

# GENERAL ORDER

## PORT WASHINGTON POLICE DEPARTMENT

SUBJECT:	<b>CODE OF CONDUCT</b>	NUMBER:	1.2.2
		ISSUED:	3/31/09
SCOPE:	All Police Personnel	EFFECTIVE:	3/31/09
DISTRIBUTION:	General Orders Manual, and All Police Personnel	<input checked="" type="checkbox"/> RESCINDS	A-7-94 12.2
		<input type="checkbox"/> AMENDS	
REFERENCE:		WILEAG 3 <sup>RD</sup> EDITION STANDARDS: 1.2.3, 2.4.4	

INDEX AS:     Care and Use of Equipment and Property  
                   Code of Conduct  
                   Gifts, Gratuities, Bribes, Rewards  
                   Professional Conduct  
                   Rules of Conduct

PURPOSE:     The purpose of this Order is to establish rules of professional conduct for personnel of the Port Washington Police Department.

This Order consists of the following numbered sections:

- I.    GENERAL STANDARDS OF CONDUCT AND RESPONSIBILITY
  - II.   PERFORMANCE OF DUTY: NEGLECT OF DUTY
  - III.   CONDUCT UNBECOMING AN OFFICER
  - IV.   CARE AND USE OF EQUIPMENT AND PROPERTY
  - V.    GIFTS – GRATUITIES – BRIBES - REWARDS
  - VI.   INTOXICANTS - DRUGS
  - VII.  RELATIONS WITH THE PUBLIC
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- I.    GENERAL STANDARDS OF CONDUCT AND RESPONSIBILITY
    - A.   Employees shall not commit any acts or omit any acts, which constitute a violation of any of the rules, regulations, directives or orders of the department, whether stated in this General Order or elsewhere.

1. The inclusion of this section avoids the process of specifying in every rule that “violation of the rule subjects the violator to disciplinary action.” Because it is necessary to be specific when drafting charges, it would not be sufficient to charge an employee with a violation of this section alone. The particular offense committed and the specific rule violated must always be specified.
- B. Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability, other than physical, to perform assigned tasks; the failure to conform to work standards established for the employee’s rank, grade or position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; or absence without leave. In addition to the above indicators of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: A minimum of two (2) successive substantiated poor evaluations or a written record of sustained infractions of the rules, regulations, directives or orders of the department which have been made known to the employee at the time of the infraction or as soon thereafter as practical.
  - C. Members of the Police Department shall be forthright and truthful at all times on all matters which pertain to their duties, conduct, observations, or any other area pertaining to the official business of the Police Department.
    1. No portion of this section shall be interpreted to imply that members are prohibited from using deception to accomplish an official investigative purpose.
  - D. Employees shall maintain a level of physical fitness that allows them to perform the required duties pertaining to their current assignment.
  - E. Employees shall establish and maintain a working knowledge of all departmental orders, rules and procedures and those of the specific unit to which they are assigned.
  - F. Officers shall establish and maintain a working knowledge of those federal laws, state laws and city ordinances they may reasonably be expected to enforce.
  - G. All officers are required to take appropriate police action toward aiding a fellow officer exposed to danger or in a situation where danger might be impending.

- H. Employees shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures. Employees may remove or copy official records or reports of the department only in accordance with established departmental procedure. Employees shall not divulge the identity of persons giving confidential information except as authorized by proper authority.
- I. Officers shall not interfere with the normal processing of arrests, traffic/parking citations or investigations, or otherwise hinder the enforcement of the law by other officers of the department, or by any other governmental agency, unless ordered to intervene by a superior officer or the intervening officer believes, beyond a reasonable doubt, that a clear injustice would result in failure to take immediate action.
- J. Officers shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the exigencies of the situation require immediate police action.
- K. Officers shall not authorize the use of their names, photographs, or official titles, which identify them as officers, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police.
- L. Within the scope of their employment, employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service or commercial service.
- M. No employee shall seek the influence or intervention of any person outside the department for the purpose of personal preferment, advantage, transfer or advancement within the department.
  - 1. This regulation is not intended to prohibit employees from seeking legal redress for grievances.
- N. Employees shall keep the department informed of their current residence address and telephone number. Any changes shall be reported to the office of the Chief of Police, in writing through the chain of command, on the next working day after the change.
  - 1. Any change in marital status shall be reported to the office of the Chief of Police within ten days of the change.
- O. Employees shall not use the department as a mailing address for private purposes. The department's address shall not be used on any motor vehicle registration or operator's license.
- P. Employees shall be clean, neat and well groomed while on duty or in uniform in accordance with established departmental orders, refer to General Order 2.4.2, Uniforms, Equipment, and Dress Code.

## II. PERFORMANCE OF DUTY: NEGLECT OF DUTY

- A. Employees shall report for duty at the time and place required by assignment or orders and shall not be so physically and/or mentally incapacitated as to be unable to perform their duties. They shall be properly equipped and carry authorized equipment in accordance with established departmental orders.
- B. Employees shall submit all necessary and required reports in accordance with established departmental procedures. Reports submitted by employees shall be truthful and complete, and no employee shall knowingly enter or cause to be entered any inaccurate, false or improper information.
- C. Employees shall not engage in any activities or personal business, which would cause them to neglect or be inattentive to duty.
- D. Employees shall remain awake while on duty. If unable to do so, they shall so report to their superior officer who shall determine the proper course of action.
- E. Officers and employees shall not leave their assigned duty posts during a tour of duty except when authorized by proper authority.
  - 1. This section is not designed to prohibit patrol officers from a reasonable extension of their patrol boundaries to accomplish a legitimate police purpose.
- F. Employees shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals or breaks during the tours of duty, but only for such period of time, and at such time and place as established by departmental procedures, the city personnel policy or the appropriate labor contract in effect.
- G. Employees shall not feign illness or injury, falsely report themselves ill or injured or otherwise deceive or attempt to deceive any official of the department as to the condition of their health.
- H. Employees shall not conduct personal business while on duty except when out of service for meals or when authorized by their immediate supervisor.
- I. Although employees shall have regular "on duty" hours assigned, they shall be subject to call to duty when needed as designated in the applicable section of the appropriate labor contract and/or established departmental procedures. Employees shall report for duty or a meeting when notified to do so by a supervisor, in accordance with the contract in force and/or established departmental procedures.

### III. CONDUCT UNBECOMING AN OFFICER

- A. Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming an officer shall include that which brings the department into disrepute or reflects discredit upon the officer as a member of the department, or that which impairs the operation or efficiency of the department or officer. Officers shall not participate in any incident which impairs their ability to perform as law enforcement officers or causes the department to be brought into disrepute.
  - 1. This rule is intended to prohibit misconduct, which is not proscribed in another rule. To charge an officer with violation of this rule requires that the misconduct alleged must be specifically identified and, in addition, it must be shown that damage has, in fact, been done to the effectiveness or reputation of the department or the officer.
- B. Officers shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment or who have a reputation in the community or the department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the officers.
- C. Officers shall not undertake any financial obligations which they know or should know, they will be unable to meet, and shall pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts is being undertaken.
- D. Officers shall not engage in unlawful conduct, which, if committed in Wisconsin, would constitute a violation of law, unless the conduct is lawful in the jurisdiction in which it is committed.
  - 1. This rule is not designed to make minor infractions of the law a disciplinary matter; rather, it is intended to address offenses, which jeopardize the officer's ability to function as a police officer or bring the department into disrepute.
- E. Officers shall not knowingly make false accusations.
- F. Officers shall not make any arrest, search or seizure which they know, or should know, is not in accordance with law and departmental procedures.

#### IV. CARE AND USE OF EQUIPMENT AND PROPERTY

- A. Employees shall utilize department equipment only for its intended purpose in accordance with established departmental procedures and shall not abuse or damage department equipment. All department equipment issued to employees shall be maintained in proper order.
- B. Officers shall operate official vehicles in a careful and prudent manner and shall obey all laws and all departmental orders pertaining to such operations. Loss or suspension of any driving license shall be reported to the department immediately.
- C. Citizens will be transported in department vehicles only in accordance with existing department orders.
- D. Officers shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with law and department orders.
- E. Officers shall carry firearms in accordance with law and established department orders.
- F. Property or evidence, which has been discovered, gathered or received in connection with departmental responsibilities, will be processed in accordance with established departmental orders. Employees 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, except in accordance with established department orders.

#### V. GIFTS - GRATUITIES - BRIBES - REWARDS

- A. Officers shall not solicit or accept from any person, business or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment) for the benefit of the officers or the department. The only permissible actions under this rule are:
  - 1. An officer may accept unsolicited advertising or give-away material such as pens, pads, calendars or similar items of little or nominal value.
- B. Unsolicited gifts which are received by any employee and which are a direct result of his or her employment with the department shall be forwarded to the Chief of Police for appropriate disposition.
- C. Employees are prohibited from knowingly buying or selling anything of value from or to any victim, suspect, witness, defendant, prisoner or other person involved in any case which has come to their attention or which arose out of their department employment if it may reasonably be inferred that the transaction may affect or influence any past, present or future police matter, or may adversely affect the department's reputation.
- D. Employees shall not use their official position, official identification cards or badges

1. For personal or financial gain,
  2. For obtaining privileges not otherwise available to them except in the performance of duty, or
  3. For avoiding consequences of illegal acts.
- E. Officers shall not lend to another person their identification cards or badges, or have them photographed or reproduced without the approval of the Chief of Police.

## VI. INTOXICANTS - DRUGS

- A. Officers shall not consume intoxicating beverages while in uniform, partial uniform or on duty except in the performance of duty and while acting under proper and specific orders from a superior officer. Employees shall not appear for duty or be on duty while under the influence of intoxicants to any degree whatsoever or with an odor of intoxicants on their breath.
- B. Officers while off duty shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication or obnoxious or offensive behavior which discredits them as a member of the department or renders the officers unfit to report for their next regular tour of duty.
- C. Employees shall not possess or use any controlled substances, narcotics, or hallucinogens, except when prescribed in the treatment of the employee by a physician or dentist. When controlled substances, narcotics or hallucinogens are prescribed which may affect the employee's ability to perform their duties, the employee shall notify their superior officer.
- D. Officers shall not store or bring into any police facility or vehicle alcoholic beverages, controlled substances, narcotics or hallucinogens except alcoholic beverages, controlled substances, narcotics or hallucinogens which are being held as evidence or which are being used by the employee in compliance with Rule C, above.

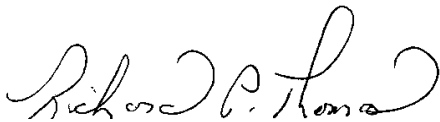
## VII. RELATIONS WITH THE PUBLIC

- A. Employees shall be courteous to the public. Employees shall be tactful in the performance of their duties, shall control their tempers and exercise the utmost patience and discretion and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, officers shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, life style or similar personal characteristics.
- B. Employees shall conduct departmental business, investigations, and enforcement free of influence or bias concerning race, religion, gender, politics, national origin, lifestyle, or similar personal characteristics.

- C. When any person applies for assistance or advice or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established departmental orders.
- D. Sworn officers and employees are prohibited from using tobacco products and from smoking within the police department (including the police department garage). In addition, there will be no use of tobacco products (chew, snuff, etc.) or smoking while in uniform or while in contact with the public.
- E. While holding themselves out as representing the department, officers shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the department except in accordance with existing General Orders.
- F. Officers shall furnish their last name and badge number to any person requesting that information, when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by a superior officer.
- G. While on duty, non-uniformed officers shall carry their badges or identification cards on their person at all times, except when impractical or dangerous to their safety or to an investigation.
- H. Employees shall receive and process complaints against officers, employees or the department in accordance with existing departmental orders.

**APPROVED:**

**DATE:**



11/10/09

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Chief Richard P. Thomas

Revised 11/10/09