

MITCHELL POLICE DIVISION

CHAPTER 7

DIRECTION

PURPOSE: This directive delineates the authority of Division personnel to direct the resources of the organization toward the proper accomplishment of its goals and objectives.

The intent of this chapter is to:

- (1) clearly assign authority to command;
- (2) require compliance with proper command authority;
- (3) establish a protocol and order of precedence for command authority in the event of the absence of the Chief of Public Safety;
- (4) establish a protocol for command authority that clearly establishes superior and subordinate relationships in situations where more than one ranking officer is involved in the same incident or situation.

7.1 AUTHORITY AND RESPONSIBILITY OF CHIEF OF PUBLIC SAFETY

- A. The policy of the Mitchell Police Division is that the Chief of Public Safety is designated as having the authority and responsibility for the management, direction, and control of the operations and administration of the Division.
- B. The Chief of Public Safety is the Chief Executive Officer of the Division and the final Divisional authority on all matters of policy, operations and Discipline.
- C. The position of Chief of Public Safety is mandated by authority of the City of Mitchell and its ordinance.
- D. The Chief of Public Safety has authority and responsibility to establish a formal organizational structure.

7.2 CHAIN OF COMMAND ESTABLISHED

- A. Command authority in the Chief's absence
 1. In the absence of the chief, chain of command will be as follows: Major, Lieutenant, Sergeant in order of seniority.

2. Seniority in grade will be the determining factor between supervisors of equal rank. If there is equal seniority in grade, then Divisional seniority will be the deciding factor.

7.3 COMMAND PROTOCOL ESTABLISHED

- A. Command protocol in a single operation involving personnel of different divisions normally will be determined by rank.
- B. The officer assigned to the call has the authority and responsibility to be in charge unless:
 1. Relieved by a Detective/investigator on a crime scene. A Detective/Investigator has the authority to assume charge.
 2. Relieved by a Sergeant. A Sergeant has the rank and authority to assume charge from either an officer or Detective/Investigator.
 3. Ultimately relieved by the Chief or Major. They have the rank and the authority to either assume charge of the scene or assign whoever they believe will best achieve the purpose of the operation.
- C. The Detective/Investigator assigned to the crime will be in charge of the crime scene unless relieved by a Supervisor.
- D. In all instances where a Supervisor relieves the officer or the Detective/Investigator at the scene, that Supervisor will then assume control of, and responsibility for, the situation.

7.4 EMPLOYEE'S OBEY LAWFUL ORDERS

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

- C. In the event an employee is given two different orders that may be in conflict, the last order given should prevail unless retracted or modified.

7.5 RESOLUTION OF CONFLICTING ORDERS

- A. Orders from supervisor to subordinate shall be in clear, understandable language, and issued in pursuit of Division business. No supervisor shall knowingly issue any order, which is in violation of any law or ordinance or Division policy.
- B. No employee is required to obey any order that is contrary to federal or state or local laws or ordinances. Any employee who is given an order, which he feels is unlawful, unjust, or contrary to the Policy and Procedures manual may request that such order be written or given in the presence of a third party. The supervisor will comply with such request if he determines it is practical to do so.
- C. Responsibility for refusal to obey any order rests with the employee, who shall be required to justify the refusal. Responsibility for refusal to comply with the employees request for written instruction or the presence of a third party, rest with the supervisor, who shall be required to justify the order. Any employee who is given an order which he feels to be unjust or contrary to the Policy and Procedures must first obey the order to the best of his ability and then may proceed to appeal to his supervisor.
- D. Any employee receiving an unlawful, unjust or improper order shall, at first opportunity, report in writing to the supervisor of the employee who issued the order. This report shall contain the facts of the incident and the unlawful, unjust or improper order believed issued.
- E. Upon receipt of an order conflicting with any previous order or instruction, the employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original order then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be countermanded or conflicting order will be issued only when reasonably necessary for the good of the Division.

7.6 STAFF MEETING PROCEDURES

- A. Divisional Supervisors meetings will be held monthly unless otherwise directed.

1. All Supervisory personnel will attend. This will consist of the Chief, Major, Lieutenant, Sergeants, and Communications Director.
 2. Other employees, as determined by the Chief of Public Safety, may attend.
- B. Patrol and Detective/Investigator staff briefings will be held at regular shift change.
- C. Division staff meetings will be conducted by the Chief or their designee.

7.7 OFFICIAL DIVISIONAL PUBLICATIONS

- A. Official Divisional publications, i.e., the Policies and Procedures Manual, training manuals and related publications, are the property and procedures of the Mitchell Police Division.
- B. The directive system shall include the rules, policies, procedures and orders of the Mitchell Police Division.

7.8 WRITTEN DIRECTIVES

- A. The manual of the Mitchell Police Division is hereby established and shall hereafter be referred to as the "Policies and Procedures Manual". The Policies and Procedures Manual is a guide to aid employees in the performance of the functions necessary to meet Division objectives.
- B. The Policies and Procedures Manual is a composite of current policies, procedures and rules pertaining to the Division. It describes the Division's organizational structure and details the responsibilities and functions thereof.

Policy: a written directive that is a broad statement of agency principles.

Procedure: a written directive that is a guideline for carrying out agency activities.

Rule: a set of specific guidelines to which all employees must adhere.

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

- D. Each employee will acknowledge in writing that he has received and read the newly authorized changes or receipt of the entire Manual. Each employee will turn in the outdated Policies and Procedures.
- E. Revised or changed pages are to be removed and discarded. All personnel are responsible for the maintenance and upkeep of their manual.
- F. The authority to issue, modify, or approve the Policies and Procedures lies with the Chief of Public Safety.
- G. Written Orders

Written orders shall be in either of two formats:

- 1. Order

An order issued by a Supervisor directing a subordinate to do a task or to refrain from doing a task.

- 2. Personnel Order

- a. An announcement of the changes in status of personnel such as, appointments, resignations, retirements and suspensions.

- b. Personnel orders may only be issued by the Chief of Public Safety or his designee. Personnel orders shall be issued separately, on Division letterhead and individually numbered beginning with year, hyphen and order number. Each order will be numbered consecutively thereafter.

- H. Memorandums

- 1. A informal written document.

- 2. Can contain, but are not limited to, a directive covering a specific item not affecting the Policies and Procedures Manual, items of a specific nature not requiring a policy or procedure to be written, and informational items.

7.9 DIVISIONAL COMMUNICATIONS

- A. Person to person contact (memos)

- 1. Mitchell Police Division personnel may use the Mitchell Police Division Memorandum for short messages or any in-house memo.

2. Copies of Division correspondence will be routed to the people in the Division who need to be aware of the information.

B. Teletype

All teletype messages sent concerning Division business must be sent through the Communications Center.

7.10 ELECTRONIC USAGE POLICY (revised 04-01-08)

The City of Mitchell provides members of this staff access to computers, network, Internet, cellular phone, and e-mail. Every staff member has a responsibility to maintain and enhance the city's public image and to use those tools in a productive business like manner. To ensure this, the City of Mitchell has established the following guidelines for usage of electronic tools. These guidelines to not supersede any local, state or federal laws, or any other city policy regarding confidentiality information dissemination or standards of conduct.

A. GENERAL GUIDELINES

1. Business Use

The City Internet, e-mail systems, and cellular phones (hereafter "electronic communication systems") are City property. Access and use of these systems, except in the limited circumstances listed below, is for official City business only.

2. Confidentiality

Employees shall have no expectation of privacy regarding their use of e-mail or the Internet. All records created by Internet use or e-mail are subject to inspection and audit by management or its representatives at any time, with or without notice. By use of these systems, the employee indicates that he/she understands and consents to the City's right to inspect, audit, and/or monitor.

3. Personal Use

Generally, City electronic communication systems are to be used only for official City business; however, brief and occasional e-mail, browsing of the Internet and use of City cell phone for non-business and/or personal matters within the confines of good judgment and within the guidelines herein described will not be deemed a violation of City policy. Electronic usage for personal and/or non-business reasons must not impede the conduct of the City business and must not cause the City to incur any direct cost. Any employee who at any time or for any reason does utilize City electronic communication system(s) for personal usage is hereby on notice that the employee assumes full risk and responsibility for the exercise and application of good judgment;

and all personal usage of the City electronic communication system(s) is subject to later review and determination by the City, on a basis which may arguably be subjective, as to whether or not the personal usage was within the confines of good judgment and not an abusive misuse of public property. If at any time an employee is warned by his/her supervisor or other appropriate City official that a particular usage or pattern of usage does not fall within the confines of good judgment and is an abusive non-business usage, then the employee shall be deemed on full notice of the non-business or personal usage behavior which is not acceptable. Any employee who does not agree to the conditions above described shall exercise complete refrain from any non-business/personal usage of any City electronic communication system(s).

B. SPECIFIC RULES AND PROHIBITION

1. Employees may not use another employee's personally assigned account, password, login, logon, user name, etc., or lend use of any of these to any other person.
2. Employees must be aware of and comply with licensing and copyright restrictions applicable to software and data files they may access.
3. Employee users must respect the privacy of others; employee users may not access private files or communications of others, even if unprotected.
4. Federal law prohibits transmission of certain software into certain foreign nations. Employees shall not send or receive software to or from foreign nations unless it is conclusively determined that such transmission is not in violation of any law, and the transmission is essential to the business of the City.
5. The creation, dissemination, download, upload, installation or copying of illegal or pornographic documents or images is strictly forbidden.
6. Employees shall not use the computer systems in a manner which results in damage to any City property (hardware or software); employees shall use all City provided computer equipment in a manner which shall not result in the introduction of a computer virus or other destructive program or file to any City system.
7. Employees are prohibited from using the computer to violate City policy, including those relating to all forms of harassment.

8. Under local, state, and/or federal law, unauthorized access or interference with computer systems computer data and other computer users may be a criminal offense. In cases where violation of criminal law is suspected, information may be referred to law enforcement without the employee's knowledge or permission.
9. Accessing, posting, or sharing any racist, sexist, threatening, offensive, obscene or otherwise objectionable material (visual, textual, or auditory) via the Internet is strictly prohibited. Likewise, any racist, sexist, threatening, offensive or otherwise objectionable communication via e-mail will be treated as a violation of policy.
10. E-mail and/or Internet will not be used for personal commercial purposes.
11. E-mail and/or Internet will not be used for political purposes.
12. E-mail and/or Internet will not be used for illegal or unauthorized purposes.
13. Any use of the Electronic Communication Systems, which disrupts or transfers a virus or other destructive program is prohibited.
14. Employees are responsible for being aware of and complying with the licensing and copyright restrictions applicable to the software and data files he/she accesses. Copying, modifying, or distributing any copyrighted material in violation of the rights of the owner is prohibited. Questions regarding copyright issues should be referred to the City's legal counsel.
15. Employees who are driving a city vehicle will not operate a mobile computer while the city vehicle is in motion. If the city vehicle is occupied by a passenger in the front seat, the passenger may operate the mobile computer.

C. Monitoring, Violations, Penalties

1. Violations of this policy should be reported immediately to the direct supervisor.
2. Monitoring individual usage of the computer system by authorized individuals (at the direction of a Department Head or Supervisor) may occur. This is to ensure that City policies are adhered to and any violations investigated.

3. Violation of these policies will result in disciplinary action up to and including termination.

D. The City of Mitchell reserves the right to change, modify, or discontinue any portion of this policy at any time.