

	SECTION:	ADMINISTRATION	ADM-131
	CHAPTER:	CONDUCT AND ETHICS	
	DIRECTIVE:	CODE OF CONDUCT (High Risk)	

131.01 SUMMARY

This directive establishes rules governing the behavior of all employees of the Grand Junction Police Department. Rules are specific and less flexible than policies or procedures. Rules require or prohibit specific action(s) in specific situations.

In any case or situation where a Code of Conduct rule conflicts with the City Personnel Policy Manual, the City Personnel Policy Manual controls.

131.02 DEFINITIONS

SWORN EMPLOYEE – A Colorado POST certified peace Officer employed by the Police Department.

CIVILIAN EMPLOYEE – All other employees who are not POST certified. (Including Police Service Technicians.)

Sworn and civilian employees may be referred collectively to as “employees”.

131.03 GENERAL RULES

A. OBEY ALL LAWS – All employees shall obey the laws of the United States of America, the State of Colorado and the City of Grand Junction.

B. OBEY ALL CITY AND DEPARTMENT REGULATIONS – All employees shall be familiar with and obey all rules, regulations, lawful orders and directives issued by the City, the Department, a Division within the Department or a Supervisor. Employees will not commit any act (or fail to act) in violation of any rule, regulation, law, order or directive and will never aid or abet another employee to violate any rule, regulation, law, order or directive.

C. PERFORM DUTIES – All employees shall faithfully and properly perform all duties and never engage in any unlawful action for the purpose of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

D. PROTECT CONFIDENTIALITY – An employee shall treat the confidentiality of his/her duties with proper regard and safeguard information that he/she may know because of his/her employment.

GENERAL RULES (cont'd)

E. The business of the Department often includes knowing the identities of persons involved in sensitive and confidential situations. Information not subject to the Open Records Act will never be given to anyone whom is not intended or who is not duly authorized to receive it.

F. **CONDUCT TO REFLECT FAVORABLY ON THE DEPARTMENT** – Employees are prohibited from engaging in conduct that could bring the Department and/or City into disrepute. This rule applies to both on-duty and off-duty conduct.

131.05 ABUSE OF POSITION

A. **UNOFFICIAL OR UNAUTHORIZED USE OF POSITION**– An employee shall never abuse the power and public trust vested in him/her. Employees are prohibited from using credentials, badge, identification, rank or position, Department vehicle(s), equipment, radio(s), cell-phone(s), computer(s) or other Department/City property in any unofficial or unauthorized capacity.

B. **PRODUCT OR SERVICE ENDORSEMENT** – An employee shall not allow the use of his/her name, photograph or official title, which identifies him/her as a Department employee, to endorse or advertise any product or service for personal gain, profit or use.

C. **PURCHASE, SALE, OR SOLICITATION OF PRODUCTS AND SERVICES** – An employee shall not use his/her employment, rank or title to purchase, sell or solicit any product or service for personal gain, profit or use.

D. **SPECIAL PRIVILEGES** – An employee shall not use his/her employment, rank or title to avoid or attempt to avoid the consequences of illegal acts or to obtain privileges not available to the general public.

E. **DEPARTMENT MAILING ADDRESS** – An employee shall not use the Department as a home address or as a mailing address to receive personal mail or packages.

F. **DEPARTMENT VEHICLES** – Except with a Supervisor's approval, an employee shall not permit or allow any person not involved in a police action to ride in a Department vehicle.

131.06 ABUSE OF LAW ENFORCEMENT POWERS

A. **FALSE ACCUSATIONS** – An employee shall not make false accusations/statements regarding or about any Federal, State or local agency, or employee of the same.

**ABUSE OF LAW
ENFORCEMENT POWERS
(con't)**

- B. USE OF FORCE** – An employee shall not use more force than is reasonably necessary in any situation to control the suspect(s), defendant(s), or any other person.
- C. ILLEGAL ARREST, SEARCH OR SEIZURE** – An employee shall not make an arrest, search or seizure that he/she knows or should reasonably know, is illegal.
- D. PROMISES TO A SUSPECT** – An Employee shall not make a promise to, or an arrangement with a suspect with the intent to allow the suspect to avoid prosecution, without the knowledge and authority of Supervisory personnel and the prosecuting attorney.
- E. PERSONAL INCIDENTS/SITUATIONS** – An employee shall not make an arrest(s) or use other police authority in personal quarrels, disputes or any other incident or situation between the employee and his/her family and/or neighbors, friends or acquaintances. The only exceptions to this rule are incidents of self-defense to prevent injury to one's self or another person or when a serious offense is about to be or has been committed.

**31.07 EXERCISE OF
AUTHORITY WHILE
ON
ADMINISTRATIVE
LEAVE**

With concurrence from the Chief of Police, a Deputy Chief or designee may place an employee on administrative leave pending the outcome of a criminal and/or administrative investigation/review regarding that employee's alleged misconduct. At the discretion of the Deputy Chief, any or all conditions of the administrative leave may include:

- The employee shall not wear the Department uniform.
- The employee shall not carry a Department badge or ID card.
- The employee shall not carry a concealed weapon.
- The employee shall not exercise Department powers or authority unless specifically authorized by the Chief of Police or Deputy Chief.

Such conditions will be included in a written letter of notice of administrative leave which shall be provided to the employee when placed on such leave.

**131.08 SEXUAL
HARASSMENT OR
OTHER UNLAWFUL
HARASSMENT**

Sexual and other forms of harassment are prohibited. All employees shall comply with the City's Harassment policies as stated in the **City Personnel Manual, Chapter 6 – Sections 6.200 and 6.300.**

131.09 GRATUITIES AND SPECIAL PRIVILEGES

- A. GRATUITIES** – An employee shall never use his/her Department status to solicit or accept a gratuity. An employee shall refuse or return any gratuity to the donor with an explanation of the Department's gratuity policy when appropriate.
- B. BRIBES** – An employee shall report to an on-duty Supervisor as soon as possible any attempt by a person to bribe, intimidate, offer special privileges(s) or induce an employee to do or not do any act that is a part of an employee's duty.

131.10 PUBLIC STATEMENTS AND APPEARANCES

- A. PUBLIC STATEMENTS** – An employee shall not publicly make defamatory, obscene or unlawful statements about the City of Grand Junction and/or the Police Department.
- B. PUBLIC APPEARANCES** – Should an employee anticipate making a public presentation, appearance and/or comment(s) to the media, that employee will advise their immediate Supervisor when practical. Assigned Public Information Coordinator duties and other duty-related press announcements or statements are exceptions to this rule.

131.11 EMPLOYEE IDENTIFICATION

- A. IDENTIFICATION AND AUTHORIZATION** – When on-duty, an employee shall carry his/her Department-issued badge or I.D. card and provide it when requested.
- B. NO LENDING OR BORROWING ID** – An employee shall not lend his/her badge or I.D. card to anyone or borrow another employee's badge or I.D. card.
- C. RECOGNITION OF PLAIN-CLOTHES SWORN EMPLOYEE** – An employee shall not indicate, verbally or non-verbally, that he/she recognizes a sworn employee working in plain clothes unless that employee addresses them first.

131.12 NAME, TELEPHONES AND ADDRESS

- A. PERSONAL INFORMATION** – An employee shall provide the Department with changes in his/her name, home address and telephone numbers by completing an "Employee Change Form" within twenty-four (24) hours of any change.
- B. HOME TELEPHONE** – All employees shall have a telephone in working order at their residence for purposes of emergency notification and/or call-out.
- C. ON-CALL STATUS** – When on call, an employee shall be immediately available by home phone, department-provided radio, pager or cell phone.

HOME TELEPHONE AND ADDRESS (con't)**131.13 EMPLOYMENT OUTSIDE THE DEPARTMENT**

D. CONFIDENTIALITY – An employee shall never provide the home address or telephone number of any employee to any person outside of the Department without the employee's permission.

A. PRIOR WRITTEN APPROVAL – All secondary employment must be approved by the Chief of Police prior to starting any such employment. All secondary employment requests shall be forwarded to the Chief of Police through the chain of command. Non proficient employees are discouraged from working part-time employment but may submit a request to the Chief of Police for consideration. All requests shall be considered based upon the nature of the work, the hours per week, and the experience level and work performance of the employee.

B. TWENTY-HOUR MAXIMUM – Authorized secondary employment will not exceed 20 hours per week. Any employee who works secondary employment shall ensure they receive proper rest/sleep prior to reporting for duty.

C. CONFLICT OF INTEREST – Secondary employment may be disapproved if a conflict of interest or an appearance of a conflict of interest is created. The Chief of Police, in his/her sole and exclusive discretion, will determine whether there is a conflict of interest or an appearance of a conflict and may disallow the secondary employment.

D. ANNUAL REPORT – On an annual basis, the Professional Standards Administrator shall review all secondary employment requests submitted to the Chief of Police and determine the status of the employee's secondary employment. A written report shall be prepared and forwarded to all Command Staff and affected Supervisors for consideration when preparing annual performance evaluations.

131.14 USE OF ALCOHOL, DRUGS, CONTROLLED SUBSTANCES, TOBACCO AND TOBACCO-LIKE PRODUCTS

DEFINITIONS - Drugs, for the purposes of this Directive, include legal and illegal substances including cocaine, marijuana in any form, opiates, amphetamines and phencyclidine and any other substance determined by the United States or the State of Colorado to be illegal to possess or consume; narcotics, hallucinogens, depressants, stimulants, inhalants and other substances capable of creating or maintaining effects on one's physical, emotional or mental state; any substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or other

USE OF ALCOHOL, DRUGS, CONTROLLED SUBSTANCES, TOBACCO AND TOBACCO-LIKE PRODUCTS (con't)

conditions in persons or animals. A drug is a “substance” for purposes of this directive’s reference to substance abuse.

- A. ON-DUTY USE OF ALCOHOL** – Employees are prohibited from consuming alcoholic beverages while on duty. (Except in the performance of duty when acting under the proper, specific and lawful orders of a Supervisor.) Employees are also prohibited from using any illegal drug(s) at any time. If an employee reasonably believes another employee is under the influence of a medication or a substance affecting the performance of his/her duty, report the information to the employee’s Supervisor immediately.
- B. PRESCRIPTION MEDICATIONS/DRUGS** – If an employee is under the influence of any prescribed medication or substance that may affect his/her fitness for performance of duties, the employee shall report this to his/her Supervisor as soon as possible. (See definitions)
- C. USE OF ALCOHOL WHILE IN UNIFORM** – An employee shall not consume alcoholic beverages in public while in uniform or while wearing any clothing/apparel that identifies him/her as a Police Department employee.
- D. OFF-DUTY USE OF ALCOHOL** – If an employee consumes alcoholic beverages off-duty, he/she is solely responsible for his/her actions. An employee is subject to disciplinary sanction(s) if he/she reports for work in an unfit condition.
- E. ALCOHOL AND CONCEALED WEAPONS** – When off-duty and in a public place, an employee shall not carry a concealed weapon when consuming alcoholic beverages.
- F. CONTROLLED SUBSTANCES** – All employees shall comply with the City’s Substance Abuse policy – **City Personnel Manual, Chapter 6 – Section 6.500 – “Drug Free Workplace”**.
- G. USE OF ILLEGAL SUBSTANCES OR DRUGS**
Employees are prohibited from using illegal substances/drugs. If an employee believes another employee is under the influence of an illegal substance, report the information to the employee’s Supervisor immediately. The use of marijuana in any form is prohibited. (Also see Definitions)
- H. RESPONDING TO DUTY** – If an employee is called to duty and has been consuming alcoholic beverages or has taken medication that could affect his/her performance or judgment, he/she must advise his/her Supervisor of his/her

condition. (Also see Definitions)

USE OF ALCOHOL, DRUGS, CONTROLLED SUBSTANCES, TOBACCO AND TOBACCO-LIKE PRODUCTS (con't)

- An employee who is “on-call” and is being compensated for such “on-call” status shall abide by the conditions as described in Paragraph A of this section. Employees shall not consume alcoholic beverages or legal/illegal substances during “on-call” status. (Also see Definitions)

I. TOBACCO USE – While on duty (including during training) and wearing any Department apparel (i.e. uniform, embroidered shirt, firearm, badge, etc.) an employee may not use tobacco or tobacco-like products while in the presence of citizens. Use of tobacco and tobacco-like products such as cigars, cigarettes, chewing tobacco and pipes is prohibited in the police building, entrances, training facilities and Department vehicles. Smoking is permitted in designated areas only.

131.15 DRUGS AND ALCOHOL TESTING

A. CONSISTENT WITH CITY POLICY – Drug and alcohol tests are performed in accordance with the City’s Substance Abuse policy – **City Personnel Manual, Chapter 6 – Section 6.500 – “Drug Free Workplace”**.

B. TESTING FOR DRUG OR ALCOHOL USE – Any employee reasonably suspected of being impaired, even to the slightest degree, by alcohol, controlled substance(s) and/or drug(s) while on duty may be required to submit to testing.

C. Reasonable suspicion includes those objective observations of appearance, behavior, speech or body odors which lead a supervisor or other ordinary reasonable person to believe that the employee is using or abusing Alcohol, Controlled Substance(s) and/or Drug(s). If a test is required, the City will provide the employee transportation to and from the testing site, unless other appropriate arrangements, satisfactory to the employee’s supervisor, are made. In no event shall the employee be authorized to drive to the testing site. The Department will observe applicable federal, state, and local chemical testing laws.

REFUSAL TO SUBMIT TO TESTING – An employee shall be deemed to have refused to submit to a test if the employee fails to provide adequate blood or urine for testing without a valid medical explanation, obstructs or interferes with testing, fails to be readily available for testing (including any post-incident testing) or fails to report to and undergo testing at any testing site as required. If an employee refuses to submit to a chemical test, the Department may presume the employee is

under the influence of alcohol or a controlled substance.

131.16 ASSOCIATIONS AND AFFILIATIONS

- A. AFFILIATION** – Employees will not belong to or be affiliated with, any person or group that advocates insurrection, treason, anarchy or the overthrow of the government through unconstitutional means or that claims racial superiority of one race over another.
- B. ASSOCIATION** – Employees will avoid any association or dealings with any person who has a reputation in the community or the Department for involvement in criminal behavior. Associations or dealings that are necessary for the performance of official duties or are unavoidable because of relationships with immediate family are exceptions to this rule.

131.17 ON-DUTY CONDUCT

- A. PROFESSIONAL CONDUCT** – An employee's conduct must always reflect favorably on the Department/City. Proper care and maintenance of issued equipment, performance and appearance must meet the standards established by the Department/City. If an employee is working secondary duty employment, he/she must comply with the on-duty standards.
- B. LOITERING** – An employee shall not enter liquor establishments, theaters or other places of entertainment while on duty or in uniform, except to perform police functions. Off-duty employees shall not interfere with or disrupt the activities of on-duty employees. On-duty employees may eat in restaurants licensed to serve liquor.
- C. POSTING BAIL** – An employee shall not furnish bail for any person while on-duty.

131.18 PERFORMANCE OF DUTY

- A. REPORTING FOR DUTY** – An employee shall report for duty at the time and place required by assignment and schedule, as per orders from a Supervisor, as indicated in a subpoena, notice of hearing or extra-duty law enforcement related employment.
- An employee shall be properly equipped, physically and mentally prepared, and had adequate rest/sleep prior to performing all duties.
 - Employees are prohibited from having used or consumed alcoholic beverages within eight (8) hours of reporting for duty.
- B. COMPETENCY, EFFICIENCY, EFFECTIVENESS** – An employee shall maintain his/her competency to perform the duties and responsibilities of his/her position. An employee shall perform his/her duties at the highest standards of

**PERFORMANCE OF DUTY
(con't)**

efficiency and effectiveness in carrying out Department functions and objectives.

C. FAILURE TO PERFORM DUTY – An employee shall not intentionally or because of negligence or insubordination, fail to perform the duties and responsibilities of his/her position.

D. SAFETY BELTS – An employee shall use safety belts while operating a Department vehicle unless use unreasonably hampers efficient law enforcement function as provided in **C.R.S. 42-4-236**.

E. INTERFERE WITH INVESTIGATION – An employee shall not interfere with a civil, criminal, administrative or Internal Affairs investigation.

131.19 NEGLECT OF DUTY

A. INATTENTION TO DUTY – An employee shall not engage in any activity that would cause neglect of or inattention to duty. Inattention to duty includes, but is not limited to personal reading, playing games, watching television or movies or any activity that is inconsistent with proper discharge of duty. Loafing, abusing meal and break privileges and failing to perform job tasks efficiently are examples of neglect of duty.

B. SLEEPING ON DUTY – An employee shall stay awake while on duty. If an employee cannot do so, he/she shall report to a Supervisor, who will determine the proper course of action.

C. ABANDONING POST – An employee shall not leave an assigned post while on-duty. (Except when authorized by a Supervisor)

D. DEPARTMENT CELL/LAND-LINE TELEPHONES – An employee shall not unreasonably use a Department telephone for personal business or to make unauthorized long-distance or toll calls.

**131.20 PHYSICAL
APPEARANCE AND
FITNESS FOR DUTY**

PHYSICAL CONDITION – An employee shall maintain the physical condition necessary to perform his/her assigned duties. Sworn Employees' duties and responsibilities may require running, jumping, crawling and using physical strength and endurance. Employees shall be capable to perform those duties.

A. APPEARANCE – When on duty, an employee's personal appearance, whether in uniform or civilian clothes, must be clean and neatly groomed. Clothing must be clean, pressed and appropriate and reflect professional business practices. Uniformed employees must comply with

**PHYSICAL APPEARANCE
AND FITNESS FOR DUTY
(con't)**

established Department standards. An employee shall maintain reasonable personal hygiene.

- B. HAIR** – A sworn employee's hair must be clean and neatly groomed and not exceed a length that could be considered inappropriate or unbecoming. Facial hair is limited to neatly trimmed mustaches not extending below the upper edge of the lower lip. Handlebar, fu-manchu, beards and goatees are not permitted while in uniform. These rules may be waived for personnel in Task Force or other special assignment positions.

Civilian personnel who do not wear uniforms and/or do not have regular contact or interaction with the public are permitted to have facial hair such as handlebar, fu-manchu, beards and goatees provided that such facial hair neatly trimmed and groomed. A civilian employee's Supervisor's opinion of what is considered neatly trimmed and groomed will prevail.

- Employee's hair must be neatly groomed and worn in a style that does not detract from the appearance of the uniform and/or physically interferes with the performance of duty. Hair must be clean, neat and combed.
- The bulk of the hair shall not interfere with the normal wearing of the uniform or department gear.
- Male employees' hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. Hair on the sides shall be no lower than the middle of the ear.
- Male employees' sideburns shall not exceed 1 ¼" in width, shall not be worn below the earlobe, shall not flare out, and shall be kept neatly trimmed.
- Sworn Female employee's hair that exceeds the shoulder in length must be secured back and away from the face. When the sworn female employee's hair is secured, the total length of the hair may not extend below the bottom of the shoulder blades.

- C. TATTOOS/BRANDING/SCARIFICATION/FACIAL JEWELRY (Intentional)** – No department employee shall have a tattoo(s), on his/her head, face, neck, or scalp. For clarification and purposes of this directive, a tattoo means or may include any type of body art, brand, mutilation, or intentional scarification. Cosmetic tattooing may be

**PHYSICAL APPEARANCE
AND FITNESS FOR DUTY
(con't)**

permitted on a case by case basis and with the prior approval of the appropriate Deputy Chief. No Department employee (currently employed) shall obtain and/or display a tattoo that could detract from the professional image of the Department, the appearance of said employee, or that could be considered offensive to the general public. Examples of prohibited tattoo(s) include those that display or depict:

- Nudity of any kind
- Racism or sexual/sexist images, illustrations or words
- Profane or vulgar words
- Symbols used by "hate" groups or gangs
- Any/all tattoo(s), branding, scarification, and facial jewelry as deemed inappropriate by the appropriate Deputy Chief or Chief of Police.

"Full 'sleeve' tattoos, or other tattoos which cover the majority of an employee's arms, may be ordered covered with long sleeves while on duty, based on the sole discretion of the Deputy Chief. Employees contemplating additional tattoos should consider this potential restriction."

Civilian and Sworn Employees are prohibited from attaching, affixing or displaying objects, articles, jewelry or ornamentation to or through the skin, including the nose, tongue or lip. Sworn female employees (whether uniformed or not) may wear no more than one pair of earrings, which must be worn on the earlobes. Sworn male employees may not wear earrings while on duty. Civilian employees may wear earrings provided that it does not detract from a professional appearance.

D. COURT APPEARANCE AND DEPARTMENT REPRESENTATION

– An employee shall appear at all Court proceedings or hearings (including DOR hearings) in uniform or professional business attire.

- E.** Employees representing the Department at other meetings or appearances shall wear a uniform or professional business attire with exception of events involving physical activity such as Police Recruitment physical ability testing or other similar activities.

131.21 ILLNESS AND INJURY

A. REPORT ABSENCE – An employee shall report to a Supervisor any absence due to illness, injury or other cause prior to the start of his/her next scheduled shift.

B. FAKING ILLNESS OR INJURY – An employee shall not falsely report or fake any illness or injury to deceive any Department employee or agent about his/her physical or mental health condition.

131.22 RELATIONS WITH THE PUBLIC AND OTHER EMPLOYEES

A. PROVIDING ASSISTANCE AND TAKING REPORTS – When any person requests assistance or reports an incident, whether by telephone or in person, an employee shall obtain pertinent information in a courteous and professional manner and always document and act upon any information gathered in a proper and judicious manner.

B. VOICE-MAIL AND RETURNING CALLS – Voice mail messages shall be checked on a regular basis during each tour of duty. Messages shall be returned promptly. Every employee who has been assigned a voice-mail box is required to keep the voice mail greeting updated including extended unavailability. Those employees who work other than traditional business hours (M-F, 8 am to 5 pm) shall indicate their current assignment, hours, and days worked.

C. COURTESY, TACT AND RESTRAINT – An employee shall, at all times, be courteous, tactful and restrained in the performance of his/her assigned duties. An employee shall always exercise patience and discretion, control his/her temper and shall not argue or physically retaliate, except as required, allowed or directed by law. An employee shall never express any prejudice concerning race, sex, religion, creed, politics, national origin, life style or other personal characteristics.

D. IMPARTIALITY – An employee shall treat all persons with impartiality, fairness, objectivity and without any prejudice.

E. RUMOR AND/OR GOSSIP – An employee shall refrain from initiating, fabricating or discussing gossip or rumors. If an employee hears rumor or gossip that, if true, could be considered a violation of Department/City directives or law, he/she shall report the information to a Supervisor for appropriate investigation.

**RELATIONS WITH THE
PUBLIC AND OTHER
EMPLOYEES (con't)**

F. DIGITAL OR TAPE RECORDING – No member shall tape record, photograph or otherwise eavesdrop on any other employee of the City without that person's knowledge and consent, except pursuant to an official investigation or inquiry if done in accordance with law (obtaining any required prior judicial approval) and authorized by the Chief of Police or his designee. This restriction shall not include department telephone lines which are tape recorded for operational purposes as authorized by the Chief of Police.

G. PROFESSIONAL BEHAVIOR – An employee shall always treat the public and co-workers (regardless of rank/status) with courtesy, respect and never coerce or intimidate any person or engage in speech or conduct which is discourteous, abusive, profane, obscene or threatening.

**131.23 DEPARTMENT
RECORDS AND
REPORTS**

A. PROMPT AND COMPLETE REPORTS – An employee shall submit all required reports by the end of his/her shift or by the deadline set by his/her Supervisor. All reports shall be truthful and as complete as possible.

B. CONFIDENTIALITY AND PROPER USE – An employee shall never misuse information or data sources such as NCIC, CCIC, CAD, LRMS or DMV records. An employee shall not obtain or attempt to obtain NCIC, CCIC, CAD, LRMS or DMV information for personal use or gain.

131.24 MISAPPROPRIATION

An employee shall not transfer, manufacture, conceal, falsify, destroy, move, tamper with or withhold for personal use or another person's use, any property, except through lawful orders or under the established Department policies or procedures.

**131.25 KNOWLEDGE OF
CRIMINAL ACTIVITY**

An employee shall report any suspected or alleged criminal activity of citizens, neighbors, friends or Department employee(s) that he/she reasonably has or should reasonably have knowledge of.

131.26 TRUTHFULNESS

An employee shall not knowingly depart from the truth or willfully withhold pertinent information in any statement, (written or verbal) investigation, testimony, document or report.

**131.27 CIVIL CASES AND
SUITS**

A. CIVIL CASES – An employee shall not testify in a civil case as a representative of the City unless lawfully subpoenaed. An employee shall not serve civil processes while on duty or in uniform, except for those initiated by the City.

**CIVIL CASES AND SUITS
(con't)**

B. INITIATING CIVIL ACTION – An employee shall not initiate a civil action arising out of his/her official duties without prior consultation with the Chief of Police and the City Attorney.

C. DAMAGE SUIT – If a damage suit is filed against an employee for an act performed or not performed in the line of duty, he/she shall immediately notify the Chief of Police and the City Attorney. The employee shall provide the Chief with a copy of the complaint and an accurate and complete report of the incident in question so the Chief may notify the City Manager.

131.28 ORDERS

A. OBEY LAWFUL ORDERS – An employee shall obey any lawful order from a Supervisor, including orders relayed by another employee of the same or lesser rank. An employee shall not use or say disrespectful, insolent or abusive language toward any other employee regarding any order given by a Supervisor or relayed by another employee.

B. ISSUING UNLAWFUL ORDERS – An employee/Supervisor shall not issue an order that he/she knows or should know, is in violation of Federal, State or local law.

C. OBEYING UNLAWFUL ORDERS – An employee shall not obey an order he/she knows or should know, is in violation of Federal, State or local law. An employee shall report the making of an unlawful order to his/her immediate Supervisor or to the next Supervisor in the chain of command if his/her immediate Supervisor issued the unlawful order. If the employee, in good faith, doubts the legality of an order, the employee shall ask the Supervisor who issued the order for a clarification of the order.

D. ORDERS CONFLICTING WITH POLICY OR PROCEDURE OR JEOPARDIZING SAFETY – If an employee receives an order that conflicts with a Department policy or procedure, he/she shall advise the Supervisor the order is in conflict. If the Supervisor insists that the order be followed, the employee shall follow the order unless the order places him/her or another in unreasonable jeopardy. The employee shall report such an order and/or any conflicting order to the Supervisor of the employee who issued the order.

131.29 INSUBORDINATION

OBEY ANY LAWFUL ORDER – An employee shall promptly obey any lawful order. Failure to obey an order, subject to other applicable directives and regulations, is insubordination, which is prohibited. Insubordination, which is initially

- determined in the sole and absolute discretion of the Supervisor, may include but is not limited to:
- INSUBORDINATION (con't)**
- Failure or deliberate refusal to obey a lawful order given by a ranking employee of the Department. This includes orders that are accurately relayed from a Supervisor via another employee.
 - Conduct that impairs Department operation by interfering with the ability of a Supervisor(s) to maintain discipline.
 - Speech or conduct toward a Supervisor that is discourteous, abusive, disloyal, profane or threatening.
- 131.30 SUPERVISOR ACCOUNTABILITY**
Supervisors are accountable for the conduct and performance of personnel under their immediate supervision.
- 131.31 CONFORMANCE TO LAW**
- A. OBEY LAWS** – An employee shall obey all laws of the United States, the State, the City and local jurisdiction in which he/she is present, whether on-duty or off-duty and/or whether or not he/she is acting in an official capacity.
- B. REPORTING VIOLATION** – City Policy 4.2 VII. “Citation/Arrest or Conviction Reporting” mandates that all city employees must report, as soon as possible but within no more than 48 hours of the beginning of the incident, the following to his/her Supervisor:
- Any arrest(s), conviction(s) for criminal violation(s),
 - Any/or all citations for moving violation(s) of six (6) points or more (such as speeding 20 mph over the limit or DUI) whether resulting from on or off duty conduct and whether or not occurring within the City.
 - Any contacts with law enforcement such as an officer being called to an employee’s home for a domestic disturbance, an employee being investigated as a suspect in a crime or any other event that would adversely affect the public’s perception of City employees.
 - Employee reports under this policy must be made to the employee’s supervisor.
 - Rights provided by the 5th amendment to the United States Constitution apply; an employee does not have to incriminate themselves in their report but do have to disclose that they were contacted, charged, arrested etc. In the event the employee is

**CONFORMANCE TO LAW
(con't)**

incarcerated, a family member may report on the employee's behalf.

- An employee shall submit a written memo to the Chief of Police through the chain of command on or before his/her next scheduled working day.

C. VIOLATION – If an employee is found guilty by a judge or jury, enters a plea of guilty or nolo contendere (whether or not judgment or sentencing is deferred), to any violation of any law, the Department may adopt that finding and does not need to reestablish the facts or evidence supporting the charge.

D. DOMESTIC VIOLENCE RESTRAINING ORDER – Federal law (18 U.S.C. 992(g) (8)) prohibits anyone under a domestic violence restraining order from possessing a firearm. An employee shall notify the Department immediately if he/she is served with such an order.

E. OTHER RESTRAINING ORDERS – If an employee is notified that an emergency, temporary or any other restraining or harassment order has been filed or served against him/her, then he/she shall report such information to the Chief of Police in a written memo via the chain of command on or before his/her next scheduled working day. Before his/her next scheduled working day, he/she shall provide a copy of the order and the date scheduled for hearing the allegations made in support of the order. It is an employee's Supervisor's responsibility to notify and advise the employee regarding his/her duty status.

**131.32 DISCIPLINARY
ACTION**

A Supervisor may take disciplinary action against an employee for violation(s) of policy or procedure as defined in the City Personnel Manual (all applicable Chapters and Sections) or any Police Department written policy, procedure and/or directive.

