



# CONCORD POLICE DEPARTMENT GENERAL ORDER

## CODE OF CONDUCT

**GENERAL ORDER:** 01.01

**CREATED:** January 1, 2017

**ISSUED:** July 17, 2020

**CALEA STANDARD:** 1.1.2

**EFFECTIVE:** July 17, 2020

**ACTION:** Amends original general order dated January 30, 2017

### **01.01.0**    **PREAMBLE**

The Concord Police Department hereby establishes a Code of Conduct comprised of our Vision Statement, Mission Statement, Core Values and Guiding Principles, and Standard Operating Procedures. This Code establishes fundamental standards of conduct and performance consistent with the highest professional standards of policing.

Our vision statement describes what we, as coworkers of the Concord Police Department, seek to achieve. Our mission statement describes how we will achieve that vision. Our core values and guiding principles shape our conduct and performance both on and off duty. Our policies and procedures guide our standards of practice for situations most likely to be encountered in the course of our duties.

The Concord Police Department recognizes the inherent complexity of policing and the use of legitimate discretion by coworkers to confront that complexity. Discretion is, however, limited. Discretion cannot be arbitrary nor used as an excuse for personal inclination when coworkers fail to perform properly. When coworkers confront situations that are so unique that no policy or procedure can guide them, their decisions and interventions must always be consistent with our core values and guiding principles.

Coworkers shall at all times conduct themselves – to the extent their position requires – in accordance with the provisions of this Code. Any conduct, whether on or off duty, which brings or is likely to bring discredit upon the Concord Police Department may be investigated in order to establish whether or not a breach of the Code has occurred. A breach of the Code may result, in appropriate circumstances, in a criminal or administrative investigation as directed by the Chief of Police.

When coworkers are investigated for a breach of this Code the investigation will be conducted promptly, thoroughly, and impartially. This Code shall be applied in any investigation, hearing or decision relating to misconduct in a reasonable and objective manner. Due regard shall be given to the degree of negligence or deliberate fault of a coworker and the nature and circumstances of the coworker's misconduct. The Chief of Police reserves the right to impose discipline up to and including dismissal from the department if, after a prompt, thorough, and impartial investigation has been conducted, it is determined that a breach of the Code has occurred.

### **01.01.1**    **VISION STATEMENT**

A community where citizens and police work together, in harmony, to achieve the highest standards of public safety.

**01.01.2**     **MISSION STATEMENT**

In partnership with the community, we will reduce the levels of crime, fear, and disorder through evidence-based community policing strategies. We embrace transparency and accountability, provide exceptional service, and are committed to a culture of excellence.

**01.01.3**     **CORE VALUES****A. Core Value - **COMPETENCE****

We are prudent stewards of the public's grant of authority and resources. We are accountable for the quality of our performance and the standards of our conduct.

Guiding Principles:

1. Coworkers within their probationary period shall be evaluated on their conduct and fitness for the performance of their duties. If a coworker's conduct or performance of duties is not satisfactory for continued service to the department, the coworker shall be dismissed.
2. Coworkers shall be familiar with city policy; department policy, procedures and training; and, they shall conduct themselves accordingly.
3. We cooperate with our colleagues, other agencies and citizens to ensure public safety, improve the quality of life, protect those who cannot protect themselves and enforce the law.
4. Coworkers shall render service to the community promptly and efficiently; and, shall use their on-duty time to accomplish the department's vision and mission.
5. Police investigations shall at a minimum be based upon reasonable suspicion or an actual or possible offense or crime. Investigations shall be conducted and reports shall be prepared in a prompt, thorough, impartial and careful manner so as to ensure accountability and responsibility in accordance with the law.
6. Coworkers shall report to work fit for duty, and not be impaired as a result of drinking alcohol, using a drug for non-medical purposes, intentionally misusing a prescription drug or substance abuse. When controlled substances are prescribed, coworkers shall notify their supervisor at the beginning of their shift if the use of such substance may reasonably be expected to negatively affect the performance or safety of the coworker.
7. No coworker shall consume, purchase or possess any alcoholic beverage while on duty or in uniform except with the approval of the Chief of Police.
8. Coworkers are responsible for the condition and safeguarding of their personal and department issued equipment. Coworkers shall not deface, damage, destroy, modify, or carelessly or inappropriately use any department property without permission by proper authority to do so.

9. Coworkers shall report for duty at the time and place designated by their supervisors.
10. Coworkers shall report to court at the time and place designated by subpoena; or, as designated by the court calendar.
11. Coworkers who fail to appear for duty at the time and place specified without the consent of competent authority may be considered absent without leave (AWOL), and subject the coworker to disciplinary action up to and including dismissal. Such unexcused absences are to be reported in writing by the appropriate supervisor through the chain of command.

**B. Core Value - COURAGE**

We place the safety of others before our own and accept our moral responsibility to take action against injustice and wrongdoing. Coworkers are expected to take prudent risks on behalf of the public.

Guiding Principles:

1. Sworn officers are required to discharge their duties with composure and determination and in time of danger or adversity shall act together and assist each other in the restoration of peace and order.
2. Coworkers shall oppose and, if possible, prevent any violation of the Code of Conduct and report violations if they occur. Coworkers will not be punished, but will be protected and supported for reporting a violation of the Code of Conduct, unless the report is shown to be malicious or ill founded.
3. Failure to intervene when a violation of the Code of Conduct occurs, or is about to occur, shall be treated the same as if the coworker committed the violation.

**C. Core Value - INTEGRITY**

We recognize the complexity of police work and exercise discretion in ways that are beyond reproach and worthy of public trust. Honesty and truthfulness are fundamental elements of integrity and ethical principles. It is our duty to earn public trust through consistent words and actions. We are honest and ethical in word and deed.

Guiding Principles:

1. Our behavior shall inspire and sustain the confidence of our community. Whether on or off duty, coworkers shall not behave in such a way that a reasonable person would expect that discredit could be brought upon the department, or that it would create the appearance of impropriety or corruptive behavior.

2. Coworkers shall avoid regular or continuous associations with persons or groups they reasonably believe, know or should know are planning to, or are engaged in, criminal behavior, or who advocate the overthrow of government, such that the association would undermine the public trust or affect the coworker's credibility or integrity. The exceptions are associations that are necessary in the performance of duty or familial relationships of which the Chief of Police is cognizant.
3. Coworkers shall exercise powers of arrest, search, seizure and surveillance only when it is lawful, necessary and proportionate to do so.
4. Coworkers shall treat the official business of the department as confidential, not imparting it to anyone, either orally, electronically or in writing, except those for whom it is intended or under due process of law.
5. Coworkers shall obey local ordinances and state and federal laws, whether on or off-duty. Any violation of ordinances or laws in any jurisdiction shall be reported to the coworker's supervisor as soon as practicable.
6. Coworkers shall not use their official position or employment with the Concord Police Department to unnecessarily interfere with the personal affairs or professional responsibilities of any person or agency.
7. Coworkers shall not suggest or recommend a specific attorney to anyone who has been arrested, or to someone on their behalf, nor become involved in the employment of an attorney for any victim of a crime or accident.
8. Coworkers shall not accept nor solicit, either directly or indirectly, anything of value, including a gratuity, money, reward, gift, fee, loan or special consideration as a consequence of their office without expressed permission to do so by the Chief of Police. Coworkers are not precluded from receiving very minor courtesies and gratuities (i.e., small amounts of food or non-alcoholic drink) provided that it is not sought nor in exchange or expectation of official favor.
9. Coworkers shall be forthright and candid, orally or in writing, in connection with any administrative inquiry or report; and, shall not omit any detail to give a false impression.
10. Coworkers shall not attempt to influence the decisions of government officials in matters relating to purely personal gain. Nor shall coworkers approach any elected city official or make unsolicited suggestions to any elected city official concerning any department procedure, purchase of equipment, or request any personal favors or promotions without expressed permission to do so by the Chief of Police.

11. Coworkers are required to be complete, honest and accurate with respect to all relevant facts and information pertaining to any criminal or civil investigation, report or inquiry. No coworker shall knowingly or with reckless disregard for the truth sign or make any false official statement.

**Note:** *The provisions of this guiding principle (11) do not apply to a coworker's questioning or interrogation of a person involved in a criminal investigation or where the coworker is engaged in an approved undercover role where such representation is not inconsistent with law or is an accepted professional practice.*

#### **D. Core Value - LEADERSHIP**

We seek to influence human behavior to achieve organizational goals that serve the public while developing individuals, teams and the organization for future service. We accept our responsibility to be leaders, both within the community and among our peers, and for the actions of our colleagues and ourselves. We are all responsible for the performance, reputation and morale of the department.

##### Guiding Principles:

1. Coworkers shall work together and set an example that embodies respect, compassion, integrity and efficiency.
2. Leadership is not solely positional and no rank has unique privileges. The only privileges of rank are increased responsibility and accountability.
3. Personal failure to intervene to prevent or stop misconduct, when there is an opportunity to do so, demonstrates not only a lack of courage, but also a failure of leadership.
4. Supervisors shall be role models for delivering truly professional, impartial and effective police service. Supervisors shall ensure that the individuals for whom they are responsible carry out their professional duties correctly. Supervisors must put the department's mission first, in both word and action, and do nothing to interfere with its accomplishment.
5. Supervisors shall ensure the individuals for whom they are responsible are supported, guided on the professional performance of their duties and encouraged to further their professional development. Supervisors have a particular responsibility to secure, promote, improve and maintain professional standards and integrity through the provision of advice and guidance. Supervisors have an obligation to commend exemplary behavior, a responsibility to correct substandard behavior and a requirement to discipline when necessary.

**E. Core Value - RESPECT**

We hold life in the highest regard. We treat all citizens and colleagues with dignity and respect, and are fair and impartial as we perform our duties. We openly and effectively communicate with the public and each other by sharing information and soliciting feedback to accomplish the department's vision and mission.

Guiding Principles:

1. Coworkers shall treat the public and each other with courtesy and professionalism. Civility and patience are valued attributes, while profane or insolent language or actions undermine the public's confidence.
2. Coworkers shall act with fairness, self-control, tolerance and impartiality when carrying out their duties.
3. When on-duty or in any way representing the department directly or indirectly, coworkers shall not orally, electronically, or in writing enter into any discussions, or voice any opinions, or make any comments, which would tend to incite or arouse racial, religious, political, gender, or sexual preference/identity disagreements or resentments except when such discussions, opinions, or comments are relevant during approved training.
4. Coworkers shall promptly obey any proper or lawful order emanating from any officer of higher rank. Any improper or unlawful order shall be reported to a supervisor of higher rank, as soon as practicable.
5. A conflicting order shall be brought to the attention of the coworker giving the order. If this coworker does not change the order, the order shall stand and this coworker shall bear full responsibility.

**F. Core Value - RESTRAINT**

We use the minimum force and authority necessary to accomplish a proper police purpose. We demonstrate self-discipline, even when no one is listening or watching.

Guiding Principles:

1. Sworn officers shall exercise restraint in the use of force and act in proportion to the seriousness of the offense and the legitimate law enforcement objective to be achieved.
2. Coworkers shall not subject any person to torture or cruel, inhumane or degrading treatment or punishment. No circumstances whatsoever may be invoked as a justification for torture or other cruel, inhumane or degrading treatment or punishment.

**01.01.4 APPENDIX – DISCIPLINARY DECISION PROCESS****A. PURPOSE**

This appendix identifies factors that will be considered in the disciplinary decision process for sustained breaches of the Code of Conduct. It is critical that a system of discipline be established that contributes to minimizing abuse of police authority and promotes the department's reputation for professionalism. Each coworker must understand and be guided by the standards that have been established in this Code.

It is recognized and understood that coworkers will make judgmental errors from time to time in carrying out their responsibilities. While each error in judgment offers an opportunity for the department and the coworker to learn, it is also understood some errors will have greater consequences than others for the public, the department and the coworker.

The department has an obligation to make its expectations as clear as possible to its coworkers. The department has an equal obligation to make the consequences for failing to meet those expectations clear. There are often circumstances that may have contributed to errors of judgment or poor decisions that need to be considered when determining the appropriate consequences for conduct found to be improper.

Disciplinary action must be imposed in a consistent and fair manner. Consistency is defined as holding everyone equally accountable for unacceptable conduct. Fairness is defined as understanding the circumstances that contributed to the conduct while applying the consequences in a way that reflects this understanding. In order to ensure that coworkers are treated in a consistent and fair manner, the application of consequences for conduct that is not in keeping with the department's expectations will be based upon a balanced consideration of factors. Following the careful consideration of all applicable factors in any disciplinary review, every effort will be made to determine the consequences that consistently and fairly fit each specific incident.

**B. DISCIPLINE FACTORS**

1. **Employee Motivation:** The department exists to serve the public. One factor in examining a coworker's conduct will be whether or not the coworker was acting in the public's interest. A coworker who violates a policy or procedure in an effort to accomplish a legitimate police purpose, and who demonstrates an understanding of the broader public interest inherent in the situation, will be given more positive consideration in the determination of consequences than one who was motivated by personal interest.

From time to time it may be difficult to distinguish between public and personal interest. As an example, arresting a dangerous criminal is in the public's interest. However, violating the criminal's Constitutional rights in order to do so is not in the public's interest. The greater public interest is for the police to carry out its responsibilities while protecting the public's Constitutional guarantees. But if a coworker attempts to devise an innovative, nontraditional solution for a persistent crime or service problem and unintentionally runs afoul of minor procedures, the desire to encourage creativity may carry significant weight in determining any discipline that might result.

2. **Degree of Harm:** The degree of harm that an error causes is also an important aspect in deciding the consequences of a coworker's conduct. Harm can be measured in a variety of ways. It can be measured in terms of the monetary cost to the department and community. For example, an error that causes significant damage to a vehicle could be examined in light of the repair costs. Harm can also be measured in terms of the personal injury the error causes, such as the consequences of an unnecessary use of force. Another way in which harm can be measured is the impact of the error on public confidence. An employee who engages in criminal conduct could affect the public confidence in the department if the consequences do not send a clear, compelling message that the conduct will not be tolerated.
3. **Employee Experience:** The level of experience of coworkers is a discipline factor. A relatively new coworker (or an experienced coworker in an unfamiliar assignment) will be given greater consideration when judgment errors are made. Conversely, a coworker who makes a judgment error that would not be expected of one who has a significant amount of experience may expect more serious sanctions.
4. **Intentional and Unintentional Errors:** Errors can be classified as intentional or unintentional. An unintentional error is an action or decision that turns out to be wrong, but based upon the information available at the time it was taken, seemed to be in compliance with policy and the most appropriate course. Unintentional errors also include those momentary lapses of judgment or acts of carelessness that result in minimal harm. Coworkers will be held accountable for these errors but the consequences will be more corrective than punitive unless the same errors persist.

An intentional error is an action or decision that a coworker makes that is known (or should be known) to be in conflict with law, established training or procedures or this Code. Generally, intentional errors will be treated more seriously and carry greater consequences than unintentional errors. Within the framework of intentional errors there are certain behaviors that are entirely inconsistent with the responsibilities of the police profession. These include lying, theft, physical abuse of citizens, and other equally serious breaches of the trust placed in members of the police profession.

The nature of the police responsibility requires that police officers be truthful. It is recognized, however, that it is sometimes difficult to determine if one is being untruthful. A coworker will face dismissal from the department when it is clear that the coworker is intentionally engaging in an effort to be untruthful.

5. **Employee's Past Record:** To the extent allowed by law and policy, a coworker's past record will be taken into consideration in determining the consequences of a failure to meet the department's expectations. A coworker that repeatedly makes errors can expect the consequences of this behavior to become progressively more punitive. A coworker whose past record reflects hard work and dedication to the community and department will be given every consideration in the determination of any disciplinary action.

6. **Responsibility:** The Concord Police Department has a well-established tradition of serving the community with integrity and professionalism. To maintain our proud tradition and continue improving the quality of service the department provides to the community, each and every coworker must accept their responsibility for maintaining the high professional standards of this Code.

**01.01.5    ETHICS TRAINING**

All coworkers shall receive ethics related training at least biennially.



GARY J. GACEK  
CHIEF OF POLICE