Duty

Employees shall remain awake while on duty. If unable to do so, the employee shall report this fact to the employee's supervisor, who shall then determine the appropriate course of action. Employees are expected to report for duty properly refreshed and rested.

L. Endorsements and Referrals

Employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service. Examples of these services would include attorneys, bondsman, morticians, towing, etc.

M. Employee Identification

Employees shall furnish their name, badge, and/or identification number to any person requesting this information, when the employee is on duty or when holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by a supervisor.

N. Public Statements and Appearances

Employees shall not publicly criticize or ridicule the department or city, its policies or other employees, by way of speech, writing, or other expression if these communications are defamatory, obscene, unlawful; undermine the effectiveness of the department or the city; interfere with the maintenance of discipline; or are made with reckless disregard for the truth.

Additionally, employees shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents for a newspaper or another periodical, release or divulge investigative information, or any other matters of the department while holding themselves out as representing the department in such matters without proper authority. Employees may lecture on 'law enforcement' or other related subjects only with the approval a supervisor.

O. Official Action or Investigation

Employees shall not undertake any investigation or other official action that is not part of their customary duties, without first obtaining the express permission of the employee's immediate supervisor. The only exception to this requirement shall be those situations in which exigent circumstances dictate the need for immediate and justifiable police action.