



ERIE POLICE DEPARTMENT



Written Directives

Number: **050.000**

Title: Code of Conduct		Pages: 9
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POLICY:

CACP STANDARD 50.1

The code of conduct of the Erie Police Department is designed to promote efficiency, discipline, and positive relations with the community, by setting forth policies governing the conduct of every member of the police department, both on and off duty. The provisions of the “Code of Conduct” shall be observed by all members of the Department in order to maintain the confidence, respect and support of the public.

DEFINITIONS:

NONE

PROCEDURES:

I. SCOPE

A. This Directive is applicable to all Department employees, both sworn and non-sworn.

CACP STANDARD 50.2

B. All employees of the Erie Police Department shall receive a copy of the Code of Conduct.

C. Members are required to establish and maintain a working knowledge of the Code of Conduct. In the event of improper action or violation, it will be presumed the member was familiar with the directive.

CACP STANDARD 50.1(1)

D. Violations of the Code of Conduct, the Code of Ethics, Canons of Ethics, Department Written Directives, Town of Erie Personnel Policy, the ordinances of the Town of Erie, the laws of the State of Colorado and/or the United States may subject the employee to disciplinary action in accordance with the Town of Erie Employee Conduct policy.

E. Any member who, by an act or conduct, attempts to violate or conspires with another person to violate any of the above provisions, may be subject to the same discipline as though the actual violation had been accomplished.

F. It shall be the duty of all supervisors, officers and employees to take appropriate corrective action and submit a written report to the Chief of Police or his/her designee whenever they learn, through personal observation or report, of any violation of the Code of Conduct, the Code of Ethics, Canons of Ethics, Department Written Directives, Town of Erie Personnel Policy, the ordinances of the Town of Erie, the laws of the State of Colorado and/or the United States by any member of the Department.

1. Should the violation involve an incident of serious nature, the supervisor, Commander or Deputy Chief observing or informed of the violation shall have authority to suspend with pay the individual accused of the violation. (See Erie Police Department Discipline Directive (50.002) for specifics).

a. When it appears such action is in the best interest of the member and/or the Department, the supervisor shall immediately notify the chain of command of the suspension.

b. A written report shall be submitted through the chain of command no later than the following business day.

2. When an allegation or accusation involves serious misconduct or could cause discredit to the Department or any member, the supervisor shall implement the Internal Affairs Investigations Procedures (See Written Directive 170.000).

3. Minor allegations or accusations which do not involve serious misconduct and will not reflect discredit upon the department, may be handled by the member's supervisor according to the Discipline Directive, 050.002.

II. GENERAL CONDUCT

CACP STANDARD 50.1 (2)

A. Members shall not conduct themselves in an immoral, indecent, lewd or disorderly manner or in any manner which might be construed as immoral, indecent, lewd, or disorderly.

B. Employees will not engage in any activity or commit any act that would tend to bring discredit on the police department or the Town of Erie.

C. Members shall treat each other with courtesy and respect.

D. Members shall not use loud, boisterous or profane language.

E. Employees shall not discriminate.

F. Employees shall provide their name in a respectful manner to any person who may ask.

G. Employees shall not have any claim on:

1. Recovered property;

2. Evidence; and/or

3. Found property

H. Employees shall promptly deliver all items of property to the Property/Evidence following the proper tagging procedure. (See Erie Police Department Written Directive 200.000 Evidence and Property.)

III. DEVELOPING COMMUNITY-ORIENTED POLICING

A. Officers will maintain at all times a professional relationship with the public. Officers are expected to utilize Community-Oriented Policing. This is:

1. Identifying community problems; and
2. Developing solutions to those problems by working in partnership with the community.

B. Members shall seek to establish Community-Oriented Policing by:

1. Constantly demonstrating absolute impartial service;
2. Readily offering of individual service;
3. Readily exercising courtesy and good humor; and
4. Readily offering individual sacrifice in protecting and preserving life.

C. In accomplishing their mission, members will recognize:

1. The power of the police to fulfill their functions and duties is dependent upon public approval and respect.
2. To secure and maintain the respect of the public means also obtaining the willing cooperation and assistance of the public in observance of the law(s).

IV. ADHERENCE TO THE TRUTH

No member of the Erie Police Department shall willfully depart from the truth, either in giving testimony or in connection with any legal or official order received in their official duties.

V. POLITICAL ACTIVITY

CACP STANDARD 20.5

No member of the Erie Police Department shall campaign or actively participate in any political activities while on duty, nor use their badge to influence any person in regards to political activity.

VI. PERSONAL PUBLICITY

A. No member shall directly or indirectly seek personal publicity through the public news media or other mediums without the permission of the Chief of Police.

B. Business or professional cards referring to the Department shall be used only in connection with official business.

VII. GIVING TESTIMONIALS

A. Members shall not provide testimonials or permit their names or photographs to be used for advertising purposes without the permission of the Chief of Police.

- B. Members shall not use the Police Department's colors, logos or representations to solicit subscriptions or sell papers, books or tickets or collect or receive money or other items for any purpose without the permission of the Chief of Police.

VIII. COWARDICE

No officer shall display any form of cowardice or fail to support their fellow officers in performing their duties in the face of danger.

IX. USE OF TOBACCO/GUM/FOOD ITEMS

- A. Members on duty shall not chew gum or eat while conducting interviews or investigations, or where such activity may be detrimental to good appearance or procedure.
- B. Members on duty shall not smoke or chew tobacco while in public view.
- C. Members may not use tobacco products in any Town of Erie facilities, including the police facility, or in any Town of Erie vehicle.

X. ALCOHOLIC BEVERAGES/ILLCIT DRUGS

CACP STANDARD 50.1 (3)

- A. Members shall not bring intoxicating beverages or illegal drugs into the police building, structure or vehicle unless they are seized as evidence, recovered property, are the property of a prisoner, or are being utilized for training.
- B. Members shall not consume or ingest any illegal drug.
- C. Members shall not consume any alcoholic beverage while on duty unless necessary to accomplish a police objective and with the consent of a supervisor.
- D. Members shall not consume any alcoholic beverage within eight (8) hours prior to their normally scheduled reporting time. The odor of an alcoholic beverage on a member's breath while he/she is on duty may be cause for dismissal.
 - 1. When a supervisor has reason to believe an employee is under the influence of alcohol while on duty, he/she will:
 - a. Require a test of the employee's breath; and
 - b. If the employee refuses the test or has measurable blood alcohol, the employee shall be relieved of duty with pay and instructed to see the Deputy Chief or Commander on the employee's next regularly scheduled work day.
 - c. The supervisor will immediately notify the Chain of Command of the results and leave a written report for the Chief of Police by the next day.
 - d. The supervisor will maintain confidentiality of the process.
- E. No member, on duty or off duty, shall purchase or consume any alcoholic beverage while in uniform or while wearing any part of a uniform.

- F. Employees who choose to consume an alcoholic beverage while off duty should drink responsibly remembering they are subject to emergency call out. Employees should not drink to an extent which results in the member committing an obnoxious or offensive act which might tend to discredit the Erie Police Department.

XI. SOLICITING/ACCEPTING REWARDS OR GRATUITIES

CACP STANDARD 50.1 (4)

- A. Accepting small, random, token gifts of appreciation from well-meaning members of the public strengthens community bonds. The expressions of appreciation must be less than \$25.00 annually, cannot solicited by an employee for the purpose of influencing a public servant or gaining additional presence, and never be accepted under a circumstance which would diminish the public's trust. For purposes of this and the Town of Erie Code of Ethics policy, such items shall not constitute a gratuity.
- B. No item or service shall be accepted on behalf of any individual or group of individuals which in any way benefits the individual or group of individuals unless previously authorized by the Chief of Police.
- C. Officers shall be aware of and abide by the Town of Erie Code of Ethics Ordinance, Chapter 7 in the Town of Erie Municipal Code which states:

No officer, commission member or employee shall receive any compensation, gift, payment of expense, reward, gratuity, loan, reduced interest rate, or any item of value tendered by a person who has an interest in any matter pending before the Town which, in the judgment of a reasonably prudent person, would tend to impair the officer's, commission member's or employee's independence or impartiality of judgment in the performance of the officer's, commission member's or employee's official duties with regard to any such pending matter. This restriction also applies to any such items of value given after the pending matter is concluded if it reasonably appears that the giving of the item of value is related to the recipient's participation in the pending matter. Matters pending before the town include, but are not limited to, inspections and the processing of permits, licenses, and other administrative approvals. The following shall not be prohibited under this subsection:

1. Campaign contributions to a candidate, candidate committee, political committee, and/or issue committee if reported as required by law.
2. An occasional non-pecuniary gift, insignificant in value.
3. A non-pecuniary award publicly presented by a nonprofit organization in recognition of public service.
4. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which an officer, commission member, or employee is scheduled to participate.
5. Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to an officer, commission member, or employee which is not extraordinary when viewed in light of the position held by such officer, commission member or employee.

6. Items of perishable or nonpermanent value, including, but not limited to, meals, lodging, travel expenses, or tickets to sporting, recreational, educational or cultural events.
7. Payment for speeches, debates or other public events, reported as honorariums.
8. Payment of salary from employment, including other government employment, in addition to that earned from being an officer, commission member or employee.
9. Items available for free to the general public at trade conventions or other public exhibitions, and items offered at a discount, generally, to officers, commission members and/or employees of governments.

Provided, however, any compensation, gift, payment of expense, reward, gratuity, loan, reduced interest rate, or any item of value as allowed in subsections E1 through E9 of this section which exceeds twenty five dollars (\$25.00) in value shall be reported in writing, within ten (10) days of **receipt, to the Town Clerk. Such report shall be a public record and available for viewing by the public.**

In addition, the Chain of Command shall be notified in conjunction with the Town Clerk.

XII. KNOWLEDGE/COMPLIANCE WITH RULES AND REGULATIONS

CACP STANDARD 50.1 (1)

- A. All members of the Erie Police Department shall thoroughly understand and comply with Department Written Directives, municipal ordinances, Colorado and federal laws, the Code of Conduct, the Code of Ethics and the Canons of Ethics.
- B. Members shall obtain assistance from a supervisor for interpretation of any item which is not clearly understood.

XIII. POSTED NOTICES

- A. At the beginning of each tour of duty, members shall study notices posted in the patrol area and familiarize themselves with the information contained.
- B. At the beginning of each tour of duty, members are responsible for checking their mail slots and e-mail.

XIV. REPORTING FOR DUTY

- A. Members shall report for duty at the time, place and in the attire with the equipment specified by Department Directives unless excused by proper authority.
- B. Members who are unable to report for duty shall notify the duty watch commander or a Command Staff Officer prior to their normal reporting time.
- C. Court appearances: Officers subpoenaed to appear in court or other hearing must arrive on time as directed by the subpoena and/or the prosecuting attorney's office.

XV. ABSENCE FROM DUTY

- A. Members shall not be absent from their assignment/shift without proper authorization.

- B. Members who cannot report for their assignment/shift due to illness or injury shall report such illness or injury to the duty watch commander or a Command Staff Officer as soon as the condition is determined, or as soon as possible prior to the time the member is to report for duty.
- C. When requested by a supervisor, the member shall submit a written release from their physician prior to returning to duty when an illness or injury has required their absence.

XVI. CALL OUT DUTY

- A. Members are subject to call for extra duty at any time.
- B. Members who are off-duty shall report for duty immediately upon receipt of, and in compliance with, directions provided them at the time of notification.

XVII. ATTENTION TO DUTY

- A. Members shall be attentive at all times to their duties.
- B. Members shall not sleep while on duty.
- C. Officers shall make diligent efforts to arrest or locate wanted persons and to recover stolen and/or lost property.
- D. Officers shall observe and investigate all persons whose appearance, actions, or presence at a particular location appears suspicious.
- E. Officers shall use tact and good judgment in speech and conduct and shall remain cautious and alert to the possibility of attack or flight.
- F. Officers shall act professionally at the scenes of crimes, disorders, accidents or other situations that require police attention in dealing with suspects, and in disposing of their assignments.
- G. When the police objective might be jeopardized by delay, immediate action shall be taken even though the incident would ordinarily be handled by another agency or officer.

XVIII. TAKING BREAKS

All members are allowed two refreshment breaks and one meal break during each shift while remaining subject to call during those breaks.

XIX. RESTRICTED ORGANIZATIONS

CACP STANDARD 171.3

Members of the Erie Police Department shall not be members of, or affiliated with, any organization or group which:

1. Is opposed to minority groups;
2. Attempts to interfere with the administration of policing;
3. Might in any way interfere with efficient and effective police operations; or
4. Is affiliated with any of the above.

XX. CONFIDENTIALITY OF OFFICIAL POLICE BUSINESS

- A. Members shall treat all official Police Department business as confidential. No official information shall be imparted to anyone except those for whom it is intended or as directed by the member's supervisor or under due process of law.
- B. Members shall not make known to any person, including unauthorized members of the department, any order they may have received unless it is required by the nature of the order.
- C. Members shall not reveal the identity of a complainant or an informant to any private citizen unless provided for under the Privacy and Security Act of the Colorado Revised Statutes (See Written Directive 210.004).

XXI. MAINTENANCE OF OFFICES AND EQUIPMENT

CACP STANDARD 50.1 (7)

- A. Members shall maintain offices, vehicles, lockers, desks and other equipment used by them in a neat, clean and orderly condition.
- B. Members working at desks shall keep them clean and neat and ensure supplies are returned to the appropriate place.

XXII. SEAT BELTS

- A. All employees and passengers are to use seat belts in agency vehicles at all times while the vehicle is in motion.
- B. All safety restraining devices shall be used in the appropriate method as recommended by the manufacturer.

XXIII. KNOWLEDGE OF LOCAL GEOGRAPHY

- A. Officers shall know the names and general location of streets, hospitals, public buildings, government agencies business establishments and professional associations within the Town of Erie.
- B. Officers shall know all Town boundaries and other jurisdictional boundaries related to their duties.

XXIV. REQUIRED TELEPHONE

- A. All members of the Police Department shall have a private telephone which may be land line or cellular.
- B. No member shall intentionally disconnect, turn off, or otherwise alter their ring tone in such a manner as to prevent the phone from functioning.
- C. Members who are provided with a Town-issued cell phone are to carry and answer that phone at all times when they are not available at their personal telephone number.

XXV. OBEDIENCE TO DIRECT ORDERS

- A. Members are required to take direct orders from, and be directly responsible to, one superior officer.

B. Superior officers shall exercise direct command over lower-ranked officers outside their usual command in all situations where the police purpose or the reputation of the department is jeopardized.

C. Obedience to lawful Orders

1. Members shall obey the lawful orders of senior officers regardless of their rank.
2. Members shall perform all duties required of them by senior officers, regardless of whether such duties are specifically assigned to them.
3. No member shall publicly criticize an order given by a senior officer.
4. Conflicting Orders
 - a. Should an order conflict with any previous order issued by any other senior officer, departmental order, or provisions of departmental written directives, the member to whom the order was issued shall respectfully call attention to the conflict.
 - b. If the senior officer issuing the order does not make changes to resolve the conflict, the order shall stand, and the responsibility shall be with the senior officer.
 - c. Should any lawful order appear unjust or improper, the member shall carry out the instructions contained in the order and then may refer the matter, via the chain of command, to the Chief of Police.

D. Obedience to Training Orders

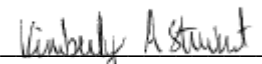
Members shall comply with the rules and instructions of training officers while attending any assigned school or training class regardless of the rank of the training officer(s).

RULES:

- A. No Employee shall be insubordinate at any time.
- B. No employee shall gamble while on duty or in uniform whether on or off duty unless gambling is conducted as part of the officer's official duties. Participation in office pools is not prohibited so long as such participation is out of public view.

REFERENCES:

Erie Police Department Policy Chapters 3 and 5
Lamar Police Department Directive 400.00
Billings MT. Police Department Directive 28.001


Kimberly A. Stewart
Chief of Police