

Bowie Police Department – Standard Operating Procedures



TITLE: CODE OF CONDUCT		NUMBER: 108
EFFECTIVE DATE: 3/23/22		REVIEW DATE:
_ NEW _X AMENDS X_ RESCINDS		DATE: 5/26/16
AUTHORITY Chief John Nesky	ACCREDITATIONS STANDARDS 12.1.3, 26.1.1	TOTAL PAGES 7

I. POLICY:

The policy of the Bowie Police Department is to ensure that all personnel maintain the highest standards of integrity and professional police conduct in their relationships with citizens and co-workers. The rules of conduct contained in this order are designed to serve as a professional standard for conduct as well as to protect certain basic individual rights of employees. These rules are founded on the proposition that police have been given special trust by the people and have an equally special obligation to account for the exercise of that trust.

II. PURPOSE:

The Order sets forth specific rules which govern the conduct of Departmental personnel.

III. RULES OF CONDUCT: (CALEA 12.1.3, 26.1.1)

“Rules and Regulations” as used in law enforcement are synonymous. They are a means of defining and controlling the behavior of all employees, sworn and non-sworn. A departmental rule, although it may be revised or amended is definite, inflexible, and restrictive. Violation may lead to disciplinary action.

A. Conformance to Policy:

Employees shall not commit any act or fail to perform any act which constitutes a violation of any departmental policy, without good cause or exigent circumstances. In addition, all personnel shall cooperate fully with any internal or criminal investigation, consistent with the law and the Law Enforcement Officers Bill of Rights (LEOBR).

B. Lawful Order:

All members shall obey all lawful orders, either written or oral, of any superior or other member designated to command. Members shall make commanding officers aware of conflicting orders. If the supervisor does not retract or alter the conflicting order, the order shall stand and the

member shall obey it. The responsibility for the conflict shall rest with the supervisor and not the member who disobeyed the previously issued order; however, members shall not obey an order which they reasonably believe would require them to commit an illegal act. If in doubt as to the legality of an order the member shall request the issuing member clarify the order or confer with a member of higher rank than that issuing the order. (CALEA 12.1.3)

C. Conduct Unbecoming/Rudeness:

As the most visible representatives of government, all employees must display unblemished professional conduct. To that end, employees are duty bound to avoid excessive, unwarranted, or unjustified behavior that would reflect poorly on themselves, the Department, or the City government, regardless of rank or duty status. Employees will refrain from using harsh, violent, profane or derogatory language unless it is deemed essential to a specific assignment.

D. Conformance to Laws:

Employees shall obey all local, state and federal laws and the laws of any foreign country which they visit. Any employee who is charged with a criminal violation, whether by arrest, other charging document or significant motor vehicle violation as described in the Maryland Transportation Article under Powers of Arrest, will notify their supervisor within twenty-four hours. If the first notification is verbal, written notification will be made to their supervisor on their first day back to work.

1. Any misdemeanor or felony convictions shall be prima facie evidence of violation of this section, except when an officer is convicted by a court for the proper performance of his/her duties, while being exonerated by departmental investigation. Departmental actions shall not be contingent upon placement of criminal charges or a conviction.
2. An employee shall immediately report the suspension, revocation, cancellation, refusal or expiration of his/her driver's license. The confirmation of that fact may constitute prima facie evidence of violation of this policy.

E. Punctuality:

Employees shall report for duty at the time and place required by assignment or orders. Court subpoenas, writs and other subpoenas resulting from official actions constitute an order to report for duty under this section. All scheduled training functions and approved uniformed off-duty employment details are to be considered a duty assignment and are therefore subject to the rules of this section.

F. Performance of Duty:

On duty employees shall not engage in activities or personal business which causes them to neglect or be inattentive to their official duties. This does not preclude officers from leaving their beat to respond to emergency calls or provide backup if none is available when necessary. Communications shall be notified as soon as practical when an officer is out-of-service. Employees shall remain alert at all times while on duty. Sleeping is prohibited. If unable to remain alert, they shall report that information to their immediate supervisor who shall take appropriate action.

G. Injury or Illness Report:

Employees shall not feign illness or injury, or falsely report an illness or injury, or otherwise attempt to deceive the Department about their health. All employees shall immediately report to their supervisor, in writing, any health condition or of the consumption of any prescription or non-prescription medication, which might adversely affect their ability to perform their duties.

H. Performance Level:

Upon completion of approved training, personnel shall remain competent to perform their duties and to assume the responsibilities of their assignments and shall perform their duties in accordance with Departmental standards. Lack of knowledge, an unwillingness or inability to perform assigned tasks, failure to conform to established requirements of their position or rank, or failure to take appropriate action where required constitutes unsatisfactory performance.

I. Care of Equipment:

Employees shall take care of all assigned equipment and promptly report damage to his/her supervisor.

J. Alcoholic Beverage in Police Facilities:

No alcoholic beverage other than properly stored evidence or recovered property will be kept in any Departmental facility. This does not include bona fide training assignments, or Vice & Narcotic props involving alcohol which may remain in their vehicles.

K. Use of Alcohol on Duty or in Uniform:

Employees shall not consume intoxicating beverages while in uniform, or on-duty, except in the performance of duty, and while acting under proper and specific orders from a higher ranking 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.

L. Use of Alcohol Off-Duty:

Employees of the Department while off-duty, shall refrain from obnoxious or offensive behavior which discredits them as a member of the Department, or consume a quantity of alcohol that renders them unfit to report for their next regular tour-of-duty. Employees shall not consume any alcoholic beverages within eight hours prior to their next regular tour-of-duty.

M. Possession and Use of Drugs:

Employees shall not possess or use any controlled substances, narcotics or hallucinogens, which could affect or impair their ability to function in their job, except when prescribed in the treatment by a physician or dentist. When any controlled dangerous substances, narcotics or hallucinogens are prescribed, and the employee is on-duty, the employee shall notify his/her supervisor.

N. Immoral Conduct:

Employees shall maintain a level of moral conduct in their personal and business affairs, which is in keeping with the highest standards of the law enforcement profession. Employees shall not participate in any incident involving moral turpitude, which impairs their ability to perform as law enforcement officers or cause the Department to be brought into disrepute.

O. Conduct with Departmental Personnel:

Employees of the Department will treat each other with the respect and courtesy due every individual in a professional work atmosphere. No employee will address another in profane, threatening or abusive language. When referring to another employee in public, that person's rank, title or position shall be used. Employees shall not be referred to in conversation in any type of derogatory or negative manner. Employees shall not maliciously threaten, verbally or physically assault, strike or sexually harass any employee of the Department. Employees who aid, abet or incite any altercation between other employees shall be held responsible along with those actually involved.

P. Courtesy:

Employees shall be courteous to the public. Employees shall be tactful in 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, employees shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning race, sex, religion, politics, national origin, life style or similar personal characteristics.

Q. Gratuities:

No compensation, reward, gift, or other consideration shall be solicited or accepted by any employee without special permission of the Chief of Police. This includes, but is not limited to: money, tangible or intangible property, and loan or promise of loan or any service. This does not preclude accepting unsolicited items which are given or available to the general public and not just police officers.

R. Abuse of Position:

Employees shall not use their official position, Departmental identification cards or badges for personal or financial gain, or to obtain privileges not otherwise available to them or for the benefit of others. Employees shall not lend their identification cards or badges to anyone, nor shall they allow them to be reproduced without approval. Employees may not authorize the use of their names, photographs or official titles which identify them as Departmental employees, in connection with testimonials or advertisements, without the prior approval of the Chief of Police. Employees shall not attempt to influence other Departmental employees, for their benefit or that of any other person, to secure a promotion or transfer, or to avoid penalties for improper actions.

S. Use of Force:

Sworn employees will only use the amount of force necessary to complete a lawful objective.

T. Identification:

Officers shall carry their badges and identification cards on their person whenever they are armed. When on duty or acting in an official capacity, officers will give their name and identification number to anyone who requests them. This does not include officers in covert assignments or those in assignments, which would be jeopardized by divulging such information.

U. Request for Assistance:

Any report, complaint or request for assistance will be handled courteously, professionally and in accordance with Department procedures. Employees will promptly come to the aid of any Officer or Departmental Employee who, when carrying out official duties, is in need of assistance.

V. Discrimination and Harassment:

Employees shall not discriminate against, nor harass, any citizen or co-worker for any reason including race, color, national origin, religion, sex as prohibited by county, state and federal law. Employees shall not take nor contribute to any reprisal against any individual or group of individuals who have opposed discriminatory practices, or have participated or assisted in an investigation or proceeding brought under Department policy, or county, state or federal law. Employees may report discrimination or harassment directly to any supervisor, including the Chief of Police or the Human Resources officer. The Chief of Police will cause an investigation to be conducted into all harassment complaints. Also see Order 325 Harassment in the Workplace. (CALEA 26.1.3)

W. Associates:

Employees should not have regular contact or consort with a person, convicted of a crime, under criminal investigation, indictment or have a reputation in the Department or the community for criminal behavior. This does not include contact in an official capacity or when unavoidable because of family relationships.

X. Visiting Certain Establishments:

Employees shall not visit, enter or frequent a house of prostitution, gambling house or any establishment where local, state or federal laws are regularly violated, except in the performance of official duties.

Y. Public Statements and Appearances:

Employees shall not publicly criticize or ridicule the Department, its policies or other employees when such action undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is disruptive to the efficient administration of government. This shall not be used to inhibit employees' right to free speech. Employees may address public gatherings, appear on radio or television, or publish articles as long as they do not present themselves as representing the Department in such matters, without prior approval from the Chief of the Police.

Z. Labor Activity:

Employees have the right to join labor organizations. Employees may not engage in any strike or work stoppage. This includes the concerted failure to report for duty, willful absence from one's position, unauthorized leave, sickness which is unsubstantiated by a physician's note when required, the stoppage of work or the abstinence, in whole or in part, from the full, faithful and proper performance of the duties of employment.

AA. Telephone:

Employees shall have a telephone and shall provide their phone number and address to the Department. Pagers and messenger services are not an appropriate substitute to having a phone.

Any change of address or phone number will be reported to the Office of the Chief of Police within five working days of the change. These numbers will be treated as confidential and shall not be released outside the Department.

BB. Dissemination of Information:

Employees shall treat the official business of the Department as confidential. Information will only be disseminated to those who have an official need to know. Unauthorized request, use, dissemination and/or receipt of LinX or CJIS, or NCIC information may subject the employee to possible disciplinary action.

CC. Intervention in Cases:

Employees shall not interfere with cases being handled by officers of the Department or any other government agency unless:

1. Ordered to intervene by a supervisor; or
2. The intervening individual believes beyond a reasonable doubt that an injustice would result from failure to take immediate action; or,
3. Such intervention is required as a result of supervisory or command responsibilities.

DD. Truthfulness:

Employees shall truthfully answer all questions specifically directed and related to the scope of their employment and of the operations of the Department. Employees shall not knowingly enter or cause to be entered, any inaccurate, false or improper information nor omit any information that is pertinent to the subject on any Departmental document, computer or recording device.

EE. Civil Actions:

Employees shall not institute any civil action arising out of their official duties without first notifying the Chief of Police in writing. Employees shall not accept anything as payment for personal injury incurred in the line-of-duty, without notifying the Chief of Police in writing.

FF. Civil Actions Against Employee or Department:

Employees shall not discuss a civil action with anyone without the express permission of the Chief of Police whenever the City of Bowie, Bowie Police Department or a Department employee is involved.

GG. Use of Tobacco:

When in uniform, employees shall not use tobacco if they are in formation or engaged in traffic control. Employees shall obey the City regulations prohibiting smoking in City buildings or on City grounds. Employees shall not smoke in City owned vehicles. Uniformed employees will exercise good judgment regarding the use of tobacco.

HH. Sexual Misconduct:

A law enforcement officer is statutorily prohibited from engaging in sexual contact, vaginal intercourse, or a sexual act with to include: (1) a person who is a victim, witness, or suspect in an open investigation that the law enforcement officer is conducting,

supervising, or assisting with if the law enforcement officer knew or should have known that the person is a victim, witness, or suspect in the investigation; and (2) a person requesting assistance from or responding to the law enforcement officer in the course of the law enforcement officer's official duties. These additional prohibitions do not apply if the officer had a prior existing legal sexual relationship with the individual. (SB0043)

II. Hand Salutes:

When in uniform, employees will render hand salute:

1. Salutes are not rendered indoors unless hats are worn as part of a ceremony. Then salutes will be rendered on the passing of the colors and on the playing/singing of the National Anthem.
2. When indoors, without a hat, personnel are to stand at attention and place their right hand over their heart on the presentation of the colors and the playing/singing of the National Anthem or recitation of the Pledge of Allegiance.
3. When in formation and ordered to do so by the officer in charge of the formation.
4. Whenever a hearse bearing the body of a police officer in procession.

VI. CANCELLATION:

This General Order cancels and replaces:

General Order 3/803, Code of Conduct, dated 7/2007