



**CEDAR PARK POLICE DEPARTMENT
GENERAL ORDER**

Duty to Obey Lawful Order

NUMBER: 1.08.01

EFFECTIVE: 09-01-2011

APPROVED: *Mue Han*
Chief of Police

I. POLICY

It is the policy of this department that all members of the Cedar Park Police Department shall obey lawful orders and properly notify their chain of command if they are given conflicting or unlawful orders.

II. PURPOSE

The purpose of this policy is to set forth standards that require personnel to obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank, and to provide procedures if members are given conflicting or unlawful orders.

III. PROCEDURE

SUPERVISOR AND OTHER GOVERNING DIRECTION

SUPERVISOR AUTHORITY – Supervisors may issue direct orders to subordinates where immediate action or intervention is necessary in order to avoid adverse impact upon the department or community. Supervisory authority applies regardless of bureau, division, shift, or unit. Employees shall comply with verbal or written orders or directives issued by a higher-ranking supervisor, even if that supervisor is from outside the employee's normal chain of command.

SUPERVISOR DIRECTION – Supervisors are responsible for the proper execution of every order or directive which they issue or which is issued by any supervisor in the department that affects the members under his chain of command.

Supervisors should strive to create and maintain a high degree of morale among members. Supervisors shall constantly evaluate the quality and quantity of their subordinates' performance, and conduct training when needed. They shall be fair and impartial in evaluating the performance and progress of their subordinates. Supervisors shall have knowledge of their subordinates' progress and shall assist them by counsel, advice, and direction. They shall give particular attention to new members and fully inform them of their duties, and the applicable directives and procedures of the department. Supervisors shall familiarize themselves with their subordinates' capabilities, knowledge, efficiency, and interest of police work.

Supervisors shall inspire confidence and industriousness by use of tact in giving orders and directives and in constructively correcting mistakes. They should test subordinates' understanding of instructions with care, in order that subordinates fully understand their directions.

Supervisors shall be responsible for the development of positive attitudes within their subordinates. They shall by action, manner and attitude, promote understanding of all applicable departmental directives and procedures. Supervisors shall display positive attitudes in dealing with and serving the public.

OBEDIENCE - All members, regardless of rank or position, shall be governed by the City of Cedar Park directives and ordinances, departmental directives, state laws, federal laws and all laws of local jurisdictions. Violation of any such law, directive, or rule by any member shall be considered sufficient cause for dismissal, demotion, suspension, or other corrective action in accordance with departmental procedure.

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 Officer as soon as possible. The informed Command Staff Officer shall report same to the Chief of Police.

LAWFUL ORDERS - Members shall promptly and to the best of their ability obey all lawful orders and directives given by supervisors, including orders issued by a supervisor but relayed to the member by a member of equal or lesser rank. The failure or deliberate refusal of members to obey such orders shall be prohibited and deemed insubordination. Displaying obvious disrespect or flagrantly disputing a lawful order or directive shall also be deemed insubordination.

ISSUANCE OF UNLAWFUL ORDERS - No member of the department shall knowingly or willfully issue an order or directive that violates the City of Cedar Park directives and ordinances, departmental directives, state laws, federal laws, or all laws of local jurisdictions.

OBEDIENCE TO UNJUST OR IMPROPER ORDERS - If a member receives an order or directive from a supervisor that he believes is unjust or contrary to either the City of Cedar Park directives or departmental directives, he shall immediately inform the supervisor who issued the order or directive. If the supervisor fails to retract or alter the order or directive, then the subordinate shall obey the order or directive to the best of his ability and then may file an appeal or complaint to the order or directive through the chain of command. Said appeals or complaints shall be completed in writing outlining the circumstances and forwarded to the supervisor's supervisor within three (3) days.

OBEDIENCE TO UNLAWFUL ORDERS - No member shall obey an order or directive from a supervisor that is contrary to local, state, or federal laws. If a member receives an order or directive that is unlawful, he shall immediately inform the supervisor who issued the order or directive that he believes the order or directive is unlawful. If the supervisor fails to retract his order or directive, the member shall report in writing the full facts of the incident and his actions taken, to the chief of police, through the chain of command.

CONFLICTING ORDERS - A member that receives a proper and lawful order or directive from a supervisor that conflicts with a previous order or directive shall respectfully inform the supervisor who issued the second order or directive of the conflict. If the supervisor does not alter or retract the conflicting order or directive, the second or last order or directive shall stand. The member shall obey the order or directive to the best of his ability and then may appeal the order or directive through the chain of command. The supervisor issuing the second or last order shall have responsibility for any consequences of the conflicting order or directive. Supervisors shall countermand orders or directives only when necessary for the good of the department.