

3.02
CRAIG POLICE DEPARTMENT
Office of Chief of Police

Date Issued: January 15, 1997

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Subject: Code of Conduct

Reference: CACP STD. 10.2, 50.1, 50.2, 171.3

TO: ALL PERSONNEL

PURPOSE:

To develop and disseminate written guidelines concerning the conduct of all members (employees) of the Craig Police Department, these guidelines are intended to include all sworn and non-sworn employees. The Code of Conduct is comprised of rules to provide guidance defining desirable behavior of police department members. While a policy is a philosophy statement of management, and procedures are a way to achieve an objective, rules are more specific and less flexible.

Rules are statements that a specific action will or will not be taken in a given situation. The only room for discretion under a rule is determining if the specific situation confronted by the member is one where the rule applies. However, like any rule that is intended to provide more defined direction of an employee's actions, the spirit of reasonableness has to be inherent in its interpretation and enforcement. It is the policy of this department that the rules embodied in the Code of Conduct shall be applied and enforced with fairness, consistency and reasonableness.

In the case where a Code of Conduct rule may conflict with the City Policy and Procedures, the City Personnel Manual shall prevail unless it is less restrictive. Further, all employees shall have access to this policy manual with subsequent training to include training and notice of all policy updates.

I. POLICY:

As members of a police agency, our officers and employees are granted a special trust not afforded to other public employees. In accordance with the mission and values of this agency, the conduct of all members of our organization must reflect integrity, respect, community service, common sense, problem solving, and the fair and equal treatment of all citizens.

Therefore, it is the policy of Craig Police Department that all employees of our organization are expected to hold themselves to higher standards of conduct than those expected of the general public. Except for the rules that are identified as specific only to Police Officers, this directive applies to all employees of the Craig Police Department.

Violations of this order, or other department orders and directives, will be grounds for disciplinary action pursuant to Order 3.03.

II. ETHICS

It remains a mission of the Craig Police Department for every employee to act in an absolutely ethical manner. In addition, policies and practices will be implemented and followed to ensure such professionalism. *–It is our mission to be recognized as absolutely ethical.*

As police employees, we are endowed with a special level of trust, and we are all equally responsible for establishing, preserving, and promoting integrity and ethical conduct.

High ethical standards must prevail in all our interactions with citizens and with each other, and we must strive to avoid even the appearance of a conflict of interest or compromise of our standards.

Craig Police Department has adopted the Law Enforcement Code of Ethics and the Oath of Honor. See Appendix 1.

III. GENERAL CONDUCT

Regulations in this section shall apply to the conduct of department members at all times, both on and off duty. Conduct is prohibited for all members of the department that would reflect unfavorably on the department, or would bring the department into disrepute.

- A. All employees shall obey all laws of the United States of America and of the State of Colorado and all City of Craig ordinances. A conviction for a crime shall be prima facia evidence of a violation of this section.
- B. Each employee of the department shall maintain familiarity with, and obey all rules, directions, lawful orders, and general orders issued by the department, or by a supervisor.
- C. Each employee shall faithfully and properly perform all duties, and shall not engage in any unlawful job action for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.
 - 1. Employees have the right to either participate or abstain in any lawfully recognized employee organization conducting lawful activities.
- D. Abuse of Position
 - 1. Members shall not abuse the power and public trusts vested in them and are prohibited from using their credentials, badge, identification or position in any unofficial or unauthorized capacity. Officers shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief of Police.
 - 2. Without authority, members shall not allow the use of their names, photograph, or official title which identifies them as members of the department to endorse or advertise any product or service, or for any personal or financial gain.

3. Members shall not use their membership in the department for the purpose of soliciting, selling, or purchasing any product or service without the express permission of the Chief of Police.
4. Members shall not use their status as a member of the department to avoid the consequences of illegal acts, or to obtain privileges not available to the general public, except in the performance of their duty.
5. Members shall not use the department as a mailing address for receiving personal mail, or as a home address, without approval of the Chief of Police.
6. No person other than members of the department or persons involved in police action or service shall be permitted to ride in departmental vehicles except by supervisory consent.

E. Intimidating or Threatening Behavior

1. Members will always treat the public and co-workers with courtesy, respect, and shall never maliciously coerce or intimidate any person, or engage in speech or conduct which is discourteous, abusive, profane, obscene or threatening.
2. Members shall not use more force in any situation than is reasonably necessary under the circumstances. Members shall use force in accordance with law and departmental procedures.

F. Gifts, Gratuities, Bribes, or Rewards

1. Members shall not use their status in the Department to solicit or accept a gratuity, any gifts, rewards, loans, or food where there is any direct or indirect connection between the solicitation and departmental membership, except in fund raisers when properly authorized by the Chief of Police.
2. A gratuity is defined as a free or reduced priced service, or item given to or accepted by an identified member of the department, with the anticipation of influencing or gaining additional presence, or service from the member or other members of the department.
3. Any attempt by any person to bribe, intimidate or induce a member to either do or refrain from doing any act that is a part of a member's job function, shall be formally reported to an on duty supervisor as soon as possible.

4. Gratuities shall be refused or returned to the donor with an explanation of the gratuity policy.
- G. Public Statements and Appearances
1. Members shall not publicly criticize or ridicule the department, its policies or members where such statements are defamatory, obscene, or unlawful. With the exceptions of the provisions in General Orders 5.02 and 5.09 members shall not represent the department publicly without the permission of the Chief of Police.
 2. Employees shall not give testimonials or permit their names or photographs to be used for advertising purposes under the color of office without the approval of the Chief of Police. Employees shall not seek personal publicity either directly or indirectly in the course of their employment without the permission of the Chief of Police.
- H. All agency employees share the responsibility for maintaining our reputation. Employees who aid, abet, incite another or tolerate misconduct are, in effect, condoning and participating in that misconduct and shall be held accountable for it.
1. Misconduct may include violations of agency and City policies and rules, ordinances, and laws.
- I. Agency employees must have articulable, factual reason(s) for engaging in any investigation; mere personal curiosity on the part of an officer or a member/affiliate does not constitute sufficient reason to commence an investigation without supervisory approval.
- J. Evidence and Property
1. Appropriating any evidence, found property, or agency property for his/her personal use is prohibited.
 - a. Any officer who has lost, damaged, or destroyed any property or equipment belonging to a person in custody or which has come into possession of said officer by reason of his office may be required to make restitution if the loss or damage is the result of negligence on the part of the officer.
- K. No employee of the department shall use intimidation or retaliation against any other employee of the department for following any policy or procedure or rule herein described. Any overt act of this nature will result in severe disciplinary action.

- L. Employees shall maintain such loyalty to the department and their associates as is consistent with their oath of office, personal and professional ethics. Loyalty to the department and to associates is an important factor in department morale and efficiency.
- M. All employees shall establish and maintain a high spirit of cooperation within the department and with other agencies. Cooperation between ranks and units of the department and with other law enforcement agencies is essential to effective law enforcement.
- N. Unless waived by the Chief of Police at the time of hiring, officers shall reside within thirty (30) minutes travel time of the city limits. New officers shall reside within the same limitations as soon as practical after of their appointment, or within one year unless waived by the Chief of Police.
- O. Employees shall politely give their names and badge number and other pertinent information to any violators or other persons when requested to do so, unless such action is likely to jeopardize the successful completion of an official assignment.
- P. No employee shall engage in any personal conduct or act while off duty which, if brought to the attention of the public, could result in justified unfavorable criticism of that employee or the Department. No employee shall be involved personally in disturbances or police incidents to his discredit.
- Q. Employees, who, for a valid reason, are unable to answer an official summons, must be excused by the prosecuting attorney in charge of the case, court/grand jury, or the attorney issuing the subpoena prior to the time they are scheduled to appear. The reason for the excused absence shall be reported to the employee's division commander. In case the commanding officer is not available, employees shall report their reason for being absent to the on duty supervisor.

IV. GENERAL RULES OF CONDUCT

- A. Agency employees shall be attentive to and take appropriate action in response to a report, inquiry, or complaint received by the employee from a private person, unless circumstances, policy, or practice require that the matter be referred to another officer, division, or agency.
 - 1. Employees shall answer requests for information and provide requested assistance or aid the person in identifying a source for the information or assistance.
 - 2. Employees shall not belittle a seemingly trivial request, complaint, or item of

information.

- B. Except when ill or otherwise unfit for duty, agency members who are off-duty shall report for duty immediately upon receipt of orders to do so. If an employee cannot respond due to immediate family matters or because they are under the influence of alcohol or prescription drugs to the extent that it would affect their abilities it must be approved by a supervisor.
- C. Reports and Information
 - 1. Agency employees shall complete all written reports promptly and in the manner prescribed by reporting procedures. Agency employees shall not unnecessarily change, alter, or otherwise distort the information of any official document, written or issued by himself/herself or another employee of the department. Nor shall they make a false report, either orally or in writing.
 - 2. Employees shall not communicate information, which may jeopardize an arrest or official action, aid a person to escape, or destroy or remove evidence. Employees shall not communicate information relating to proposed arrests or case investigations, except to authorized persons.
 - 3. No employee shall reveal any confidential information to anyone unless authorized to do so and then only to a person or persons authorized to receive such confidential information.
 - 4. No employee shall make known any information concerning the process of an investigation, a known or reported law violation, any action to be taken at a future time, or any proposed police operation to any person not authorized to receive it.
 - 5. No employee shall release any police report, police record, arrest report, prosecution report, criminal history file, mug shot picture, or other record or report to any person or agency which does not have a criminal justice function unless ordered by a lawful subpoena or approved by a division commander, and pursuant to policy.
- D. Agency employees shall be courteous, civil, and respectful of supervisors, associates, and other persons, whether on or off duty.
- E. Employees shall not post bail for any person arrested, except for members of their own immediate family. Employees shall not suggest or recommend specific attorneys, bondsmen, or bail brokers to any person arrested, except members of their own immediate families.

- F. No employee shall be absent without leave. (Absent without leave shall mean either a failure to report for duty at the time and place of duty or the leaving of a place of duty or assignment without proper authorization.)

V. RULES SPECIFIC TO POLICE OFFICERS

- A. Officers shall report all crime and other information of concern to the agency that comes to their attention, whether the incident occurred inside or outside the city.
 - 1. Officers shall not repress, conceal or distort the facts of any such incident.
- B. Officers observing a police emergency, or having one reported to them, shall immediately report, or have it reported, to CSP Regional Communications Center in as complete detail as possible, and assist as needed.
- C. Officers shall report for duty at the time, place, and in the attire and with the equipment specified by the agency or by a supervisor, unless a competent authority authorizes absence. Inability to report as indicated shall be communicated to the shift supervisor at least two hours prior to the scheduled reporting time.
 - 1. Officers shall be punctual in reporting for duty, special assignments, court appearances, in-service classes, meetings, and other appointments.
- D. Officers, who injure a person or animal, or damage public or private property, shall immediately report the circumstances to a supervisor.
- E. When the National Anthem or Taps is played, all officers shall stand at attention facing the flag, if one is present, or facing the music source if one is not. If in uniform and wearing a hat, cap, or other headgear, they shall render a hand salute with their right hand; if in uniform without headgear, or not in uniform, they shall place their right hand over their left breast. Military veterans may salute the flag whether they are in uniform or not.
- F. All officers shall have a telephone at their place of residence and shall submit a report of their street address and telephone number to their supervisor.
 - 1. All changes shall be reported within 24 hours to dispatch and the on-duty supervisor.

VI. ORDERS

- A. All agency members shall obey the lawful orders of supervisors and, regardless of their rank, they shall respond appropriately to instructions given by the on-duty dispatcher. They shall perform all duties required of them by supervisors, whether

such duties are specifically assigned to them or are a part of agency directives, policies, procedures, and regulations.

- B. Should an order conflict with a previously issued order, or with any agency standing order, or with provisions of the agency directives, policies, procedures, or regulations, the member to whom such order is issued shall respectfully call attention to the conflict.
 - 1. If the person giving the order does not make changes to resolve the conflict, the new order shall stand, and the responsibility shall be his/hers.
 - 2. The member obeying the new order shall not be held responsible for disobedience of the previous order.
- C. If an agency member is given an order which in his/her opinion is illegal, unethical, or not in the best interest of the agency, they may, in accord with their own conscience, choose to refuse to obey the order.
 - 1. The member who refuses assumes full responsibility for their action and if, on review, he/she is found to have been in error, he/she may be subject to disciplinary action.
- D. Officers are held to be always on duty, although periodically relieved from the routine performance of it. They are always subject to orders from a supervisory officer. The fact that the employees may be technically off duty shall not relieve them from the responsibility of taking proper official action in any matter coming to their attention.

VII. OFF-DUTY CONDUCT

- A. It is the agency's intent to avoid any intrusion into the personal life of any member of the organization unless his/her personal life impacts negatively on the agency.
- B. Agency members shall avoid behavior that discredits them as a member of the agency or brings discredit to the agency or fellow agency members in any way, particularly public intoxication, public disturbances, or violations of law.
- C. Officers off-duty and in a privately owned vehicle shall not arrest or cite traffic violators on sight except when the violation is of such a flagrant or dangerous nature that the officer is required to take the violator into custody.

VIII. ASSIGNMENTS IN OTHER JURISDICTIONS

- A. When agency members are out of our agency's jurisdiction for training or an

assignment, they shall conduct themselves in a manner to bring credit to the agency. Members on assignment with another agency will conform legally and ethically to the rules and regulations of the host agency as much as practical.

- B. Personnel attending any training course and failing to successfully complete and pass the course, or any part thereof, may be subject to disciplinary measures including reimbursement of the training cost.

IX. USE OF ALCOHOLIC BEVERAGES OR DRUGS/MEDICATION

A. On-Duty

1. Members of the agency are forbidden to consume alcoholic beverages at any time while on duty or in uniform unless in the performance of their duties with prior supervisory approval.
 - a. Controlled consumption of alcoholic beverages necessitated by a particular duty assignment shall not be to the extent of impairment of the member's judgment or coordination.
2. Impairment to any degree, however slight, by alcoholic beverages, drugs, medication or the odor of alcoholic beverages on the breath while on duty or in uniform is prohibited except as provided in the previous paragraph.
3. A supervisor shall not assign to duty any person whom he/she reasonably suspects has consumed alcoholic beverages or illegal drugs or is impaired by any medication. A supervisor shall immediately relieve from duty any agency member whom he/she reasonably suspects has consumed alcoholic beverages or illegal drugs or is impaired by any medication.
 - a. Any supervisor who takes such action shall make an immediate report of the action to the appropriate Division Commander.
 - b. A member suspected of using, or having used, intoxicating liquor or drugs that may affect performance shall be required to submit to a chemical test to confirm or deny the presence of the substance. A refusal to submit to a chemical test will be considered a presumption that the member was under the influence of drugs or alcohol. In the testing for alcohol, a breath testing instrument will be used. In testing for the presence of drugs, urine, blood, or other medically approved test shall be required. In all tests, applicable state and local laws that may apply to chemical testing will be observed. Testing will only be administered after a second supervisor reviews the grounds and concurs that reasonable cause exists.

4. Employees under the supervision of an accredited doctor or licensed dentist who have been required to use a prescribed narcotic, hypnotic, barbiturate, or somnifacient drug, shall make their supervisors aware of that fact before the beginning of their assigned duties. A written statement from the doctor may be required.

B. Off-Duty

1. Members who consume intoxicating beverages off duty are solely responsible for their actions. Behavior which tends to discredit the member or the department can be the subject of discipline. Members who report for work in an unfit manner due to intoxicating beverages also are subject to disciplinary sanctions.
2. Members shall not publicly consume alcoholic beverages in uniform or partial uniform where association with the department is apparent.
3. Off duty personnel shall not wear concealed weapons while consuming intoxicating beverages in a public place.
4. Off-duty members of the agency shall refrain from consuming alcoholic beverages to the extent that it results in impairment, intoxication, or obnoxious behavior which discredits them as a member of the agency or brings discredit to the agency, or renders the member unfit for his/her regular tour of duty.

X. ASSOCIATIONS

- A. Members shall avoid regular or continuous associations or dealings with persons whom they know, or should reasonably know are persons under criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in felonies or criminal behavior, except as necessary in the performance of official duties, or where unavoidable because of other family relationships of the member.
1. Members are required to immediately notify their supervisor and the prosecutor, if applicable, of any such associations.

XI. RELATIONSHIPS

- A. When Police Officers are related by blood or marriage or become romantically involved:

1. No persons so related or involved shall be assigned to the same supervisory chain of command, and may be assigned to different shifts.
2. If a relationship as described above develops, there shall be a transfer out of the direct supervisor-subordinate line by one of the parties.
3. A termination of the relationship will not avert the enforcement of the procedure since the two parties are unlikely to resume a strictly professional attitude toward one another and/or in the eyes of their co-workers.

XII. FINANCIAL TRANSACTIONS

- A. Employees are expected to pay their just debts and liabilities within a reasonable time, and maintain all financial matters in a manner that will not bring discredit upon themselves or the department.
- B. Only those employees authorized, and at the place and in the manner prescribed by procedures, shall accept money from the public for the purpose of paying fines and/or bonds.
- C. All employees are prohibited from buying or selling anything of value to or from any prisoner, complainant, plaintiff, suspect, witness, defendant or other person currently involved in any case which has come to his attention or which arose out of his department employment, except as may specifically be authorized by the Chief of Police.
- D. Employees shall not solicit subordinate members to co-sign or endorse any promissory note or other loan.

XIII. CIVIL CASES AND COURT PROCESS

- A. Officers shall not testify in civil cases arising out of department duties unless legally subpoenaed. If the case has arisen out of departmental duties, officers shall be eligible for compensation in accordance with departmental policy.
- B. Officers shall not institute civil action arising out of their official duties without first notifying the Chief of Police. They shall not use their positions with the department as a means of forcing or intimidating persons with whom they are engaged in civil controversy to settle the case in favor of the officer. Officers shall not accept anything as payment for personal injury or property damage incurred in the line of duty without first notifying the Chief of Police.
 1. Police department personnel shall notify the Chief of Police in writing concerning their involvement, actual or potential, in any civil or criminal

proceedings arising from or by reason of their employment with the Craig Police Department or which may involve the department. And, employees shall immediately notify the Chief of Police of any civil suits, or claims, brought against them.

- D. Any employee who is subpoenaed to testify for the defense in any criminal or civil case or hearing or against the City or Department in any hearing or trial shall notify their commander and the prosecuting attorney in writing upon receipt of the subpoena or of their intention to testify prior to appearance as a witness (this can be accomplished by email).
- E. No employee shall accept a fee as a witness in a criminal or civil case prosecuted in the state or municipal courts of Moffat County for any case in which they were involved in their official capacity. Employees may accept witness fees in criminal cases prosecuted outside Moffat County or in federal court as prescribed by law and authorized by the Chief of Police if they respond on their own time. In any case where the employee is paid overtime to go to court, all witness fees will be turned over to the City.
- F. Employees shall not engage in any of the following conduct.
 - 1. Interfering with the service of lawful process.
 - 2. Interfering with the attendance or testimony of witnesses through coercion, bribery, or other means.
 - 3. Attempting to have any Notice to Appear or traffic citation reduced, voided, or stricken from the calendar without approval of the Chief of Police.
 - 4. Discuss a dismissal, reduction in charges or other information in a pending criminal case with a defendant's attorney without the presence of the prosecuting attorney.
 - 5. Taking any other action, which interferes with the efficiency or integrity of the administration of the Craig Police Department or the criminal justice system.
 - 6. Having knowledge of such interference and failing to inform a superior officer in writing

XIV. POLITICAL ACTIVITY

- A. Police Department members hold positions in which the public must be able to place their trust and confidence. Therefore, partisan political philosophies shall not enter into the enforcement of laws or delivery of services
- B. Procedures:

1. No member while on-duty shall actively participate in any political demonstration, nor shall any employee be coerced into participating unwillingly with any political activity. No member of the department shall be required to publicly endorse any candidate for the purposes of maintaining employment.
 2. No employee is restricted from off-duty participation in political activities.
 3. No employee shall engage in any political activity except registering to vote or voting while on duty, while in a uniform that identifies the individual as a member of Craig Police Department, while in a City office or building, or while using a City-owned vehicle.
 4. Become a candidate for the Craig City Council, or any of the City's boards, commissions, or authorities (except retirement boards), or any other public office (whether city, county, state, federal, or otherwise) if campaigning for or holding such office would create an actual or apparent conflict of interest. If a member wishes to become a member of the City Council they must take a leave of absence to campaign and, if elected, resign their position with the department.
- C. Police Department members retain the right to participate fully in any public affairs, except as restricted by these provisions or by the City of Craig Employee Services Program Policies/Procedures or by the City of Craig Charter.
1. Agency members who wish to become a candidate for public office as provided in paragraph B.3 may request a leave of absence during the period of candidacy or other political activity in accordance with the City's Policies and Procedures then in effect. The City retains the sole discretion to grant or deny such requests for leave of absence.

Approved by:

Walter K. Vanatta

Walter K. Vanatta
Chief of Police