

River Bend Police Department
Code of Conduct
General Order 11
Effective Date 05/01/12

11.01 **On/Off Duty Conduct:** Employees shall not engage in conduct on or off-duty which adversely affects the morale or efficiency of the Department; nor shall any employee engage in conduct on or off duty which has a tendency to destroy public trust and/or respect for the employee and/or the Department. **Level 4**

11.02 **Discourtesy:** Employees shall be courteous to the public, both in person and by telephone, and shall control tempers and exercise patience and discretion; employees shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning race, gender, religion, politics, ethnicity, national origin, life-style, economic status, age, culture or other identifiable group characteristic, or similar personal characteristics. **Level 2**

11.03 **Discriminatory Conduct:** Employees shall not engage in offensive verbal or physical conduct directed against a co-worker, or any member of the public based upon race, color, national origin, sex, religion, handicap, age, life-style or marital status. Employees are also forbidden from such conduct while off duty if such conduct adversely affects the employee's ability to perform his/her official duties. **Level 3**

11.04 **Fighting with Other Employees:** Employees shall not provoke or instigate a fight with another employee while on duty, reporting for duty, or leaving duty. **Level 4**

11.05 **Threatening/Intimidating Other Employees:** Employees shall not threaten, intimidate, coerce, or interfere with fellow employees, supervisors, or citizens at any time. **Level 3**

11.06 **Malicious/Unnecessary Complaints:** Employees shall not make malicious or unnecessary complaints against another employee of the Department. **Level 2**

11.07 **Exposure of Undercover Officer:** Employees shall protect and not intentionally expose the identity or occupation of officers engaged in covert operations. **Level 3**

11.08 **Testifying for the Defendant:** Employees shall notify their immediate supervisor upon receipt of a subpoena or other notice requiring the employee to testify on behalf of a defendant or against the Town of River Bend or the Department in any trial or hearing, civil or criminal. **Level 2**

11.09 **Serving as a Character Witness:** Employees shall not give testimony as a character witness for any defendant in a criminal trial without prior notification, in writing to the Chief of Police. **Level 2**

11.10 **Tampering with Witnesses:** Employees shall not interfere with the attendance or testimony of witnesses through coercion, bribery or other means. **Level 4**

11.11 **Truthfulness:** Employees are required to be truthful at all times, whether on or off-duty. Lying or total misrepresent oneself or situation, found to be untruthful completely **(Level 5)**

11.11.01 **Misrepresenting a situation in initial statements:** To avoid getting into trouble, but upon reflection - in following statements, state the truth in written form or statements. A “White Lie” is a good description of this offense. An officer’s second offense of this violation will become a level 5, no time limit from the first offense once charged and a decision rendered. **(Level 3)**

11.12 **Public Criticism of the Department:** Employees shall not publicly criticize the Department, its policies or employees either orally, in writing or through expression of any manner which could be considered: **Level 2**

A. Defamatory;

B. Obscene;

C. Unlawful; or

D. Has a negative impact on the operation of the Department by impairing its efficiency, interfering with the ability of supervisors to maintain discipline, or made with reckless disregard for truth.

11.13 **Divulging Confidential Information:** Employees shall not discuss the operations and official business of the Department which are of a confidential nature with anyone outside the Department without the permission of a superior. (For purposes of this section all Department documents and orders are to be considered confidential unless otherwise directed by the Chief.) This section does not apply to orders that are of such a nature that they must be communicated to others. **Level 3**

11.14 **Participation in Civil Matters:** Employees shall not give deposition, affidavit or appear as a witness in a civil matter stemming from the performance of official Department duties without prior notification, in writing to the Chief of Police. **Level 2**

11.15 **Prohibited Association:** Employees shall avoid associating or conducting business with persons whom they know, or should have known, are under criminal investigation or indictment, or who have a reputation in the community for involvement in criminal behavior, except as necessary in the performance of official duties or where unavoidable because that individual is a close relative of the employee. **Level 3**

11.16 **Personal Associations:** Employees shall not make unofficial or unnecessary associations with other persons for social or personal reasons while on duty. **Level 2**

11.17 **Subversive Organizations:** Employees shall not knowingly seek or hold membership or associate with any subversive organization, except when necessary in the performance of duty and then only with the knowledge and consent of the Chief of Police. **Level 4**

11.18 **Referral of Attorneys, Bondsmen, Towing or Other Services:** Employees shall not suggest, recommend, or otherwise influence a decision regarding the retention of any specific attorney, bail bondsman, towing or other services to any person coming to the employee’s attention as result of police business. **Level 2**

11.19 **Gifts - Solicitation/Acceptance:** Employees shall not solicit or accept any gift/gratuity without the written permission of the Chief of Police or in cases involving the Chief of Police, without the approval of the appointing authority. **Level 2**

11.20 **Fees/Rewards:** Employees shall not accept or receive any fee or reward from any source for any services rendered in the line of duty without the knowledge and written consent of the Chief of Police. **Level 2**

11.21 **Valuable Items - Buying/Selling/Receiving:** Employees shall not knowingly buy, sell, or receive any item of value that has come to the attention of the employee during the performance of their official duties, except as may be specifically authorized by the Chief of Police. **Level 2**

11.22 **Settlement of Duty Incurred Expenses/Damages:** Employees shall not accept any money or other compensation for damages sustained or expenses incurred in the line of duty, except as may be specifically authorized by the Chief of Police. **Level 2**

11.23 **Private Benefit from Department Association:** Employees shall not use the prestige or influence of their official position, or use the time, facilities, equipment or supplies of the Department for the private gain or advantage of the employee or another person. **Level 3**

11.24 **Use of Private Vehicles/Equipment:** Employees shall not use private vehicles/equipment for official purposes unless directed or authorized by the Chief of Police. **Level 1**

11.25 **Unauthorized Repair of Vehicles:** Employees shall not allow repair work, service, or alterations of any kind to be performed on any Department vehicle by any person or firm, unless specifically authorized by the Chief. **Level 2**

11.26 **Possession/Use of Alcohol:** Employees shall not possess and/or use alcohol while on duty or while in uniform other than in an authorized duty capacity.

11.26.01 Employees shall not appear for duty or be on duty while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants upon their breath. *Employees shall at no time purchase any type of alcoholic beverage while in uniform.* **Level 4**

11.26.02 Employees shall not consume intoxicating beverages in public while **off-duty** to such an extent that would reflect discredit upon themselves or the River Bend Police Department. **Level 2**

11.26.03 Employees suspected of drinking while on duty or reporting for duty intoxicated shall submit to a breath analysis test. Such test may be used in any criminal action if the tests are given according to the rules set forth by the North Carolina Department of Human Resources.
Level 3

11.27 **Possession/Use of Controlled Substance:** Employees shall not possess and/or use any controlled substance while on duty or while in uniform, except with the approval and guidance of a licensed physician and with the knowledge of a superior. At no time may an employee of the Department use or be under the influence of a controlled substance where such use or influence impairs or compromises the efficiency and integrity of the Department. Employees shall notify their immediate supervisor when they are taking prescribed medication that could impact their performance. **Level 4**

11.28 **Gambling:** Employees shall not engage in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior officer. Employees shall not purchase NC Lottery tickets while on duty. **Level 3**

11.29 Reporting Criminal Activity: Employees who observe or obtain any information concerning criminal activity while on or off duty shall promptly report same. **Level 1**

11.30 Arrests, Search and Seizure: Employees shall respect the constitutional and civil rights of all persons. Employees shall not knowingly make an unlawful arrest, or conduct an unlawful search/seizure that is not in compliance with current Department policies and procedures. **Level 3**

11.31 Falsifying Reports: Employees shall not knowingly falsify personal or Town records/reports, including accident, insurance or medical records or reports, employment applications, purchase orders, time sheets, or any other reports, records or applications. **Level 4**

11.32 Impartiality: Employees shall remain completely impartial in their dealings with all persons coming to the attention of the Department. . Should the possibility of a conflict of interest arise or an officer believes there is a potential for a conflict of interest to take place; the officer will disclose the conflict immediately to their direct supervisor. **Level 2**

11.33 Workplace Harassment: Employees shall not either personally or sexually harass any employee of the River Bend Police Department.

11.33.01 Personal Harassment: Employees shall not either explicitly or implicitly ridicule, mock, deride or belittle any person. **Level 1**

Employees shall not explicitly or implicitly goad, intimidate, coax, make inflammatory statements or conduct themselves in a manner as to encourage a physical response from another employee. **Level 2**

11.33.02 Sexual Harassment: Sexual harassment is deliberate or repeated unsolicited verbal comments, gestures or physical contact of a sexual nature which are unwelcome.

1. Supervisors shall not use implicit or explicit coercive sexual behavior to control, influence or affect the career, salary or job of an employee. **Level 4**
2. Employees shall not participate in any deliberate or **repeated** unsolicited verbal comments, gestures or physical contact of a sexual nature which are unwelcome and/or interfere with work productivity, or create an intimidating, hostile or offensive working environment. **Level 4**

11.34 Cooperation with Internal Investigation: Employees shall answer all questions, respond to lawful orders and render material and relevant statements in an internal administrative investigation when such orders, questions and statements are directly related to their job responsibilities. Nothing in the section shall constitute authority to violate the Constitutional rights of any employee. **Level 4**

11.35 Transporting Passengers in City Vehicles: Employees are authorized to transport passengers in Town vehicles only for the welfare or the safety of the citizen. DUI exempt. **Level 1**

11.36 Receipt of Mail or Visitors at Police Station: Employees shall not consistently receive personal mail or visitors at the station for non-duty related purposes. **Level 1**

11.37 Reading on Duty: Employees shall not read any material, recreational or otherwise, not in

furtherance of official duty while on duty unless authorized by the Chief. **Level 2**

11.38 **Personal Business on Duty:** Employees shall not engage in any activity or personal business while on duty which may cause neglect or inattention to duty. The use of Department owned equipment for personal use is prohibited. **Level 1**

11.39 **Possession of Keys:** Employees shall not possess keys pertaining to Department business or obtained under Department authority, which are not officially issued to the employee. **Level 1**

11.40 **Loitering in Public Places:** Employees shall not enter or loiter in any bars, nightclubs, or other public place while on duty except to perform a police task. **Level 1**

11.41 **Smoking on Duty:** Employees shall not smoke while on duty and in direct contact with the public, nor while on duty and in any town building. **Level 1**

11.42 **Smokeless Tobacco Use While on Duty:** Employees shall not use smokeless tobacco products that lead to expectoration while on duty and in direct contact with the public nor while on duty and in any Town building. **Level 1**

11.43 **Respect to the Flag:** Employees in uniform shall render full military honors to the national colors and anthem at appropriate times. Employees in civilian dress shall render proper civilian honors to the national colors and anthem at appropriate times. **Level 1**

11.44 **Endorsement of Products or Services:** Employees shall not permit their name or photograph to be used to endorse any product or service while being identified as an employee of the Department without the written consent of the Chief of Police. **Level 2**

11.45 **Excessive Force:** Employees shall use only the degree of force that is reasonably necessary to perform official duties, and is in compliance with Federal law, State laws and Department policies, procedures, rules and regulations. **Level 3**

11.46 **Use of Deadly Force:** Employees shall only use deadly force as a last resort, and then in compliance with Federal law, State laws and Department policies, procedures, rules, and regulations. **Level 4**

11.47 **Use and Handling of Weapons:** Employees shall use and handle weapons in a careful and prudent manner and in accordance with law and Department policies and procedures. **Level 3**

11.48 **Radio Discipline:** Employees operating a police radio shall strictly observe all FCC regulations for such operations, as well as Department policies and procedures. Officers must keep the department radio with them at all times while on Duty (Primary Officer) unless they are in court or check off with communications or have the department cell phone with them. **Level 2**

11.49 **Radio Usage:** Employees shall not engage in intentional horseplay while using a Department radio. Horseplay includes, but is not limited to keying the mike and not transmitting for purpose of covering another employee. **Level 1**

11.50 **Fail to follow a lawful order:** The refusal of an employee to promptly obey any lawful order, written or verbal, from a ranking officer or supervisor is prohibited. **Level 2**

11.50.01 **Insubordination:** The willful refusal to follow a lawful order, written or verbal with flagrant disregard or malice or after repeated offenses, not necessarily of the same policy violation. **Level 3**

11.51 **Domestic Violence:** Employees shall not commit, be charged with, or convicted of any violation of domestic violence laws as stated in North Carolina General Statute 50 B-1. (Reference GO 15 – Use of Force and Firearms) **Level 4**

11.52 **Obedience to Laws and Regulations:** Employees shall observe, obey and enforce all Local, State and Federal laws and ordinances, all rules and regulations of the Department and all General and Special Orders of the Department. This is to include compliance with federal, state, and local agreements and to show compliance with state and/or federal grant programs, the River Bend Police Department directs and confirms in policy that all members and representative of this agency will comply with all applicable state and federal codes, which will specifically include 8 U.S.C. § 1373.

U.S.C. 1373 states in part:

- A. In general. Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.
- B. Additional authority of government entities. Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:
 1. Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
 2. Maintaining such information.
 3. Exchanging such information with any other Federal, State, or local government entity.
- C. Obligation to respond to inquiries. The Immigration and Naturalization Service shall respond to any inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual with the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information. **Level 2**

11.53 **Violation of Laws:** Employees shall report immediately in writing to the Chief of Police if they have been charged with a violation of a criminal or traffic law or ordinance listing all pertinent facts concerning the violations. **Level 2**

11.54 **Reporting Violations of Department Policies and Procedures:** Employees shall immediately report known or perceived violations of all Department's policies and procedures to their immediate supervisor. **Level 2**

11.54.1 **Duty to Intervene in and Report Excessive Use of Force:** A law enforcement officer, while in the line of duty, who observes another law enforcement officer use force against another person that the observing officer reasonably believes exceeds the amount of force authorized by N.C. General Statute Section 15A-401(d) and who possesses a reasonable opportunity to intervene, shall, if it is safe to do so, attempt to intervene to prevent the use of excessive force. Additionally, the observing officer shall, within a reasonable period of time not to exceed 72 hours thereafter, report what the officer reasonably believes to be an unauthorized use of force to a superior law enforcement officer within the agency of the observing officer, even if the observing officer did not have a reasonable opportunity to intervene. If the head of the law enforcement agency of the observing officer was involved or present during what the observing officer reasonably believes to be unauthorized use of force, the observing officer shall make the report to the highest ranking law enforcement officer of the officer's agency who was not involved in or present during the use of force. **Level 2**

11.55 **Subject of Criminal Investigation:** Employees who become aware that they are the subject of a criminal investigation by any law enforcement agency, shall immediately advise the Chief of Police, in writing. **Level 2**

11.56 **Improper Use of a Town or Department Computer:** Employees shall not intentionally access internet sites containing any sexually explicit materials, gambling or other inappropriate material using Department equipment for non-law enforcement purposes. This includes the mobile data computers in vehicles. Unintentional access shall be reported to the Chief of Police As soon as possible in writing. **Level 3**

11.56.1 **Mobile GPS Device Required:** Officers are required to ensure that the GPS device is plugged into the mobile computer and operational when logged into AEGIS Mobile. **Level 2**

11.57 **Interaction on Social Network Sites:** Employees who interact on social networking sites, including but not limited to *MySpace* or *Facebook*, are subject to the standards outlined in section 11.01 – On/Off Duty Conduct. No employee shall knowingly post official photographs, video images, audio files or text documents that belong to the Department without the expressed written permission of the Chief of Police. Employees are also cautioned that the use of images depicting departmental property, equipment or personnel, if posted on the internet, in any manner that tends to tarnish or demean the Department's core values shall be subject to discipline. Employees shall not discuss via these public sites departmental information including, but not limited to calls for service, arrests, cases or internal affairs or disciplinary issues. **Level 3**

11.58 **Disclosing Investigations:** Employees are to disclose to the Chief of Police any investigations they are working on prior to commencing work. This does not include documented calls for service or written request from other officers. This primarily focuses on making sure that all officer self initiated activities are documented. **Level 2**

11.59 **Whistleblower Policy:** This Whistleblower Policy is intended to enable River Bend employees to raise concerns internally so that the River Bend Police Department can address and correct inappropriate conduct and actions. It is the responsibility of all employees to report concerns about violations of the River Bend Police Department's code of ethics, suspected violations of law or regulations that govern River Bend Police Department's operations.

- 1. No Retaliation:** It is contrary to the values of River Bend Police Department and prohibited for any town employee or official to retaliate against any employee who in

good faith reports an ethics violation, a suspected violation of law, such as a complaint of discrimination, suspected fraud or suspected violation of any regulation and/or policy governing the operations of River Bend Police Department. An employee who retaliates against someone who has reported a violation in good faith is subject to disciplinary action up to and including termination of employment.

2. **Reporting Procedure:** The River Bend Police Department suggests that employees share their questions, concerns or complaints through the chain of command. If an employee is not comfortable speaking with their direct supervisor, or they are not satisfied with the supervisor's response, they are encouraged to speak with the Chief of Police. The Sergeant is required to report complaints or concerns about suspected ethical and legal violations in writing to the Chief of Police, who has the responsibility to investigate all reported complaints. The Chief of Police is responsible for ensuring that all complaints about unethical, immoral or illegal conduct are investigated and resolved. If the complaint involves the Chief of Police, the complaint should be submitted to the Town Manager. Within 5 days, the Chief of Police will advise the Town Manager of any complaints and again upon their resolution or final disposition.
3. **Acting in Good Faith:** Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.
4. **Confidentiality:** Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.
5. **Handling of Reported Violations:** The River Bend Police Department will notify the person who submitted a complaint and acknowledge receipt of the reported violation. All complaints will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

11.60

River Bend Police Department Volunteer Program: The River Bend Police Department Volunteer Program is non-sworn and non-paid civilian position. The program is designed to enhance a community partnership with the River Bend Police Department and the citizens they serve. This is achieved through transparency and a working relationship with the Department's sworn officers and staff. The River Bend Police Department Volunteer Program allows officers to focus on policing and enforcement functions while volunteers provide a wide range of supplemental or support services administratively. Furthermore, this enhances community-law enforcement relations by gaining a better understanding of the agency and law enforcement as a whole.

1. **Policy and Practices:** The River Bend Police Department Volunteer Program runs

under the policies and practices set forth in the RBPD Volunteer Handbook.

End