

# **PINEVILLE POLICE DEPARTMENT**

## **GENERAL ORDER**

**SECTION: 4 RULES OF CONDUCT**

**SUBJECT: 401 RULES OF CONDUCT**

**EFFECTIVE: 01/01/2015**

1. **PURPOSE.** This order establishes minimum standards of personal and professional conduct with sufficient clarity and specificity so that every member will understand what is expected. The Rules of Conduct of the Pineville City Police Department is designed to promote efficiency, discipline and good public relations by setting forth policies governing the conduct of every officer and employee of the Department. The provisions of the Rules of Conduct will be observed by all officers and employees of the Police Department in order to maintain the confidence, respect and support of the people. Certain rules of conduct concern behavior off-duty; and these are limited to the extent that official status, police authority or other job relatedness is involved.

2. **DUTY TO KNOW AND COMPLY.** All employees shall familiarize themselves and conform to the Rules of Conduct. General Orders, and all other orders, policies, and directives issued by proper authority.

The failure to comply with the Code of Conduct, the General Order, and all other orders, policies and directives issued by proper authority will subject the offender to disciplinary action.

The degree of proof requirement for a violation of a criminal law is proof beyond a reasonable doubt; however, the degree of proof requirement for an administrative hearing is reasonable proof.

Any violation or violations of the Code of Conduct will be conducted as an administrative hearing.

3. **ATTEMPTS AND CONSPIRACY.** An employee who, by any act or conduct, attempts to violate or conspires with another person to violate the Rules of Conduct, General Orders or policies of the Department, shall be guilty as though the actual violation has been accomplished.

4. **DEPARTMENTAL DISCIPLINE.** The administration of consistent disciplinary action is necessary for the proper functioning of the department. Discipline will be enforced using the following rules and regulations, Louisiana State Statute, and the State of Louisiana Municipal Fire and Police Civil Service Law.

5. **GENERAL CONDUCT.** No member of this department shall act or behave in such a manner as to dishonor or disgrace him/herself in any way that can be associated with the department or profession.

6. **COMPUTER VOICE STRESS ANALYSIS EXAMINATIONS.** During the course of Departmental investigation involving police employees, the employees being investigated may be ordered to take CVSA examination. Members being investigated are required to submit to the CVSA examination, if deemed necessary and relevant to the investigation, by the Internal Affairs investigators. The information gained cannot be used against the member in any subsequent criminal proceeding, but can be used against the member in

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any administrative action or discipline. Refusal to submit to the CVSA examination can result in disciplinary action up to and including termination. CVSA results are an investigative tool and shall not be the determining factor in administrative investigations.

7. **MEDICAL EXAMINATIONS, TESTS, PHOTOGRAPHS, LINE-UPS.** Upon the order of the Chief of Police or his designee, employees who are the subject of an administrative investigation shall submit to any medical, physical, psychological, chemical or other tests, photographs, or lineups, and shall submit any authorized firearms for ballistic tests. All employees will cooperate fully with the exam or test including following directive of the examiner or testing person. All procedures carried out under this section shall be specifically directed and narrowly related to a particular investigation being conducted by the department.

8. **TESTIMONY.** Upon the order of the Chief or the Chief's designee, employees who are subjects of administrative investigation shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the department which may be asked of them. Whenever an officer is subjected to an interrogation within the meaning of the Police Officers Bill of Rights, the interrogation shall be conducted pursuant to its requirements.

9. **DUTY TO READ/UNDERSTAND AND COMPLY WITH ORDERS.** Employees shall read, understand, or comply with all rules and regulations, general and special orders, policies and procedures of the department, written or verbal orders of a superior. To this end, it shall be considered to be Neglect of Duty to fail to inquire of a superior, until the matter is resolved, any question as the meaning of application of any law, rule or regulation, general or special order, policy or procedure, written or verbal order. Employees shall not commit any other acts or omit any other acts, which constitute a violation of any rules, regulations, directives, orders or policies of the department whether stated in these rules and regulations or elsewhere. Ignorance of the rules, regulations, directives, orders or policies shall NOT be considered a justification for any such violations. Employees shall be responsible for their own acts, and they shall not shift to others the burden of responsibility for executing or failing to execute a lawful order or policy duty.

10. **PERFORMANCE OF BASIC DUTIES.** Members will perform their basic duties and take appropriate action to preserve the public safety, prevent crime, detect and arrest law violators, protect life and property and enforce the laws. Members will do so to the best of their ability and in accordance with department policy, procedures and orders. Performance standards include the following.

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- A. **COMPETENCY.** All members shall maintain competency to properly perform their duties. Members are expected to know and enforce local, state and federal laws, as their duties dictate.
- B. **PERFORMANCE.** Members shall perform their assigned duties in a competent manner. Incompetence may be demonstrated by (a) a lack of knowledge of the laws to be enforced; (b) a lack of knowledge or an unwillingness to perform assigned tasks; (c) the failure to conform to work standards; (d) the failure to take appropriate action in response to a crime, incident or disorder; (e) a written record of repeated infractions of policies, procedures, or department orders; or (f) repeated work evaluations which indicate substandard performance.
- C. **PERFORMANCE STANDARD.** A level of reasonable performance (judged by factors including operational need, previous experience or the current performance of other members engaging in similar duties) shall be considered the basis for minimum performance expectations.
- D. **EVALUATIONS.** All members will be evaluated on a regular basis. A documented pattern of substandard performance is regarded as evidence of incompetence. Work performance plans and special evaluations may be developed to assist members to return to a level of acceptable performance. Recruit officers shall be evaluated as outlined in the Field Training Manual.

11. **PUBLIC CONTACT.** All members shall be courteous and civil towards the public. Members shall be patient, tactful, temperate, and discrete, and at all times attentive and zealous in the discharge of their duties. Members shall avoid argumentative discussions and shall not use violent, profane language or gestures.

- A. **IDENTIFICATION AS A POLICE OFFICER.** Except when impractical or unfeasible, or where the identity is obvious, members shall identify themselves by displaying the badge or identification card before taking police action.
- B. **IDENTIFICATION-ON DUTY.** On duty members shall carry their badges, identification cards and a valid driver's license with them at all times, except when doing so endangers personal safety or an investigation. Members shall furnish their name to any person requesting such information, while on duty or acting in an official capacity, except when the withholding of such information is necessary for the performance of duty or is authorized by proper authority.
- C. **CITIZEN REQUESTS FOR ASSISTANCE.** When any person requests assistance or advice, or makes a complaint or report (either by telephone or in person), pertinent information shall be obtained in a courteous manner and shall be properly acted upon pursuant to established departmental procedures.
- D. **OFF-DUTY EXERCISE OF AUTHORITY.** Off-duty members shall not exercise their official authority in disputes to which they are a party except in cases where there is an immediate danger to themselves or others. When off-duty, members are not to become involved in family or neighborhood disputes in their official capacity.

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12. CHAIN OF COMMAND. Members shall conduct internal business utilizing the chain of command as indicated on the organizational chart, unless good cause exists to deviate from the chain of command. The chain of command shall not be disregarded in conducting official business except where authorized by the Chief of Police or department order.

13. DUTY TO OBEY ORDERS. Department members shall obey any order given by a supervisor or bureau commander.

- A. MANNER OF ISSUING ORDERS. Every directive from a superior to a subordinate shall be issued in plain language. Orders will be civil in tone, and given in pursuit of department business.
- B. COMPLIANCE WITH ORDERS/INSUBORDINATION. Members shall obey any lawful order of a superior, including orders relayed from a supervisor by a member of the department. Refusal demonstrated by failure of any member to obey a lawful order or directive or other intentional non-compliance constitutes insubordination, unless the member can establish that the order would be detrimental to the city, police department, or the physical well-being of the member or citizens.
- C. PROMPT RESPONSE TO ORDERS. All members are expected to obey lawful orders from ranking personnel as promptly and as completely as possible.
- D. CONFLICT OF ORDERS. Should any lawful order given by a superior conflict with any previous order or published directive, the member shall respectfully bring this conflict to the attention of the superior. The superior who issued the conflicting order shall take into account the subordinate's point of view and make a decision concerning what is to occur. The supervisor shall correct the conflict if possible and shall assume responsibility for the subordinate's subsequent action. The subordinate shall follow the last order received unless it is clearly contrary to law. A mistake or misunderstanding shall not relieve the subordinate of responsibility for insubordination if the subordinate is wrong in the decision not to comply.
- E. UNLAWFUL ORDERS. No supervisor shall issue any order that is in violation of any law or departmental order.
- F. OBEDIENCE TO IMPROPER ORDERS. Obedience to an unlawful order is never a defense for an unlawful action. Therefore, no member is required to obey any order that the member reasonably and correctly believes is contrary to federal, state or local law.
- G. REPORTS & APPEALS TO UNLAWFUL, UNJUST, OR IMPROPER ORDERS. The subordinate shall explain the reason for unlawfulness to the superior and request clarification from proper authority before proceeding. A member receiving an unlawful, unjust, or improper order, shall, at first

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opportunity, report it in writing to the Chief of Police through the chain of command. The report shall contain the facts of the incident and the action taken.

- H. WHEN DUTY NOT UNDERSTOOD. Members who do not understand their duty in a particular situation shall consult their Supervisor or refer to department directives.

14. CONDUCT TOWARD SUPERIOR AND SUBORDINATE OFFICERS AND OTHER MEMBERS. Members shall behave in a courteous and civil manner and treat all superiors, subordinates, officers, peers, and other members with respect. Members shall avoid profane language and insulting or contemptuous behavior.

- A. THREAT OR VIOLENCE TO A FELLOW MEMBER. No member of this department shall on any pretense threaten, strike, or attempt to strike any other member of the department or draw or lift any weapon or offer any violence whatsoever against a fellow member.
- B. ACKNOWLEDGING RANK. When meeting on duty, members shall conform to normal courtesy standards and refer to supervisors by rank.

15. POLITICAL ACTIVITY ON DUTY. Involvement in any political activity is prohibited during a member's on-duty time. Political activities include soliciting or receiving any assessment, subscription or contribution for any political party or cause or storing, posting, carrying, or distributing political literature of any nature.

- A. POLITICAL ACTIVITY. Louisiana's Fire and Police Civil Service Law prohibits classified fire and police employees from engaging in political activities, both on and off duty. Political activity is defined in the Louisiana Constitution as any effort to support or oppose a political candidate or party. Such activity includes, but is not limited to, making contributions of time and money to political candidates, parties, campaigns, organizations, and factions, as well as making statements of support or opposition in elections, except those which are expressed privately. The ONLY penalty for violating the prohibitions of Article X, Section 20 of the Constitution of the State of Louisiana, R.S. 33:2504, and R.S. 33:2564 is termination, and ineligibility to serve in the fire and police classified service for the period of six years.
- B. The growing popularity of social networking sites and smart-phone applications, such as Facebook, MySpace, LinkedIn, and Twitter etc, represents a new and increasing exposure to prohibited political activity. Although these sites may appear to offer a venue of private expression, we advise that a text, a tweet, or a post to one's "wall" or "page," cannot be considered private, regardless of privacy settings. We believe it is necessary to caution classified employees to avoid making any statement or comment of a political nature which may be construed to be in violation of the political prohibitions. Be cautious also of "liking" political

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sites, and comments made by social networkers, making online contributions to political parties or campaigns, or promoting or disparaging political web-sites.

**Once a message is launched into cyberspace, expect that it may be shared by anyone with anyone for any purpose.**

16. EMPLOYEE CONDUCT. Members of the department set and maintain high standards of conduct in our appearance, attitude and speech. Misconduct by members shall not be tolerated. The following sections describe the type of behavior that constitutes misconduct and evidence of unfitness or lack of suitability for continued employment.

- A. UNBECOMING CONDUCT. Members shall conduct themselves in such a manner as reflects favorably on the department. Conduct unbecoming a member includes that which brings the department into disrepute or discredits the member or the department by association with the member, or conduct which impairs the operation or efficiency of the department or member.
- B. IMMORAL CONDUCT. Members shall maintain a level of moral conduct that is in keeping with the highest standards of the law enforcement profession, and is consistent with department policy and orders. Members shall not participate in any incident involving depravity or which impairs their ability to perform as a law enforcement officer, or which embarrasses the department.
- C. EXHIBITING BIAS. No member shall exhibit bias or prejudices based on race, gender, color, ethnic or religious background, political beliefs, sexual orientation, disability or other personal characteristics at any time.

17. DERELICTION OF DUTY. Dereliction of duty on the part of any employee prejudicial to the proper performance of the functions of the Department is cause for disciplinary action and will be punished according to the degree of the offense, the results brought about the derelictions and the effect it has upon the discipline, good order, and best interests of the Department. The following paragraphs of this Section constitute Dereliction of Duty.

- A. Failure of a supervisor or commander to immediately take action when a violation comes to his/her attention shall constitute Dereliction of Duty on the part of the supervisor or commander.
- B. Failure to observe and give effect to the policies of the Department.
- C. Failure to obey orders or willful or repeated of violations of rules, regulations, or policies of the Department.
- D. Failure to make a proper report of offenses investigated, observed, or reported.
- E. For displaying a lack of energy of such character as to amount to incompetence.
- F. For cowardice or failure to perform police duties because of danger.
- G. All employees will remain alert, observant, and occupied with police business during their tour of duty and will not conduct themselves in a manner that

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would merit criticism for inattentiveness, slovenly bearing or waste of time.

- H. No employee shall engage in personal conversations to the extent that the assigned work is neglected or give the appearance of loitering or being inattentive to duty.
18. **CONFORMANCE TO LAWS.** Members shall obey all laws of the United States and of any state and local jurisdiction in which they are present.
19. **COOPERATION WITH LAW ENFORCEMENT & PUBLIC AGENCIES.** Members shall cooperate with all law enforcement agencies, other governmental agencies, and public service agencies. Members shall provide such assistance and information as authorized by the department. Questions concerning how much or what type of information or cooperation to provide shall be directed to a supervisor.
20. **INTERVENTION IN POLICE ACTIVITIES OF ANOTHER OFFICER.** Members shall assist and support but not interfere with cases being handled by other members of the department or by another governmental agency unless: ordered to intervene by a supervisor; or the intervening member reasonably believes that harm would result from the failure to take immediate action. Investigations or other official action that is not part of their regular duties should be undertaken with permission from a supervisor unless the exigencies of the situation require immediate action.
21. **LEAVING DUTY POST.** Members shall not leave their assigned duty posts during a tour of duty without authorization.
22. **MEALS.** Members shall not abuse opportunities conferred for rest and meal periods.
23. **ATTENTION TO DUTY.** While on duty, members shall remain attentive to their assigned responsibilities.
- A. **PERSONAL ACTIVITIES ON DUTY,** Members shall not engage in any personal activities or conduct personal business on duty that would cause them to be inattentive, or malingering or shirk their duties.
  - B. **SLEEPING ON DUTY.** Members shall remain awake while on duty. If unable to do so, they shall so report to a supervisor who shall determine the proper course of action.
24. **COURT APPEARANCES.** Attendance at a court or quasi-judicial hearing as required by subpoena or departmental order is an official duty assignment. Any member who is subpoenaed to testify in court or a quasi-judicial hearing regarding cases growing out

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of official duties shall appear at the time and date indicated. Permission to disregard a subpoena must be obtained from the issuing authority handling the case or a court official. Failure to appear constitutes neglect of duty.

25. **PROMPT RESPONSE TO CALLS.** Members shall respond in a prompt and safe manner appropriate to the circumstances when dispatched or ordered to respond to any situation or call for service. When the assignment has been completed, members shall make themselves available for further service. Postponing response, failing to respond, or malingering on the call constitutes neglect of duty.

26. **REQUIRED TO FACE DANGER.** Shirking from danger or responsibilities shall be considered serious neglect of duty.

27. **TAKING ACTION DURING EMERGENCIES.** Off-duty members shall respond to emergencies or perform necessary police service in the city whenever public safety urgently requires such service. When a minor misdemeanor comes to the attention of an off-duty member, the member shall attempt to avoid involvement and shall contact the appropriate law enforcement agency for necessary response if the incident so justifies. Carrying firearm and identification while off-duty is optional.

28. **DEPARTMENTAL REPORTS.** Members shall submit all reports prior to the end of shift unless otherwise approved and in accordance with established procedures. All reports shall be truthful and complete. No member shall knowingly enter or cause to be entered any inaccurate, false information. All reports and copies remain the property of

the city and shall not be removed except with authorization of a supervisor, unless a copy is released under the Public Records Law.

29. **ABUSE OF PROCESS.** Members shall not make false accusations.

30. **PROCESSING PROPERTY AND EVIDENCE.** Property or evidence that has been discovered, gathered or received in connection with business shall be processed in accordance with department procedures. Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action.

31. **OFFICIAL PHOTOGRAPHS.** Any photograph (including the negative) taken at the scene of any crime, disaster, accident or any other event, or for identification purposes, by any on-duty member of the department, shall not be transferred outside of department channels unless authorized by the Chief of Police or his/her designee. Department members taking photographs in the line of duty using their own equipment and film shall be reimbursed for expenses incurred. These photographs and negatives are property of the department.



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32. USE OF DEPARTMENT EQUIPMENT. Members shall utilize department equipment only for its intended, job-related purpose, and in accordance with training and established procedures. Members shall not abuse, damage or lose department equipment. All department equipment issued to members shall be maintained in good condition.

33. OPERATING VEHICLES. Members shall operate official vehicles in a careful and prudent manner, obeying all laws and all departmental directives pertaining to such operation. Loss or suspension of driver's privileges shall be reported immediately to employee's supervisor. The ability to lawfully operate a vehicle on a public highway is a job requirement.

34. COMMUNICATIONS EQUIPMENT. Members shall not alter or tamper with any radio, mobile data terminal, computer or other communications equipment without prior authorization from the Chief of Police or his designee.

35. REPORTING DAMAGE TO CITY OWNED EQUIPMENT. Members are responsible for written reports to their supervisor regarding damage to any city equipment. Reports must include the nature of the damage, the cause of the damage, and the disposition of the damaged equipment. When equipment becomes inoperative or unsafe to use, due to mechanical failure, or through normal wear, these conditions will also be reported to a supervisor in writing.

36. INJURIES SUSTAINED BY MEMBERS. Members of the department shall notify their supervisors of any injury, no matter how minor, that was received while on duty. Initial reports may be verbal; however, a written report must be followed as soon as possible. The report shall include the nature of the injury, how the injury was sustained, and the disposition of the injured member. In the event that the injury is serious, and the facts cannot be immediately reported, the supervisor on duty shall initiate an investigation and submit a written report of their findings to the Chief of Police.

37. USE OF POSITION FOR PERSONAL GAIN. No department member shall use their position for personal gain for themselves or others.

A. GIFTS, GRATUITIES, PRIVILEGES. Members shall not directly or indirectly solicit or accept any gratuities, loans, gifts, merchandise, meals, beverages, or any other thing of value (tangible or intangible) in connection with their official position when it may reasonably be inferred that the person, business, or organization seeks to: influence action of an official nature; to affect the performance or nonperformance of an official duty; or has an interest which may substantially affected directly or indirectly by the performance or

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nonperformance of an official duty. Members shall not use their official position, identification cards, or badges for personal or financial gain.

B. DISPOSITION OF UNAUTHORIZED GIFTS, GRATUITIES. To protect members, any prohibited gift, gratuity, loan or fee, or other item, coming into the possession of any member shall be forwarded to the Chief of Police together with a full written explanation of the surrounding circumstances.

C. REWARDS. Members shall not accept or solicit any fee, gratuity or compensation for performing official duties, except compensation paid by the city. Subpoena witness fees relating to testimony given on-duty shall be turned over to the city.

D. ABUSE OF POSITION, PERSONAL GAIN, TESTIMONIALS, ADVERTISEMENTS. Members shall not use their official position, official identification cards or badges for personal or financial gain; obtaining privileges not otherwise available to them except in the performance of duty; or for avoiding consequences of illegal acts. Further, members shall not authorize the use of their names, photographs or official titles which identify them as members of the department in connection with testimonials or advertisement of any commodity or commercial enterprise, without prior approval of the Chief of Police.

E. ENDORSEMENTS AND REFERRALS. Members shall not recommend or suggest in any manner, except in transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing service, or a mortician). All members while fulfilling their official capacities shall proceed in

accordance with established departmental procedures when utilizing these services.

38. DEPARTMENT STATIONERY. Department stationery and letterhead shall be used only for official purposes. Use of the City mail system shall be for official department business only.

39. CRIMINAL CONDUCT. Members shall obey all laws of the United States, the State of Louisiana, and of Parishes and municipalities. Violations of any law shall subject members to prosecution and shall be cause for internal disciplinary action up to and including termination of employment. Internal discipline shall not be dependent upon the outcome of prosecution.

40. ASSOCIATION WITH KNOWN OFFENDERS. Employees will avoid interrelationships with any person who the employee knows or should know to be a convicted felon, a person convicted of a crime involving moral turpitude, or convicted of a crime involving illegal controlled substances, or a person who is the subject of an active criminal investigation or a person is planning or engaging in criminal activity.

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"Interrelationship" means residing with, visiting the home of, taking a trip with, co-hosting a social event with, forming a business relationship with, socializing, dining or dating with, or entering into any other ongoing relationship.

The Chief of Police recognizes that strict application of this rule could unnecessarily or unreasonably curtails an employee's freedom of association. The Chief of Police may grant exceptions to the rule after considering the nature of the relationship, the type of criminal activity, and the purpose of this rule. Any employee desiring an exception shall promptly and fully disclose the nature of the relationship or intended relationship to the Chief of Police. Unauthorized relationships with known offenders on or off-duty may, but will not necessarily, subject employees to disciplinary action, including possible discharge. Each case will be considered based on the specific facts, circumstances, and the consequences or potential consequences of the relationship.

41. **USE OF ALCOHOL.** Members shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with the odor of intoxicants on their breath or upon their person.

42. **DRUGS AND MEDICATIONS.**

- A. Members shall not have in their possession or use any controlled substances, narcotics, or hallucinogens except those legally prescribed by a physician or dentist, or evidence obtained in the performance of duty.
- B. Members shall not appear for duty, or be on duty, under the influence of any medically prescribed medication, over the counter medication, compound or other

preparation which impairs the members ability to fully perform all duties required of the members.

The term "impaired" as used in this section means that the member's conduct has become unreasonably unsafe to the member or to others.

- C. When any member is taking prescribed medication, the member shall inquire if such medication could affect work performance and when such medication could affect work performance, the member shall notify a supervisor.
- D. The supervisor shall then monitor the member's conduct, taking appropriate action if in fact it reasonably appears that the member's conduct has been impaired by the prescribed medication.

43. **ALCOHOLIC BEVERAGES & DRUGS IN POLICE INSTALLATIONS.** Members shall not store or bring into any law enforcement facility or vehicle alcoholic beverages, controlled substances, narcotics or hallucinogens except as evidence or for approved training purposes.

44. **OFF-DUTY USE OF ALCOHOL.** While off duty, members shall refrain from consuming intoxicating beverages to the extent that it results in behavior which discredits

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them or the department, or to the extent that such use renders the member unfit to report for their next regular tour of duty.

45. **LOITERING.** Members shall not permit the public to remain unescorted in the department quarters or vehicles unless the person's presence is necessary to the conduct of official business.

46. **VISITING PROHIBITED ESTABLISHMENTS.** Members shall not knowingly visit, enter or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the state, or the local jurisdiction are violated except during the performance of a specific duty or while acting under lawful orders from a supervisor.

47. **TRANSACTIONS PROHIBITED.** Members of the department are prohibited from buying or selling or trading anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of departmental employment, except as may be specifically authorized by the Chief of Police.

48. **DUTY TO REPORT MISCONDUCT.** Members shall report any violation of department orders, neglect of duty, or illegal conduct by any member of the department to a supervisor or superior officer. Failure to report such conduct shall be considered neglect of duty, and constitutes grounds for disciplinary action.

49. **DUTY TO COOPERATE IN MISCONDUCT INVESTIGATIONS.** All members shall cooperate fully with all investigations and administrative inquiries, to the extent required by law and collective bargaining agreements.

A. **TRUTHFULNESS.** Members shall truthfully and fully answer all questions specifically directed and narrowly related to the scope of employment and operations of the department which may be asked of them.

B. **USE OF MEDICAL EXAMINATIONS, PHOTOGRAPHS & LINEUPS.** The Chief or a supervisor may order a member to submit to ballistics, or to photograph, or lineup, and to surrender clothing, equipment and other physical evidence. Any procedure carried out under this subsection shall be specifically directed and narrowly related to a particular investigation being conducted by the department to establish or rule out allegations or anticipated allegations.

50. **DISSEMINATION OF INFORMATION.** Department business shall be treated as confidential. Information gathered in the performance of duty shall be disseminated only to those for whom it is intended, in accordance with established department orders. Members may obtain official records or report from a law enforcement agency in

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accordance with established departmental procedures or practice, however, such information will be treated as the confidential information of the agency which provided it and shall not be disclosed by this department. Members shall not divulge the identity of anyone providing information except as authorized by the proper authority.

51. **PUBLIC STATEMENTS.** Members shall not publicly criticize or ridicule the department, its policies/orders/procedures, or other members by speech, writing, or other expression, which undermines the effectiveness of the department, interferes with the maintenance of discipline, or which is made with reckless disregard for truth or falsity. This section shall not be construed as prohibiting justified and good faith report of wrongdoing or impropriety to proper authority.

- A. Members are entitled to speak publicly on matters of public concern. However, before doing so, a member shall inform the Police Chief of the issue of concern and the remedy or corrective action, if any, which the member believes is appropriate. In appropriate cases when the Police Chief identifies a means or proposal for resolution, the Police Chief may require the member to delay public statements for a time which is reasonable under the circumstances to enable the private resolution of the matter.
- B. This regulation does not prohibit speech, and does not enable the city to censor speech. The regulation channels problems and issues through the Police Chief and permits responsive administrative action.

52. **PUBLIC APPEARANCES.** Members shall not make statements on behalf of the department for publication or broadcast concerning the plans, policies, or administration of the department unless authorized to do so. When personnel are authorized to engage in community relations activities which require public statements, they act as representatives of the department and are expected to act in the interest of the department. Public statement concerning department policy must accurately represent that policy.

Any statement about the department or its function that reflects a member's personal opinion should be clearly presented as such.

53. **PROHIBITED COMMENTS.**

- A. Members shall refrain from sarcasm, wisecracks, vulgarity, or sharp retorts when dealing with the public. Members will not make disparaging or derogatory remarks nor will they voice prejudices concerning race, gender, color, age, ethnic, religious background, political beliefs, sexual orientation, disability or other personal characteristics at any time.
- B. No member shall convey to any other department member(s), in any manner, any remark, joke, comment or message that is inappropriate or unprofessional

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in nature. The manner of communication may include, but is not limited to verbal, written, pictorial, and gesture.

54. **DISCRIMINATION.** Members shall not allow any enforcement action or decision to be based upon prejudices of race, gender, color, age, ethnic origin, religion, political beliefs, sexual orientation or personal characteristics.

55. **CITIZEN COMPLAINTS.** Whenever possible, citizen complaints shall be referred to a supervisor. When a supervisor is not available or to do so appears impractical, members shall promptly record in writing any complaint made by a citizen against any member of the department and forward it to a supervisor. Members shall not attempt to dissuade any citizen from lodging a complaint against any member or the department. Members shall follow the established departmental procedures for processing complaints.

56. **USE OF TOBACCO IN PUBLIC.** Members of the department shall not smoke, or chew tobacco while in contact with the public or in prohibited areas.

A. **TOBACCO IN CITY VEHICLES.** All marked and unmarked patrol units that are utilized by other members of this department shall be non-smoking, non-chewing vehicles.

B. **SMOKING IN CITY BUILDINGS.** Smoking is not permitted in the police department and city hall buildings. It is the responsibility of those who use tobacco products to utilize designated smoking areas outside the city hall buildings and properly dispose of their refuse.

57. **INTRA-DEPARTMENTAL COOPERATION.** Cooperation between the ranks and divisions of the department is essential to effective law enforcement. Members shall establish and maintain a high degree of cooperation within the department.

**By order of**

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Darrell Basco  
Chief of Police