

TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: General Conduct-Rules		Number: 202
Effective Date: June 28, 2016		Review Date:
New	X Amends	Rescinds
		G.O 202 dated June 22, 2011
Authority: Chief Alan Goldberg		CALEA STANDARDS: 1.2.6, 1.3.3, 2.1.2,12.1.2,12.1.3,12.1.4,12.2.1,17.4.2, 22.3.4, 25.1.1, 26.1.1, 26.1.2, 26.1.5, 41.2.1, 55.1.3, 55.2.1, 55.2.3, 55.2.4, 55.2.7, 81.3.1, 83.2.1
		Total Pages 13

01 Conformance to Law: Employees are required to adhere to Departmental Rules and Regulations, Directives and Memoranda; City of Takoma Park Code and Charter, Administrative Regulations, Administrative Procedures, Personnel Regulations, Guidelines & Policies; and to conform to all laws applicable to the general public.

02 Conduct Unbecoming: No officer shall commit any act which constitutes conduct unbecoming a police officer. Conduct unbecoming includes but is not limited to, any criminal, dishonest, discriminatory or improper conduct. It is conduct, which tends to bring discredit upon this Department. Improper behavior on the part of any officer, on or off duty, may reflect unfavorably on the reputation of all officers and the Department as a whole, as may acts of omission, such as failure to cooperate in an internal investigation.

All employees are held bound to avoid excessive, unwarranted or unjustified behavior that would reflect poorly on themselves, the Takoma Park Police Department or the City of Takoma Park Government, regardless of duty or work status.

03 Report of Involvement: Any employee who becomes involved in any questionable accident, incident or altercation, or any problem which may come to public attention, will give verbal notification within 24 hours to their division commander as appropriate. Supervisors will move the information up the chain of command as quickly as possible.

04 Confidentiality:

A. An employee will not communicate to any person not an employee of the Police Department such information on operations, activities or matters of police business as are prohibited by law or which may have an adverse impact on the Department's operations.

B. An employee will not discuss personnel matters with persons outside the police department, except in the course of an official investigation of a lawful authority. Within the department, information regarding personnel matters will not be discussed with anyone except those persons who are required to have the information. Examples of personnel matters include but are not limited to disciplinary actions, internal affairs matters, administrative suspensions, medical information, personal matters and EEO complaints. Nothing herein prohibits an employee from filing a complaint with any other governmental organization having appropriate jurisdiction.

05 Neglect of Duty/Unsatisfactory Performance: Officers shall be competent to perform their duties properly and assume all necessary responsibility. Officers shall not demonstrate Neglect of Duty or Unsatisfactory Performance. Officers shall be able and willing to perform assigned tasks, or to take appropriate action in a situation requiring police attention, or conform to work standards established for the officer's rank, grade or position.

06 Orders:

A. Orders shall be issued in a clear, concise and courteous manner, consistent always with the best interests of the Police Department and the City of Takoma Park.

B. Officers shall obey a superior's lawful order, including any order from a superior, which is relayed by an officer of the same or lesser rank. However, no officer will obey an order, which is contrary to the law of the United States, State of Maryland or the City of Takoma Park. The officer is responsible for any justification of noncompliance, which may be required.

C. If an order is issued which conflicts with a previously issued order or General Order or other directive, the officer should respectfully call attention to the conflict. If it is not then rescinded by the superior, the order shall stand. Responsibility for that order will rest with the issuing superior; the officer shall not be answerable for disobedience of any previously issued order.

D. An officer receiving an unlawful, unjust or improper order shall report, at the earliest opportunity, that fact to the Patrol Operations Commander/Criminal Investigations Commander, through the chain of command. The report shall contain the facts of the incident and actions taken. An appeal for release from the orders may be made at the same time.

E. A superior shall not issue an order, which he/she knows would require a subordinate to commit an illegal, immoral, or unethical act.

F. No officer shall obey an order requiring him/her to commit any illegal, immoral or unethical act.

G. Except as otherwise stated in Department Rules or General Orders or other written policy, insubordination is insolent or abusive language and/or acts toward a command and/or supervisory officer and/or failure or deliberate refusal to obey a lawful order given by such officer, or maliciously ridiculing the orders of a command and/or supervisory officer, whether in his/her presence or not.

07 Abuse of Authority: The lawful authority entrusted to police officers shall not be used improperly to interfere with the lawful conduct of anyone.

08 Abuse of Process:

A. Employees will not manufacture, tamper with, falsify, destroy or withhold evidence or information, nor make any false accusations or statements regarding a criminal charge, for the purpose of influencing the outcome of any investigation or trial.

B. Employees are prohibited from providing confidential information concerning Department investigations or operations to any unauthorized person.

C. Employees will not interfere with the cases of other employees except by consent of such other employee or his/her superior. Interfering shall mean an intentional act, which is unethical or contrary to established policy or procedure.

D. No employee shall provide information or take action in an ongoing investigation without the knowledge and consent of the investigating officer.

09 Courtesy to Superiors: When addressing or referring to a superior officer in the performance of official business or within view of the public, whether on or off-duty, employees shall use a rank designation or title. Sworn officers below the rank of Corporal shall be addressed as Officer. Civilians shall be addressed with courtesy.

10 Censure of Subordinates: Authority shall be exercised with firmness and fairness. Command and supervisory officers shall sustain subordinates in their actions and orders when possible, and shall avoid censuring subordinates in the presence of others. Command and supervisory officers are strictly forbidden from injuring or discrediting those under their authority by intentional conduct or abusive language. All censures of subordinates will be documented and available for inspection by the affected employee and/or command staff. This section shall not be construed to prohibit informal oral reprimands to a subordinate.

11 Relationship with Fellow Employees: Employees of the Department will not gossip or speak rumors detrimental to the Department or another employee. It is their duty, however, to report to a supervisor the neglect or disobedience of another employee, where they have knowledge. Employees will coordinate their efforts and cooperate with one another to ensure maximum effectiveness. A high degree of cooperation, courtesy and coordination will also extend to other City employees, citizens, elected officials and other law enforcement organizations and government agencies.

12 Inquiry as to Duties: Employees having occasion to inquire as to their duties concerning any matter will seek information from their immediate supervisor, who shall provide a clear and satisfactory answer. A written answer may be requested by an employee.

13 Efficiency, Punctuality, and Attention to Duty:

A. Every employee carries the responsibility for the safety of the community and fellow workers and is charged with the attentive, faithful and diligent performance of assigned duties at all times. Employees shall have the proper amount of rest so as to assume the responsibility.

B. Employees shall be punctual, reporting for duty at the time and place specified by the supervisor, and no employee will be absent from duty without leave or authorization from his/her supervisor. Unauthorized employee tardiness shall be reported by the employee's Supervisor to the Division Commander by e-mail or memorandum. The report shall relate the employee's scheduled arrival time, actual arrival time, and his/her explanation for the tardiness. The report shall also relate any known past history of tardiness by the employee. The Division Commander shall make the final determination as to whether the tardiness is excusable. Any discipline shall be in accordance with the Disciplinary Matrix.

C. Employees will not engage in any activity or personal business, which would cause them to neglect work responsibilities, although brief personal business transactions are permitted as, set out below. No television set is permitted in a police cruiser or the Police Communications Section Dispatch Office at any time without express permission from the Chief of Police.

D. Officers shall respond to service calls immediately, remaining awake and alert at all times and performing duties in a courteous, professional manner. While on duty, they will inform the dispatcher of their location and arrival and departure from calls, and the dispatcher will so indicate on the computer log.

E. Dereliction of Duty: No employee shall loiter or sleep on duty or in any other manner neglect assigned responsibilities.

F. Personal business may be conducted during the course of an employee's daily duties, with discretion and in an inconspicuous manner so as not to create a poor public image. Such activities shall neither restrict an officer's availability for calls nor any employee's availability to discharge his/her duties.

14 Meal Periods:

A. Officers may suspend their duties for a half-hour meal period in accordance with the direction of supervisors; however, all employees are subject to immediate return to duty in response to an emergency.

B. Owing to manpower requirements, no more than two officers will eat together outside the station, unless authorized by the Patrol Operations or Criminal Investigations Commander.

C. Officers will request permission from their supervisor for a meal break. They will advise the dispatcher of their location during mealtimes.

D. Shift supervisors will ensure that dispatchers are provided a one half-hour break for meals and at least two shorter breaks during any shift, unless an emergency intervenes.

15 Use of Alcohol/Drugs/Tobacco:

A. Alcoholic beverages will not be consumed while wearing any part of the uniform. Alcohol will not be consumed within four hours of reporting for any tour of duty. (* The only exception to the foregoing prohibitions is prior approval of the Chief of Police or designee.)

B. An employee shall not consume or be under the influence of any alcoholic beverage while working except under the specific, proper orders of the Chief of Police or designee. Any officer who suspects another officer of being under the influence of alcohol will immediately report such suspicions and the suspected officer to the duty watch commander, who will administer a preliminary breath test to the suspected officer. If it is determined, that the officer's blood alcohol level is 0.02% or higher, the on-duty watch commander will immediately contact the on-duty commander to report the incident. Any officer who suspects another officer of being under the influence of drugs will notify the on-duty watch commander of his/her suspicions immediately. The on-duty watch commander will request the assistance of a certified drug recognition expert to administer tests that will determine if the suspected officer is under the influence of drugs. Any officer who is determined to be under the influence of alcohol and/or drugs while armed and on duty is in violation of this General Order and General Order 617A, section 06.

C. In an off duty capacity, an officer shall not exercise any police authority, take any official police action or represent himself/herself as a police officer while intoxicated or under the influence of alcohol or drugs. For the purposes of the Rules, this shall be defined as a blood alcohol level of 0.02% or higher.

D. No officer will be armed with a departmental or authorized weapon while intoxicated or under the influence of alcohol or drugs at any time in or out of the state of Maryland.

E. Employees shall not take any narcotic or controlled dangerous substance unless it is prescribed by a physician. Employees taking prescription medication that may affect their ability to perform their duties (such as those containing warnings of drowsiness, or cautions against operating machinery) shall notify their supervisor.

F. Tobacco: Officers shall use discretion when smoking in public and shall refrain when smoking interferes with performance or would likely bring criticism to the Department. Officers will not smoke in No Smoking areas designated by law, nor will they smoke while within the armory or any other place where gasoline, explosives, ammunition or other flammable material is stored.

16 On Duty Mutual Aid: Within the City of Takoma Park, a Takoma Park officer shall promptly come to the aid of any officer who is in need of assistance. However, a Takoma Park officer will only proceed to assist in another jurisdiction upon being dispatched after the affected jurisdiction has made a request to Takoma Park, through Police Communications. A report of assistance rendered will be written by the officer-in-charge, on either a Form 10 or an MCIR form, whichever is appropriate.

17 Refusal to Work: Refer to the current Union Contracts regarding strikes.

18 Discrimination/Harassment:

A. Members of the Department shall not discriminate against nor harass any other employee on the basis of race, color, national origin, religion, sex, age, sexual orientation, or any other basis prohibited by county, state and federal law.

B. Employees shall not take or contribute to any reprisal or adverse action against any individual or group of individuals having opposed discriminatory practices or having participated or assisted in a charge, investigation or proceeding brought under Department policy or county, state or federal law.

C. Supervisors and/or administrators of the Department will conduct prompt and candid inquiry into any allegation of discrimination or harassment coming to their attention. All information will be documented and reported to a proper authority in accordance with Departmental General Orders.

19 Identification as Police Employee:

A. Officers will carry Department credentials while on duty and while off duty when armed, unless exempted by the Chief of Police. Other employees of the Department will carry credentials while working, and will display them on request.

B. Except when not feasible or where identity is obvious to all, officers shall identify themselves by displaying official identification, before taking police action. Any officer shall courteously respond with his/her name and ID number, to any citizen request.

C. To protect detectives/special assignment officers in performance of their duty, officers should use discretion in speaking with other officers when in the vicinity of the public.

D. No employee shall either visually or verbally recognize or acknowledge any plainclothes officer unless and until the officer acknowledges him/her first.

20 Telephone Numbers/Address:

A. Employees are required to maintain a telephone at their residence and to inform the Department of the telephone number and their current address.

B. Any change of telephone number or address will be communicated to the Department within 24 hours of the change.

C. No past or present employee's telephone number or address shall be released to any person not an employee of the Department, except on consent of the employee.

21 Discretion: Officers are authorized to use discretion in the performance of police tasks, taking into consideration conditions at the time, and any possible alternative ways of handling a situation, except where constraints of policy and/or existing statutes direct otherwise. The best interests of the public should be kept in mind in exercising discretion.

22 Honesty: Employees will display honesty in deed and speech. They shall make no untruthful statement concerning their official duties to any supervisor or superior officer, or any untruthful statement on a matter currently under investigation, or any untruthful statement in an official report.

23 Courtesy: Employees will address coworkers, supervisors, citizens and elected officials in a courteous and considerate manner. They are expected to show an even disposition and remain cool in the face of provocation, and to avoid insolent, demeaning, abusive, violent, insulting and/or provoking language.

24 Maintenance of City Owned Property:

A. Officers will be held accountable for the proper care, use and maintenance of all City vehicles, equipment and issued property in their charge. When beginning his/her tour of duty, the officer will inspect the inside and outside of his/her cruiser and report defects in accordance with Department directives. Defects not reported will be assumed to have been caused by the officer last using the vehicle.

B. Officers who lose or damage Department or City property shall within 72 hours report all facts in writing to their supervisor. The supervisor will immediately pass the information up the chain of command.

25 Evidence/Property: Property and/or contraband coming into the possession of any employee in his/her official capacity will be reported and properly stored or otherwise disposed of in accordance with Department procedures and state and local law.

26 Money Expenditures:

A. No expenditure of money or other financial obligation will be incurred in the name of the City or the Police Department without prior approval on a Request to Purchase form, except as provided in procedures where emergency purchases of up to \$25.00 may be made with the approval of a Sergeant, and up to \$100.00 with the approval of a Division Commander or the Chief of Police.

B. No employee shall imply or accept financial liability on behalf of the City. Any inquiry concerning City liability will be referred to the Corporation Counsel.

27 Equipment, Uniforms and Separation from the Department: Nonsworn employees will turn in all uniforms and equipment upon separation from the department. Sworn employees undergoing separation from the department will promptly gather all equipment and uniforms and consult with Administration Services in accordance with General Order 410.

28 Parking: Employees will park only in designated areas in City lots, or in legal parking spaces on City streets while on or reporting for duty, except in emergencies as set out in Section 21-106 of the Maryland Vehicle Law.

29 Gratuities: No compensation, reward, gift, or other consideration (including discounts not available to the public) may be solicited or accepted by employees without special permission of the Chief of Police.

30 Soliciting/Endorsements:

A. An officer may not solicit votes or contributions for any prize contest, nor engage in the sale of tickets or the solicitation of advertisements or business of any kind while in uniform or while representing himself/herself as a Department officer, without the prior written approval of the Chief of Police.

B. No officer shall authorize use of his/her name, photograph or official title identifying him/her as a member of the Department, in connection with testimonials or endorsements of any product or particular commercial enterprise.

31 Secondary Employment: No member of the Department shall engage in any employment other than as a police officer with the City, without the prior written approval of the Chief of Police. Written approval must be renewed annually if the secondary employment is to continue. No officer shall engage in secondary employment while on sick or disability leave.

32 Wearing the Uniform: The uniform shall be worn by officers and civilian employees only while on duty or going to or from their place of assignment. Uniforms will be clean and pressed;

shoes and metal objects will be shined. Officers working security related secondary employment within the City shall wear the uniform of the day, unless specifically granted an exception.

33 Salute to the Flag: When uncased colors pass, officers in uniform will render a hand salute when wearing a uniform hat. When the officer is not wearing a uniform hat, the right hand will be placed over the heart. Like honors will be rendered at funerals, when the casket is draped with the American flag. Individually initiated salutes and honors will be rendered when the uncased colors approach within 10 paces and held until the colors have passed by a like distance. In a formation, officers will respond to the commands of “present arms” and “order arms” given by the officer in charge.

34 Leave: Employees requiring emergency leave or sick leave will notify the supervisor as soon as possible. No employee shall abuse sick leave benefits, and malingering or feigning illness to evade the performance of duties may lead to dismissal.

35 Mental/Physical Disability: The Chief of Police may direct any person employed by the Department to be examined by a physician and/or psychologist/psychiatrist employed by the City, if a mental or physical disability is suspected or discovered which could affect the employee’s work, could place other employees in danger, or endanger the public. Employees shall cooperate and participate in any examination so directed.

A. If a disability is determined to be correctable; the employee shall be given a reasonable time to attempt to correct it. If the employee fails to take necessary corrective action, the employee shall be subject to disciplinary action or possible termination.

B. If the disability is not correctable, the Chief of Police may ask the City Administrator to attempt to place the employee in another position within the City, or take steps to separate the employee through retirement.

36 Serious Injury or Death:

A. Upon being notified of the serious injury/death of an employee on or off-duty, the on-duty shift supervisor shall ensure that immediate verbal notification is made to the Duty Commander, the Police Public Information Office. The Duty Commander shall inform the Chief of Police in addition, ensure the employee’s family member is notified.

B. The shift supervisor shall also ensure that a written report containing all relevant information is forwarded to the Chief and the Police Public Information Office within one working day, if such death or injury occurred while the employee was on-duty.

C. Any employee learning of the death or serious injury of another employee shall notify the on-duty supervisor immediately.

37 Report of Injuries: Employees who sustain an injury either on or off duty shall promptly report in writing to their supervisor. If the employee is incapacitated, the supervisor shall file the required report.

38 Conduct Toward Prisoners: Officers shall not speak or act in a manner specifically intended to provoke or antagonize any prisoner. Prisoners will be treated with dignity, firmness, fairness and caution.

39 Political Activities: Rules governing political activity are set forth in the City Charter and Code.

40 Off-Duty Involvement in Police Matters:

A. In deciding a course of action during an incident encountered while off duty, officers shall use sound judgment, based on the nature of an incident, potential harm to citizens and/or the officer, whether or not the officer is armed, and the availability of on-duty units.

B. If an officer decides not to become actively involved, he/she shall be expected to carefully observe the incident, summon police assistance at the earliest opportunity, and aid responding units in whatever manner is requested or directed.

41 Use of Caution in Responding/Pursuits:

A. Officers will not operate vehicles in a manner, which constitutes reckless disregard for the safety of persons and property, even in pursuit of a suspected or actual felon. Officers shall abide by all limitations in General Order 701 - Operation of Police Vehicles, and General Order 702 - Vehicle Pursuits.

B. Officers will exercise extra caution under adverse conditions such as darkness, rain or snow.

C. All supervisors will pay particular and continuing attention to their subordinates' driving habits, employing counseling, training, or disciplinary action to ensure improper driving behavior is corrected.

42 Force and Deadly Force:

A. Officers will use only that amount of force, which is reasonable and necessary. When physical force or a secondary weapon is employed, officers will provide an explanation, as required under General Order 617.

- B.** Officers are cautioned against deliberate blows to the head or spinal column. Such a blow may be administered only where a life is in imminent danger.
- C.** The carrying or use of any instrument as an offensive or defensive weapon, not specifically authorized or issued by the Department, is prohibited. Extreme life or death situations where no other alternative is available would be the only allowable exception.
- D.** The use of deadly force is restricted to protection of the officer's life or the life of another person, or the killing of a dangerous animal. Officers will at all times exhaust every other reasonable means of apprehension before resorting to the use of deadly force.
- E.** Firing of warning shots is prohibited under all circumstances.
- F.** Following the use of any force, officers will summon medical assistance as necessary.

43 The Crime Scene or Incident:

- A. Command:** At the scene of any crime, accident or other incident where procedure is not entirely clear from Department General Orders, the ranking officer present shall assume command and direction so as to ensure orderly accomplishment of the police task. Where two or more officers of equal rank are present, the officer whose primary assignment is most closely associated with the type of incident at hand will assume command.
- B. Stopping at Scene:** No employee shall stop at or enter the scene of any crime or attempted crime under investigation by another employee, unless dispatched by radio or specifically assigned by a supervisor to assist. The presence of the Chief, supervisory personnel, and the Police Public Information Office are exceptions.
- C. Preserving Scene/Evidence:** Officers shall exercise every possible precaution to avoid destruction or lessening of evidence when investigating an alleged crime. Officers will be held strictly accountable for preservation of the crime scene, and are prohibited from allowing unauthorized persons from entering the scene without express permission from the ranking supervisor at the scene.
- D. Search and Processing Evidence:** Officers assigned to a crime scene are responsible for conducting a thorough crime scene search and for processing all physical evidence in accordance with Department procedures. Supervisors will in every case be responsible for ensuring that proper search and processing is accomplished.

44 Hazardous Conditions: Employees shall be vigilant in observing conditions within Takoma Park, which may represent potential harm to the public. They shall report such conditions and take whatever immediate action is necessary to ensure the safety of the community.

45 Report Preparation: Officers shall submit all necessary reports in accordance with procedures established in the Report Manual. Reports will be complete, accurate, legible and timely.

46 Display of Firearms: Officers are prohibited from displaying firearms unnecessarily or from drawing them in any place, public or private, except for the purpose of inspection or cleaning, or in the official discharge of duties. Use of a firearm must be totally justified, and in strict accord with law and departmental policy. Firearms will never be used merely as a means of intimidation.

47 Access to the Police Communications Office: General access is limited to personnel assigned to this component, and personnel authorized access by current directives and procedures, or by special permission of the Chief of Police.

48 Victim Assistance: In all crimes of violence, the investigating officer will:

A. Render all possible aid to the victim

B. Provide the victim with:

1. The Department's Victim Assistance brochure, and
2. The State Criminal Injuries Compensation brochure.

C. Whenever possible, make a follow-up telephone call or visit to the victim of a violent crime, to ascertain whether additional assistance and/or referral to another agency is needed.

49 Prohibited Language: No police officer or other department member, on or off duty, inside or outside of the police station, will use language or tell jokes or stories which could be construed to disparage any sex, religion, race, ethnic group, nationality, age group, sexual orientation, disability, marital status, political /union affiliation, or other characteristic protected by law.

50 Choke Holds: These are defined as:

- * an arm hold around the neck, applying pressure;
- * pressure to a suspect's upper back and/or neck area while a suspect is prone, or
- * placing of the officer's knee(s) on the upper back or chest area near a suspect's neck, and with the result of the action, either intended or otherwise, restricting the airflow of the individual.

Officers are prohibited from using chokeholds to restrain a suspect except where deadly force is needed; that is, when the life of an officer or another person is in imminent danger.

51 Duty to Respond: In no case will employees attempt to screen telephone calls and as a result, make an independent decision not to respond to a call requesting police assistance. As soon as needed information is obtained, a unit will be dispatched to the scene. Officers dispatched or directed to respond to an incident will respond to the scene to assess the need for police assistance, unless the call is handled by another officer on the scene prior to their arrival.

52 Duty to Report: Employees are required to expeditiously report direct knowledge of incidents involving excessive force, other unlawful acts, ethical violations, and violations of this General Order either directly to the police chief, to the chief through the chain of command, to the chief by some other supervisory personnel, or through the EEO complaint process as described elsewhere in the General Orders. There is a duty to report even if intervention prevented or reduced the violation. Examples of direct knowledge include, but may not be limited to, witnessing an event, receiving an admission, receiving a complaint, receiving information from a witness, or obtaining direct evidence of a violation

53 Duty to Intervene: Each department member has the individual responsibility to intervene and attempt to stop any other member from committing an unlawful or improper act , including but not limited to, acts of brutality, abuses of process, abuses of authority, and any other criminal acts or major violations of department rules and procedures. Successful intervention does not negate a duty to report.

54 Supervisory Duty to Act: In addition to any other duty under the rules herein, upon becoming aware of a violation(s) of the Rules, General Orders or other directives of the department, or of violation of local, state, or federal law, being committed by an employee or employees, supervisors shall have the duty to:

- A. Ensure that any dangerous or illegal condition is abated as soon as possible,
- B. Take corrective action with regard to an employee under his/her supervision when the supervisor knows or should have known of any form of neglect of duty or misconduct,
- C. Ensure that any report of the infractions are appropriately documented and forwarded either through the chain of command or to the responsible authority,
- D. Ensure that victims/complainants are informed of their rights under law and this department's procedures.

55 Cancellation: These Rules cancel and rescind all Rules in former General Order 202 dated January 13, 2010, as well as previously published Rules, and are a substitute therefor.