

	DELMAR POLICE DEPARTMENT	
	Policy 2.1 Rules of Conduct	
	Effective Date: 01/01/15	Replaces: 1-2
	Approved: <u>Ivan Barkley</u> Chief of Police	
	Reference: DPAC: 1.8.1	

I. POLICY

The Delmar Police Department and the public expect all personnel to maintain high standards of appearance and conduct. The mission of the department is to work with all members of the community to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.

II. PURPOSE

To define departmental expectations for on and off-duty personal behavior. This order applies to all employees both sworn and non-sworn.

III. CODE OF ETHICS

All officers shall display the integrity required by the Law Enforcement Code of Ethics:

As a law enforcement officer, my fundamental duty is to serve the community; 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 to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm 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 law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, 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 never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . Law Enforcement.

IV. COMPLIANCE REQUIRED

A. Responsibility to Know and Comply

1. Employees will maintain a working knowledge and comply with the laws, ordinances, statutes, regulations, and written directives which pertain to their assigned duties.
2. Employees shall abide by all DPD written directives.
 - a. Employees who do not understand their assigned duties or responsibilities shall read the relevant directives, rules, etc., and shall consult their immediate supervisor for clarification and explanation.
 - b. A lack of knowledge of any DPD written directive shall never be a defense to any disciplinary action.
 - c. Employees are considered on-duty while on authorized breaks.
 - d. Volunteers, interns, and other paid and non-paid civilians affiliated with the Department through a Department-sponsored program will abide by Department policies, procedures, directives and general orders while under the direction of a Department employee.

B. Discretion

1. Whether or not an officer should take immediate action to enforce all laws depends on a number of things, including but not limited to, a more serious situation needing to be handled immediately, or the consequences of enforcement versus non-enforcement.
2. By itself, the mere fact that a minor violation of the law has occurred may not be sufficient reason to justify arrest. Laws generally serve as the tools officers use to protect residents' rights and to maintain peace in the community.
3. When a law or policy does not provides clear guidance regarding a particular situation, employees shall, whenever practical, consult their immediate supervisor for direction. Employee conduct will always be consistent with the Department's values, vision, mission, and any supervisor's instructions.

C. Reporting Violations

Employees have an obligation and responsibility to report all facts or credible information they know regarding any criminal activity by other employees or any serious breach of DPD written policies, procedures, directives or general orders.

1. Suspected Criminal Act by an Employee - Employees having knowledge of, or who receive credible information regarding criminal activity by another employee will report such information immediately, in writing, to any supervisor in their chain-of-command.
 - a. If the written report is presented to a supervisor, they will notify their chain of command up to their division commander and immediately forward the report to the Chief of Police.
 - b. If the report is presented to a division commander, they will immediately forward the report to the Chief of Police.
2. Suspected Policy Violation
 - a. No employee shall fail to report to their immediate supervisor any employee known or believed to have committed a violation of any rules, regulations, or any order issued for the operation of the Department.
 - b. Supervisors are required to immediately take action when a violation of an DPD written directive comes to their attention, regardless of the supervisor's or employee's assignment or rank within the Department.

3. Confidentiality

All information relating to an employee's suspected criminal act or policy violation is confidential except as required in reporting the incident:

- a. Employees will not disclose or discuss such information with anyone, except investigators assigned to the case, the employee's attorney, employee's chain-of-command or other persons specifically designated by the Chief.
 - b. Investigators of such cases will not disclose or discuss information about any such investigation with anyone, except other investigators assigned to assist with the investigation, the investigator's chain-of-command, officers of the court, or other persons specifically designated by the Chief.
- D. Retaliation Prohibited - No employee shall in any way cause or conspire to cause retaliatory action against any individual who has been involved in any such investigation or subsequent proceeding as a defendant, complainant, witness, victim, investigator, or any other capacity. While the Department wishes to avoid reassigning an employee while a complaint or grievance is being investigated, this policy does not prohibit the Department from reassigning any employee, including the complainant/victim, while the complaint or

grievance is under investigation should the Chief of Police determine that a reassignment is in the best interest of the Department and/or the employee.

- E. Refusal to Work - Employees shall not engage in any strike, work slowdown or stoppage, concerted failure to report for duty, or any other action which interferes with the efficiency or integrity of the administration of criminal justice or departmental discipline, nor shall any employee encourage, coerce or conspire with any other individual to do so.

V. INDIVIDUAL RESPONSIBILITIES

- A. Honesty - Employees will speak the truth at all times. All reports and written or oral communications from any member of the Department shall also reflect the truth.

1. Any statement or omission of pertinent information which intentionally, knowingly, or recklessly misrepresents facts or misleads others will be considered a false statement.
2. Any employee who obtained their employment by willful misrepresentation or false statements may be dismissed from the Department.
3. Employees shall not attempt to conceal, divert, or mitigate their true culpability in a situation, nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.
4. Employees will not use any improper or dishonest means to affect the outcome of any official test, process, or procedure.
5. Employees shall not falsely report themselves ill or injured, or otherwise deceive or attempt to deceive the Department as to the condition of their health.

- B. Acts Bringing Discredit upon the Department - Since the conduct of personnel, on-duty or off-duty, may reflect directly upon the Department, employees must at all times conduct themselves in a manner which does not bring reproach, discredit or embarrassment to the Department or to the Town.

1. Employees, whether on-duty or off-duty, shall not commit any act which tends to destroy public confidence in, and respect for, the Department, or which is prejudicial to the good order, efficiency, or discipline of the Department.
2. Members of the Department shall refrain from being a party to any malicious gossip, rumor, report or activity, whether written or oral, that would tend to bring discredit to the Department or any member thereof. The term "malicious gossip, rumor, report or activity" as used herein shall include false statements made with knowledge of their falsity or made with disregard of whether they are false or true.

3. Employees will not engage in any activity in which there is a potential for conflict of interest or the appearance of a conflict of interest with the lawful duties of the employee. Conflict of interest is any activity which would tend to influence a decision, create a bias or prejudice, or create a gain or loss for any person or agency which would favor one side or the other in conflict with the employee's official duties, or which conflicts with the accomplishment of the Department's mission or goals.
 4. Members of the Department shall not congregate or loiter in any place or in any manner as to bring discredit to the Department.
 - a. No more than four (4) officers, uniformed or plainclothes, who are identifiable as officers by the wearing or the carrying of badges, police radios, insignias, or any article of clothing identifying them as police officers, will congregate in a public place except when required by official police duties or as authorized by a supervisor.
 5. Any officer that is in uniform while riding a personally owned motorcycle shall wear a DOT approved motorcycle helmet.
- C. Retention of License - Employees shall maintain in good standing all licenses and certifications required for their positions, including but not limited to, a Maryland/Delaware driver's license and required certifications issued by MDPCTC/DECOPT.
1. It is the responsibility of the employee to notify their immediate supervisor in the event of any suspension, revocation or cancellation of a license or certification necessary to the performance of job assignments.
 2. MD COMAR Title 12, Section C Notification of Change of Employment or Certification Status, Subsection (4)(a) requires the agency head to notify the Commission in writing within 10 days if the officer is arrested, charged, or indicted for a criminal offense above the level of misdemeanor punishable by imprisonment of 1 year or more. DE Regulations, Administrative Code, Title 1, Section 801 Notification of Employment Status, Subsection 5.1.1.3 requires the Chief of Police to notify the Council in writing within 5 days if an officer is arrested or charged for any arrest of criminal and or/traffic offence.
 - a. Suspension, revocation or cancellation of a license or certification necessary to the performance of job assignments will result in termination of that assignment or of employment with the Department.
- D. Use of Badge of Office or Affiliation with the Department - Employees shall not intentionally use their affiliation with the Department to influence another into offering a gift, gratuity, free or discounted service, reward, or special consideration. This includes:

1. For the personal benefit of self, family, friends, or associates;
 2. For the financial gain of self, family, friends, or associates;
 3. Obtaining privileges not otherwise available to them, except where necessary in the performance of their duty; or
 4. Avoiding the consequences of illegal acts.
- E. Gifts/Gratuities, Rewards, and Solicitations - Provisions of this section do not apply to a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. Likewise, these provisions do not apply to "employee discount" programs afforded to all employees of a business where an DPD employee happens to have a secondary employment relationship.

1. Gifts/gratuities

- a. Employees shall not accept or solicit any gift or favor that might reasonably tend to influence that individual in the performance of official duties, or that the employee knows or should know has been offered with the intent to influence or reward official conduct.
- b. Acceptance of Gifts from Habitual Law Violators - No employee shall knowingly borrow money, purchase any article, or accept gifts or favors from any person known or reasonably believed to be a habitual violator of the law or anyone who is under arrest, detention or suspected of a crime under investigation by any employee.
 - (i) Employees shall not receive any article whatsoever, either as a gift or as the result of purchase or trade, from suspects; prisoners; persons recently arrested; known gamblers, prostitutes, or other persons of bad character; or professional bondsmen or other persons whose vocation may profit from information obtained from the police or from relatives, employees or associates of any of these persons.
 - (ii) Employees will not buy anything from or sell anything to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention through their employment with the Department, nor can they act as an intermediary in the payment of a reward for the return of stolen property.
- c. Acceptance of Donation on Behalf of Department - With the written approval of the Chief of Police or designee, employees may accept, on behalf of the Department, donations for Department use. Donations include any gift or

consideration to the Department which primarily benefits the community or the Department as a whole (e.g., K-9s, ballistic vests). The gift will be accepted only if:

- (i) It can be used to further the functional operation of a Department program or unit,
 - (ii) It is offered by an individual or recognized resident group, professional organization, or business with a long-standing ongoing mutual public safety interest with the Department; and
 - (iii) There is no evidence that the gift is offered in order to influence any official action or official duties of the Department or its employees.
2. Employees shall not accept any gift, favor or reward in money for services rendered in the line of duty.
3. Employees may retain fees earned for serving as a juror.
4. Solicitation
 - a. No person shall be allowed on the premises of the Department to sell goods or offer them for sale, or to canvass or solicit for any purpose, without permission from the appropriate division commander/supervisor in charge of the premises.
 - b. No employee shall participate, either directly or indirectly, in sales promotions, solicitations, fund-raising campaigns, or similar activities, while representing themselves as employees of the Department. Employees shall not authorize others to conduct themselves in a manner that would leave the impression the employee is representing the Department without approval.
 - c. Employees shall not solicit the aid of any individual or group outside the Department for assistance in procuring or preventing a duty assignment, promotion; or to mitigate discipline. Nor shall they permit any petition to be circulated for the same on their behalf. Should an employee learn of such a petition being circulated, the employee should immediately bring the matter to their immediate supervisor.
5. Use of Name for Advertisement
 - a. Employees shall not permit the use of the name of the Delmar Police Department for advertising purposes without the approval of the Chief of Police.
 - b. Employees shall not permit or authorize the use of their names, photographs, or official titles in connection with testimonials or advertisements of any commodity or commercial enterprise, if their use identifies the employee as a member of the Department.

- c. Employees shall not have or use business cards pertaining to a private business showing the employee's connection with DPD.

F. Report of Arrest, Criminal Charge, or Indictment

1. Employees who are arrested will inform the arresting officer they are employed by DPD and request DPD Communications be immediately notified of the arrest.
2. Employees shall immediately report to their supervisor, with a follow-up in writing through the chain-of-command to the Chief:
 - a. Any arrests, criminal charges, and/or criminal court actions brought against them (to include the name of the arresting agency, a description of the nature of the charges, court and case number of the charge or indictment, if any); or
 - b. Whenever they are aware that a criminal investigation of them is being conducted by an outside agency.
3. Supervisors receiving such information shall immediately notify their division commander, with a follow up in writing through the chain-of-command to the Chief of Police, detailing the circumstances of the situation.

G. Police Involvement When Off-Duty

1. Off-duty officers, when they are involved in or observe an incident requiring police action, will:
 - a. Report the incident to the law enforcement agency having jurisdiction over the incident to be handled by an on-duty officer when it is not necessary to act immediately to protect life or property; and
 - b. Act in their official capacity and take appropriate police action only to safeguard life or property or prevent the escape of a criminal.
 - c. These provisions do not apply to officers who are employed in an approved secondary employment capacity.
2. Off-duty civilian employees will notify the Department when they are involved in or observe an incident requiring police action.
3. Employees are required to immediately notify their supervisor if they are involved in an off-duty incident that results in a response from a law enforcement agency with the exception of traffic violations, minor collisions, and other minor calls for service where the employee is not considered to be a suspect (i.e. - alarm calls, noise complaints).

4. If an employee is the complainant or victim in, or a party to, a criminal case resulting from an incident occurring when the employee is off-duty, normal filing procedures will be followed to prevent any potential for abuse of authority. This includes any offenses committed against members of the employee's family or a business interest of the employee.
5. Without supervisor approval, employees shall not maintain continued involvement in any criminal case, nor personally file any criminal charge in a court of law, against any person for criminal offenses committed against the employee, any member of the employee's family, or which involves any business in which the employee has a proprietary interest.
6. Offenses that may be committed against the employee, members of the employee's family, or a business interest of the employee will be reported to the agency having jurisdiction for investigation of such offenses.

H. Activities While under Suspension

1. An employee shall immediately surrender their badge, DPD-ID, and department-issued weapons, to the supervisor notifying the employee of their suspension.
2. Prohibited Activities - Employees, while under suspension, shall not:
 - a. Wear any part of the DPD uniform.
 - b. Carry or display a DPD badge or identification.
 - c. Exercise the authority of a police officer.
 - d. Engage in law enforcement related outside employment.
3. While under suspension, employees:
 - a. Are still bound by DPD written directives (except for those relating to law enforcement powers / duties of an officer); and
 - b. Have only the rights and privileges afforded a private citizen regarding the carrying of any weapon.

I. Legislative Testimony

1. Employees who desire to represent the Town or Department in any testimony before any legislative committee must first obtain approval from the Chief of Police or designee.

2. An employee who desires to represent themselves or a special interest group may do so on their own time or on approved leave, and at their own expense or at the expense of the special interest group, but not on Town time nor at Town expense.
- J. Prohibited Acts - These sections do not apply when an employee is engaged in a departmentally authorized activity, such as an undercover operation, and the association is necessary in the furtherance of the police objective.

1. Associations

- a. Employees shall avoid social and/or business dealings with persons they know, or should know, or have reason to believe that such contact is likely to adversely affect the employee's or Department's credibility. Employees will not associate with convicted felons. Provisions of this section do not apply to association based on kinship or the discharge of official duties.
- b. Employees will not knowingly loan money, accept as pawn any item, or enter into any type of business arrangement with a suspect of a criminal violation, a person under arrest or detention, a person known to have a criminal record or unsavory reputation, or a person known to be engaged in, or planning to engage in, criminal activity.
- c. Employees shall not affiliate with any organization or body, the constitution or regulations of which would in any way prevent or hinder performing departmental duties.
- d. Employees shall not knowingly associate with any person or organization which advocates hatred, prejudice, or oppression of any person or group, or which disseminates defamatory material.
- e. Employees shall not become a member of any organization, association, movement or group which advocates the commission of acts of force or violence to deny others their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by unconstitutional means.

2. Entertainment; Gambling

- a. Employees shall not knowingly enter a location engaged in prostitution, or an establishment wherein laws are being violated.
- b. While on-duty, or wearing any item which makes one identifiable as an DPD employee, no employee shall:
 - (i) Engage in gambling.

- (ii) Play games, including cards, dominoes, billiards, video or computer games, watch television or movies, or otherwise engage in entertainment, unless it is job related and has been approved by their division commander/supervisor.
- (iii) Recreational reading of newspapers, magazines, books, or other material, except during approved breaks.

3. Property/Evidence/Records

- a. Employees shall not convert to their own use, manufacture, conceal, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other departmental action.
- b. Employees shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.
- c. Employees, or persons acting on their behalf, shall not bid in any auction of property seized, confiscated, or found by the Department.
- d. Employees shall not remove, delete, or attempt to remove or delete, any official record, report, or citation from any file or computer system, or take any official record from the office where it is kept, except when authorized by law, and with approval of the appropriate division commander or the Chief of Police.
- e. Employees shall not obtain or attempt to obtain any information from the Department files or reports other than that to which they are entitled in accordance with their official duties.
- f. Employees shall not obtain, attempt to obtain, or convert for their personal use or for the unauthorized use of another person, any information from Department files or the confidential files of any other agency. (e.g., Criminal History or Driver's License Records)

4. Personal Conduct

- a. No employee shall establish an unprofessional social relationship with a known victim, a known witness, a known suspect or a defendant of a crime while such case is being investigated by this Department or prosecuted as a result of such an investigation.
- b. While on-duty or on the premises of Town facilities, no employee shall:

- (i) Use loud, indecent, profane, harsh, derogatory language, or use belittling term in any communications;
 - (ii) Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence;
 - (iii) Indulge in "horseplay;"
 - (iv) Produce or display graffiti of any nature; or
 - (v) Post or display derogatory, offensive or lewd pictures which degrade or lower the self esteem of fellow employees and would undermine the goal of professionalism within DPD.
- c. Employees shall not lend to another person their DPD-ID or badge, or permit them to be photographed or otherwise reproduced without the prior approval of the Chief or designee.
- d. Employees are prohibited from engaging in the following activities while on-duty:
- (i) Sleeping;
 - (ii) Any sexual conduct including lewd acts or solicitation for sex;
 - (iii) Studying for promotional examinations.
- e. Restrictions to Use of Alcoholic Beverages
- (i) Employees shall not report for duty while under the influence of alcohol, or with the odor of an intoxicating beverage on their breath. Employees will not consume, possess or purchase any alcoholic beverage while on-duty unless authorized in connection with their official duties.
 - (ii) Employee shall not consume an alcoholic beverage within eight (8) hours of the beginning of a regularly scheduled shift, a pre-scheduled meeting, scheduled training, outside employment or a scheduled court appearance.
 - (iii) Employees shall not consume any alcoholic beverage on any Department property or while wearing any part of their uniform.
 - (iv) Employees shall not be permitted on the Department facility, while intoxicated unless authorized by a supervisor for a legitimate law enforcement function (e.g., Intoxilyzer Training).
 - (v) No employee shall operate a Town vehicle within eight (8) hours after having consumed an alcoholic beverage.

- (vi) Employees working in an "on-call" status will not consume alcoholic beverages.
- f. Restrictions to Use of Tobacco Products
 - (i) Employees shall not use tobacco products (e.g., cigarettes, chewing tobacco) while engaged in official police business while in direct contact with the public.
 - (ii) Smoking is specifically prohibited in all Town buildings and Town vehicles.
 - (iii) Smokeless tobacco expectorate receptacles shall be spill-proof by design and shall always remain out of public view.
- g. Drug Usage – While on or off-duty, employees shall not use any illegal drug or controlled drug not prescribed to them by a physician. Employees who are using a prescription drug or over-the counter drug which may in any way impair their job performance or judgment shall notify their supervisor in writing as to the possible effects of such medication on the performance of their assigned duties and related physical/mental capability. The Chief of Police may require the employee to be examined by a doctor at any time the employee's ability to perform his or her job in a safe and efficient manner is in question due to the introduction of the prescription or non-prescription substance in his or her system.

VI. RESPONSIBILITY TO THE COMMUNITY

All persons in each area of the Town deserve protection by fair and impartial law enforcement and should be able to expect similar police response to their behavior wherever it occurs. Employees shall serve the public through direction, counseling, assistance, and protection of life and property. Employees will be held accountable for the manner in which they exercise the authority of their office or position. Employees shall respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment.

A. Impartial Attitude

1. Employees are expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual preference, or social or ethnic background.
 - a. Employees will respect the rights of individuals and will not engage in discrimination, oppression, or favoritism whether by language, act, or omission.

- b. The use of racial or ethnic remarks, slurs, epithets, words or gestures, which are derogatory or inflammatory in nature to or about any person or group of persons, is strictly prohibited.
 - c. In performing their duties, employees shall not express or otherwise manifest any prejudice concerning race, religion, national origin, age, political affiliation, sex, life style, or other personal characteristics.
2. Employees shall be tactful in the performance of their duties, shall control their tempers, exercise patience and discretion and shall not engage in argumentative discussions even in the face of extreme provocation.

B. Courtesy

1. Employees will make every effort to be courteous and respectful towards all persons.
2. Employees shall accept any complaint made against any employee or against the Department and shall follow procedures for processing complaints.
3. Employees shall return telephone calls in a timely manner.

C. Duty to Identify

1. Unless doing so would jeopardize an undercover officer or a covert operation, employees will furnish the name and identification number of any employee, including themselves, to any person requesting such information regarding matters in which the employee was acting in an official capacity. Names of employees will be given in sufficient form to fully identify the employee.
2. Officers taking police action while not in uniform will, as soon as possible, display their police badge or official police identification and state the purpose for taking police action.
3. Employees shall provide the name and business telephone number of the employee's immediate supervisor upon request by any person.

D. Neutrality in Civil Actions

1. When dispatched to the scene of civil disturbances, officers shall halt disturbances, prevent breaches of the peace or other violations of law growing out of such incidents, and take any persons breaking the law into custody if necessary.
2. Employees shall not testify in job related civil cases unless legally subpoenaed to do so, or by agreement or direction of either of the Town Attorney's in cases to which the Town or the employee is a party.
3. Employees shall not advise residents as to whether or not the Town will make restitution for personal injury or property damage suffered. All inquiries concerning the Town's liability will be referred to the Town Attorney.

E. Negotiations on Behalf of Suspect

1. Employees shall not participate in any arrangement between the suspect and the victim that would result in the suspect escaping the penalty of the law, nor shall any employee seek the continuance or dismissal of any case on behalf of the defendant in court for any reason.
2. Employees shall not promise informants any immunity from or leniency in any criminal prosecution without approval of the prosecuting attorney.
3. Unethical Interference with Investigation or Legal Process - Employees shall not interfere, or attempt to interfere with any legal process out of friendship or personal gain.
4. Before attempting to negotiate the cooperation of one defendant to secure a more serious charge against another suspect, employees will consult with the officer/investigator assigned to the defendant's original charge(s).
5. Prohibitions in this section do not relieve supervisors from their obligations to review enforcement contacts of subordinates and take appropriate action, if necessary, to prevent the filing or adjudication of improper charges.

F. Customer Service and Community Relations

The Delmar Police Department constantly works to establish direct contacts with the community we serve. Without "grass roots" community support, successful enforcement of many laws may be difficult, if not impossible. Community involvement can be an effective means of eliciting public support, can serve to identify problems in the making, and may foster cooperative efforts in resolving community issues. Input from the community can also help ensure that agency policies accurately reflect the needs of the community.

The conduct of each employee reflects on the agency as a whole and the burden of achieving the department's community relations objectives is shared. A unified, coordinated effort requires the participation, enthusiasm, and skills of all agency personnel.

Employees will extend reasonable assistance to the public when called upon. Employees must not neglect community services in the belief that the police function is restricted to crime control.

VII. RESPONSIBILITY TO THE DEPARTMENT

Employees are at all times individually responsible for conducting themselves in a professional and ethical manner and for treating coworkers with respect and dignity. The intent of this policy is to clearly state that unprofessional behavior will not be tolerated in the workplace. Employees shall maintain loyalty to the Department as is consistent with the law and personal ethics.

- A. Chain-of-Command - Employees are responsible for knowing their chain-of-command and operating within it except when impractical to do so.
- B. If an employee bypasses the chain-of-command, the employee will notify their affected supervisor as soon as practical.
- C. When a written directive requires an employee notify an immediate supervisor and the immediate supervisor is not readily available, the employee will:
 - a. Notify the person designated as "acting" for that supervisor;
 - b. Notify their next-level manager; or
 - c. Notify another supervisor of equal rank/grade with similar responsibilities (e.g., another patrol sergeant, corporal, etc.)

D. Authority and Accountability

Delegation of authority is essential to the good working order of any organization. Employees shall exercise the responsibility and authority of the position to which they are assigned in accordance with the job specifications and work rules of that agreement. Authority to complete a task shall be commensurate with the responsibility placed on employees by the supervisor. Supervisors are ultimately responsible for the action of themselves and their subordinates. Supervisors who delegate tasks to subordinate employees are ultimately accountable for ensuring the task is completed. Employees shall be held accountable for their use, or failure to use, their delegated authority.

E. Obedience to Orders

The Department is an organization with a clearly defined hierarchy of authority. This is necessary because obedience of a superior's lawful command is essential for the safe and prompt performance of law enforcement operations.

1. Orders from a supervisor to a subordinate shall be in clear and understandable language, civil in tone, and issued pursuant to departmental business.
2. Unlawful Orders Prohibited - No supervisor shall knowingly or willfully issue any order which is a violation of any law. Employees will not obey an order that is a violation of any law. Obedience to an unlawful order is not considered a defense for an unlawful action.
 - a. Responsibility for refusal to obey rests with the employee. They shall be strictly required to justify the action.
 - b. If in doubt as to the legality of an order, employees shall either request clarification of the order or confer with higher authority.

- c. An employee receiving an unlawful order will notify the issuing supervisor that compliance with the order, as issued, is unlawful.
 - (i) If the supervisor does not rescind the order, the employee shall request the presence of the next-level supervisor in the chain-of-command.
 - (ii) The supervisor will contact the next-level supervisor and request their presence at the scene.
- d. An employee receiving an unlawful order shall, at the first opportunity, report that fact in writing to the Chief, through the chain-of-command. The report shall contain the facts of the incident and the actions taken.

3. Lawful Orders

- a. Employees will promptly obey any lawful order from a supervisor of higher rank, regardless if the supervisor is in the employee's chain-of-command.
 - (i) Employees will also obey orders relayed from a supervisor of higher rank by an employee of the same or lower rank.
 - (ii) Employees are required to obey any lawful order of a supervisor regardless of the method of conveyance.
- b. Criticism of Lawful Orders - Employees shall not publicly criticize nor comment derogatorily to anyone about instructions or orders they have received from a supervisor.

4. Conflicting Orders - Employees who are given an otherwise proper order which appears to be in conflict with an existing policy or previous order shall respectfully inform the supervisor issuing the order of the conflict.

- a. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand.
- b. The supervisor issuing the conflicting order shall be responsible for the consequences, if any, of the conflicting order.

5. Improper Orders - Employee who are given an order which they believe constitutes a safety hazard, or is in some other way is improper, shall respectfully inform the supervisor issuing the order of such belief. If the supervisor does not alter or retract the order, the order shall stand and shall be obeyed. The employee may then initiate a formal grievance to seek redress.

F. Insubordination - Employees will not be insubordinate. The willful disobedience of, or deliberate refusal to obey any lawful order of a supervisor is insubordination. Defying the authority of any supervisor by obvious disrespect, arrogant or disrespectful conduct, ridicule, or challenge to orders issued is considered insubordination whether done in or out of the supervisor's presence.

G. Correspondence

1. Employees must obtain their supervisor's approval to use Town or Department stationery to communicate with others outside the Department unless the communication is part of the employee's assigned duties.
2. Employees must obtain the Chief's approval before initiating Department- related communication with elected officials, unless the communication is part of the employee's assigned duties.
3. Unless required due to the employees assigned duties, employees initiating official correspondence to any supervisor must forward such correspondence through the appropriate chain of command. Written communication may be returned to the author if it does not conform to Department written directives.
 - a. Correspondence sent to a ranking member higher than an employee's immediate supervisor shall have the immediate supervisor carbon copied (cc:). Each member of the chain-of-command should be given the opportunity and are encouraged to attach appropriate comments.
 - b. This section does not apply to correspondence related to a private personal matter, an employee grievance or reporting suspected employee criminal conduct.
 - c. If an issue needing action can be taken care of to the satisfaction of the author prior to reaching the addressee, the facts must be documented in official correspondence and forwarded to the addressee to avoid a duplicated effort.
 - d. If the issue cannot be resolved, each employee in the chain of command will attach correspondence explaining what, if any, action was taken at his or her level, and why the issue was not resolved.

H. Criticism of the Department/Criminal Justice System

1. Employees will not directly or indirectly, in any manner that makes them easily identifiable as an employee of the Department, publicly criticize or ridicule the actions or orders of a member of the Department, a judge, a prosecuting attorney, or other public official(s). This in no way infringes upon the rights of employees to act in their capacity as private residents in this regard.
2. Employees shall not criticize or ridicule the Department, its policies, or employees by speech, writing, or other expression, when such speech, writing, or other expression:
 - a. Is defamatory, obscene, or unlawful;
 - b. Tends to interfere with or to undermine the effectiveness of the Department to provide public services;
 - c. Tends to interfere with the maintenance of proper discipline;

- d. Tends to adversely affect the confidence of the public in the integrity of the Department and/or its employees;
 - e. Improperly damages or impairs the reputation and efficiency of the Department; or
 - f. Is made with reckless disregard for truth or falsity.
- I. Release of Information - Employees shall not present themselves as representing the Department in any matter except as authorized as a function of their position or as authorized by a supervisor.
- 1. Employees shall not prepare any articles or write for publication concerning the affairs of the Department without the consent of the Chief of Police.
 - 2. Employees shall not release confidential information.
- J. Employees Subject to Duty - Whether on-duty or off-duty, employees will consider themselves available for duty in any emergency situation.
- K. Authority Outside Town Limits While on Assignment - Officers on an assignment outside the Town will contact the agency having jurisdiction, and seek the assistance of its officers in any action to be taken. Any action taken will be confined to what is necessary to accomplish the assignment.
- L. Requirements of Duty
- 1. Employees shall maintain themselves in such a physical condition as to be able to handle the requirements of their assignments.
 - 2. Employees shall not exhibit cowardice or shirk their duty in case of danger.
 - 3. Employees are to remain at their assignment and on-duty until properly relieved by another employee or until dismissed by proper authority.
 - 4. Devotion of Time and Attention - On-duty employees shall remain alert and observant, and devote their time and attention to the business of the Department. Any exceptions shall be only with a supervisor's approval.
 - 5. Requirement to Take Action
 - a. Officers are charged with the responsibility to enforce the law, to preserve the peace, and to protect lives and property. Officers will take immediate action, if reasonably possible, to prevent any obvious felony offense, to arrest any known wanted felon they encounter, and to protect all persons and property from imminent harm.

- (i) Officers assigned to specialized units or other special duty assignments are not relieved from taking enforcement action outside the scope of their specialized assignment when necessary.
 - b. Employees will take appropriate action with respect to violations of the law coming to their attention.
6. Reporting for Duty - Employees shall report for all duty assignments, assigned court appearances, training assignments and other times identified by the Department, including emergency recall or special duty, at the time and place required by assignment or orders, and they shall be properly prepared and equipped to immediately assume their duties.
7. Evidence/Property
- a. Employees shall, without unnecessary delay, submit to the Department any property or evidence in their possession.
 - b. Employees will not manufacture, alter, or destroy evidence in any case, except as required by accepted methods of processing, analyzing, or court-ordered destruction of such evidence.
 - c. Policy may allow for the field destruction of certain items not having evidentiary value in Court, i.e., alcohol, tobacco, etc.
 - (i) All field destructions shall be documented in the incident or case report.
8. On-duty Activities
- a. Lunch breaks in a sexually oriented business are prohibited.
 - b. Unless authorized by a supervisor, officers shall not serve civil process, nor shall they render assistance in civil cases, except when:
 - (i) The Town is a party;
 - (ii) There is a statutory duty to do so; or
 - (iii) A court order requires assistance.
9. Neglect of Duty - Employees shall satisfactorily perform their duties. Examples of unsatisfactory performance include, but are not limited to:
- a. Lack of knowledge of the application of laws required to be enforced.
 - b. Unwillingness or inability to perform assigned tasks.
 - c. Failure to take appropriate action on the occasion of a crime, disorder, investigation or other condition deserving police attention.

- d. Failure to respond to any call or to perform any police duties assigned to them by appropriate authorities.
 - e. Absence without leave.
 - f. Repeated poor evaluations.
 - g. Written record of repeated infractions of rules, regulations, directives or orders of the Department.
 - h. Failure to attend departmental training when it was objectively reasonable to do so.
10. Cooperation with Other Agencies - Employees shall cooperate with all agencies engaged in the administration of criminal justice and other public departments, giving to each all aid and information that they might be entitled to receive.
11. Giving Testimony
- a. Employees shall not wear a uniform or other clothing which identifies them as a member of the Department, or represent themselves as speaking on behalf of the Department, in any cases not related to DPD.
 - b. Employees will notify their supervisor and the appropriate prosecutor if they are subpoenaed or otherwise requested to testify as a witness or assist the defense in any criminal matter.
 - c. Employees will not receive compensation for testimony as an expert witness without the approval of the Chief of Police or designee.
 - d. Employees will not solicit themselves or otherwise encourage their appearance as an expert witness as a result of abilities gained through employment with the Department.
 - e. Employees will wear appropriate attire, but not any part of their uniform, if the employee appears in court for any action the employee has brought against the Department.
12. Resolving Internal Matters - Except when authorized by law, Town policy or other Department policy, no employee shall go outside of the Department in an attempt to resolve police related matters until appropriate Department procedures have been followed.
13. Employees shall notify the Chief of Police, in writing through their chain-of-command, before filing claims for damages, or entering into legal compromises or settlements, regarding events connected with the performance of duty.
14. Traffic Stops While Not in Uniform

- a. On or off-duty officers, not in uniform, may make traffic stops only if the vehicle used in making the traffic stop is equipped with emergency lights and siren, and the officer clearly displays their departmental badge or ID while conducting the stop.
- b. Officers should make every effort to notify communications of the traffic stop prior to the traffic stop being conducted.

15. Supervisory Issues

- a. No supervisor shall order any subordinate to arrest or cite any person suspected of a misdemeanor violation of law witnessed by the supervisor but not witnessed by the subordinate unless:
 - (i) As soon as reasonably possible, the supervisor articulates the probable cause upon which the arrest or citation is based; and
 - (ii) The supervisor either completes a supplement to the offense report or is listed on the citation.
- b. Dereliction of Duty - Supervisors will initiate timely and appropriate corrective or disciplinary action against an employee for a violation of Department written directives.

16. No supervisor shall place themselves under financial obligation to a subordinate.

M. Political Activity

1. No employee shall knowingly become a candidate for nomination or election to any public office, unless in compliance with Town Policy.
2. Employees are prohibited from:
 - a. Using their official capacity to influence, interfere with or affect the results of an election.
 - b. Directly or indirectly using, promising, threatening or attempting to use an official influence in aid of any partisan political activity, or to affect the result of any election to partisan or political office by any other corrupt condition or consideration.
 - c. Promoting, demoting, or in any way favoring or discriminating against any employee with respect to employment because of political opinions or affiliations.
 - d. Seeking any advantage in employment for any person based on political action.
 - e. Coercing any employee to provide anything of value to any individual or organization for political purposes.

- f. Using any authority of the position to gain support for, or to oppose, any candidate, party, or issue in a partisan election.
- 3. On-duty employees are to remain neutral in all situations, never rendering an opinion as to the qualifications of any candidate, potential candidate or issue.
 - a. No employee, while in uniform or on-duty, shall take an active part in another person's political campaign, including attending fund-raising events, making speeches, writing letters, signing petitions, or actively soliciting votes.
 - b. Campaign literature is not to be displayed in work areas.
- N. Recommendation of Attorney or Agent - Employees shall not suggest or recommend the services of an attorney, bail bondsman, towing agency, physician, or other business service to any person with whom they have had contact as a result of departmental business, except in the transaction of personal business with family and friends,.
- O. Town Equipment/Property
 - 1. Areas under the control and management of the Department are subject to inspection at all times. Employees should not store personal information or belongings at these locations with an expectation of privacy. These areas include, but are not limited to lockers, desks, Town vehicles, file cabinets, and computers.
 - 2. Employees will not use, or alter, the Department logo unless authorized.
 - 3. Employees will not wear any unauthorized item of apparel containing a DPD logo or shield, or in any way identifies the Department.
- P. Unauthorized Expenditures - Employees shall not expend money, obligate funds, or incur financial liability in the name of the Department without proper authorization.

VIII. RESPONSIBILITY TO CO-WORKERS

Cooperation among employees of the Department is essential to effective law enforcement.

A. Relations with Co-workers

- 1. Mutual Respect and Courtesy
 - a. Employees are expected to treat each other with respect. They are to be courteous and civil at all times in their relationships, perform their duties in a cooperative and supportive manner, and to not threaten, display physical aggression toward, or use insolent or abusive language with one another.
 - b. When on-duty and in the presence of the public, employees shall address one another by proper use of name and/or rank.

- c. Unless required to do so as a direct result of their official duties, employees will not discuss the identity or assignment of any employee serving in a confidential or covert assignment.
 - d. So as not to inadvertently compromise their anonymity and place them in potential danger, employees must be cautious about speaking to plainclothes officers when in public. Therefore, employees will not address undercover/plainclothes officers, or call attention to their presence, unless first addressed by them.
2. Supporting Fellow Employees
- a. Employees shall not knowingly aid, abet, or assist another Department member in any violation of departmental directives or orders.
 - b. Employees shall cooperate, support, and assist each other at every opportunity, and shall not publicly criticize the work or the manner of performance of duty of any other employee.
3. Support in Time of Danger - Officers, except when incapacitated, are required to take appropriate police action to aid, assist, and protect fellow employees in time of danger or under circumstances where danger might reasonably be forthcoming.
4. Working Relationships
- a. No employee will reply to an outside request for a professional work reference for any other employee, whether an active or past member of the Department. All reference requests must be forwarded to the Town of Delmar Human Resources Manager.
 - b. When an employee is assigned to investigate an incident where the complainant and/or suspect is considered a friend or relative, the employee will contact their supervisor. The supervisor will reassign the case to another employee.
 - c. Symbolism in the Work Area:
 - (i) Wall area décor which is perceived to be offensive to any employee will be explained by the person displaying the symbolism. If the explanation does not satisfy the offended person, the Chief of Police or designee will make the final decision as to whether or not the symbolism remains in the work area.
 - (ii) Symbols which are of an insulting, profane, and demeaning nature are not permitted.
 - (iii) Work areas are not to be so adorned that it is difficult to conduct business.
- B. Electronic Recording of Conversations - Employees will not covertly record the conversations of other employees unless all persons being recorded are aware that they are being recorded and agree to being recorded. This does not apply to Department authorized

criminal or administrative investigations, training modules or MVR recordings from equipped DPD vehicles.

- C. Sexual Relationships between Employees - Supervisors are not to engage in any sexual conduct with a subordinate in their direct chain-of-command. If a supervisor and a subordinate begin developing a friendship that is likely to involve sexual conduct, they are both responsible for arranging a transfer before engaging in any sexual conduct.