
	Administrative General Order	17 Officer Conduct	PAGE 1 OF 13
	City of Charleston Police Department Policy and Procedure Manual		EFFECTIVE DATE: 02/01/08
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BY THE AUTHORITY OF THE CHIEF OF POLICE:			

17.1 OATH OF OFFICE (CALEA 26.1.1)

All sworn Charleston Police Department Personnel will take and abide by the oath of office as follows, prior to assuming sworn status: "I _____, do solemnly swear that I will support and comply with the Constitution of the United States of America; the Constitution and laws of the State of South Carolina, the charter laws and ordinances of the City of Charleston; the rules and regulations of the Charleston Police Department; and the Law Enforcement Code of Ethics; and that I will faithfully discharge my duties as a police officer to the best of my ability."

17.2 STANDARD OF CONDUCT (CALEA 26.1.1)

All personnel are responsible for exemplifying the organizational values in the performance of their duties. All personnel are subject to the rules of the Charleston Police Department as delineated in policy. The requirements in this General Order are in addition to those found in the City's employee handbook and applicable to all personnel of the Charleston Police Department. The following Law Enforcement Code of Ethics is adopted as a general standard of conduct for officers of the Charleston Police Department. At least biennially, Professional Development and Training will conduct ethics training for all employees of the agency.

17.3 LAW ENFORCEMENT CODE OF ETHICS (CALEA 1.1.2, 26.1.1)

"As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities. I recognize the badge of my office as a symbol of public faith and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement."

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17.4 LAW ENFORCEMENT OATH OF HONOR (CALEA 26.1.1)

“The Law Enforcement Oath of Honor”, developed by the International Association of Chiefs of Police, Committee on Police Ethics, “On my honor, I will never betray my badge, my integrity, my character or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution, my community and the agency I serve.”

17.5 LOYALTY

In the performance of their duty to serve society, officers are often called upon to make difficult decisions. They must exercise discretion in situations where their rights and liabilities and those of the department hinge upon their conduct and judgment. Officers’ decisions are not easily made and occasionally they may involve a choice which may cause them hardship or discomfort. Officers must be faithful to their oath of office, the principles of professional police service, and the objectives of the Department, and in the discharge of their duty he/she must not allow personal motives to govern their decisions and conduct.

17.6 CONDUCT UNBECOMING AN OFFICER

Police officers are the most conspicuous representative of government, and to the majority of the people they are a symbol of stability and authority upon whom they can rely. Officers’ conduct is closely scrutinized, and when their actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other forms of public service. Since the conduct of officers, on or off-duty, may reflect directly upon the Department, officers must at all times conduct themselves in a manner which does not bring discredit to themselves, the Department, or the City. Conduct unbecoming is any conduct, on- or off- duty that adversely affects the morale, operations or efficiency of the department or any conduct that adversely affects, lowers or destroys public respect and confidence in the department or the employee. Conduct unbecoming also includes any conduct that brings the department into disrepute, or brings discredit upon the office, employee or department.

17.7 RESPECT FOR CONSTITUTIONAL RIGHTS

No person has a constitutional right to violate the law; neither may any person be deprived of their constitutional rights merely because they are suspected of having committed a crime. The task of determining the constitutionality of a statute lies with a court of proper jurisdiction, not with an officer who seeks to properly enforce the law, as it exists. Therefore, an officer may enforce any federal, state, or local statute that is valid on its face without fear of abrogating the constitutional rights of the person violating that statute. Officers who lawfully act within the scope of their authority do not deprive persons of their civil liberties. They may, within the scope of their authority, make reasonable inquiries, conduct investigations, and arrest on probable cause. However, when officers exceed their authority by unreasonable conduct, they violate the sanctity of the law that they have sworn to uphold.

It is the responsibility of the Charleston Police Department to perform its public duties in a manner that does not violate the civil rights of any individual. This is especially an important responsibility as it relates to freedom of speech, freedom of religion, and freedom of the press as outlined in both the United States Constitution and the Constitution of the State of South Carolina. In that regard, it is the policy of the Department to make no arrests of anyone who is distributing literature about, speaking of, or preaching any religious or political doctrine of any kind unless the Department has in its possession an arrest warrant for the person arrested or conducts an arrest at the scene upon the advice of an attorney who is also present at the actual scene at the time that the arrest is made. It is much better to seek a legal remedy after the subject of interest has

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completed their speech event than to intervene while the speech event is in progress. Prior restraint is to be utilized only in a very unusual circumstance and, even then, only after consultation with an attorney who is present at the scene. It is the intention of this policy to allow absolutely the greatest tolerance for political or religious expression as exercised by a citizen. If an error is made, that error should be made by not acting to restrain a person's speech rather than acting to restrain any speech.

17.8 DUTY TO INTERVENE

Though many officers may be at the scene of a police incident where force is being used, some officers may not be directly involved in taking police action. As officers, we have an obligation to protect the public and other officers. Therefore, it shall be the duty of every officer present at any scene where force is being applied to either stop or attempt to stop another officer when force is inappropriately used and/or no longer required. Your actions will both protect the officer from civil or criminal liability and protect the citizen from serious injury.

17.9 INTEGRITY

The public demands that the integrity of its law enforcement officers be above reproach, and the dishonesty of a single officer may impair public confidence and cast suspicion upon the entire department. Succumbing to even minor temptation can be the genesis of a malignancy that may ultimately destroy an individual's effectiveness and may contribute to the corruption of others. Officers must scrupulously avoid any conduct that might compromise the integrity of themselves, their fellow officers, or the Department.

17.10 COURTESY

Effective law enforcement depends on a high degree of cooperation between the Department and the public it serves. The practice of courtesy in all public contacts encourages understanding and appreciation; discourtesy breeds contempt and resistance. The majority of the public are law-abiding citizens who rightfully expect fair and courteous treatment by Department employees. While the urgency of a situation may preclude the ordinary social amenities, discourtesy under any circumstance is indefensible. The practice of courtesy is entirely consistent with the firmness and impartiality that characterizes a professional police officer.

Therefore, officers will be courteous to the public and other members of the Department. Officers will be tactful in the performance of their duties, must control their tempers and exercise the utmost patience and discretion, and will not engage in argumentative discussions, even in the face of extreme provocation. In the performance of their duties, officers will not use unnecessarily abusive language or gestures and will not express any prejudice concerning race, religion, politics, national origin, lifestyle or any similar personal characteristics.

17.11 FALSE INFORMATION ON RECORDS

Officers will not alter, forge, or tamper with any police record, report, citation, or other Department document. They will also not make any false official reports or knowingly or willingly enter or cause to be entered into any Department book, record, or report any inaccurate, false, or improper police information.

17.12 ATTENTION TO DUTY

As most police work is necessarily performed without close supervision, the responsibility for the proper performance of an officer's duty lies primarily with the officers themselves. Officers carry with them a responsibility for the safety of the community and for the safety of their fellow officers. They 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.

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17.13 CONDUCT WHILE WEARING UNIFORM OFF-DUTY

Officers in uniform while off-duty will conduct themselves as though they were on-duty.

17.14 POLICE ACTION WHILE OFF-DUTY (CALEA 22.3.4 b, d)

Officers will act in their official capacity while off-duty if they become aware of an incident that requires police action and time is of the essence to safeguard life or property. While off-duty or performing off-regular-duty police service, an officer who takes police action as a result of a violation of a law will be considered to be in an on-duty status.

1. In the event an off-duty officer becomes aware of an incident, which requires police action and life, or property is not endangered, the officer will report the incident to the appropriate police agency;
2. Regardless of duty status, officers will not utilize vehicles that are not equipped with audible and visual emergency signaling devices to pursue law violators;
3. Police Reserve Officers do not have police authority when in an off-duty status;
4. When practical and not detrimental to the safety of officers or others, off-duty and off-regular-duty officers are required to notify the Charleston County Consolidated Dispatch Center prior to taking any police action.

17.15 KNOWLEDGE OF THE CITY

Officers will familiarize themselves with the geography of the City of Charleston including routes of public transportation, location of schools, highways, public buildings, hospitals, and other aspects of the City.

17.16 LEAVING THE CITY WHILE ON-DUTY

While on-duty, an officer will not leave the City of Charleston city limits without authorization of a superior except in the immediate pursuit of a person to be arrested or cited.

17.17 RECALL AND EMERGENCY STAND-BY

When off-duty, officers may be subject to recall to duty as needed. They will also be subject to emergency stand-by as deemed necessary.

Any Charleston Police Officer or employee, while in an off-duty, annual leave, school status, or any other assignment away from the Department, who learns of any crisis, disaster, or general emergency which affects the City of Charleston, will immediately contact their commanding officer or the senior officer on duty at the Police Department in order to receive instructions as to reporting for duty.

17.18 RELIEF

Except in an emergency, an officer will not leave a post or assignment without having been properly relieved. In circumstances in which a post or assignment has been left, the officer will notify their supervisor as soon as possible.

17.19 KNOWLEDGE OF AND COMPLIANCE WITH LAWS AND RULES (CALEA 12.2.1 g)

Officers will be required to acquire and maintain a working knowledge of and obey all laws of the State of South Carolina, the laws and ordinances of the City of Charleston, and the orders, procedures, and policies of the Police Department whether they are in an on-duty or off-duty status.

17.20 OBEYING PROCEDURES MANUAL

All officers are required to strictly comply with and obey all procedures as they are delineated in the procedures manual. Further, they will be required to be aware of any changes made in the procedures manual, and abide by those changes.

17.21 STATEMENTS CONCERNING LIABILITY

Officers will not make any oral or written statements to anyone concerning liability in connection with the operation of police

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vehicles, equipment, or the performance of other police duty without the authorization from the Chief of Police.

17.22 PRESS RELATIONS (CALEA 54.1.3)

Officers will extend cooperation to members of the news media, consistent with Department policy, provided the investigation or prosecution of a police case is not jeopardized. In interacting with the media or other aspects of public information, officers will comply with all applicable General Orders and other rules including, but not limited to General Order 74 (Public Information).

17.23 REPORTING CRIMINAL ACTIVITY

Officers will report all felonies and serious misdemeanors regardless of whether the incident occurred in Charleston or elsewhere. Such report will be made to the commanding officer or to the proper police authority, when practical.

1. Information that any premises or part thereof is being used in violation of the law or is the residence of persons known to engage in unlawful activity will be reported to a superior officer.
2. Information regarding the investigation of a police case that would be of value and interest to an agency conducting the investigation should be made known to the agency and to the officer's superior.

17.24 ARRESTS IN PRIVATE MATTERS AND NEIGHBORHOOD DISPUTES

Officers will not make arrests in their own private arguments or in those of their family. Neither will officers attempt to conduct investigations concerning matters affecting their families. Initial action designed to protect life, prevent injury or protect property may be taken but should be referred to an appropriate police agency as soon as possible.

1. Officers will not become involved in neighborhood disputes in an official capacity. Such disputes will be handled by disinterested persons.

17.25 READING DAILY BULLETINS AND OTHER PUBLICATIONS

Upon reporting for duty, officers and employees will read the daily bulletin and any messages in their information boxes. They will also read all Department orders and other official publications upon distribution or posting.

17.26 FORWARDING OFFICIAL COMMUNICATIONS

Officers who receive official communications directed to another will forward such communication without delay. A supervisor who receives a written communication from a subordinate directed to higher authority will indicate whether the supervisor approves or disapproves of the communication and will make a notation on the communication, acknowledging its contents, if applicable. The supervisor will then forward the communication to the next link in the chain of command.

17.27 TELEPHONE REQUIRED

All sworn employees, police dispatchers, cadets, safety service personnel, and animal control officers are required to obtain and maintain an operable telephone during the course of their employment.

17.28 ADDRESS AND TELEPHONE CHANGES

Officers and employees will inform the proper person of any address or telephone changes they may have so the necessary personnel records can be changed accordingly.

17.29 CONVENTIONS AND PUBLICATIONS

The approval of the Chief of Police will be necessary prior to an officer attending any convention, meeting, or school that occurs during duty hours.

Officers will inform the Chief of Police prior to the publication of any written document written by or about an officer, where the author's standing as an officer or other member of the Department is depicted.

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17.30 DIVULGING INFORMATION

Officers will not divulge any information pertaining to official business of the Department to any unauthorized person. An unauthorized person is a person who is not a law enforcement officer, prosecutor, grand jury official, mayor, or any other person who does not have a legitimate legal reason or right to obtain the information.

17.31 USE OF DEPARTMENT REPORTS, RECORDS AND COMMUNICATIONS

No written communication with reference to police business will be made by a police officer or civilian employee except upon the authority of a properly designated superior officer. Copies of such communications will be filed within the Department.

1. No department record will be removed from any building or office without the written permission of the Chief of Police, nor will any department record be copied for any purpose without the permission of the Chief of Police.

17.32 UNAUTHORIZED INVESTIGATIONS

No investigation of a law enforcement officer, state attorney, city, county or municipal elected official, or chief executive will be made without the knowledge of the Chief of Police. Under no circumstances will a Charleston police officer or employee be investigated for apparent or real violations of the criminal law without knowledge of the Chief of Police. There will be no surreptitious recording(s) of conversation of any type among employees of the Charleston Police Department. Such tape recordings, or the threat of such tape recordings, undermines the necessity for confidentiality necessary in a law enforcement environment and stifles open dialogue among employees. Personnel found to engage in covert or surreptitious tape recording of conversations of any type may be disciplined or up to and including discharge.

17.33 ALLEGED CRIMINAL CONDUCT BY AN EMPLOYEE

In the event that an employee of the Charleston Police Department is involved in alleged criminal conduct on their part, it will be the duty of the appropriate Department member to maintain liaison with the solicitor's office until such matter is resolved. This is intended to help protect the integrity of the Police Department. This liaison may include legal advice from the prosecutor and assistance in case preparation.

17.34 ESTABLISHING ELEMENTS OF VIOLATION

Existence of facts establishing a violation of a law, ordinance or rule is all that is necessary to support any allegation of such as basis for a charge under this section. It is not necessary that a formal complaint be filed or sustained. Nothing in this policy prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear herein, in departmental orders, or in laws or ordinances within the cognizance of the Department.

17.35 EMPLOYEE MAY BE RELIEVED FROM DUTY (CALEA 26.1.4 c, 26.1.5, 26.1.6)

A Police Department employee may be relieved from duty by any employee having supervisory responsibility for, or exercising supervisory authority over the employee when, in the discretion of the supervisory employee, the employee is unfit for duty. Situations in which this might be appropriate include the employee's physical or psychological impairment, or actions pending relating to spousal or other physical abuse, use of profanity, unlawful harassment or discrimination, conduct involving the pointing or use of firearms, criminal conduct, or any other act or omission which the supervising employee feels compromises the safety of any party or interferes with the Department's efficient operation.

Administrative Command Reviews relating to employee conduct or performance may be held by Lieutenants, Captains, Majors, Deputy Chiefs or the Chief of Police. Only the Chief of Police may terminate an employee. Lieutenants may suspend employees for a period of time not to exceed ten (10) days. Captains may suspend employees for a period of time not to exceed fifteen (15) days. Majors and Deputy Chiefs may suspend employees for a period of time not to exceed thirty (30) days.

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Sergeants and below may not hold administrative review meetings or give an employee days off for corrective action. However, the employees' immediate supervisor may be requested to meet with the Command Review officer prior to the administrative review meeting to furnish any appropriate background information on the employee. The corrective action relieving an employee from duty may be a temporary administrative leave or a suspension with or without pay, and in all cases will be subject to review by appealing directly to the Chief of Police or designee.

Failure or refusal of the employee being relieved from duty to fully cooperate with the supervisory employee will be grounds for corrective action under General Order: Obedience to Orders.

17.36 INVESTIGATIVE RESPONSIBILITY

It is not possible to list all conduct or omissions that might lead to corrective actions or even discharge; however, a list of some of the more obvious examples of unacceptable behaviors is provided below (review Section 4 of the Administrative Investigations Field Guide for additional information). Whether any particular conduct is acceptable will be determined at the Department's sole discretion on a case-by-case basis.

1. Failure or inability to properly perform the duties and responsibilities required by the position in which employed;
2. Insubordination toward a superior or other offensive conduct toward the public, superiors or other employees;
3. Violation of attendance requirements or leave privileges; including but not limited to:
 - a. excessive absenteeism;
 - b. excessive tardiness;
 - c. inexcusable absence without leave or failure to report to work after leave has expired;
 - d. abuse of sick leave;
 - e. falsification of a time record or failure to report an absence from duty.
4. Conviction of a felony or first-degree misdemeanor involving moral turpitude or directly related to the position occupied;
5. Falsification of any application or record of employment;
6. Misappropriation of City funds or abuse or theft of City property;
7. Commission of any fraudulent act which prevents the impartial execution of any Charleston Police Department Rule or Regulation;
8. Use of or being under the influence of intoxicants or unlawful drugs while on the job or any violation of the City's substance abuse policies;
9. Violation of any provision found in these Rules and Regulations or in the City's handbook and code of conduct.

Nothing contained in any of these rules will interfere with the right and duty of the Mayor, Chief of Police, or any citizen to request an investigative process on any grounds that they consider justifiable, against any employee.

Any employee that is subject to corrective action, an Administrative Investigation Disposition Form will be generated and a Command Review conducted. The documents will remain in the file for the term of the employment and then will be governed by the City of Charleston's records retention plan.

17.37 EMPLOYEE CORRECTIVE ACTION (CALEA 26.1.4 a, b)

The Department will determine what, if any corrective actions are to be imposed in any particular circumstance. The Department may impose any manner of discipline it deems appropriate, but the following is a list of the more commonly used corrective actions:

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1. Oral Reprimand;
2. Written Reprimand;
3. Docking paid leave balances;
4. Suspension;
5. Demotion;
6. Termination.

Command officers empowered to administer corrective action will rely on agency resources when imposing corrective actions. Counseling would normally necessitate supervisory counseling in policy and procedural matters. Professional counseling may be imposed with the approval of the Chief of Police, or his designee, and coordinated by and through the Personnel Office, Administrative Services Bureau, and City Personnel as necessary.

Oral and written reprimands will be administered by supervisors depending upon the severity of the infraction and may be imposed as part of the Command Review process.

1. Restitution may be required in cases of negligence or malice;
2. Suspension may be administered consistent with the above;
3. Demotion and/or termination may be recommended.

The Chief of Police, or designee, will be the final arbiter in these matters.

17.38 NON-PROBATIONARY OFFICER'S RECOURSE AFTER REPRIMAND (CALEA 26.1.6)

Any officer who has completed probation who receives notice of a written reprimand, suspension, demotion or termination will have the following recourse:

1. The privilege to an informal hearing before the Chief of Police, or designee, at which time the evidence regarding the incident will be evaluated and discussed; and
2. The privilege to a formal hearing before the City of Charleston if the individual does not agree to the recommendation made by the Chief of Police, or designee, at the informal hearing. At the formal hearing, the employee has the right to present oral and documentary evidence, and cross-examine all adverse parties and witnesses. The individual will also have the right to be accompanied, represented, and advised at the hearing by a representative of his or her own choosing.

All corrective actions will be filed and maintained in the employee's personnel file.

The City of Charleston has a formal citywide grievance procedure that is available to any City employee including Charleston Police Department employees upon the completion of the City's 90-day introductory period. The terms and conditions of that procedure are discussed in the City employee handbook, and additional information is available through the City's Human Resources department. In addition to the City grievance procedure, Charleston Police Department sworn employees may also utilize the Department's internal grievance procedure. The information in this General Order pertains only to the Department's internal process and does not in any way limit, expand, or otherwise change the provisions of the citywide policy.

Any officer who has completed the Department's internal probationary period who receives a notice of a written reprimand, suspension, demotion or discharge may seek review of that action through the Department's internal process. Such a review is requested by filing a written request with the employee's immediate supervisor. Any employee seeking review is entitled to an informal hearing before the Chief of Police or the Chief's designee, at which time the evidence regarding the incident will be discussed and evaluated. If, at the end of the departmental review process, the employee is not satisfied with the determination

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of the Chief of Police, the Department's action may be submitted for review under the City's formal grievance process in accordance with the then current terms and conditions of that process.

17.39 REDUCTION OR UPGRADE OF CORRECTIVE ACTION

The Chief of Police reserves the right to reduce or upgrade or otherwise modify any corrective action taken against any Department employee, whether in response to an employee request for review or on his own initiative. Similarly, the City's formal grievance process includes provisions for modifying employee corrective actions or other terms and conditions of employment.

17.40 AVAILABLE ALTERNATIVE MEASURES

The Department will determine what alternative measures are to be utilized in circumstances where disciplinary action is not warranted following an investigation, where performance related issues exist, or any other circumstance determined by the Chief of Police, or his designee. The following is a list of the more commonly used alternative measures:

1. Re-Training;
2. Counseling;
3. Transfer;
4. Restitution.

Counseling would normally necessitate supervisory counseling in policy and procedural matters. Professional counseling may be imposed with the approval of the Chief of Police and coordinated by and through the Personnel Office, Administrative Services Bureau, and City Personnel as necessary.

17.41 ACCEPTANCE OF GIFTS, GRATUITIES, ETC.

Officers will not solicit or accept directly or indirectly any gift, gratuity, loan, fee, privilege, discount, free admission pass, or other item of value that is intended to be given by virtue of the officer's position with the Department. Neither will they accept any of the above if such acceptance might tend to influence their actions either directly or indirectly in a matter of Departmental business or if such acceptance might tend to adversely reflect upon the Department. Officers will not, under any circumstances, receive any article whatsoever, whether as a gift or as a result of a purchase or trade from: suspects, prisoners, persons known to be under investigation by law enforcement agencies, persons known to be members of the criminal element, attorneys, bondsmen, or other person whose vocation might profit from information obtained by police. The Chief of Police under unusual circumstances may authorize exceptions to this order.

17.42 ACCEPTANCE OF REWARDS

Officers will not accept any reward, in any form, or other consideration for services rendered in the line of duty except for a lawful salary and that, which may be otherwise authorized by law.

17.43 TESTIMONIALS AND ADVERTISEMENTS

Officers will not endorse or subscribe to any testimonial or advertisement or any commodity or commercial enterprise, nor will they permit their name or photograph to be used for advertising purposes if such endorsement, testimonial, or advertising implies that they are acting as an official representative of the Department. In no case will any testimonial, endorsement, or photograph be taken or offered while the officer is wearing any part of the official Department uniform or while the officer is on-duty without specific authorization by the Chief of Police.

17.44 POLITICAL ACTIVITY

Officers will not use their authority or influence to interfere with an election or a nomination for office or to coerce or influence

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another person's vote or to affect the results thereof, nor will they be involved in any political activity in violation of federal or state law. Notwithstanding the above, however, officers will have the right to hold membership in and to support a political party and to vote as they choose, providing such political activity is such that it cannot be construed as being representative of departmental views.

17.45 PRIVATE MATTERS ON DUTY

Officers will not shop or trade while on duty, nor will they devote any of their on-duty time to any activity other than that which relates directly to their work, however, they may shop for food or other personal items as necessary for immediate use.

17.46 INTOXICANTS, ALCOHOL, DRUGS, ETC.

There is an immediate lowering of esteem and suspicion of ineffectiveness when there is public contact by a Department employee evidencing the use of intoxicants. Additionally, the stress of law enforcement requires an employee to be mentally alert and physically responsive. Except as necessary in the performance of an official assignment, the consumption of intoxicants is prohibited while an employee is on-duty. Nor is an officer to consume intoxicants to such a degree that it impairs his/her on-duty performance.

Additionally, officers will not be on-duty at scheduled work times, under the influence or odor of any intoxicant or drugs nor will they drink any intoxicating beverage or use drugs while on-duty or in uniform. Further, officers who are on a standby or on call status will not consume intoxicants to an extent that would render them unfit for immediate duty.

Furthermore, officers are not authorized to bring or allow any alcoholic beverage into any police building or police vehicle except when it is lawfully seized as evidence, is the property of a prisoner, or is being brought to the police building for safekeeping in line with official police business. In addition to this General Order, officers are subject to the City's policies relating to substance abuse and testing which are outlined in further detail within Sections 27, 28 and 29 of the Administrative Investigations Field Guide.

17.47 SLEEPING ON-DUTY

Sleeping or giving the appearance of sleeping on-duty is strictly prohibited. Officers found to be in violation of this rule will be subject to corrective action up to, and including, termination.

17.48 MISREPRESENTATION AND FALSIFICATION

Officers will not willfully misrepresent nor falsify any information under any circumstances whether it concerns testimony before a board of investigation, inquiry or hearing officer, is connected with any legal proceeding, concerns an order, or report issued or received by the officer or involves any other departmental or legal matter.

17.49 PROHIBITED MEMBERSHIP

Officers will not join nor voluntarily associate with any group or organization that advocates the overthrow of the United States government or the government of the State of South Carolina either through violence or other unconstitutional means. Nor will any officer affiliate with or become a member of any group or organization that will in any way interfere with the performance of his or her duties.

17.50 SMOKING

Smoking is determined to be hazardous to one's health by the Surgeon General. In addition, it is harmful to the nonsmokers that are exposed to the passive or side stream smoke. In keeping with the City of Charleston's "No Smoking Policy," smoking is prohibited during all contacts with the public. The Police Building as well as all department offices, which are removed from the main station, will be designated as tobacco free areas. Smoking and the use of smokeless tobacco products is prohibited in

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all Department vehicles, including take-home vehicles, and equipment.

17.51 USE OF PRIVATE VEHICLES

Officers will not drive a private vehicle to a post or assignment nor will they patrol a post or assignment with a private vehicle unless authorized to do so by a superior officer.

17.52 GAMES OF CHANCE, CARD PLAYING OR GAMBLING

No games of chance, card playing, or gambling is permitted in any police building, police vehicle or other police area.

17.53 PROHIBITED PLACES & LOITERING

Except in the line-of-duty, officers will not visit any bar, tavern, lounge or other establishment suspected by the police as being a place of actual or probable law violations or a place that is frequented by known criminal elements.

Persons other than those conducting police business will not be permitted to loiter in or about any police building.

17.54 ASSOCIATING WITH CRIMINAL ELEMENT

Officers will avoid regular or continuous associations or dealings with persons under criminal investigation or indictment or who have been convicted of felony, except as necessary in the performance of official duties, or where unavoidable because of personal relationships of the members, or those groups which advocate hatred, persecution, or oppression of any person or group, unless such association is specifically required as a matter of police duty. Nor will any officer or employee engage in any business transaction with suspects, defendants, or prisoners except as authorized by the Chief of Police.

17.55 RECOMMENDATION FOR PERSONAL SERVICES OR LICENSE

Officers will not suggest, recommend, or otherwise promote the services of an attorney, bail bondsman, towing agency, physician, or other service to any person with whom they have contact as a result of departmental business.

Officers will not recommend any person or business to any municipal, state, or federal agency regarding the issuance, revocation, or suspension of any license or permit except in discharge of official duty.

17.56 SOLICITING INFLUENCE

No officer will solicit the aid of any individual or group outside the Department for assistance in procurement of a transfer, duty assignment, or promotion for themselves or others. Nothing in this policy prohibits an employee from the exercise of any legal right in the event that he/she believes he/she has been the victim of unlawful discrimination pertaining to a promotion, transfer or other similar employment action.

17.57 ENFORCING THE LAW PRIOR TO COMPLETION OF BASIC TRAINING

The intent of this order is to preclude assigning persons to positions enforcing the law or making arrests, without supervision, prior to successfully completing a structured basic training course. The Charleston Police Department requires all newly sworn officers to complete the South Carolina Criminal Justice Academy training program prior to any assignment in any capacity in which the officer is allowed to carry a firearm or is in a position to make an arrest, except as part of a formal field training program.

17.58 EATING ESTABLISHMENTS

To remove the appearance from the public view that officers are congregating unnecessarily at eating establishments instead of performing their required duties, the Charleston Police Department hereby prohibits more than two (2) uniformed officers to frequent any one eating establishment at any one time. This order also prohibits more than two (2) marked units to be parked at any one eating establishment. This would include eating establishments that are situated beside each other which would give the appearance of more than two (2) units at any one place. Specific exceptions may be made by the Chief of police in the case

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of special events.

17.59 CONSUMPTION OF FOOD

Food consumed in the Police Department will only be eaten in the employee's lounge or in the employee's assigned private office.

17.60 CRITICISM AND MALICIOUS GOSSIP

Officers and employees will not publicly criticize the Department, its policies, or other employees by talking or writing in any manner that is defamatory, malicious, unlawful, obscene, or tends to interfere with the operation of the Department. Nothing in this General Order prevents the lawful exercise of First Amendment rights.

17.61 DISCRIMINATORY OR INFLAMMATORY DISCUSSIONS

Officers will not use language at any time, whether on-duty or off-duty, which degrades any nationality, sex, color, religion, creed, belief, or that tends to interfere with the operation of the Department.

17.62 UNLAWFUL HARASSMENT IN THE WORKPLACE (CALEA 26.1.3)

The purposes of these guidelines are to maintain a healthy work environment and to provide procedures for reporting, investigation, and resolving of complaints of unlawful harassment, sexual, or otherwise.

It is the policy of this law enforcement agency that all employees have the right to work in an environment free of all forms of unlawful harassment. The agency does not condone and will not tolerate any unlawful harassment. Therefore, the agency will take direct and immediate action to prevent such behavior, and to remedy all reported instances of unlawful harassment, sexual or otherwise. The following actions are considered unlawful harassment and thus prohibited by all employees:

1. No employee will either explicitly or implicitly ridicule or mock any person or make any offensive or derogatory comments based on race, color, sex, religion, orientation or national origin, either directly or indirectly, to another person. Such unlawful harassment is a prohibited form of unlawful discrimination under state and federal employment law and is also considered misconduct subject to corrective action by this agency and;
2. Sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Each supervisor will be responsible for preventing such acts of unlawful harassment. This responsibility includes:

1. Monitoring the unit work environment for signs that unlawful harassment may be occurring;
2. Counseling all employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of unlawful harassment;
3. Stopping any observed acts that may be considered unlawful harassment, and taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision; and
4. Taking immediate action to limit the work contact between two (2) employees where there has been a complaint of unlawful harassment, pending investigation.
5. Reporting up the chain of command any and all alleged unlawful discrimination which the supervisor either observes

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or hears of.

Each supervisor has the responsibility to assist any employee of this agency, who comes to that supervisor with a complaint of unlawful harassment, in documenting and filing a complaint with the Professional Standards Office.

Each employee of this agency is responsible for assisting in the prevention of unlawful harassment through the following acts:

1. Refraining from participation in, or encouragement of, actions that could be perceived as unlawful harassment;
2. Reporting acts of unlawful harassment to a supervisor; and
3. Encouraging any employee, who confides that he is being unlawfully harassed, to report these acts to a supervisor.

Failure to take action to stop known unlawful harassment will be grounds for corrective action.

These guidelines will not alter, contradict, or overrule any of the policy for complaint procedures that are published in the general orders governing the Professional Standards Office and the City of Charleston Employee Handbook.

17.63 TRUTHFULNESS

No member will knowingly make a false statement to any department supervisor or city official. Upon the order of the Chief, the Chief's designee, or a supervisory member, members will truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department that may be asked of them.

17.64 CONFORMANCE TO LAWS AND REPORTING VIOLATIONS OF THE LAW

1. Members will obey all laws of the United States and of any state and local jurisdiction in which the member is present. Additionally, members will obey any and all court orders.
2. A conviction for violation of any law will constitute conclusive evidence of a violation of this section. A conviction is not required to establish a violation of this rule, nor does a dismissal of criminal charges by a court constitute grounds to unfind a violation of this rule. In addition, any member who violates any law involving moral turpitude or the illegal possession, use, or distribution of drugs will be immediately dismissed provided, however, that this provision will not preclude the dismissal of a member who violates any other law, of whatever nature, in situations where the circumstances warrant dismissal.

Sworn law enforcement officers are vested by law with the responsibility to prevent the commission of crimes and offenses; to observe and enforce state and local laws, regulations, and ordinances; and to detect and report offenders. Consistent with this responsibility every member of this department, immediately upon learning of any information which leads to reasonable suspicion that any other member(s) of the department, whether on or off-duty, is in violation of, or has violated, any local, state or federal criminal statute, law or ordinance, will immediately notify an investigator assigned to the Professional Standards Office. When circumstances so dictate, the Professional Standards Office investigator will notify the appropriate criminal investigation supervisory personnel. The standard applicable to criminal proceedings (no reasonable doubt) does not apply to employment decisions. The City reserves the right to take employment action based on its own investigations and conclusions without regard to any criminal adjudication.