

MITCHELL POLICE DIVISION

CHAPTER 15

DISCIPLINARY PROCEDURES

PROFESSIONAL CONDUCT AND RESPONSIBILITIES

15.1 CODE OF CONDUCT AND APPEARANCE

- A. Employees shall respond to the lawful order of supervisors and other proper authorities as well as calls for police assistance from citizens.
- B. Employees assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.
- C. All employees shall perform their duties as required or directed by law, Division Policies and Procedures, or by order of a supervisor.

15.2 VIOLATION OF RULES

Employees shall not commit any act or omit any act, which constitutes a violation of any of the rules, procedures, directives or order of the Division, except at the direction of a Supervisor.

15.3 CONDUCT UNBECOMING AN EMPLOYEE

At no time shall employees conduct themselves in such manner as to bring discredit upon the Division or impair the effective operations of the Division.

15.4 INSUBORDINATION

Employees shall promptly obey any order of a supervisor, including orders relayed from the supervisor. Failure to obey a lawful order shall be judged to be insubordination.

15.5 KNOWLEDGE OF LAWS AND RULES

Employees are to be familiar with and maintain a working knowledge of laws and ordinances in force in the City and the policies, orders, and procedures of the Division.

15.6 CONDUCT TOWARD OTHER EMPLOYEES

Employees shall treat supervisors, subordinates and associates with respect. They shall be courteous and civil at all times in their relationship with others.

15.7 QUESTIONS REGARDING ASSIGNMENT

Employees in doubt as to the nature of detail of assignments shall seek clarification from their immediate supervisor.

15.8 SCOPE OF RESPONSIBILITY

Supervisors are accountable for the performance of employees under their immediate control. This applies to each level of supervision in the Division.

15.9 COURTESY

- A. Members should address ranking officers by use of their title and will not use first names or nicknames in front of the public. Superior officers should likewise address subordinates by their proper title. All employees, in public, will address one another in a professional and courteous manner.
- B. Employees shall be courteous to the public. Employees shall control their tempers and not engage in argumentative discussions. Employees shall not use coarse, violent, profane or insolent language or gestures. Employees shall not express prejudice concerning race, religion, politics, nationality, life style or personal characteristics.

15.10 COMPUTER SECURITY

Employees of the Mitchell Police Division may not reveal any information concerning access to the Division's computer system. The only people authorized to permit access to the Division's Computer system are the Chief, Major, and Communication Director.

GENERAL CONDUCT

15.11 REPORTING FOR DUTY

Employees shall report for duty at the time and place designated by assignment or order and shall be physically and mentally fit to perform their duties. They shall be properly equipped for the proper performance of duty. Judicial subpoenas and administrative notices constitute an order to report for duty in accordance with existing procedures.

15.12 NEGLECT OF DUTY

- A. Employees shall not engage in entertainment while on duty, unless authorized by their supervisors.

- B. Employees shall not engage in any activity or personal business, which would cause them to neglect or be inattentive to duty. Employees shall remain awake on duty. If unable to do so, they shall contact their supervisor who shall determine the proper course of action.

15.13 RELIEF

All employees are to remain at their assignment and on duty until they are released by a replacement or until their tour of duty ends.

15.14 MEALS

Employees may suspend their police duty for meals, which shall be taken within the time allotted. Employees may take their meals at their homes, if homes are within the limits of the City of Mitchell. Employees who live outside the city may take their meals at home with permission of the supervisor.

15.15 GIVING NAME

An employee shall give his name to any violator or other person when requested to do so, unless such action is likely to jeopardize the successful completion of a police assignment.

15.16 LOITERING

Employees on duty or in uniform shall not enter taverns, theaters, or other amusement places except to perform a police function. Employees off duty shall not disrupt the activities of on duty personnel. Officers are not prohibited from eating in restaurants licensed to serve liquor.

15.17 NATIONAL COLORS AND ANTHEM

- A. Employees in civilian dress shall render proper civilian honors to the national colors and anthem at appropriate times.
- B. Officers wearing the Mitchell Police Division uniform while wearing a hat shall render a military salute to the first American flag when it is carried by a color bearer in marching formations or when being hoisted or lowered from a flag-staff during a ceremony. Officers not wearing a hat shall stand at attention and place their right hand over their heart during the passing of the first American flag.
- C. During the rendition of the national anthem, employees in uniform while wearing a hat shall face the flag and render a military salute at the first note of the anthem and retain this position until the last note. Officer not wearing a hat shall stand at attention and place their right hand over their heart upon the first note of the national anthem.

- D. Employees may be exempt from rendering honors if in doing so the police function is compromised.

15.18 PURCHASE OR DRINKING OF AN INTOXICATING BEVERAGE

An employee, whether on duty or off duty, shall not purchase or consume an intoxicating beverage while wearing an identifiable uniform of this Division, except as authorized by the Chief of Public Safety or designee.

15.19 INTOXICATING BEVERAGES OR DRUGS ON DIVISION PREMISES

Employees shall not store or bring into any police facility or vehicle intoxicating beverages, controlled substances or illegal drugs, except those items which are to be held as evidence or are to be used in the course of authorized police business.

15.20 DRUGS

Employees shall not possess or use any controlled substance marijuana, drug or medication, except in the performance of their lawful duties or if prescribed by a licensed physician. Employees using prescription medication must notify their supervisor of type and possible side effects of the medication.

15.21 USE OF TOBACCO PRODUCTS

- A. Employees on duty shall use utmost discretion when using any tobacco products. No Smoking areas shall be adhered to.
- B. Official police vehicles are no smoking areas.

15.22 DIVISION REPORTS

Employees shall promptly submit such reports as are required by the performance of their duties. Reports will be completed and turned in to their supervisor prior to being relieved of duty, unless delay is approved by a supervisor.

15.23 REPORTING ABSENCE PRIOR TO DUTY TIME

When sickness or unforeseen circumstances prevent an employee from reporting for duty as scheduled, the on duty supervisor shall be notified at least sixty (60) minutes prior to duty time. Notifying the Communication Center does not fulfill this responsibility.

15.24 FEIGNING ILLNESS OR INJURY

Employees shall not feign illness or injury, falsely report himself ill or injured or

otherwise deceive or attempt to deceive any official of the Division as to the condition of his health.

15.25 ENDORSEMENT AND REFERRALS

Employees shall not recommend or suggest in any manner the employment or procurement of a particular product, professional service, or commercial service (example, attorneys, bondsmen, morticians, private requests for towing, and ambulance services) to any non-employee, excluding family members. The provision of this item does not apply to a Division authorized referral agency.

15.26 ACCEPTANCE OF GIFTS, GRATUITIES, FEES, ETC.

Employees are prohibited from soliciting and accepting any rebate, money, entertainment, gift, or gratuity (except meals during business meetings) from any person, company, firm, or corporation. Abuse of this policy may subject the employee to disciplinary action. **Personal receipt** of gifts is prohibited, and if received, must be reported immediately to the Department Head. Gifts of an advertising or promotional nature may be accepted if the value is under \$15.00 (examples include calendars, pens, caps, etc.)

15.27 REWARDS

No employee, on or off duty, will accept a reward for services normally rendered by the Division except by authority of the Chief.

15.28 DISPOSITION OF UNAUTHORIZED GIFTS AND GRATUITIES

Items of value which are described and embody the spirit of the above two sections will be forwarded to the Office of the Chief of Public Safety for return to the giver, for presentation to a charitable organization, or other disposition as authorized by the Chief of Public Safety.

15.29 MISUSE OF IDENTIFICATION

Employees shall not use their official identification to avoid the consequences of an illegal act or to obtain services not offered to the general public.

15.30 CITIZENS COMPLAINTS

Employees shall courteously and promptly record any reasonable complaint of misconduct or illegal activity made by a citizen against any employee of the Mitchell Police Division. If possible, supervisors are to receive and resolve the complaints. Handling of citizen complaints shall be according to established procedures.

15.31 REQUEST FOR ASSISTANCE

When any citizen requests assistance, or reports an incident, all pertinent information will be obtained in a professional manner.

15.32 ADDRESS, TELEPHONE, STATUS, RESIDENCY

- A. As soon as practical after changing address, telephone number or marital status (name change), employees shall notify their unit supervisor, providing their correct information. Supervisors will relay this information appropriately for record and information updating.
- B. Employees must complete a Change of Status form, available through the Division Commander, whenever personal history information has changed.

15.33 TRUTHFULNESS

All employees shall truthfully state the facts in all reports as well as when they appear before any judicial, Divisional or other official investigation, hearing, trial or proceeding. The employee shall cooperate fully in all phases of such investigations, hearing, trials and proceedings. This policy shall in no way be interpreted as overruling or superseding the constitutional rights of any employee who may be the subject of a Criminal Investigation.

15.34 MISUSE OF PRIVILEGED INFORMATION

Employees shall not use information gained through their employment for their personal benefit or the personal benefit of others.

15.35 MORAL TURPITUDE

The intention of the Division is not to regulate the sexual behavior of its employees. However, it is strictly forbidden to engage in sexual activity while on duty or engage in sexual activity on or off duty that compromises the integrity of the Division. Sexual relations between a supervisor and subordinate, on or off duty, will be deemed as a compromise of the Division.

15.36 NEPOTISM

The general policy of the City is to hire, promote, and otherwise employ people on the basis of his/her job qualifications and individual merit. The City does not prohibit the employment of relatives. However, where the hiring or employment of a worker's relative would result in the types of prohibited employment relationships identified below, the City will not consider or accept such applications for employment by immediate family members defined as a spouse, sibling, child, parent, or grandchild:

A supervisor/subordinate relationship is created between the two related persons within the same unit.

A real or perceived conflict of interest exists because of the employment of individuals with close relationships at certain levels of the City or in positions where one of the employees exercises or appears to have influence over the other's compensation, performance evaluation, or job security.

This policy applies to hiring and employment decisions affecting all job classifications, including regular, temporary, part-time, and full-time positions and appointed officials. These restrictions also are applicable when assigning, transferring, or promoting an employee. Questions should be directed to your Supervisor.

PUBLIC ACTIVITIES

15.37 PERSONAL PREFERMENT

No employee may seek the influence or intervention of a person for purposes of personal advancement, advantage or transfer.

UNIFORMS, EQUIPMENT AND APPEARANCE

15.38 PERSONAL GROOMING AND HYGIENE

All employees shall be neat appearing, well groomed, and clean in their person and manner of dress.

15.39 HAIR STYLES

- A. Hair must be clean, neat and combed. Uniformed employees are required to style hair in such a manner as not to interfere with the wearing of headgear. Hairstyle and length should conform to the conservative community standards and reflect a professional business appearance.
- B. Sideburns shall be neatly trimmed and rectangular in shape. Sideburns shall not extend below the bottom of the ear.
- C. Facial hair shall be neatly trimmed and shall not interfere with the seal of a gas mask.
- D. Employees shall wear their hair in a style that does not create a safety hazard or would be repugnant to the general public.
- E. Employees may seek exemption from these regulations from their division

commander.

15.40 SOFT BODY ARMOR

All sworn officers who are issued soft body armor shall wear the body armor when working in uniform unless they are excused from doing so by a superior. Officers working boat patrol should not wear body armor.

15.41 REGISTERING EQUIPMENT WITH THE DIVISION

Officers are required to register with the Division the description and serial numbers of all weapons to be regularly used for on and off duty employment.

15.42 FIREARMS DISPLAY AND USE

- A. Employees shall only display their firearm when required to do so in the line of duty.
- B. Employees shall discharge their firearm only in the line of duty as per Division Policies and Procedures, or for routine training, practicing and competition shooting.
- C. Any other discharge of a firearm on duty shall be reported at once to the employee's supervisor.

15.43 UNIFORM AND EQUIPMENT DAMAGE CLAIM

Any claims for damage to clothing or other personal or issued property belonging to an employee caused by performance of duty shall be made to the employee's supervisory officer within five days of the damage, or as soon as possible. Reimbursement for required personal property damaged or lost in the performance of duty must be authorized by the Chief of Police.

DIVISIONAL PROPERTY AND EQUIPMENT

15.44 USE OF EQUIPMENT

Employees shall use Divisional equipment for its intended purpose and shall not intentionally abuse, damage or lose assigned equipment.

15.45 REPORTING DAMAGE/LOSS OF DIVISIONAL PROPERTY

Employees shall immediately report to their supervisor in writing any loss or damage of Divisional property assigned or used by them. The supervisor will, if possible, correct the deficiency and notify the Division Commander of any action taken. All city and state accident report required shall be completed by the end of the duty period in which the damage or loss occurred.

15.46 MAINTENANCE OF MANUAL

All employees who are issued the Mitchell Police Division Policies and Procedures Manual or other Divisional publications are responsible for their maintenance and will make appropriate changes or inserts as they are issued.

15.47 SURRENDER OF DIVISIONAL PROPERTY

Employees are required to surrender all Divisional property issued and in their possession when requested to do so by competent authority.

15.48 TRANSPORTING CITIZENS

Citizens will be transported in Divisional vehicles only when necessary to accomplish a police purpose.

INVESTIGATIONS, ARRESTS AND DETENTION

15.49 INVESTIGATIONS

Investigations at the scene of any police function shall be made in accordance with current Division procedures.

15.50 IDENTIFICATION AS POLICE OFFICIAL

Except when identification is obvious or impractical, employees shall identify themselves by displaying their official identification before taking police action.

15.51 REPORTS AND BOOKINGS

No employee shall knowingly falsify reports or cause inaccurate or improper information to be recorded on Divisional records.

15.52 SECURITY OF DIVISION BUSINESS

Employees shall not release Divisional business information or records outside the Division except in performance of their duties or when required to do so by law.

15.53 COMPROMISING CRIMINAL CASES

Employees shall not engage in any action that would interfere with the administration of criminal justice.

COURT APPEARANCES AND LEGAL ACTIONS

15.54 COURT APPEARANCES

Employees shall, upon being subpoenaed or notified by competent authority, attend court or judicial hearings. Permission to omit the duty shall be obtained from the prosecuting attorney handling the case or other competent court or hearing officials. If unforeseen emergency circumstances prevent or delay prompt attendance in court, employees shall notify the proper court or hearing officials by the fastest means.

15.55 ACCEPTANCE OF SERVICE OR PROCESS AND SUBPOENAS

Employees shall accept all services of process legally served. If the service of process indicates, or if the employee is informed the civil suit is against the Division or the City or any other person, he shall notify the Chief immediately.

15.56 TESTIFYING FOR THE DEFENDANT

Any employee subpoenaed to testify for the defense by reason of being employed by the Mitchell Police Division, or against the Mitchell Police Division or the City of Mitchell, in any hearing or trial shall notify the Division Commander upon receipt of the subpoena. An employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed.

15.57 COMPENSATION FOR COURT APPEARANCE

All wages received by an employee as a witness fee for a court appearance on duty shall be submitted to the City.

15.58 PERSONAL APPEARANCE

The official uniform or a suit shall be worn. If a court orders the wearing of clothing other than required by this manual, the court directive shall be obeyed.

15.59 DISCHARGE OF FIREARM INVESTIGATIONS

- A. A Firearms Instructor or Supervisor will investigate all unauthorized discharge of firearms by employees.

1. The Lieutenant will be responsible for the criminal investigation of incidents where a crime may have been committed.
 2. The Division Commander is responsible for informing the Chief of what occurred as soon as possible, following up with a written memorandum detailing the chain of events, if deemed necessary.
 3. The command staff will make the determination if the case should be referred to an outside law enforcement agency.
- B. The Chief or his designee shall have the authority to relieve from duty any employee whose actions result in a death, either accidentally or intentionally. The Chief or his designee also shall have the authority to relieve from duty any employee who has discharged his firearm in an unauthorized manner, including off-duty and accidental situations. Any employee who has been relieved of duty for a shooting incident shall remain on Administrative Leave with full pay and benefits pending the outcome of the shooting investigation, at which time his duty status may be changed by the Chief based on the investigative findings.

15.60 AUTHORITY TO IMPLEMENT DISCIPLINARY ACTIONS

- A. Sergeants may implement:
1. Oral corrective communications
 2. Counseling and training
 3. Letter of counseling
 4. Letter of reprimand
 5. Recommend suspension, demotion or termination
 6. Suspension with pay
- B. Major, Lieutenant and Communications Director may implement:
1. Oral corrective communications
 2. Counseling and training
 3. Letter of counseling
 4. Letter of reprimand

5. Suspension with pay
6. Recommend demotion or termination

C. The Chief of Public Safety may implement:

1. Oral corrective communications
2. Counseling and training
3. Letter of counseling
4. Letter of reprimand
5. Letter of warning
6. Suspension with pay
7. Suspension without pay
8. Demotion, and
9. Termination