

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	Chapter: 600 - Rules of Conduct	
	Directive: 610.01 - Personnel Rules & Regulations	
Authorized by: Chief Brandon Zuidema		Effective Date: December 1, 2016
CALEA Standards: 22.2.7; 26.1.1		Last Revision: July 1, 2016

610.1.1 – Purpose

The purpose of this policy is to establish rules and regulations to guide and direct all Department employees, with specific requirements for sworn employees in the performance of their duties as Garner Police Officers.

610.1.2 – Policy (26.1.1)

It shall be the policy of the Garner Police Department that all employees will abide by established policies and procedures and will adhere to established standards of conduct in order to enhance the professional image of the Department and the quality of service provided by the Department.

Officers are to conduct their private and professional lives in a manner becoming the office they hold. All employees will avoid actions that tend to bring the Department into disrepute or tend to impair the operation of the Department or the efficiency of any officer or employee. Conduct to the contrary is conduct unbecoming and is grounds for disciplinary action up to and including dismissal.

(Note – refer to 110.01 – *Written Directive System*, for definitions that are applicable to this directive).

610.1.3 – Laws, Policies, Procedures, Rules of Conduct and Special Orders

A. Knowledge of Laws, Policies, Procedures, Rules of Conduct and Special Orders

1. Each employee of the Department is required to establish and maintain a working knowledge of laws and ordinances applicable to the State of North Carolina and the Town of Garner as well as the policies, procedures, rules of conduct and special orders of the Garner Police Department and those agencies that the Department routinely interacts with.
2. Employees are responsible for seeking clarification on any law, policy, procedure, rule of conduct or special order that they do not fully understand.
3. In the event of a violation of a law, policy, procedure, rule of conduct or special order, it will be assumed that the employee was familiar with the particular directive, law, policy, procedure, rule of conduct or special order in question.

B. Obedience to Policies, Procedures, Rules of Conduct and Special Orders

1. The Department's policies, procedures, rules of conduct and special orders will govern employees of the Garner Police Department, regardless of rank or position.
2. Violation of any of these policies, procedures, rules of conduct and/or special orders by any employee of the Department will be sufficient cause for disciplinary action up to and including dismissal.

3. The Garner Police Department will provide each employee with access to the Department's policies, procedures, rules of conduct and special orders and will provide training at regular intervals.

C. Obedience to Laws

1. Employees will abide by the laws of the United States and the State of North Carolina as well as the ordinances of the Town of Garner.
2. Any employee charged with a violation of a criminal law will report the charge to the Chief of Police, in writing, via the chain-of-command. This notification will be made within twenty-four (24) hours of the charge and will include all the pertinent facts surrounding the charge.
3. Any employee who is required to maintain a valid North Carolina driver's license as a condition of employment who is charged with a violation of the motor vehicle statutes will report the charge to the Chief of Police, in writing, via the chain-of-command. This notification will be made within twenty-four (24) hours of the charge and will include all the pertinent facts surrounding the charge.
4. Employees will promptly report all on-duty traffic accidents in which they are involved.

D. Reporting Violations

1. All employees are required to report known violations of a law, policy, procedure, rule of conduct or special order by another employee.
 - a. Any employee who learns of other officers or employees violating a law, policy, procedure, rule of conduct or special order is to report the matter to the employee's supervisor within twenty-four (24) hours; if the employee's supervisor is not available, another Department supervisor is to be notified.
 - b. Employees who learn of information concerning alleged criminal activity are required to take immediate steps to notify a Department supervisor as outlined above.
2. Failure to act upon knowledge of a violation shall be considered willful failure to perform a required duty and will be cause for disciplinary action up to and including dismissal.
3. The Department will not retaliate against an employee reporting violations. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any employee who believes he/she is being retaliated against must contact the Human Resources Director immediately. The right of the employee for protection against retaliation does not include immunity for any personal wrongdoing.

E. Notice of Lawsuits against Officers

1. Employees who have had suit filed against them because of an act performed in the line of duty will immediately notify the Chief of Police through the chain-of-command.
2. The employee will furnish a copy of the complaint as well as a full and accurate account of the circumstances in question in memorandum format.

F. Arrest of Sworn Law Enforcement Officers

1. If a Garner Police Officer arrests another law enforcement officer of this or any other agency, the arresting officer is to notify his/her immediate supervisor as soon as the arresting officer is aware of the identity and employment of the arrestee.

2. The supervisor will immediately notify his/her chain-of-command of the incident and arrest.
3. The Chief of Police or his/her designee will have responsibility for making notification to the arrestee's employing agency and the District Attorney's Office.

610.1.4 – Chain-of-command

All employees will conduct Departmental activities through the established chain-of-command unless procedures or orders from proper authority dictate otherwise.

610.1.5 – Employment Requirements

- A. There are no residency requirements for officers (excluding the Chief of Police) or civilian employees.
- B. All employees will have a functional telephone and/or cellular phone and will remain accessible by phone in the event of a Department emergency or other incident requiring immediate contact.
- C. All employees are required to notify their direct supervisor of any change of address or telephone number. This change should also be reported to the Town Human Resource Department utilizing the Munis Employee Self Service link found on the TOG intranet.

610.1.6 – Employee Responsibilities

- A. All employees are to maintain a level of cooperation within the Department. All employees of the Department are required to take appropriate action to aid and protect a fellow officer or employee in time of danger.
- B. Employees are to treat other officers and employees with respect and courtesy.
- C. Employees are required to maintain a level of competence to perform their assigned duties and assume required responsibilities. Employees found to be incompetent are subject to disciplinary action up to and including dismissal.
- D. Employees are not to reveal police information to persons outside the Department, except as required by law or other competent authority.
 1. Police information includes but is not limited to knowledge contained in reports, records and similar documents that are normally accessible only to certain officers and employees.
 2. Police information includes but is not limited to the telephone number(s) and home address of any employee (note – this information may be released with the permission of the affected employee).
 3. Violation of the security of such information may subject the violator to disciplinary action up to and including dismissal and criminal prosecution.
- E. While on duty, no officer or employee will engage in any activity or personal business that would cause them to neglect or be inattentive to their responsibilities.
- F. Employees shall remain awake, alert and attentive while on duty; sleeping on duty is forbidden.
- G. Officers and employees are required to remain at their assigned post unless relieved by competent authority.

610.1.7 – Sworn Officer Duty Responsibilities

- A. Within the Town of Garner, on-duty officers are to take appropriate action to:
1. Detect and apprehend violators of the law,
 2. Enforce State and local laws and ordinances within the Department's jurisdiction,
 3. Protect life and property,
 4. Preserve the peace and maintain order, and
 5. Prevent crime.
- B. Performance of Duty
1. Officers will respond to lawful orders of superior officers and other proper authorities at all times (see also 610.1.9 below).
 2. Officers will not evade danger or evade responsibility because of danger.
 3. Officers needing clarification concerning details of duties or assignments will seek the necessary information from their supervisor.
 4. Officers will promptly report all personal injuries received in the line-of-duty and all injuries to other persons or any property damage that resulted from the performance of their duties to their supervisor.
- C. Subject to Duty
1. Officers of the Department are always subject to duty, although periodically relieved of its routine performance.
 2. Off-duty officers will respond reasonably to citizen requests for police assistance. This response may be a referral to on-duty personnel in a routine manner or direct assistance in an emergency. Appropriate police action will be taken whenever necessary.
 3. Officers assigned to special duties are not relieved from taking proper action outside the scope of their assignment when reasonably necessary. The administrative delegation of the enforcement of certain laws to particular units does not relieve officers from other units acting within the scope of those laws when appropriate or necessary.
- D. Reporting for Duty
1. Employees shall promptly report to roll call or to their assigned duty at the time and place specified and shall be properly dressed and equipped.
 2. Due to the nature of our profession, employees are expected to report for duty during natural or man-made disasters or other unusual events.
 - a. Employees may be called back to duty during these disasters or in anticipation of these disasters or events. If an employee is contacted by the Department and requested to report for duty, the employee will do so.
 - b. Employees are expected to proactively contact a supervisory employee of the Department during pending or anticipated disasters or events to see if their services are needed.

3. Officers will know the location boundaries of their assigned district(s) and be familiar with the names and general locations of streets and highways within the Town of Garner. Officers will also know the names and locations of hospitals and major public buildings.

E. Reporting Absence from Duty and/or Off-Duty Injuries

1. Any employee unable to report for duty because of illness, injury or emergency must notify their immediate supervisor prior to their reporting time; if their supervisor is unavailable, the employee is to contact the on-duty supervisor. Failure to report as required may be considered absent without leave.
2. Any employee who sustains personal injuries other than in the line-of-duty which are likely to interfere with the performance of their duties will promptly notify appropriate supervisory personnel.
3. Employees are not to feign illness or injury to avoid duty.

NOTE: A supervisor may take the necessary steps to prevent abuse, including a personal visit, sending a nurse or physician to verify illness, or requiring a medical examination as evidence of medical status.

610.1.8 – Courts and Legal Matters

- A. Employees are required to be truthful at all times, whether under oath or not.
- B. Employees are not to interfere with the proper administration of justice.
1. Employees are not to attempt to interfere with the legal process of law except where an injustice might otherwise occur.
 2. Employees will not attempt to have any traffic arrest or citation reduced, voided, or stricken from the court calendar, except in the interest of justice, and only then in accordance with Departmental policy.
 3. Employees will not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable person's accused of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.
- C. Attendance at a court or quasi-judicial hearing as required by subpoena or directed by a competent authority is to be considered an official duty assignment. Permission to omit attendance required by subpoena must be granted by the District Attorney or other appropriate judicial official. Failure to appear as directed will be deemed absent without leave.
1. An officer who has been subpoenaed by the District Attorney's office and needs to be excused will send a Request for Excuse by the D.A. letter (GPD form 610.1-A) to the District Attorney's Office.
 2. An officer who has been subpoenaed by the Clerk of Court and needs to be excused will send a Request for Excuse by the Court Clerk letter (GPD form 610.1-B) to the Clerk's Office.
- D. When appearing in court, officers should refer to GPD directive 410.01 – *Uniform/Equipment for Officers* for guidance on appropriate attire.
- E. Any employee subpoenaed to testify on behalf of the defense in any trial or hearing, or against the Town or Department in any action is to notify the Chief of Police via the chain-of-command as soon as possible.

- F. Employees will not serve civil-process papers or render assistance in civil cases except as required by law. Officers are to refrain from entering into disputes while performing police duties, except to prevent or abate criminal behavior or injury to persons.
- G. Employees shall not volunteer to testify in any civil proceedings. Officers are not to enter into any financial arrangement for an appearance as a witness, unless authorized by the Chief of Police.

610.1.9 – Issued Orders

A. Issuance of Orders

1. Orders from supervisors to subordinates are to be in clear, understandable language, and issued in furtherance of Departmental business. Orders may be issued verbally, through written form, or if necessary, relayed through other personnel.
2. Employees will promptly obey all lawful orders and directions by supervisors. Lawful orders, regardless of the manner issued, are to be obeyed.
3. The failure or deliberate refusal of employees to obey orders, showing obvious disrespect, insolence, abusive language or by disputing their orders will be deemed insubordination.

B. Unlawful, Unjust and Contrary Orders

1. Obedience to an unlawful order is never a defense for an unlawful action. No employee is expected or required to obey an order that is contrary to any provision of Federal or State Constitutions, Federal or State law, or local ordinance. Responsibility for refusal to obey rests with the individual officer or employee. The refusing employee will be required to justify such action.
2. If an employee receives an order they believe to be unjust or contrary to a Departmental directive, the employee will first advise the person issuing the order of the conflict. If the order is not canceled or modified then the employee must obey the order to the best of their ability. Employees may later appeal questioned orders as provided in this directive.
3. Upon receipt of an order conflicting with or contradicting any previously issued order or instruction, the employee is to advise the person issuing the order of conflict. Responsibility for countermanding the original order or instruction then rests with the individual issuing the second order. If so directed, the latter command is to be obeyed first. Orders or instructions may be countermanded when necessary for the good of the Department. The supervisor issuing the conflicting order will be responsible for justifying his/her actions.
4. An employee receiving an unlawful or unjust order is to report the order in writing to the Chief of Police through the chain-of-command. This report should contain details of the incident and the action taken. Appeals for relief from such order may be made at that time.

610.1.10 – Interaction with the Public (22.2.7)

- A. Officers and employees are to be professional and courteous in their dealings with the public. They are to perform their duties quietly and orderly, refraining from displaying unprofessional behavior. When requested by a member of the public, they are to provide their name. Employees will promptly return telephone calls and emails to citizens to provide timely and thorough service.
- B. Employees will provide their identity when taking any police action. Except when impractical, impossible, or when identity is obvious, officers are to identify themselves by showing their badge and/or identification card with photo. When dealing with individuals over the phone, officers are to identify themselves verbally by providing their name, title and Department. Officers will produce their official

departmental identification upon request. However, such requests may be delayed if it compromises the officer's safety or hinders the officer in the performance of duties.

- C. Officers must remain impartial toward all persons while providing vigorous enforcement of the law. Violations of law should be considered offenses against the State and not against the individual officer. All citizens are guaranteed protection under the law, and partiality for, or against, any person is prohibited. Unwarranted interference in the private affairs of others that is not in the interest of justice is prohibited.
- D. Officers and employees are to perform their official duties without prejudice for or against any racial, ethnic, religious, sexual or social group.
- E. No employee will engage in any form of speech pertaining to a person's ethnic or sexual preference, or engage in conversations that are likely to be construed as a racial or religious slur or joke, whether in the presence of citizens or other employees.
- F. Employees will not suggest or recommend the services of any attorney, bonding agent or wrecker service to any person (except relatives) coming to their attention as a result of police business. Soliciting business for attorneys, bondsmen or wrecker services is prohibited.
- G. Employees are not to make any statement regarding financial responsibility or liability when investigating traffic accidents or other incidents, when involved in a traffic accident while in a Town vehicle or while otherwise conducting Town business.
- H. All requests for public speeches and appearances resulting from employment with the Department should be referred to the employees' immediate supervisor for coordination. Upon approval, officers and employees directly requested for these purposes may accept and subsequently notify the Crime Prevention Officer of the date, time, location, and topic presented, as well as the number of persons attending.
- I. Employees are not to seek or accept from any person, money or other compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police. This does not preclude restitution awarded through the Courts.

610.1.11 – Criticism of the Department

Employees will not publicly or internally criticize or ridicule the Department, its policies, Town officials or other employees when the expression is defamatory, obscene, unlawful, undermines the maintenance of discipline, or is made with reckless disregard for the truth. However, employees are encouraged to make concerns and/or complaints known via the chain-of-command or through the Town grievance process.

610.1.12 – Bribes, Gifts and Gratuities

- A. Any employee who receives an offer of a bribe (i.e. money or any other valuable consideration given or promised with a view to corrupting the behavior and/or the performance of the employee) will immediately make a written report to their supervisor.
- B. Employees will not solicit any gift, gratuity, loan, present, fee, or service where there is any connection between the solicitation and their Departmental employment.
- C. Employees will not accept any gift, gratuity, loan, present, fee, or service for gain if it may be inferred that the person, business, or organization:
 - 1. Seeks to influence an official action or to affect the performance of an official duty, and/or
 - 2. Has an interest that may be affected by the performance or non-performance of an official duty.

- D. Employees may not accept any reward for the performance of an official duty without the approval of the Chief of Police.
- E. Employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee or other item of value from any suspect, prisoner, defendant or other interested party involved in any official Department matter; professional bondsmen, or other persons whose vocations or activity may profit from information obtained from the Police Department.
- F. No employee will use the name of the Department or their affiliation with the Department to make a purchase for personal reasons, to gain a service, or to personally benefit in any manner.

610.1.13 – Employee Affiliations, Associations and Activities

- A. Employees shall not associate with persons whom they know or should know to be criminals, with persons under criminal investigation or indictment, or with persons who have a reputation in the community for present involvement in criminal activity, except as necessary in the performance of official duties.
- B. With the exception of service in State or Federal military components, employees are not to affiliate themselves with any organization that would prevent them from rendering proper and efficient service to the Department and the Town of Garner.
- C. Employees may join an employee organization; however, the Department will not recognize or engage in collective bargaining or collective representation in matters relating to employment.
 - 1. Officers and employees shall not participate in strikes, work stoppages or slow-downs, unreasonable enforcement of the law, or other concerted efforts to unfavorably affect the operations of the Department.
 - 2. Efforts to instigate or participate in such activity will result in disciplinary action up to and including termination.
- D. No employee is to become an employee of, or affiliate in any way with, any subversive organization, except when necessary to perform a police function, and then only with approval from the Chief of Police.
- E. Employees will not:
 - 1. Engage in any political or partisan activity while on duty;
 - 2. Use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
 - 3. Coerce or compel contributions for political or partisan purposes from any other employee of the Town, or
 - 4. Use any supplies or equipment of the Town for political or partisan purposes.
- F. Employees will not use their official position to give testimonials or permit their names or photographs to be used for commercial advertising purposes, or to be used in any commercial testimonial alluding to their position or employment with the Department.

610.1.14 – Use / Possession of Alcoholic Beverages and Drugs

All employees are bound by the Town's *Substance Abuse* policy. The following are specific guidelines from that policy that are most applicable to Department employees:

A. Alcohol / Drug Use

1. Employees are not to report to duty with a blood alcohol concentration of .02% or higher, with the odor of alcoholic beverages about them, or while under the influence of medicines or controlled substances which appreciably impair their ability to perform their assigned duties.
2. Employees are not to consume medicines or controlled substances while on duty that will appreciably impair their ability to perform their duties.
3. Employees are not to consume alcoholic beverages in uniform at any time.
4. Employees are not to consume alcoholic beverages while on duty and in plain clothes without prior permission from a Division Lieutenant or higher authority, and only for the furtherance of a criminal investigation.
5. Employees will not use tobacco products while in direct contact with the public or when performing a police function in view of the public.

B. Intoxicants on Departmental Premises

1. Employees are not to bring alcoholic beverages or other controlled substances onto Departmental premises or carry in Departmental vehicles alcoholic beverages or other controlled substances except as necessary to perform a police task.
2. Alcoholic beverages or controlled substances brought into Departmental premises are required to be identified and stored as specified in Departmental evidence procedures.

610.1.15 – Respect for the American Flag and the National Anthem

Uniformed officers will render full military honors in the following manner:

- A. Parades - A properly executed military salute will be delivered when the flag's approach is approximately ten (10) feet away and held until the Flag is approximately ten (10) feet past the officer.
- B. Flag Raisings - A properly executed military salute will be delivered until the flag reaches the top of the flagpole or, if the National Anthem is played, until the completion of the National Anthem.
- C. Sporting Events - Unless dictated by concerns for safety, officers will face the flag, deliver a military salute, and hold the salute until completion of the National Anthem. If no flag is displayed, officers will face the center of the playing area, execute a military salute at the beginning of the National Anthem and hold the salute until the completion of the National Anthem.