



CEDAR PARK POLICE DEPARTMENT
GENERAL ORDER

Personal and Professional Conduct

NUMBER: 2.12.01

EFFECTIVE: 04-01-2014

APPROVED: *[Signature]*
Chief of Police

I. POLICY

It is the policy of the Cedar Park Police Department ("Department") that all members shall exhibit a professional level of conduct and perform their duties consistent with our mission statement and core values, and in a manner to promote good public relations.

II. PURPOSE

The purpose of this policy is to identify standards of conduct that are acceptable and unacceptable for all members, volunteers, and interns while on or off duty, in order to merit the public's confidence, respect, and support, and to promote an efficient operation of the Department.

III. DEFINITIONS

CRITICAL INCIDENT – For the purposes of this policy, a critical incident is defined as an event in which a member causes the death or serious injury of another person, or is injured and hospitalized while performing a law enforcement function.

PUBLIC SAFETY ASSOCIATE – For the purposes of this policy, a public safety associate includes, but is not limited to task force members, sworn and civilian department members from agencies with shared jurisdiction, agency volunteers or interns, and representatives from support organizations within the broader criminal justice system.

IMMEDIATE FAMILY - For the purpose of this policy, immediate family is defined as the member's spouse, son, daughter, mother, father, brother, sister, grandparents, grandchildren, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, or the 'step' versions of these relationships, or any relative living in the member's household.

MEMBER – For the purpose of this policy and unless otherwise specified, member is defined as any civilian or sworn employee or volunteer of the Department.

IV. GENERAL PROVISIONS

1. **DUTY TO KNOW** – Members are responsible for maintaining a working knowledge of all policies, written directives, and laws that pertain to their job positions. In addition, members are responsible for maintaining access to a digital copy of the general orders. Members shall review postings on the mandatory reading board regularly and read all electronic directives to personnel.
2. **CITY PERSONNEL POLICY** – In addition to this policy, all members of the Police Department are subject to standards set forth in the City Human Resources Policy Manual. To the extent of any conflict between this policy and the Human Resources Policy Manual, the Human Resources Policy Manual shall control.
3. **DUTY TO PROTECT** – Members of the Cedar Park Police Department have a duty to protect the reputation of the law enforcement profession to the extent they are able. If a member observes or becomes aware of any criminal, unconstitutional, or inappropriate actions by a public safety associate or Department member that could negatively impact the profession of policing, or if a member becomes aware of violations of Department policy, state law, federal law or city ordinance, the member shall intervene when possible, and notify the appropriate chain of command in writing.

To the extent of any conflict between this provision and the confidentiality provisions of [Standard Operating Procedure 15.50.01 Peer Support Team](#) (“Peer Support SOP”) or [General Order Number 11.01.01 Chaplaincy Program](#) (“Chaplaincy GO”), the applicable Peer Support SOP or Chaplaincy GO shall control.

4. **ATTEMPTED OR CONSPIRED ACTS OF MISCONDUCT** – Any member, who by any knowledge, acts or conducts, attempts to violate or conspires with any person(s) to violate a Department policy or directive is subject to the same corrective or disciplinary measures as though they actually committed the same violation.
5. **OTHER ACTS OF MISCONDUCT** – Members should realize that some acts of misconduct may not be specifically governed by a written directive or policy and could merit corrective or disciplinary measures. In addition, some circumstances may justly require actions that violate a written directive or policy and under these circumstances, corrective or disciplinary measures may not be administered. Determination of potential violations will be based on whether a reasonable person would violate the policies in the given situation.
6. **CONSIDERATION** –
 - a. Members shall be courteous to all individuals.
 - b. Members shall perform their duties with tact, control their temper, and exercise patience and discretion.
 - c. Members should not use coarse, violent, profane, or insolent language or gestures in public hearing or view.
 - d. Members shall protect the rights of individuals and not show bias, discrimination, favoritism, or oppression against anyone.

- e. Members shall not act in a manner that impairs the operations or functions of the Department.
 - f. Members shall not exhibit behavior that discredits the Department or another member, while on-duty and off-duty.
 - g. Members shall act in such manner to merit the voluntary commendation of the public, while on-duty and off-duty.
 - h. Members shall not use their official position, identification, badge, etc., for their or another person's personal or financial gain or privilege (this does not preclude officers from working authorized extra jobs). The Department realizes that some businesses will offer financial discounts or privileges to uniformed service members. Acceptance of nominal discounts for meals or beverages may be accepted only as is reasonable and prudent, and in compliance with the core values of the Police Department. Excessive discounts or privileges such as a free tire for a personal vehicle shall not be accepted under any circumstances. Businesses that insist on nominal discounts or privileges and refuse normal payment for meals shall not be frequented by members in excess.
7. **ASSISTANCE TO NON-MEMBERS** – On-duty members shall respond to a non-member's reasonable request for assistance by obtaining all pertinent information and taking appropriate action. Appropriate action may include referral to another division or personnel, outside agency, or organization.
8. **ASSISTANCE TO MEMBERS** – Members shall take appropriate police action toward aiding another member exposed to danger or in a situation where danger is apparently imminent. Members shall maintain good working relations and cooperation with other members to promote efficient Departmental operations.
9. **RETENTION OF COMPETENCY** – Members shall maintain sufficient competency as established by their job positions or assignments to properly perform their duties and assume the responsibilities of their job positions or assignments. Duties and tasks shall be performed in an efficient and competent manner.
10. **PHYSICAL AND MENTAL FITNESS** – Each member shall continually remain in such physical and mental condition as to be capable of rendering safe and efficient service to the City and performance of the duties and essential functions assigned to the member.
11. **DETERMINATION OF PHYSICAL OR MENTAL FITNESS** – Each member shall be required to submit to a psychological or physical examination in accordance with [GO 4.13.01 Fit For Duty Medical and Psychological Exams](#).
12. **TRUTHFULNESS** - Members shall be truthful at all times while conducting police business, both with verbal and written communication. The willful omission of known facts constitutes untruthfulness. The only exceptions to this guideline are members working to lawfully enhance the progress of an investigation. Members found to be untruthful through investigation shall be subject to Brady disclosure to the courts if their untruthfulness constitutes exculpatory or impeachment evidence.
13. **RETALIATION** – Retaliatory actions against members who make good faith complaints or disclosures of misconduct against another member and public safety associates are forbidden.

Such acts will form the basis for charges of misconduct, resulting in serious disciplinary action. Any complaint of retaliatory conduct may be submitted to the complaining member's supervisor, the next higher rank if the supervisor is named in the complaint, or directly to Professional Standards Division.

V. GENERAL DUTY TO REPORT

1. **ATTENDANCE** – Members shall report for duty fully prepared, and mentally and physically fit to perform their duties. This includes: duty assignments, overtime, call-outs, court, training, or any other times and places specified by a supervisor or subpoena. It is understood that there are occasionally extenuating circumstances and those will be handled on a case-by-case basis at the discretion of the supervisor and in accordance with this Policy.
 - a. **DUTY ASSIGNMENTS** – A member that is unable to report for duty on time shall notify a supervisor prior (minimum one hour prior to report time) to the time they are expected to arrive. A member who is unable to report to duty shall first attempt to notify their immediate supervisor, but if unsuccessful, shall notify an on-duty supervisor to inform the member's supervisor. Members that know they will be absent or tardy should attempt to give ample notification to their supervisor so said supervisors can prepare for the personnel shortage. Members shall not be absent without proper authorization.
 - b. **COURT** – Officers are required to check for administrative subpoenas as well as subpoenas from municipal, county, and district courts on a regular basis. Officers shall notify the courts in a timely manner if they have any planned or unexpected unavailability. A member that is unable to report for court on time shall notify both an on-duty supervisor and applicable court personnel, prior to the time the member is expected to arrive.
 - c. **ILLNESS/INJURY** – Members shall not feign injury or illness to avoid duty or work. Members that are on sick leave and/or are under a physician's care are required to notify their supervisor when their physical capability to work their normal job position or assignment has changed. Said status regarding physical capability includes a disabled condition or a return to normal condition. Notification to their supervisor shall be accomplished as soon as possible. Members shall be required to present written notice from their physician concerning a change of their physical condition with regard to their job position or assignment. In addition, a supervisor may require satisfactory proof of illness or injury at any time a member is absent for said causes. Satisfactory proof may include written notice from a physician acknowledging treatment. Said written notice shall be forwarded to the member's supervisor upon the first date the member returns to duty.
 - d. **EMERGENCY CALL BACK** – Upon receiving information (i.e., direct verbal, electronic, or written notification, or via media, etc.) that a natural disaster, mass disorder, or other serious emergency situation has occurred in Cedar Park, off-duty officers and

telecommunicators shall either report for duty or contact the Department to ascertain if they are needed.

2. **ALERTNESS ON DUTY** – On-duty members shall remain alert and shall not engage in activity that distracts them from their duties such as sleeping, loafing, recreational reading, personal business, etc. A member that is having difficulty remaining awake shall immediately report same to their supervisor.
3. **REFUSAL TO WORK** – No member shall engage in any strike, work stoppage, slow down, or in any manner refuse to fulfill their responsibilities with the Department.
4. **ATTENTION TO DUTY** – As most law enforcement work is necessarily performed without close supervision, the responsibility for the proper performance of a member's duty lies primarily with the member themselves. Members shall discharge that responsibility by the faithful and diligent performance of their assigned duty. Anything less violates the trust placed in them by the people, and nothing less qualifies as professional conduct.
 - a. Members shall submit required reports, records, documents, etc., on time and within the established procedures.
 - b. Members shall ensure that facts presented are accurate, neutral, and impartial to their effect on any party involved.
5. **REMITTANCE OF IDENTIFICATION** – On-duty members, members performing law enforcement tasks, and members in uniform shall politely furnish their name, employee number, or official agency identification (including photo) to any person requesting such information in person or by phone. Exceptions shall apply in very limited circumstances such as an officer working in an undercover capacity.
6. **TELEPHONE AND ADDRESS** – All members shall have a working telephone and are required to provide their phone number and residential address to the administrative assistant, the communications staff manager, and Human Resources. Members shall report a change of their phone number and residential address to the same persons within twenty-four (24) hours of the change. Release of members' personal phone numbers and addresses is strictly prohibited to non-members unless authorized by the individual member or the Chief of Police or designee. "Personal" phone numbers, for the purposes of this Policy, shall include residential, cellular (including Department issued), and other non-Departmental business numbers (i.e., officers' extra job phone numbers).
7. **NEGLECT/DERELICTION OF DUTY** – On-duty members shall not engage in any activity that obviously distracts them from the discharge of their duties or assignments. Members shall perform their required or expected duties and assume their responsibilities as established by their job positions or assignments under all applicable circumstances.
 - a. While a member is on-duty, or is in a capacity to be readily identifiable as a member of this Department, members shall not loiter in any cafeterias, restaurants, or other public places, except for the purpose of police business. Loitering does not define nor include the act of an official break or rest period. Persons other than those transacting police business shall not be permitted to loiter in or about the police building.

- b. Derelictions of duty on the part of a member of the Department, prejudicial to proper performance of the functions of the Department, are causes for disciplinary action. Punishment will be according to the degree of the offense, the results brought about by the dereliction, and the effect it has upon discipline, good order, and the best interest of the Department.
- 8. **INTOXICATION WHILE ON DUTY** – Members are held to the standards set forth in City Human Resources Policy regarding Drug and Alcohol Free Workplace.
 - a. If use of alcohol is necessary in the performance of a police duty (i.e., undercover assignment), it shall be approved only under the specific direction of the supervisor.
- 9. **CIVIL SUITS/CASES** – The following guidelines apply:
 - a. Members that are subpoenaed for a civil case or are notified of a lawsuit against them shall notify their chain of command as soon as possible. This pertains to incidents that are police related (i.e., a civil subpoena for a vehicle accident that an officer investigated, etc.) or incidents where a member was employed off-duty for security or police purposes (i.e., extra job where the officer is being sued for an arrest, etc.).
 - b. Members shall not volunteer as a witness in any case unless legally subpoenaed to do so or with permission of the Chief of Police.
 - c. Members who are initiating any civil lawsuit or action or who are named in any civil lawsuit or action arising from their scope of duties or employment are to notify a command staff member through their chain of command immediately. The informed command staff member shall report same to the Chief of Police.
 - d. The Chief of Police shall ensure, when notified, that members who have been named in lawsuits are notified of this fact.
- 10. **REQUIRED NOTICE OF FILED CHARGES** – In the event a member is arrested, indicted, or otherwise charged with an offense other than a class C traffic misdemeanor, said member shall be required to notify a command staff member through their chain of command immediately. The informed command staff member shall report same to the Chief of Police.

VI. OFF-DUTY CONDUCT

- 1. **INTOXICATION** – Members shall not consume alcoholic beverages or other intoxicants while in a paid on-call status.
- 2. **OFF-DUTY ENFORCEMENT** – For the purpose of this rule "off-duty" shall mean not working a scheduled shift, assigned duty, or extra employment. Officers that are off-duty are expected to use good judgment when confronted with an offense. Off-duty officers shall use the utmost discretion in making a decision whether to render assistance under dangerous or potentially dangerous circumstances. Off-duty officers should consider whether they can take control or benefit the public under the existing circumstances.
 - a. Many offenses such as class C traffic violations and most class C misdemeanors would not require an off-duty officer to intervene.

- b. Some exceptions would apply such as when an off-duty officer is employed for extra-duty employment, or an off-duty officer observes a breach of the peace or threatened injury to the person or property of another that warrants immediate intervention (i.e., an intoxicated person threatening to assault another person, etc.).
- 3. **ENFORCEMENT WHILE INTOXICATED** – Off-duty sworn members shall not perform law enforcement duties while under the influence of any intoxicating substance except under the following conditions:
 - a. To protect the sworn member's personal property or from what is reasonably believed to be an immediate threat of death or bodily injury.
 - b. To protect another person from what is reasonably believed to be an immediate threat of death or bodily injury.

VII. DEPARTMENTAL REPRESENTATION

- 1. **ELECTRONIC-PRINT MEDIUM** –
 - a. Members shall not authorize the use of their names, photographs, likenesses, or official titles, which identifies them as employees, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police or designee.
 - b. Members shall not place or allow photographs or depictions of themselves dressed in uniform, and/or displaying official identification, Department logos and badges, on social media or other internet sites in a manner that is detrimental to the mission and functions of the Department.
 - c. Members shall not distribute or publish images or recordings that depict police operations or investigations without the prior authorization of the Chief of Police or designee.
 - d. Members shall not distribute sensitive information outside the Department (including social media posts) regarding any critical incidents or officer involved shootings so as to harm the reputation of the Department, the officers involved, the ongoing investigation, or to notify an officer's family of an incident that they have not been officially notified of.
- 2. **ISSUES OF PUBLIC CONCERN** – Members are permitted to speak as citizens on matters of public concern, so long as statements do not tend to impede the operation of the Department by impairing its efficiency, interfering with the ability of supervisors to maintain discipline, or resulting in a detrimental effect on working relationships within the department. This includes speech via postings, blogging, or any other format of public or social networking site through a member's personal account. Members shall also comply with the City's Social Media Policy. Constructive criticism is encouraged, and should be forwarded through the chain of command.
- 3. **INTERFERENCE WITH CRIMINAL CASES** – Members shall not interfere in any manner with any citation, arrest, investigation, or prosecution. The review of enforcement actions or an investigation is a duty and basic responsibility of a supervisor or command staff member and is

not considered "interference." "Interference" shall include, but not be limited to, a member informing his relative, friend, associate, etc., that an arrest or investigation is pending.

- a. If a member observes an arrest, investigation, or prosecution that is unlawful, then the member shall be expected to rectify the matter to the best of their ability or authority in addition to reporting the incident immediately to an appropriate supervisor. This supervisor shall report the violation or matter through the chain of command to the Chief of Police. No member shall file or attempt to file any charges without a review process and authorization by supervisory staff.
4. **USE OF TOBACCO** – On-duty members and members in uniform shall not use tobacco products (smoking and chewing) or electronic cigarettes (vaping) in the immediate presence of a non-member. This includes an officer issuing a citation, taking a report, transporting a prisoner, etc. Some exceptions to this rule would apply such as an officer working an undercover assignment or an officer in a designated smoking area of a public establishment while not performing a law enforcement task (i.e., meal break at a restaurant). The use of tobacco products (smoking and chewing) and electronic cigarettes (vaping) is prohibited in all City buildings as well as any vehicles belonging to or utilized by the Cedar Park Police Department.
5. **RESTRICTED DUTY ASSIGNMENTS** – Members with physical injuries or ailments may request to be assigned temporary duty assignments. In addition, the Chief of Police may assign a member to a restricted duty assignment if the Chief has reason to believe a member's physical or mental condition is not capable to the degree necessary to perform the duties and tasks as established by the member's job position or assignment. Restricted duty assignments shall be temporary, as determined by the Chief of Police or designee. Restricted duty assignments shall be delegated on the basis of availability at the time a member is disabled, and the physical condition of the member. If restricted duty assignments are not available, as determined by the Chief of Police, then a member shall not be assigned to one. In addition, members will adhere to City of Cedar Park Human Resource Policy on returning to work.
6. **MEDIA STATEMENTS AND APPEARANCES** – With regards to statements to the media concerning police matters, members shall abide by the City Media Policy and as authorized by the Chief of Police. The City Media Policy is accessible through the City intranet. Members shall not act as an official spokesperson for the Department to the public (i.e., school or civic club presentations, etc.) unless authorized by a member of the command staff.
7. **PUBLIC STATEMENTS AND APPEARANCES** – Except when authorized by the Chief of Police or designee, members shall not permit or authorize the use of their name, photograph, Department logo, or position, which identifies them as a member, for testimonials, public display or advertisements of any commodity or commercial enterprise.
8. **RESTITUTION AND LIABILITY** – Officers and members are to avoid making comments or statements to citizens as to whether or not the City will make restitution for personal injury or property damage suffered. Citizens who want information about how to initiate a claim against the City of Cedar Park or the City's responsibilities to them are to be directed to the City of Cedar Park Risk Manager. Members of the Police Department shall not make any oral or written

statements to anyone concerning liability in connection with the operation of police vehicles or performance of other police duty.

VIII. PERSONAL CONDUCT

1. **PROHIBITED PLACES** – Members, except in the discharge of official business, shall not knowingly enter in or associate with an establishment where federal or state laws are violated. Examples include, but are not limited to: gambling establishments, prostitution establishments, or premises where illegal narcotics are distributed or present, etc.
2. **GAMBLING** – On-duty members and members in uniform shall not engage in any form of gambling or monetary bets except when authorized under official business. Said gambling or bets shall include, but not be limited to: lotteries, bingo, football pools, etc.
3. **FINANCIAL OBLIGATION/PAYMENT OF DEBTS** – Members should avoid incurring financial obligations which are beyond their ability to reasonably satisfy. All personnel of the Department shall promptly pay their legal debt. Failure to do so may subject the member to Department action, including counseling, corrective, or disciplinary actions, if the indebtedness interferes with duty or Departmental function, or if such indebtedness brings discredit upon the member or Department.
4. **FRATERNIZATION PROHIBITED** – Except for official police duties, no member of the Department shall knowingly associate with persons of known immoral character, convicted felons, or other persons who habitually commit violations of the law, other than traffic-related Class C misdemeanor offenses. This does not exclude a member from associating with immediate members of their family if they fall within the aforementioned category. In addition, no member shall establish a social or intimate relationship with a known victim, witness, suspect, or defendant of any Cedar Park case while such case is being investigated or prosecuted as a result of such investigation. Members shall not associate socially with, or fraternize with, the immediate family members of any person in the custody of the department or presently under investigation.
5. **DISPUTES/ARRESTS/INVESTIGATIONS WHERE PERSONALLY INVOLVED** – Members shall not intentionally become involved in neighborhood quarrels, disputes, arrests or investigations in which they have a personal interest (either directly or indirectly through friends, family or associates) on or off duty. When becoming aware of a situation in which the member may be personally connected, on duty, the member shall notify their immediate supervisor. Additionally:
 - a. On-duty, officers shall notify communications (to request the response of additional officers) and take action only when necessary to ensure the safety of everyone involved.
 - b. Off-duty, officers shall contact communications to request another officer and take only that action necessary to ensure the safety of everyone involved. If arrest is necessary, whether on or off duty, members will make every effort to await the arrival of other officer(s) to make that arrest, unless it is unsafe to do so.

- c. Whether on or off duty, members shall not investigate cases or become involved in the investigation of cases, in which they are personally involved except as required by the lead investigator.
 - d. Members shall not establish any social relationship with a known victim, witness, suspect or defendant during the time a case is being investigated or prosecuted which could jeopardize the prosecution or discredit the department.
6. **POSTING BONDS FOR CRIMINAL CHARGES** – No member shall post bond in any manner for a defendant of criminal charges filed by any member of the Department without authorization from the Chief of Police, except that a member may post bond on behalf of their immediate family.