	ANDOVER POLICE DEPARTMENT GENERAL ORDER		M1201
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			Distribution: All
Title: STANDARDS OF CONDUCT		Section: Personnel	
Issued: 10/09/2012	Effective: 11/17/2012	Revised: 09/04/2024	
Rescinds: All Previous		Amends: 10/12/2023	
CALEA References: LE 1.2.10, 22.1.8, 26.1.1; COM 1.1.7, 2.2.1, 3.6.1			
KLEAP References: 1.2.7, 3.2.2, 5.1.1			
Review: Annual	Authority: Chief Buck Buchanan		

## I. Purpose


It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the law enforcement officer's code of ethics and this agency's statement of values so that members of this agency will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

The rules of conduct set forth in this general order are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on member conduct and activities established by this agency. Rather, they are intended to (1) alert members to some of the more sensitive and often problematic matters involved in police conduct and ethics; (2) specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of members, and (3) guide members in conducting themselves and their affairs in a manner that reflects standards of demeanor and professionalism as required of members. Additional guidance on matters of conduct is provided in regard to specific General Orders, procedures, and directives disseminated by this agency and from members' immediate supervisors and commanders.

## II. Policy

Actions of members that are inconsistent, incompatible, or in conflict with the values established by this agency negatively affect its reputation and that of its members. Such actions and inactions thereby detract from the agency's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore, it is the policy of this law enforcement agency that members conduct themselves at all times in a manner that reflects the ethical standards consistent with the regulations contained in this General Order and otherwise disseminated by this agency (LE 26.1.1; KLEAP 5.1.1).

Nothing, however, in this General Order, is intended to, nor shall it be interpreted to, alter or amend the employment at-will relationship between the City and its employees; either the City or an employee may terminate the employment relationship at any time, with or without cause, and with or without advance notice.

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### III. Definitions

- A. Accountability:** In the context of this General Order, accountability means the duty of all members to truthfully acknowledge and explain their actions and decisions without deception or subterfuge when requested to do so by an authorized member of this agency.
- B. Social Courtesy:** The practical forms, fashions, and manners observed in the society of educated and cultivated people whose purpose is to get things done pleasantly and quickly, or to eliminate friction in our daily contacts with one another. Examples of social courtesies include items of negligible value such as the offering of a beverage when in someone's home, the occasional plate of cookies that are brought to the department around Christmas, or the hot dog and drink offered by the neighborhood association while attending their annual picnic.
- C. Giglio Information:** Evidence that, if true, would tend to adversely affect the credibility of a law enforcement officer. This specifically includes any sustained finding that establishes a record of untruthfulness, bias, and/or commission of crimes, as well as information that reflects an impaired ability of an officer to perceive or recall the truth of a matter. It does not include allegations, rumors, or other inconclusive information.
- D. Brady Information:** Any finding that reflects on the officer's ability to be a viable witness; misconduct that reflects on an officer-witness's truthfulness; any finding of misconduct that indicates that the officer-witness may be biased; or previous conduct or action in which the officer-witness's honesty or integrity was compromised; any credible allegation of misconduct, subject of a pending investigation, that reflects on the truthfulness or possible bias of the officer-witness; and any past criminal charge or pending criminal charge brought against the officer-witness who will testify in a case before the court or who was involved in the investigation of the case.

### IV. Regulations

#### A. Appearance in Court/Court Testimony

1. After having been officially notified, either verbally or in writing, members of the department shall report as directed by any supervisor, subpoena, or by any notice which dictates his/her required appearance before any hearing board or court [B].
2. While testifying in court, members of the department shall avoid any show of prejudice, anger, sarcasm, or quarrelsomeness [C].
3. All members appearing in court shall wear the regulation uniform of the day or be dressed in civilian dress attire, which includes a suit coat and tie for males, and business attire for females [B].

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4. Regardless of a member's rank, assignment, special training, and/or special qualifications, he/she shall not, as an independent operator on behalf of a defendant, for a consideration or otherwise, obtain, develop, prepare, or present evidence/testimony which would prejudice the prosecution of a criminal or traffic complaint by any duly constituted law enforcement agency [C].
5. No member shall authorize or recommend the reduction or dismissal of any charge, bond, or fine as set by the Municipal Court, District Court, or Federal District Court without the approval of a Division Commander [C].
6. No member shall, without prior written approval of the Chief of Police, appear or give testimony as a character witness for any defendant in a criminal inquiry or trial, unless properly subpoenaed [C].
7. No member of the department shall institute any civil action without notifying the Chief of Police through the chain of command [B].

#### **B. Conduct Unbecoming a Member Prohibited**

1. Members shall not engage in any conduct or activities on or off duty that reflect discredit on the members, tend to bring this agency into disrepute, or impair its efficient and effective operation [D].
2. Members are directly accountable for their actions through the chain of command, to this agency's Chief of Police [C].
3. Each member of the department shall contribute their part in maintaining departmental integrity, order, and discipline [C].
4. Members of the department shall report to a supervisor any incident which may adversely affect the efficiency or discipline of the Andover Police Department [B].
5. Members shall not knowingly depart from the truth in making reports, affidavits, court documents, in giving testimony, or in connection with any official duties, except the use of deception in criminal cases as a legitimate investigative technique [F].
6. Members of the department shall use good judgment in all situations [B].

#### **C. Contact with Citizens**

1. Members shall conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation [B].
2. Members shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty [B].

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3. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to this agency's use-of-force policy and shall observe the civil rights and protect the well-being of those in their charge [C].
4. When a citizen requests the name and/or badge number of any member of the Andover Police Department, they are required to tell the citizen their first name, last name, and ID number unless they are officially working in an undercover capacity. If requested by a citizen, members will show their department-issued photo identification, unless working in an undercover capacity (LE 22.1.8a & b; COM 1.1.7a & b; KLEAP 3.2.2a & b) [A].
5. Members of the department shall, when making telephone contact with citizens, identify themselves with their name, rank (if applicable), and department. Upon the request of the citizen, the officer will provide their ID number (LE 22.1.8c; COM 1.1.7c) [A].
6. Members of the department shall be attentive to complaints and/or requests by citizens, and shall take action on them, or refer the person to the proper agency or individual [A].
7. Members shall protect, secure, and properly care for property and/or evidence taken into their possession until the property or evidence has been returned to the owner or submitted into property and evidence [B].

#### **D. Conduct Toward Fellow Employees**

1. Members shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another [A].
2. Members shall not use language or engage in acts that demean, harass, or intimidate another person [C].
3. Members of the department shall give full cooperation to representatives of all levels of government [A].
4. Every department member shall coordinate their individual police effort with those of this and all other criminal justice agencies/employees, regardless of the rank and/or assignment of anyone involved [A].
5. No member of this agency shall fight or quarrel with any other member of the agency [C].
6. Department members shall avoid any derogatory criticism, idle conversation, or gossip that would have an adverse effect on the department [B].

#### **E. Use of Alcohol and Drugs**


1. Members shall not consume any intoxicating beverage while on duty unless authorized by a supervisor [C].

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2. No alcoholic beverage shall be served or consumed on police premises or in vehicles owned by this jurisdiction [C].
3. No member shall report for duty with the odor of alcoholic beverage on his or her breath [C].
4. No member shall report to work or be on duty when his or her judgment or physical condition has been impaired by alcohol, medication, or other substances [C].
5. Members must report the use of any substance, prior to reporting for duty, which impairs their ability to perform their assignments [B].
6. Supervisors shall order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol in accordance with the City of Andover Substance Abuse Policy [B].
7. Employees who test positive for controlled substances after being tested in accordance with the City of Andover Substance Abuse Policy, or refuse to test as a part of the aforementioned policy, will be subject to discipline, up to termination, even on a first offense [E].
8. While off-duty, members of the department shall not:
  - a. Consume or purchase any beverage containing alcohol, or ingest any narcotic substances, while they are dressed in an Andover Police Department Uniform or any part thereof [D].
  - b. Become intoxicated, in public view, to the point of causing embarrassment to the department [C].
9. No member of the department shall smoke or use any other form of tobacco while performing a police duty at the scene of a police incident, or while making personal contact with citizens in the performance of their duty [A].

#### **F. Abuse of Law Enforcement Powers or Position**

1. Members of the department shall neither solicit nor receive any bribe for the commission or omission of any of their duties [D].
2. Members of the department shall submit a written report to their supervisor detailing any offer of a bribe/gratuity for the commission or omission of their duties, or to commit an illegal act [C].
3. Members shall not, under any circumstances, use their position, badge, or uniform, directly or indirectly, to solicit any gift, gratuity, loan, discount, or other fee for their own personal gain where there is any connection between the solicitation and their department membership or employment [B].
4. Members shall not accept gifts or gratuities that could be interpreted as capable of influencing their judgment in the discharge of their duties or that would reflect favoritism by the member or the department towards any particular person, group, or business. This is not intended to prohibit members from


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accepting social courtesies, singular or random acts of appreciation or recognition, or items made available to the general public [B].

5. Members shall report any unsolicited gifts, gratuities, or other items of value that they receive to the Chief of Police and shall provide a full report of the circumstances of their receipt if directed [B].
6. Members are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention, or which arose out of their department employment, except as may be specifically authorized by the Chief of Police [C].
7. If a member receives a monetary reward for police department-related work, the money will be donated to the Andover Police and Fire Foundation [E].
8. Members shall not purchase, convert to their own use, or have any claim to any department surplus, found, impounded, abandoned, or recovered property, or any property held or released as evidence, including any of this type of property sold at City sponsored auctions [C].
9. During working hours, while in uniform, or otherwise serving as a representative of this agency, members shall not engage in any type of sales or solicitation without the express consent of the Chief of Police or designee [A].
10. Members of the department shall obtain the approval of the Chief of Police prior to lending their names, photographs, testimonials, or endorsements to any advertising effort [B].
11. Members shall not, under any circumstances, use their position, badge, or uniform, directly or indirectly, to influence, coerce, harass, or intimidate another outside of the scope of their assigned department duties [D].
12. Members are prohibited from using information gained through their position as an employee with this agency to advance financial or other private interests of themselves or others [C].
13. Members who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform the Chief of Police [B].

#### **G. Off-Duty Police Action**

1. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention [C].

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2. Unless operating a marked police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action [C].
3. Department members involved in off-duty law enforcement-related incidents shall use good judgment in all situations. When off-duty and witnessing a law enforcement-related incident, members are strongly encouraged to be good witnesses and contact the appropriate law enforcement/911 agency immediately. Members should not intervene unless the incident is of such a dangerous nature that officers would reasonably be expected to take appropriate action [B].
4. Department members involved in any off-duty related incident(s) other than minor traffic violations, that involves an outside law enforcement agency shall immediately report that contact and involvement to the department's on-duty Watch Commander. Department members involved in a minor traffic violation incident(s) that involves an outside law enforcement agency shall report that contact and involvement to their immediate supervisor upon their return to work [C].


#### **H. Prohibited Associations and Establishments**

1. Members shall not commence social relations with the spouse, immediate family member, or romantic companion of persons in the custody of this agency, or with persons who are principal parties in active investigations of this department [C].
2. Members shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in felonious activity), except as necessary in the performance of official duties, or where unavoidable because of familial relationships [C].
3. Members shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies [D].

#### **I. Public Statements, Appearances, and Endorsements**

1. Members shall not, under color of authority:
  - a. Make any public statement that could be reasonably interpreted as having an adverse effect upon department morale, discipline, operation of the agency, or perception of the public [C];



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- b. Divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose [C]; or
  - c. Unless expressly authorized, make any statements, speeches, or appearances that could reasonably be considered to represent the views of this agency [B].
2. Members shall be guided by state law regarding their personal participation and involvement in political activities. Where state law is silent on this issue, members shall be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of this agency:
  - a. Engage in any political activity [A];
  - b. Place or affix any campaign literature on city-owned property [B];
  - c. Solicit political funds from any member of this agency or another governmental agency of this jurisdiction [B];
  - d. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction [B];
  - e. Use official authority to interfere with any election or interfere with the political actions of other employees or the general public [E];
  - f. Favor or discriminate against any person seeking employment because of political opinions or affiliations [C]; or
  - g. Participate in any type of political activity while in uniform [B].


#### **J. Department Equipment**

1. Department members will properly care for department property assigned to them [B].
2. Members will not allow department property to be damaged as a result of neglect or carelessness [B].
3. Department members will utilize department equipment only for its intended purposes and in accordance with Department policies and procedures [B].
4. Department members will not intentionally damage department property [E].

#### **K. Expectation of Privacy**

1. Members shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for members to occasionally store personal items in such areas, members should be aware that these and similar places may be inspected or otherwise entered – to meet operational needs, internal investigatory




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requirements, or for other reasons – at the discretion of the Chief of Police or designee [A].

2. No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission [A].

#### **L. General Duty Responsibilities**


1. No member, regardless of any specialized training or assignment, shall be relieved of his/her primary police duties [A].
2. Members of the department shall keep themselves informed on departmental activities as published in special bulletins, special orders, or other written memorandums or communications [A].
3. Members of the department shall not mark, alter, or deface any posted departmental notice or any authorized notice placed on bulletin boards without permission of a supervisor. No notice of a derogatory nature will be posted at any time [A].
4. Members of the department shall not mar, mark, or deface any surface on the premises of any departmental building. No material shall be affixed in any way to any wall, door, or window in any departmental building without specific authorization of a supervisor [A].
5. Members shall remain on duty as assigned until properly relieved [C].
6. Members shall maintain contact with the department at all times while on duty [A].
7. Reading while on duty shall be confined to such materials that relate to official police duties [A].
8. While on duty, members shall devote their entire time and energy to their official duties [A].
9. All members of the department shall remain awake while on duty or shall report their inability to do so to a supervisor [B].
10. While on duty, members shall take appropriate action whenever necessary, and shall make a written report of such action [C].
11. Members shall limit their participation in controversial matters to such action that is clearly police action [B].
12. Unless otherwise directed by proper authority, members of the department shall report for duty at the time and place specified for their current job assignment. They shall be properly attired and equipped and give careful attention to orders and instructions [B].
13. Members of the department shall be punctual in reporting for duty and shall be prompt in requesting relief from duty when emergency leave is necessary [A].

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14. Members of the department shall do everything possible to protect the safety of all personnel, themselves included [C].
15. While on-duty, members of the department shall report to the Communications Division all hazardous conditions of which they become aware (e.g., inoperative signal light, downed street sign, manhole cover missing, icy bridges or roads, etc.) and the Communications Officer will notify the proper authority to correct the problem [A].
16. Members will fulfill duties and assigned responsibilities to the best of their abilities. If they are unable, they will notify their supervisor immediately [B].
17. No member shall, because of their actions or inactions, bring discredit upon themselves, the department, or the City of Andover [C].
18. All department members shall intervene within their scope of authority and training, and immediately report to a supervisor, any incident involving a department member or member of another law enforcement agency involved in an incident of gross misconduct, an incident adversely affecting the efficiency or discipline of the Andover Police Department, or an incident that threatens the safety of the public or the members of the department. This would include but not be limited to incidents involving excessive force, criminal conduct, or misuse of weapons (LE 1.2.10; KLEAP 1.2.7) [D].

#### **M. Misconduct Prohibited**

1. Any course of conduct that indicates a member of the department has little or no regard for their obligations as a member of the Andover Police Department shall be deemed misconduct and will be cause for dismissal [F].
  - a. Information received from any source that a member may have issues of credibility, dishonesty, bias, or has been engaged in an act of moral turpitude or criminal conduct shall be investigated and processed in accordance with M1107 - Complaints & Internal Investigations. A sustained administrative finding of any of the aforementioned issues shall subject said member to immediate dismissal and may also be cause for the member's inclusion on the Brady/Giglio List [F].
2. Repeated violations of department regulations by a member shall be deemed misconduct and will be cause for dismissal [F].
3. Members of the department having affiliation with any organization which proves detrimental to efficiency or results in divided loyalty, shall be subject to summary dismissal from the department [F].
4. A member of the department shall maintain sufficient competence to enable him/her to properly perform their duties and to adequately discharge all responsibilities associated with his/her position. A member of the department shall perform their duties in an efficient manner. Incompetence and/or unsatisfactory performance in this area may be demonstrated by:

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- a. A lack of knowledge of the law they are charged with enforcing [E];
  - b. An unwillingness or inability to perform assigned tasks [E];
  - c. Failure to take appropriate action in response to an incident which required such response [E];
  - d. Absence without leave, which may include employees who have exhausted sick leave and/or vacation time and are carried without pay [E];
  - e. Repeated, poor performance appraisals [E]; or
  - f. A written record of repeated violations of written directives [E].
5. Members of the department shall not commit a misdemeanor crime that would affect their ability to perform their duties as a member of the department, including crimes of violence, dishonesty, and substance abuse [E].
  6. Members of the department shall not commit any felony offense, nor shall they be involved in any criminal conspiracy [F].
  7. Members of the department shall not commit traffic infractions in a manner that demonstrates a total disregard for the laws of this State and the image of the department [F].

## V. Procedures

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