

# DALTON POLICE DEPARTMENT

	<i>Effective Date</i> <b>December 1, 1998</b>	<i>Number</i> <b>GO88-2.14</b>
<i>Subject</i> <b>Rules of Conduct</b>		
<i>Reference</i> <b>CALEA Standards – 1.2.9, 22.1.8, 26.1.1, 26.1.3, 26.1.4, 26.1.5, 26.1.6, 26.1.7, 26.1.8, 26.3.7</b>		<i>Revised</i> <b>April 24, 2018 October 27, 2020</b>
<i>Distribution</i> <b>All Personnel</b>	<i>Re-evaluation Date</i> <b>April 2020 October 2022</b>	<i>No. Pages</i> <b>13</b>

I. **Policy**

Actions of employees that are inconsistent, incompatible, or in conflict with the values established by this ~~agency~~ **Department** negatively affect its reputation and that of its employees. Such actions and inactions thereby detract from the ~~agency's~~ **Department's** overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore, it is the policy of ~~this~~ **the Dalton Police Department** that employees conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules contained in this policy and otherwise disseminated by this ~~agency~~ **Department**.

II. **Definition**

*Accountability* – In the context of this policy, accountability means the duty of all employees to truthfully acknowledge and explain their actions and decisions, ~~without deception or subterfuge~~, when requested to do so by an authorized member of this ~~agency~~ **Department**. ~~without deception or subterfuge~~.

III. **Procedures**

A. Obedience to Rules of Conduct

All sworn and ~~civilian non-sworn~~ employees ~~will~~ **shall** be governed by the following general rules of conduct. Violation of any of these rules ~~will~~ **shall** be considered sufficient cause for disciplinary action up to and including ~~dismissal~~ **termination**.

1. Obedience to laws, regulations, and orders

- a. Employees shall not violate any law or any ~~agency~~ **Department** policy, rule, or procedure.
- b. Employees shall obey all lawful orders.

- c. Employees must realize that every situation cannot be covered by a rule or regulation. Employees must use sound judgment, wisdom, and common sense in their decision-making.

## 2. Duty of Employees

Employees have a shared responsibility and proactive duty to prevent **police** misconduct by intervening, whenever reasonably possible, to prevent such misconduct. It is understood that timely intervention is not always possible. When timely intervention is not reasonably possible, employees are expected to report any misconduct of which they become aware in accordance with other policies established by this **agency Department**. The duty to intervene to prevent misconduct applies to all employees, regardless of rank or seniority.

- a. If a member becomes aware that a fellow member is about to commit misconduct, the member shall intervene, when reasonably possible, to prevent the misconduct.
- b. Intervention may consist **in** of a range of behaviors, including, but not limited to:
  - (1) Verbally calming or admonishing a member
  - (2) Preventing contact between a member and a subject or item
  - (3) Removing a member from a scene
  - (4) Physically restraining a member
- c. Employees shall use the minimum **level of** intervention reasonably likely to be effective.
- d. If a member intervenes with an Officer of higher rank or seniority and is rebuffed, the member shall, except in emergency circumstances, discontinue the intervention and, as soon as possible, report the incident to his or her immediate Supervisor and to the Chief of Police. If the higher-ranking member is the intervening member's direct Supervisor, the intervening member shall report the incident to the higher-ranking member's direct Supervisor and to the Chief of Police.
- e. In emergency circumstances, a member intervening with a member of higher rank or seniority shall continue intervention attempts despite being rebuffed and shall, as soon as possible, report the incident to his or her immediate Supervisor and to the Chief of Police. If the higher-ranking member is the intervening member's direct Supervisor, the intervening member shall report the incident

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to the higher ranking member's direct Supervisor and to the Chief of Police.

- f. Continued intervention attempts with a member of higher rank under emergency circumstances, despite the higher-ranking member's rebuffs, shall not be considered insubordination.
- g. A member whose actions have prompted another member to intervene shall not engage in any retaliation of any kind against the intervening member.
- h. A member who feels that another member's intervention was not justified or inappropriate may bring the matter to his or her Supervisor for resolution.
- i. Nothing in this policy shall be construed to permit a member to disregard the lawful order of a higher-ranking member.

3. Accountability and Responsibility

- a. Employees are directly accountable for their actions through the chain of command to ~~this the agency's~~ Chief ~~Executive Officer of Police~~.
- b. Employees shall cooperate fully in any internal administrative investigation conducted by this or ~~any~~ other authorized ~~agency~~ ~~Department~~ and shall provide complete and accurate information in regard to any issue under investigation.
- c. Employees shall be accurate, complete, and truthful in all matters.
- d. Employees shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability; nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.
- e. Employees who are arrested, cited, or come under investigation for any criminal offense in this or any other jurisdiction shall report this fact to a Supervisor as soon as possible.
- f. Employees shall not engage in any conduct or activities, on or off duty, that reflect discredit on the employees, tend to bring this ~~agency~~ ~~Department~~ into disrepute, or impair ~~it's~~ ~~the Department's~~ efficient and effective operations.

4. Duty of Supervisors

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- a. The primary responsibility for maintaining and reinforcing employee conformance with the standards of conduct of this Department shall be with the employee and the first line Supervisors.
  - b. Supervisors ~~will~~ shall enforce the rules, regulations, and policies of this Department. They ~~will~~ shall not permit, or otherwise fail to prevent, violations of the law, Departmental rules, policies, or procedures. When possible, they ~~will~~ shall actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.
  - c. Supervisors shall familiarize themselves with the employees in their unit and closely observe their general conduct and appearance on a daily basis.
  - d. Supervisors ~~should~~ shall remain alert for indications of behavioral problems or changes that may affect an employee's normal job performance. Such information ~~should~~ shall be documented by the Supervisor.
5. Conduct toward Fellow Employees
- a. Employees shall conduct themselves in a manner that will foster cooperation among all employees of this ~~agency~~ Department, ~~sharing~~ exhibiting respect, courtesy, and professionalism in their dealings with one another.
  - b. Employees shall not use language or engage in acts that demean, harass, or intimidate another person (see ~~policy~~ GO96-3.7, Harassment and Discrimination in the Workplace.)
6. Conduct toward the Public
- a. Employees shall conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that ~~will~~ fosters public respect and cooperation.
  - b. Employees shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude, ~~or~~ refrain from language that may belittle, ridicule, or intimidate the individual, ~~or~~ and act in a manner that ~~does not~~ unnecessarily delays the performance of their duty.
  - c. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, employees shall adhere to this ~~agency's~~ Department's use of force policy and shall observe the civil rights and protect the well-being of citizens in their charge.

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- d. All employees are issued official ~~agency~~ Department identification with their photograph and position within the ~~agency~~ Department. Upon request, ~~agency~~ employees ~~will~~ shall furnish this identification in a respectful and professional manner. Any employee actively working in an undercover position or assignment shall be exempt from honoring this request unless ~~they have~~ he / she has identified themselves as an employee of the Department. When ~~an~~ employees ~~is~~ are conducting official ~~agency~~ Department business over the phone, they ~~will~~ shall clearly state their name and ~~agency~~ who they work for.

7. Use of Alcohol and Drugs

See ~~policy~~ GO97-3.8, Drug-free Workplace Policies and Procedures for Elimination of Substance Abuse and Employee Assistance.

8. Use of Tobacco Products

~~While on duty, a member shall not use a tobacco product unless in a designated area and not while conducting police business. (See also City of Dalton Ordinance sec.2-397)~~

- a. Employees are strictly prohibited from smoking and / or using tobacco or tobacco products anywhere on City of Dalton property during the employees' working hours, which includes lunch hours and any break periods.
- b. For the purpose of this policy, City of Dalton property includes all land, buildings, structures, parking lots, and means of transportation owned, operated, or leased by or to the City and any locations, including private property, where an employee is engaged in official business.

9. Duties and Responsibilities

a. ~~Reporting Address and Telephone Number~~

~~Officers and~~ All employees ~~will~~ shall have a working telephone at their residence and ~~will~~ shall register their correct residence address and telephone number with the ~~police~~ Department. Any change in address ~~must~~ shall be reported immediately.

b. ~~Supplies or Services~~

~~Officers and other~~ No employees ~~will~~ shall not use ~~agency~~ Department supplies or resources for personal use. The use of the time, facilities, equipment, or supplies of the Department for private gain or advantage is prohibited.

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c. ~~Bulletin Boards~~

Employees are responsible for reading notices posted on official bulletin boards, which are located in each Division.

d. ~~Exchange, Alteration, or Transfer of Badge, Patch, or Logo~~

The official badge, patch, or logo of the agency Department shall ~~will~~ not be altered, transferred, or exchanged, except as authorized by the Chief of Police.

10. Abuse of Law Enforcement Powers or Position

a. All employees are prohibited from receiving gifts.

(1) Gifts are described as:

Food (including free or discounted meals while on or off duty), lodging, transportation, personal services, gratuity, subscription, membership, trip, loan, extensions of credit, forgiveness of debt, advance or deposit of money, or anything of value.

(2) Gifts shall not include

(a) Legitimate salary, benefits, fees, commission, or expenses associated with a recipient's non-public business employment, trade, or profession.

(b) An award plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, private, or public service or achievement.

(c) Food or beverages and registration at group events to which all employees of an agency the Department are invited.

(d) Actual reasonable expenses for food, beverages, travel, lodging, and registration provided to permit participants in a meeting related to official or professional duties, if participation has been approved in writing by the Chief of Police or Division Commander.

(e) Promotional items generally distributed to the general public.

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- (f) A gift from a relative or personal friend of the employee.
  - (g) Food, beverage, or expenses afforded employees, relatives, or others that are associated with normal or customary business or social functions or activities.
- b. Employees shall not use their authority or position for financial gain, for obtaining or granting privileges or favors, not otherwise available to them or others, except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, or to barter, solicit, or accept any goods or services (to include gratuities, gifts, discounts, rewards, loans, or fees), whether for the Officer or for another.
  - c. Employees shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property or any property held or released as evidence.
  - d. Employees shall not solicit or accept contributions for this **agency Department** or for any other agency, organization, event, or cause without the expressed written consent of the Chief of Police or his / her designee.
  - e. Employees are prohibited from using information gained through their position as a law enforcement member to advance financial or other private interests of themselves or others.
  - f. Employees who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform their ~~commanding officer~~ **Division Commander**.

#### 11. Off-Duty Police Action

- a. Officers shall not use their police power to resolve personal grievances (e.g. those involving the Officer, family, employees, relations, or friends), except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, Officers shall summon on-duty **police law enforcement** personnel and **notify** a Supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
- b. Unless operating a marked police vehicle, off-duty Officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that Officers would reasonably be expected to take appropriate action.

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12. Prohibited Associations and Establishments

- a. Arresting, investigating, or custodial Officers shall not commence social relations with the spouse, immediate family member, or romantic companion of persons in the custody of **or actively being investigated by this agency Department.**
- b. Except in the performance of official duties, employees shall not knowingly enter any establishment in which the law of that jurisdiction is regularly violated.
- c. Employees shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or conspiracies.
- d. Employees **of the Department** shall avoid regular or continuous association or dealings with:
  - (1) Persons whom they know, or have reason to know, have been convicted of a felony within the past five years.
  - (2) Persons who have completed serving a term of incarceration for a felony conviction within the past five years.
  - (3) Employees **of the Dalton Police Department** may not frequent places, nor associate with persons or organizations, which may compromise the Department's image and reputation for integrity and fairness. This includes, but is not limited to, persons who are under investigation or indictment for any criminal act **and** persons who have an open and notorious reputation within the community for engaging in felonies or continuous or frequent violations of federal, state, or local criminal statutes, laws, or ordinances.
  - (4) This policy shall not apply where such association or dealings with such persons are necessary for the performance of the member's official duties or where such association or dealings are unavoidable because of the member's familial relationships.

13. Ethical Requirements and Avoidance of Conflicts of Interest

- a. All **managers, Supervisors, Officers and** employees **of the Dalton Police Department** are required at all times to conduct themselves in their personal, private, and professional lives **and in their dealings with all superiors, peers, subordinates, and members of the public**

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in a manner that protects the interests of the City and the Department. ~~in their dealings with all superiors, peers, subordinates, and employees of the public.~~

- b. No ~~manager, Supervisor, Officer, nor other member of the Department~~ employee shall buy, receive, or sell anything of value from or to, nor engage in any intimate, romantic, or sexual contact or relationship with, any complainant, suspect, witness, defendant, prisoner, or other person involved in any case, except as may be specifically authorized by the Chief of Police.
- c. Intimate, romantic, or sexual involvement between a Supervisor or manager and any other employee is the type of conduct that can cause real or perceived conflicts of interest and that can result in charges and liability for sexual harassment. Even where such charges have no basis in truth, the City's legal defense to such charges is costly, and the resulting damage to its reputation for integrity and as an employer is often irreparable. This is a risk that the Dalton Police Department cannot accept. Therefore the Dalton Police Department ~~will~~ shall not tolerate dating, nor any other intimate, romantic, or sexual involvement, between any Supervisor or manager and any Department other employee, regardless of the positions of the individuals, the reporting relationships, the marital status of the individuals, and regardless of whether both parties freely consent to such relationships. When it is learned that such a relationship or activity has occurred, the superior ~~will~~ shall be subject to termination. Should a Supervisor or manager desire to date or become involved with an employee, the manager or Supervisor ~~should~~ shall first resign from employment with the Department.
- d. The Dalton Police Department ~~will~~ shall not condone personal relationships that may affect the day-to-day operations of the Department. Any employee that becomes involved in dating or any intimate, romantic, or sexual relationship with another employee shall report the relationship to his / her Supervisor(s) as soon as feasible.

14. Use of Equipment and Property

Employees are responsible for the careful use and maintenance of all Department equipment and / or property, including:

- a. All issued Department equipment
- b. All Department equipment or property that the employee uses or possesses
- c. All Departmental vehicles, buildings, and their contents

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B. Public Statements, Appearances, and Endorsements

1. Employees shall not, under color of authority:

- a. Make any public statement that could be reasonably interpreted as having an adverse effect upon Department morale, discipline, or operation ~~of the agency~~ or the perception of the public.
- b. Divulge, or willfully permit to have divulged, any information gained by reason of their position for anything other than its official authorized purpose.
- c. ~~Unless expressly authorized,~~ Make any statements, speeches, or appearances that could reasonably be considered to represent the views of this ~~agency~~ Department, ~~unless expressly authorized.~~

2. Endorsements

Employees ~~may~~ shall not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services. This includes, but is not limited to, the use of tow services, repair companies, firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services, where there is a duty to make such endorsements.

C. Political Activity

Employees shall be guided by state law regarding their participation and involvement in political activities. Where state law is silent on this issue, employees shall be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of this ~~agency~~ Department:

1. Engage in any political activity
2. Place or affix any campaign literature on City-owned property
3. Solicit political funds from any member of this ~~agency~~ Department or another governmental agency of this jurisdiction
4. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures ~~on property owned by this jurisdiction~~
5. Use official authority to interfere with any election or interfere with the political actions of other employees or the general public

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6. Demonstrate favor or discrimination against any person seeking employment because of political opinions or affiliations
7. Participate in any type of political activity while in uniform

D. Expectations of Privacy

1. Employees shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, Departmentally-owned vehicles, file cabinets, computers, cell phones, or similar areas that are under the control and management of this ~~law enforcement—agency~~ Department. While this ~~agency~~ Department recognizes the need for employees to occasionally store personal items in such areas, employees should be aware that these and similar places may be inspected or otherwise entered to meet operational needs, internal investigatory requirements, or for other reasons at the direction of the Chief of Police or his / her designee.
2. No member ~~of this agency~~ shall maintain files or duplicate copies of official ~~agency~~ Department files, in either manual or electric formats, in his or her place of residence or in other locations outside the confines of this ~~agency~~ Department, without express written permission.

E. Violence in the Workplace

Violence in the workplace ~~will~~ shall not be tolerated. Prohibited conduct includes, but is not limited to: threats, threatening behavior, acts of physical violence or related disruptive conduct, including conduct against persons or property that is sufficiently severe, offensive, or intimidating that it disturbs, interferes with, or prevents normal work functions and activities.

F. Attendance and Punctuality

1. Attendance and punctuality are important factors for ~~your~~ success. ~~We~~ Working as a team ~~and this~~ requires that each person be in the right place at the right time.
2. If an employee is going to be late for work or absent, ~~they~~ he / she must notify ~~their~~ his / her Supervisor before the start of ~~their~~ his / her workday. The employee is required to speak with ~~their~~ his / her Supervisor directly or, if ~~their~~ his / her Supervisor is not available, ~~they~~ he /she must speak with another Supervisor. It is not acceptable to have another person call for the employee, ~~or~~ leave a message with a co-worker, or leave a message on voicemail.
3. Excessive tardiness is generally defined as more than one unexcused incident of being tardy per quarter or an unacceptable pattern of absences and / or tardiness over an employee's employment history. Second or subsequent incidents of being tardy ~~will~~ shall result in disciplinary action.

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Excessive absenteeism and tardiness may result in termination. Attendance is simply one aspect of an employee's job performance and ~~will~~ shall be considered together ~~with~~ as a part of his / her ~~their~~ overall performance and attitude. This policy ~~will~~ shall be applied consistent with all applicable laws.

G. Job References

1. Employees ~~are~~ shall not ~~to~~ provide any reference regarding a current or former employee's employment with the ~~Dalton Police~~ Department.
2. Any request for a reference or employment history of any kind ~~should~~ shall be directed to the Professional Standards Unit. The ~~response of the~~ Professional Standards Unit or ~~their~~ designee's ~~response will~~ shall be limited to providing dates of employment and job positions.
3. Upon written request, with authorization from the former employee, further information may be provided. This information ~~will~~ shall only be given by the Professional Standards Unit or ~~their~~ designee, and no employee is authorized to provide any information of any kind concerning a current or former employee.

H. Disciplinary Action

1. Where a Supervisor perceives that an employee may be having or causing problems, the Supervisor ~~should~~ shall assess the situation and determine the most appropriate action. The following criteria ~~will~~ shall be used to determine what, if any, type of action shall be taken:
  - a. The seriousness of the incident(s) or issues
  - b. The circumstances surrounding the incident(s) or issues
  - c. The employee's past disciplinary record
  - d. The employee's past work experience
  - e. The overall negative impact to the organization caused by the incident(s) or issues
  - f. The likelihood of similar incidents or issues in the future
2. Discipline ~~will~~ shall generally be administered in a progressive fashion, ranging from verbal counseling to ~~dismissal~~ termination.
- 3.2. All Supervisors shall have the authority to initiate disciplinary action without approval from a higher authority and may utilize the following disciplinary techniques:

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- a. Counseling may be used by a Supervisor as follows:
    - (1) To determine the extent of any personal or job problems that may be affecting performance and to offer assistance and guidance
    - (2) To discuss minor and infrequent rule violations and to discuss the substance and importance of the rules with the employee
  - b. A Supervisor may also use retraining to refresh and reinforce an employee's skills. Training may be appropriate when the conduct was unintentional, **was** the result of a lack of knowledge, or involved slight negligence.
- ~~4.3.~~ The Supervisor shall document all instances of counseling and / or retraining used to modify an employee's **negative** behavior in the Department's performance evaluation program and shall be kept in accordance with state retention guidelines.
- ~~5.4.~~ If the Supervisor determines that the employee's actions warrant punitive actions beyond counseling and / or retraining, the matter shall then be forwarded to the Professional Standards Unit and ~~will~~ **shall** be addressed in accordance with **policy** GO88-2.10, Complaint Review Policy.
- ~~6.5.~~ The Chief of Police shall have the authority to determine if any other forms of discipline are warranted. This may include a written reprimand, suspension, demotion, or ~~dismissal~~ **termination**. A record of these actions ~~will~~ **shall** be placed in the employee's personnel file and kept in accordance with state retention guidelines.
- ~~7.~~ If an employee's misconduct leads to ~~a dismissal~~ **termination**, the employee shall receive a notice, which shall include the following:
  - a. A written statement citing the reason for ~~the dismissal~~ **termination**
  - b. Effective date of the ~~dismissal~~ **termination**; ~~and~~
  - c. A statement of the status of ~~fringe and retirement~~ **accrued employee** benefits after ~~dismissal~~ **termination**
- ~~8.6.~~ Nothing in this policy shall prevent any Supervisor from relieving an employee from duty due the egregious nature of his / her actions. The Supervisor may make an emergency relief of duty for up to one day, with pay, to allow the investigative process to begin.
- ~~9.7.~~ Appeal Process

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- a. If it was determined that the employee needed counseling, retraining, and / or received a written reprimand, he / she may appeal the decision, as outlined by [policy GO11-3.18](#), Grievance Procedures.
- b. [If the sworn employee was suspended, he / she may request a hearing before the Public Safety Commission.](#)
- ~~c.b.~~ If the [non-sworn](#) employee was demoted, suspended, and / or ~~dismissed~~ terminated, or if the [sworn employee was demoted or terminated](#):
  - (1) Employees hired prior to June 1, 1998 may appeal the decision to the City's Grievance Committee.
  - (2) Employees hired on or after June 1, 1998 may appeal the decision to the Director of Human Resources or the City Administrator.

*This policy supersedes any previous policies issued.*

**BY ORDER OF**

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**CHIEF OF POLICE**

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