



# FAIRBURN GEORGIA POLICE DEPARTMENT OPERATIONS MANUAL



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## CHAPTER 5

## Conduct

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**I. PURPOSE**

- A Establishes standards of conduct for employees of the Agency.
- B Establishes a standard operating procedure governing outside employment.
- C Establishes a standard operating procedure governing sexual harassment.
- D Establishes a standard operating procedure governing the receipt of civil process served on either the Agency or its employees.

**II. DEFINITION**

**LAWFUL ORDER** - Any order issued by a superior officer requiring the performance of a certain duty by an officer, provided it is not prescribed by law or Agency rules and regulations.

**III. RULES AND REGULATIONS**

A General

- 1. Oath of Office - Prior to assuming sworn status, all peace officers shall take the Agency's oath of office that includes provisions to enforce the law and uphold the Constitutions of the United States and Georgia.

- 2. Code of Ethics

- a) Law Enforcement

- (1) The Law Enforcement Code of Ethics is adopted as a general standard of conduct for officers of the Agency. It states: "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."

b) Civilian Personnel

(1) The Fairburn Police Department Civilian Law Enforcement Personnel Code of Ethics is adopted as a general standard of conduct for civilian (non-sworn) personnel of the Agency.

3. Commendations - The Agency expects a very high level of professional conduct from all employees. Agency employees frequently perform their duties in a manner exceeding the highest professional standards. The official commendation of such performance and the arrangement of appropriate publicity are to be provided by the Agency. This gives full public recognition to those employees who have brought honor to themselves and to the Agency.

B Standards of Conduct

1. Violation of Law - The violation by an employee of any Federal, State, County, or Municipal Law is prohibited and will be dealt with in accordance to with this manual.
2. Insubordination – is defined as defiance of authority or refusal to obey direct orders.

This act refers to an employee who is disobedient or disrespectful to a ranking official or superior officer. Some examples of insubordinate behavior include, and not limited to, are:

- Refusal to obey commands of a supervisor
- Disrespect shown to higher-ups in the form of vulgar or mocking language or gestures such as non-verbal cues showing dissatisfaction (.e. eye-rolling)
- Directly questioning or mocking management decisions or tasks
- Unwarranted abusive communication

An officer's failure or refusal to obey a lawful order issued by a superior officer is strictly prohibited.

In those instances when an officer receives a conflicting order from a superior, it is the responsibility of the officer to inform the superior officer of the conflict. It is then the duty of the superior officer to clarify the order for the officer.

Officers will not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, officers will request the issuing officer to clarify the order or to confer with a higher authority.

3. Possession or Use of Alcohol - Employees will not possess or use alcoholic beverages while on-duty other than in an authorized capacity.

4. Possession or Use of Controlled Substances – Except in an authorized capacity, the possession or use of controlled substances by an employee while on or off duty is prohibited.

While on-duty, an employee is not to use or be under the influence of any medication that impairs or compromises his/her ability. If an officer is using a medication that impairs or compromises his/her ability to perform his/her regularly assigned duties and responsibilities, the officer may be assigned, at the Chief's discretion, to a modified duty assignment.

If reasonable suspicion exists for believing an employee is in violation of this rule, he/she will be ordered to submit to blood and/or urine testing. Failure of an employee to submit to a blood and/or urine testing will result in disciplinary action being taken for insubordination.

An exception to this policy applies to drug enforcement officers who may possess controlled substances in an authorized capacity.

Furthermore, State and federal law prohibit the unauthorized possession or use of marijuana and some marijuana derivatives such as THC. Hemp and hemp products, with the exception of hemp-infused food and drinks, is legal in Georgia; hemp is defined by the US government as containing extremely low concentrations of THC. The production of products containing CBD is not well regulated, with many products available and accessible at convenience stores. Any use of CBD by an employee could trigger a positive result for THC on a drug screen. The Georgia POST Council, and department, will treat any positive test for THC as a failure of a drug test and result in disciplinary action, up to and including termination. The use of CBD is not a valid defense against laboratory results that show the presence of THC in the employee's body. All employees should be wary of using products that might contain illegal substances and carefully evaluate the use of these supplements.

5. Payment of Debts - Employees are expected to meet their civil monetary obligations. In addition, employees are not to establish any financial relationships that present a conflict of interest or compromise the image of the Agency.
6. Prohibited Association, Frequenting - Except as required in the performance of their duties, employees of the Agency are prohibited from frequenting places that may compromise the Agency's image. In addition, officers will not associate with persons or organizations which would be detrimental to the image of the Agency. This includes persons who are under criminal investigation or indictment, or who have an open and notorious reputation in the community for felonious activity.
  - a) Subversive Organizations - No officer or employee will knowingly become a member of, or be connected to, any subversive organization, as defined by the U.S. Department of Justice, except when necessary in the performance of duty and then only under the direction of the Chief of Police.
  - b) Allegiance to Organizations - Members of the Agency will refrain from

joining or affiliating with any organization, association, or group, whose constitution or bylaws in any matter exacts allegiance which would prevent a full performance of their law enforcement duty.

7. Public Criticism – Employee complaints regarding Agency operations should be resolved through internal grievance procedures. Under no circumstances will an employee of the Agency publicly criticize the Agency's policies, operations, or staff in a defamatory, obscene, unlawful, or untruthful manner. Criticism that tends to impair the operation of the Agency by reducing organizational efficiency and discipline is also prohibited.
8. Confidential Information - Employees are not to discuss confidential operations of the Agency with people outside the organization without the permission of the Chief of Police or his/her designee. For purposes of this section, all Agency documents and orders are to be considered confidential unless otherwise directed by a superior. This section does not apply to orders that must by law, rule or regulation be communicated to others.
9. Political Use of Official Position - Employees will not use their official position for political purposes. This section does not prohibit employees from exercising their constitutional rights as citizens to vote, express opinions privately, act as delegate or member of a political caucus, or take part in political polls.
10. Political Involvement - Employees may not become candidates for political offices within the geographical jurisdiction of the Agency. Prior to becoming a candidate; however, an employee may request a leave of absence without pay from the Agency. During his/her campaign, an employee may not represent him/herself as a member of the Agency.
11. Professional Image - Employees of the Agency are to work diligently to maintain a professional image. Any behavior that would reflect negatively on the Agency or would violate the public trust is prohibited.
12. Unauthorized Persons in Vehicles - Persons who are not government personnel, prisoners, or on official (authorized) business are not permitted to ride in Agency vehicles without approval from the Deputy Chief or Chief of Police.
13. Altering Records - Stealing, altering, forging or tampering with any police record, report or citation is prohibited. The removal of any record, card, report, letter, document, or other official file from the Agency, except by process of law or as directed by the Chief of Police or a superior, is prohibited. Unless properly authorized, the obtaining or duplicating or attempting to obtain or duplicate information from Agency files, sources or reports is prohibited.
14. Sick Leave Reporting - Whenever an officer becomes ill and cannot report for work, he/she is to notify the on-duty supervisor no later than eight (8) hours prior to the beginning of the tour of duty unless the circumstances of the illness prevent the employee from doing so. The use of sick leave without just cause, or the furnishing of any false information regarding an officer's physical condition, may result in disciplinary action.

When possible, sick leave days will be allowed in accordance with employee requests, but operating requirements of the Agency must always be considered. Sometimes, it may be necessary to deny sick leave requests or approve sick leave on different dates than requested to meet business needs.

Also, a supervisor has the authority to request medical documentation in order to verify the need for sick leave.

15. Absence from Work - Absence from work without permission is prohibited. Employees claiming physical or mental incapacity relating to their employment may be requested to submit to an examination by a city physician, or a fitness for duty examination. Failure to honor such a request may result in disciplinary action.
16. Residence Telephone and Address - The Agency will maintain a listing of each employee's address and telephone number. It is the responsibility of each officer notify the Agency of any changes in address or phone number.
17. Gifts and Gratuities - Employees will not solicit or accept any gifts or gratuities. In addition, employees are to immediately report to the Chief of Police any solicitation or acceptance of gifts, gratuities, or bribes by other employees of the Agency.
18. On and Off Duty Conduct - Engaging in conduct, on or off-duty, that tends to bring the Agency into disrepute or impairs the operation or efficiency of the Agency is prohibited.
19. Job Related Gains - Buying, receiving, or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case is prohibited, except as may be specifically authorized by the Chief of Police.
20. Solicitation of Favorable Acts - Employees are not to solicit anyone to intercede with City or Agency officials regarding Agency promotions, assignments or disciplinary proceedings.
21. Abandonment of Duty Assignment - Employees are not to leave their duty assignment unless properly relieved or dismissed by a superior officer.
22. Internal Investigations - Employees are to cooperate with all internal investigations by answering questions, responding to lawful orders, presenting materials and making statements.
23. Participation in Civil Matters - Employees are not to give any deposition, affidavit or appear as a witness in a civil matter stemming from their official duties without a proper judicial summons and the knowledge of the Chief of Police.
24. Leaving Jurisdictional Limits - Officers are not to go beyond the jurisdiction's limits while on duty, unless in the performance of their duties or upon the direct order or permission of a supervisor.
25. Use of Private Vehicles - Employees are not to use private vehicles or equipment for official purposes unless directed and authorized to do so by a

superior officer.

26. Unauthorized Recordings – At no time, except in criminal investigations, will an employee be authorized to record any audio/video in a clandestine (concealed, hidden, covert) manner.
27. Sick Leave Patterns and Abuse- Employees abusing sick leave will be subject to the progressive disciplinary policies of the Fairburn Police Department outlined in Chapter 6. Examples of sick leave abuse include but are not limited to:
  - a) Utilizing accrued sick leave hours until all sick leave hours are exhausted, and then using other leave types or leave without pay to cover the remaining hours of off time;
  - b) Failing to produce a doctor's note when required by policy or procedure, or by a requesting supervisor;
  - c) Utilizing unscheduled sick leave in a manner that paints a pattern of abuse.
  - d) Agency employees that utilize sick time and fail to work his/her scheduled workday before or after a holiday are ineligible for holiday pay unless pre-approved by a supervisor.
  - e) Sworn personnel that are scheduled to work on a city recognized holiday, but request use of sick leave are not eligible for holiday pay regardless of if the sick leave request is approved by a supervisor. Sworn personnel will be charged the full amount against his/her sick leave accrual.

#### 28. Mandatory Self-Reporting

- a) Arrest- any employee that is arrested for a violation of law is required to notify their immediate chain-of-command. Once notified, it is the responsibility of the employing Agency to inform GA POST Council within fifteen (15) days of the arrest in accordance with GA POST Council rules (reference Rule 464-3.06) if the arrest was of a sworn officer. The arrested officer shall also self-report the arrest through his/her online POST profile.
- b) Traffic violations, non-custodial arrest- Employees that receive a written Uniform Traffic Citation while operating their City-owned vehicle, or their personal vehicle (while conducting official business or while off-duty), will report such action to their immediate chain-of-command. Public safety personnel are expected to observe all traffic laws, rules and regulations, regardless of duty status. If during the course of employment, an employee exhibits a pattern of disregard for acceptable safe driving procedures, the Chief of Police, or his designee, may deny the employee's authorization to operate a City-owned vehicle. Self-reporting of traffic violations does not nullify the City's annual driver history check that is conducted annually of each employee.

29. Unsatisfactory Performance- employees fail to meet the required standards,

duties, or competencies of their assigned role or rank. Unacceptable performance can involve inefficiencies, negligence, poor attendance, failure to abide by Agency's core values, or inability to perform duties. Unsatisfactory performance can also include violations of any of the previously stated standards of conduct.

30. Detrimental Conduct- any action that could significantly discredit the city or department. This can include a range of actions that violate established laws, department policies, or ethical standards. The conduct undermines the integrity of law enforcement.

**STANDARD OPERATING PROCEDURE  
EFFECTIVE: 05/19/2008**

**S.O.P. 5-1 ETHICS**

**I. PURPOSE**

Law enforcement employees, representing government, bear the heavy responsibility of maintaining their own conduct, and the honor and integrity of the government entity that they represent. It is the purpose of this policy to provide additional guidance to the standards of conduct embodied in the law enforcement officer's code of ethics, this Agency's mission statement and core values, so that employees of this Agency will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

**II. POLICY**

This Agency will maintain the highest standard of integrity by never violating the community's trust. All Agency employees must recognize that they are held to a higher standard than the private citizen because, in addition to representing the Agency, they also represent the law enforcement profession. Conduct, on and off duty, must be above reproach. Agency employees must avoid any conduct that might compromise the integrity, morale, operations or efficiency of the Agency.

The Agency shall conduct annual in-service training on ethics.

**III. DEFINITIONS**

- A Ethical Conduct: In the context of this policy, ethical conduct means the duty of all employees to conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules and values published by this Agency.

**IV. PERSONAL CONDUCT**

- A Oath of Office: All sworn employees will take and abide by an oath of office before assuming sworn status. The oath of office is administered by the Mayor or his/her representative.
- B In addition to the provisions of this policy, under Georgia Law, "Any public officer who willfully and intentionally violates the terms of his oath as prescribed by law shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years."
- C Ethical Conduct: The Agency will maintain the highest standard of integrity by never violating the community's trust. All Agency employees must recognize that they are held to a higher standard than the private citizen because, in addition to representing the Agency, they also represent the law enforcement profession and their local government. Conduct, on and off duty, must be ethical conduct.
- D All sworn officers will abide by the Law Enforcement Code of Ethics.
- E Abuse of position: Employees will not use their Agency position, identification card, or badge for:
  - 1. Personal or Financial gain

2. Obtaining privileges not otherwise available except in performance of official duty
  3. Avoiding consequences of illegal acts
- F Employees will not under any circumstance solicit any gifts, service, gratuity, discount, or anything of value where there is any direct or indirect connection between the solicitation and their Agency membership, without the expressed written permission of the Agency head.
- G Employees will not accept any gift, service, gratuity, discount or anything of value, the acceptance of which might tend to influence directly or indirectly their actions in any police business; or which might tend to cast an adverse reflection on the Agency or any employee thereof.

## **V. ASSOCIATING WITH CRIMINAL ELEMENT**

No employee, except in the discharge of duty, may knowingly associate with persons engaged in unlawful activities.

## **VI. VIOLATIONS OF ETHICAL STANDARD**

Ethical conduct violations will be investigated by the appropriate authority to determine the validity of complaints and to report findings as prescribed by existing policies and procedures.

## **VII. EMPLOYEE RESPONSIBILITIES**

Employees must exercise judgment, initiative, and sound reasoning in all official transactions, strive for efficiency and effectiveness, exercise restraint in difficult situations, seek self-improvement through formal and informal training, and assist fellow officers whenever possible. In situations where no written directive or supervisory guidance is available, employees are expected to analyze the situation and react in accordance with the mission statement and the core values of this Agency.

In the performance of their duty, officers are called upon to make difficult decisions and must exercise discretion in situations where rights and liabilities are affected by conduct and judgment. Decisions are not made easily and involve choices which may cause hardship or discomfort. Police Officers must be faithful to their oath of office, the mission statement of this Agency, the principles of professional police service, and the objectives of the Agency. In the discharge of duty, they must not allow personal motives to govern decisions and conduct.

## **VIII. CONDUCT UNBECOMING AN OFFICER**

The conduct of a public employee, on and off duty, reflects upon the Agency. Employees must avoid conduct which might discredit themselves or adversely affect the morale, operations or efficiency of the Agency.

## **IX. COURTESY/PROFESSIONALISM**

Effective law enforcement depends on a high degree of cooperation between the Agency and the public. While the urgency of a situation might preclude ordinary social amenities, discourtesy under any circumstance is indefensible. Employees will be courteous and professional to the public and others, avoiding harsh, violent, profane, or insolent language or

manner, and shall maintain objective attitudes regardless of provocation.

## **X. ATTENTION TO DUTY**

As most police work is performed without close supervision, responsibility for proper performance of duty lies primarily with the officer. An officer has a responsibility for the safety of the community and his or her fellow officers and discharges that responsibility by faithful and diligent performance of duty.

## **XI. FINANCIAL OBLIGATIONS**

Employees should avoid incurring financial obligations which are beyond their ability to satisfy.

## **XII. CONDUCT REGARDING RUMORS, FALSE STATEMENTS, AND GOSSIP**

The department strictly prohibits the intentional or negligent spread of:

- Rumors: unverified or speculative information that undermines morale, trust, or operational effectiveness.
- False Statements: knowingly inaccurate claims about personnel, leadership, investigations, or departmental operations.
- Gossip: idle talk or personal commentary that serves no constructive purpose and may damage reputations or relationships.

Additionally, personnel are expected to maintain respectful communication with all members of the department, including those in positions of authority. While constructive feedback and professional disagreement are encouraged through appropriate channels, behavior that is disrespectful, dismissive, or undermining, even if not rising to the level of insubordination, will be addressed.

All personnel shall refrain from engaging in or perpetuating rumors, gossip, or false statements in any form, including verbal, written, digital or social media platforms. Supervisors will model respectful communication and intervene when they observe or are made aware of violations. Personnel are encouraged to report concerns through the chain of command or to the Office of Professional Standards without fear of retaliation.

Violations of this section may result in progressive disciplinary action. Disciplinary decisions will consider the intent, impact, and frequency of the behavior, with an emphasis on fairness, transparency, and restorative accountability.

**STANDARD OPERATING PROCEDURE  
EFFECTIVE: 05/19/2008**

**S.O.P. 5-2 SECONDARY EMPLOYMENT**

**I. PURPOSE**

The purpose of this policy is to establish guidelines governing extra duty details and outside employment by employees of this Agency.

**II. POLICY**

It is the policy of this Agency to allow employees the opportunity to perform extra duty details within the scope of their job classifications and to allow them to engage in outside employment, which does not conflict with their official duties.

**III. DEFINITIONS**

- A Extra Duty Details - Performance of law enforcement duties not within regularly scheduled hours provided to an approved business, person, or enterprise.
- B Outside Employment - Employment of a non-police nature in which vested police powers are not a condition for employment. The work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.

**IV. PROCEDURES**

- A Extra Duty/Outside Employment Details - Performance of duties not within regularly scheduled hours provided to any business, person, or enterprise which has been approved to secure the services of the police Agency personnel. These services will be provided in accordance with the guidelines established by the Agency.
- B Permit Process - The Agency will establish a permit process that will ensure compliance with all elements of this policy concerning extra duty/outside employment details. The permit must be approved prior to members of this Agency accepting a detail. There are two separate forms that must be completed: one form that is all inclusive for all secondary employment jobs within the city limits, and a second form that is for secondary employment outside of the city limits. If an officer has multiple secondary extra jobs outside of the city limits, the officer must submit a request form for each specific job. Each extra job request that is for outside of the city limits must include an attached inter-office memorandum that outlines the job responsibilities expected of the job, and if Fairburn equipment/vehicle are requested.
- C Appearance - Officers will comply with all Agency regulations concerning uniform standards and personal appearance during any extra duty detail unless otherwise approved by the Chief of Police or his/her designee. For all secondary employment jobs that are of police nature and law enforcement duties, officers working such detail will wear their city-issued body armor/vest.
- D Schedule – The Support Services Division will oversee the extra duty/outside employment detail program. For extra duty details, all officers interested in working are provided an equal opportunity for assignment via a rotating list or other

mechanism to ensure fairness in the assignments.

E Limitations - The following are examples of limitations upon extra duty/outside employment details that would not be approved:

1. Officers are not permitted to work more than 70 total hours per work week unless approved in writing by the Chief of Police or his/her designee. This includes on duty and extra duty time. The time is calculated on a Sunday through Saturday time frame.
2. Officers shall not be eligible while on sick leave or within (24) twenty-four hours of sick leave usage, or while using Family Medical Leave (to include Parental Leave), to work an extra duty job or outside employment detail without supervisor approval. If an officer is unable to report to the extra duty detail, it is the officer's responsibility to notify the point of contact at that business, as well as his/her appropriate chain-of-command. Any "no call, no show" could result in suspension from further extra duty assignments.
3. Officers who are under suspension, relieved of duty, or placed on administrative leave are not eligible to work extra duty details.
4. Officers who have not yet completed the FTO program are not permitted to work extra duty details. Officers who have completed the FTO program will be permitted to work any detail that is within normal policy guidelines.
5. Officers are permitted to work extra duty / outside employment details outside of city limits with approval, and maximum 25-mile radius from the Fairburn Police Station address (as "the crow flies").
6. No extra duty / outside employment details may interfere with an officer's regular job duties. If an extra duty / outside employment detail is determined to be interfering with an officer's job performance, the department reserves the right to cancel or deny that detail.
7. All sworn Officers may work extra duty / outside employment details before or after their scheduled working days but are not permitted to split their shifts to accommodate an extra duty detail, unless approved by the Chief of Police.
8. Officers are only permitted to work a total of (17) seventeen hours within any given (24) twenty-four-hour time frame, which includes on-duty and extra jobs
9. Officers who receive rent reimbursement as a courtesy officer will fall within all the provisions of this policy and will submit a permit request for approval.

F Prohibitions - Permits will not be issued for the following types of details:

1. Private Clubs or Adult entertainment establishments, or locations that require bouncers or related duties.
2. Traffic control measures outside of city jurisdiction that require the officer to stand outside of a patrol vehicle and direct traffic.
3. Any non-Fairburn establishment that serves alcoholic beverages, excluding sporting events.

4. Any use of Agency personnel that is not in the best interest of the Agency, is determined by the Chief of Police.
- G Approval - Approval to engage in any extra duty/outside employment will be submitted through the employee's chain of command, requiring final approval by the Chief of Police. Permission can be withdrawn at any time. Exceptions to the above rules may be granted by the Chief of Police.
  - H Annual Approval - An officer who has obtained written approval for extra duty/outside employment must re-submit application for re-approval on an annual basis.

## V. RULES AND REGULATIONS

- A Applications - An extra duty/outside employment permit form must be submitted prior to employment. All requests for extra duty/outside employment must be approved by the Chief of Police through the chain of command. The Chief retains the authority to approve or disapprove all applications for extra duty/outside employment.
- B Supervision - Any employee engaged in extra duty/outside employment shall conduct himself/herself in an appropriate manner. Any conduct during employment which, if it occurred during duty status hours would result in disciplinary action, may result in termination of the approved outside employment.
- C Accountability - All extra duty/outside employment is subject to investigation. If at any time it is determined that the employment is inappropriate or contrary to Agency standards, an on-duty supervisor will review and take appropriate action, up to suspension of extra duty/outside employment.

Division Commanders also have the authority to implement any additional documentation to ensure compliance with employee's attendance with both on-duty shifts and extra duty/outside employment.

- D Attendance- All employees that are confirmed and scheduled to work an extra duty/outside employment detail through the Agency's extra duty scheduling platform are expected to show up and work such detail. Each employee will be required to utilize the Agency's extra duty scheduling platform and employ the clock-in and clock-out features.

For those extra duty jobs that fall outside the city limits and have been approved through the proper application process by the Chief of Police, the employee is required to enter each outside extra duty shift onto the scheduling platform, to include the shift time frame worked.

At minimum, the following procedures will occur if the employee is unable to work a scheduled extra duty/outside employment detail:

- a. Notify his/her respective Lieutenant, as well as the Support Services Lieutenant, in email about the upcoming absence
- b. Open the expected detail/shift up to all employees on the Agency's extra duty scheduling platform

If a pattern is observed for an employee failing to work extra duty/outside employment,

the Support Services Lieutenant responsible for scheduling extra duty employment has the authority to adjust future extra duty schedules.

Failure for the following will be categorized as a Category I infraction in accordance with SOP Chapter 6 disciplinary guidelines:

1. If an employee confirmed for an extra duty/outside employment fails to notify the appropriate supervision and does not show up for said detail (also known as “No call, no show”).
2. Employee fails to utilize the clock in and clock out features when working an extra duty detail
3. Employee fails to individually enter in any extra duty detail when working outside city limits
4. Employee exceeds the working hours limit of 70 hours in a week.

Repeat infractions will result in progressive disciplinary action, to include revocation of extra duty/outside employment approved applications. The Deputy Chief of Police reserves the right to require any employee to discontinue any extra duty/outside employment.

## **VI. DENIAL/REVOCAION/SUSPENSION OF EXTRA DUTY/OUTSIDE EMPLOYMENT APPLICATIONS/PERMITS**

Permits for extra duty/outside employment that do not meet the requirements of these regulations will be denied. If an application is denied or is later revoked/suspended, the employee's supervisor will be notified immediately.

If an employee's initially submitted application for extra duty/outside employment is denied, the Chief of Police will put the reason(s) for refusal in writing to the employee and send a copy to the employee's supervisor.

A supervisor may recommend an employee's extra duty/outside employment authorization be revoked/suspended, if it is found that the outside employment is interfering with the employee's regular duties. The recommendation must be accompanied with written documentation. The Deputy Chief of Police has the authority to revoke/suspend the secondary employment permit with cause.

The Chief of Police has the authority to revoke any secondary employment permit without cause.

**STANDARD OPERATING PROCEDURE  
EFFECTIVE: 07/15/2015**

**S.O.P. 5-3 OFF DUTY ACTION**

**I. PURPOSE**

The purpose of this order is to adopt safety directives and guidelines for dealing with the carrying of firearms while in an off-duty status and for dealing with an officer's duty to act in response to criminal activity while in an off-duty status.

**II. POLICY**

A member may carry a firearm while off-duty in accordance with state and federal law.

**III. PROCEDURE**

- A It shall not be necessary that a member, who chooses to carry a firearm off-duty, carry his service weapon.
- B If an officer is going to carry a personally owned firearm under his or her authority as a police officer, the officer shall be required to meet the Georgia qualification standards for law enforcement firearms with the personally owned firearm.
- C Under Federal Law sworn officers can possess a concealed firearm anywhere in the United States (HR 218). Officers should be aware that while this law exempts officers from laws prohibiting such possessions, it does not give officers police powers of any type outside of their jurisdiction. As such, an officer will generally be limited to the self-defense provisions of the state they are traveling through once outside their own jurisdiction; thus, the officer's rules of engagement are extremely limited.
- D A member of the police Agency who becomes aware of an incident that poses a threat of serious bodily harm or death to some individual shall take "action" to minimize the risk of serious bodily harm or death. "Action" under this provision is fulfilled by reporting the incident and shall not require the officer to place himself/herself in a position of peril. An officer who is faced with such a circumstance should act in accordance with the guidelines as spelled out in this policy.

**IV. PROCEDURE FOR OFF-DUTY ACTION**

- A If circumstances permit, go to a safe location and call 911.
- B Second, when you encounter a situation off-duty that seems to require police action, you must consciously evaluate whether your involvement is necessary or desirable, given the circumstances. How important and urgent is the need for your intervention?
- C Several circumstances may impact your decision to get involved in any situation. First, you may be alone, with family members or other non-police personnel. Second, it is unlikely that you will have all the necessary police equipment while off-duty, for example; pepper spray, baton, handcuffs or radio. You may be faced with

multiple suspects or unaware of hidden suspects. There may also be environmental factors working against you such as lack of cover, crowds of civilians, darkness, etc. Your intervention may actually spark an escalation of violence. Therefore, your best plan of action may be to:

1. Gather accurate intelligence like a good witness until uniformed, on-duty officers arrive.
2. While Agency policy mandates that you “take action” when witnessing a serious crime, calling the police and monitoring the situation from a SAFE vantage point may fulfill that obligation
3. If you decide you must get involved, attempt to have someone call 911 to advise the operator that an off-duty officer is on scene. Have the caller inform the operator if you are armed and describe you and your clothing. This will affect the mindset of the responding officers. When uniformed police officers arrive, have your badge out and visible if in your possession. Be prepared to follow the commands of the officers responding to the call as they may not recognize you or your credentials.
4. If you have cover, maintain it. You can communicate verbally from there.
5. When tactically safe to do so, make your hands visible. Having responding officers see that you are unarmed and non-threatening will work to calm them and protect you.
6. Verbally identify yourself as a police officer—not once and not in a normal tone of voice, but repeatedly and very loudly. Keep shouting out: “POLICE! DON’T SHOOT! OFF-DUTY OFFICER!” until you get acknowledgment and directions as to what you should do. Remember, the noise and excitement of the scene, combined with auditory blocking may prevent responding officers from hearing you initially.
7. When the responding officers issue commands, follow them promptly and completely. Expect to be treated like a suspect until your law enforcement status is verified.
8. If an off-duty officer’s firearm is observed and prompts the response of police or security officials, the off-duty officer should respond in a manner consistent with this policy.
9. Finally, the most important rule of all: If you have a gun in your hand, NEVER, EVER turn toward an on-duty officer.
10. Plainclothes Officers should be aware that the same recognition issues applying to off-duty officers also apply to plainclothes officers and while rules of action are different, the rules with respect to protective steps, i.e. movements, identification etc. remain the same.

## **S.O.P. 5-4 SEXUAL HARASSMENT, SEXUAL DISCRIMINATION**

### **I. PURPOSE**

The purpose of this policy is to prohibit sexual harassment and discrimination within this Agency. The policy also provides for the reporting and Agency response to sexual harassment or discrimination.

### **II. POLICY**

It is the policy of this Agency to prohibit sexual harassment or sexual discrimination in any form and to provide employees with a mechanism for reporting and resolving allegations of sexual harassment and discrimination.

### **III. DEFINITIONS**

- A Sexual Harassment - Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct when:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
  - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
  
- B Two Types of Sexual Harassment
  - 1. Quid Pro Quo Harassment: A circumstance by which an employee is afforded a favorable employment action in exchange for a sexual favor. Examples:
    - a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
    - b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
    - c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
  - 2. Hostile Work Environment: A circumstance by which an employee is confronted with an environment involving sexually explicit language, photos, or conduct. Examples:
    - a) Submission to such conduct is made either explicitly or implicitly a

term or condition of an individual's employment;

- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

#### C Sexual Harassment Progression

##### 1. Non-Physical

- d) Pressure for Dates
- e) Sexual Jokes
- f) Teasing
- g) Remarks
- h) Questions
- i) Suggestive Looks/Gestures

##### 2. Physical/Non-Physical Intimidation

- a) Sexual Favors
- b) Pinching
- c) Touching
- d) Phone Calls
- e) Blocking
- f) Cornering
- g) Sending Materials of Sexual Nature

##### 3. Physical/Bodily Harm

- a) Sexual Assault
- b) Attempted Sexual Assault

D Sexual Discrimination - The disparate treatment of an employee with respect to work benefits, conditions, assignments, promotions, etc. based upon the gender of the employees unless such disparate treatment is necessary based upon some bona-fide occupational qualification.

#### IV. PROCEDURE

Supervisors and all employees have an obligation to provide a work environment free of all harassment. This includes taking steps to ensure that the Agency is able to control prohibited harassment whether it is done by supervisors, co-workers or non-employees (such as vendors working with the Agency or supplying services).

#### A Reporting Requirements

1. All employees within the Agency have an obligation to promptly report violations of this policy. This would include sexual harassment, sexual discrimination or indicators of a hostile, offensive work environment that the employee experiences, witnesses, or otherwise has knowledge of.
2. The Agency will promptly investigate all complaints regarding harassment or discrimination regardless of their origin.
3. Complaints should be made to an employee's immediate supervisor. If the immediate supervisor is involved in the allegation or the employee is uncomfortable with making a report to their immediate supervisor, they may by-pass the chain of command in order to report the harassment or discrimination.
4. Once an allegation is made, steps should be taken to separate the involved employees while an investigation into the allegations is conducted. The separation should be undertaken in an equitable manner which is non-punitive in nature. In no case will the complaining employee be forced to change assignments against their choice. The supervisor is required to immediately stop any conduct which might continue or aggravate the allegation(s).
5. All allegations of sexual harassment or sexual discrimination will be documented and forwarded up the chain of command to the Chief of Police.
6. All complaints of sexual harassment or discrimination will be immediately and thoroughly investigated.
7. The alleged victim of the sexual harassment shall be kept informed of the progress of the investigation.
8. At the conclusion of the investigation, the alleged victim and the accused employee should be informed of the conclusions reached by the investigation.
9. Where evidence is established to sustain a violation of this policy, immediate disciplinary action shall be taken against the offending employee, up to and including termination from employment with this Agency.
10. No employee will be retaliated against for reporting allegations of sexual harassment or discrimination.

B Training - The Agency will conduct annual training regarding sexual harassment and sexual discrimination for all employees that includes instruction on the reporting requirements of such conduct. This training will be documented to ensure that all employees received the training.

**STANDARD OPERATING PROCEDURE  
EFFECTIVE: 05/19/2008**

**S.O.P. 5-5 SEXUAL MISCONDUCT**

**I. PURPOSE**

Law enforcement officers are empowered with authority by their government to protect the public from criminal activity. The purpose of this policy is to caution all officers that any violation of the public trust involving sexual misconduct will result in severe consequences, including prosecution.

**II. POLICY**

It is the policy of this Agency to train all their officers concerning the potential for criminal sexual misconduct within law enforcement, how to recognize it, and the requirements for reporting any violation to the appropriate authorities.

**III. DEFINITIONS**

- A Criminal Sexual Misconduct: The abuse of authority by a law enforcement officer for sexual purposes that violate the law.
- B Sexual Misconduct: Any sexual activity while on-duty or stemming from official duty. Sexual misconduct includes but is not limited to use of official position and official resources to obtain information for purposes of pursuing sexual conduct.
- C Intimate Part: Genital area, inner thigh, groin, buttocks or breasts of a person.
- D Actor: The person accused of sexual assault
- E Sexual Contact: Any contact for the purpose of sexual gratification of the actor with the intimate parts of another person.

**IV. PROCEDURE**

- A Sexual activity of any nature while on duty is prohibited.
- B Sexual Misconduct is prohibited and shall be disciplined up to and including termination.
- C Any contact for the purpose of sexual gratification of the actor with the intimate parts of a person while on duty is prohibited.
- D A police officer shall not engage in sexual contact with another person who is in the custody of law and such officer has supervisory or disciplinary authority over such other person. This conduct is prohibited and is a felony.
- E Training - All sworn officers of this Agency including supervisors will receive specific training about the elements of sexual misconduct involving law enforcement officers. The training will also include all elements of this policy.
- F Reporting Requirements - Any employee of this Agency, who is made aware of any violation of this policy, is required to report the violation to their supervisor. The

supervisor will immediately contact the Internal Affairs Section, or the command level personnel having Internal Affairs responsibility who will immediately initiate an investigation in accordance with their established investigative policy. The investigation will involve other investigative elements of the Agency as necessary and any forensic evidence will be protected and processed immediately. The accused officer's supervisor will not attempt to resolve a complaint of this nature with the complainant and is required to make immediate contact with Internal Affairs or the command level personnel having Internal Affairs responsibility.

## G Discipline

1. Any officer found to be in violation of the provisions of this policy shall be disciplined up to and including termination and criminal charges where established.
2. Any employee who has knowledge of a violation of this policy fails to report said violation shall also be disciplined up to and including dismissal, and criminal charges if appropriate.
3. If the violation involves supervisory personnel, the reporting officer will notify the appropriate command level officer and will not be strictly held to his/her chain of command.

**STANDARD OPERATING PROCEDURE  
EFFECTIVE: 05/19/2008**

**S.O.P. 5-6 DOMESTIC MISCONDUCT**

**I. PURPOSE**

Police Agency employees come from the community. They may become involved in domestic matters. Because they are police employees and their status is usually known to other persons in the community and they are representatives of the police Agency, the Agency must take positive steps to ensure that these domestic matters do not adversely affect the employee's ability to perform, or compromise the conduct of Agency missions, or create moral, operational or efficiency problems for the Agency. The Agency is dedicated to providing assistance for the employee during these critical times so that the employee may resolve the situation and return to be a productive member of the Agency without these types of personal and family concerns.

**II. POLICY**

It is the policy of this Agency to deal directly and positively with any employee involved in acts of domestic misconduct. The ultimate mission of the Agency is to assist the employee to resolve these family/relationship problems, to ensure that these acts do not adversely affect the employee or the Agency during the period of resolution, and to provide the Agency with a safe work environment.

**III. DEFINITIONS**

- A Domestic misconduct - The Agency defines this type of conduct very broadly. This definition may be broader than State law, but it is intended to assure the continuation of positive performance within the Agency by the involved employee and other members of the Agency. A domestic relationship involves any employee who is or has been married to the other party, involves any member of the employee's household, who is living or has lived with the other party, has had a child with the other party. Misconduct refers to any physical assault or battery, vandalism, stalking, intimidation, coercion, or criminal act against a party within this form of domestic relationship.
- B Collateral misconduct - Any conduct by another member of the police Agency to assist another Agency employee in the continuation of the act of domestic misconduct. This would also include any actions designed to shield the employee or impair the ability of the Agency to be informed of the domestic misconduct.
- C Service of court papers - Any documents from a judicial proceeding which are designed to assist in ameliorating the domestic misconduct or curtailing specific actions by the parties involved in the domestic misconduct.
- D Self-reporting - It is the responsibility of the employee to provide the Agency with specific notice whenever he/she is involved in any acts of domestic misconduct. This is specifically true whenever the employee is the subject of any judicial proceeding concerning these types of acts, whether the employee is the person complained of or the victim.
- E Administrative no-contact orders - These are written orders by a supervisory employee, preferably Internal Affairs or Professional Standards, and served upon an Agency employee designed to curtail any further domestic misconduct.

- F Internal Affairs/Professional Standards - Includes those persons designated with internal affairs responsibility.

#### **IV. PROCEDURE**

The Agency shall take immediate action when notified of any act of domestic misconduct involving an employee of this Agency.

A When the incident occurs within the jurisdiction of this Agency:

1. Assign the call for response by two uniformed officers and a supervisor.
2. The supervisor will assure that any violence is curtailed, all parties are protected, and any required medical assistance is provided.
3. The supervisor shall ensure that all evidence is properly recorded and collected.
4. Once the incident is contained, the supervisor shall call for a response by an Agency investigator.
5. The criminal investigator, or the supervisor if no investigator responds, is responsible for the criminal investigation, if warranted. The supervisor of the investigating officer shall respond to oversee the conduct of the investigation.
6. The supervisor shall notify the Chief of Police and Internal Affairs at the earliest moment.
7. The decision to arrest an Agency employee involved in domestic misconduct shall be the responsibility of the on-scene supervisor with consultation with Internal Affairs and the Chief of Police. When probable cause exists, the employee shall be arrested and processed the same as any civilian.

B The supervisor or the Internal Affairs person shall take immediate steps to ensure that there is no continuation of the domestic misconduct.

1. Ensure that victim advocate assistance is offered and provided when necessary.
2. Ensure that an immediate safety plan is discussed with the victim of the domestic misconduct and assist in any manner to ensure this continued safety.

C Internal Affairs shall be responsible for:

1. Issuing an administrative no-contact order to the Agency employee if warranted.
2. Ensuring that the appropriate assignment decision is made regarding the Agency employee.
3. Ensuring that the criminal investigation has been conducted in a reasonable manner.

4. Developing and/or implementing any necessary safety plan to ensure employee safety.
  5. Conducting the administrative investigation of the incident and any collateral employee misconduct. The Agency shall be listed as the complainant.
- D When the incident involving domestic misconduct occurs in a jurisdiction other than that of this Agency:
1. The Agency person notified of this incident shall immediately notify Internal Affairs and the Chief of Police.
  2. Internal Affairs shall make immediate contact with the involved Agency to ensure that our Agency is kept on notice of the progress of the investigation.
  3. Internal Affairs shall ensure that the employee and the persons involved are aware that the Agency will assist them during this process.
  4. Internal Affairs is responsible for determining whether an administrative no-contact order is warranted and will be responsible for serving this upon the Agency employee, when necessary.
- E Service of court orders:
1. Internal Affairs shall facilitate, when requested, the service of any court orders employees.
  2. Internal Affairs shall be responsible for the determination regarding any assignment limitations involving the employee who is subject to the court order.
- F Conviction of a crime of domestic violence: When a sworn employee is convicted of a crime of domestic violence that brings in the provisions of federal or state law, the employee shall be terminated as not being able to function completely within the job classification for which she/he was hired.

**STANDARD OPERATING PROCEDURE  
EFFECTIVE: 05/19/2008**

**S.O.P. 5-7 INTERNAL AFFAIRS, COMPLAINTS, COMMENDATIONS**

**I. PURPOSE**

The purpose of this policy is to provide all sworn and non-sworn personnel with guidelines for the Internal Affairs function.

**II. POLICY**

This policy shall apply to all sworn and non-sworn personnel. It is the policy of the Fairburn Police Department to investigate all complaints filed against the department and employees of the department in a manner that will assure those individuals making the complaint, and the general public, of the professional interest of the department in the resolution of all complaints and of making corrective actions as may be required.

**III. DEFINITIONS**

- A Complaint: an allegation of error or fault committed by an employee or the department
- B Internal Affairs: specialized unit within the department that investigates claims of misconduct by employees or officers to ensure accountability and uphold professional standards.
- C Garrity Warning: a written notice to an employee that they are being compelled to answer questions in an administrative investigation.
- D Preponderance of the evidence: the greater weight of the evidence required in a civil or administrative (non-criminal) review.
- E Criminal precedence: in the instance of an active criminal investigation conducted by the department or an outside agency regarding an allegation of a criminal offense against an employee of the department, the criminal investigation will have precedence over an administrative investigation. The Internal Affairs (IA) Investigator will brief the Chief of Police as to the progress of the criminal investigation and take no investigative actions which will influence the criminal investigation.

**IV. OBJECTIVES**

- A To Protect the Public: the public has the right to expect efficient, fair, and impartial law enforcement services. Therefore, any misconduct by department personnel must be detected, thoroughly investigated, and properly adjudicated to ensure the maintenance of these qualities.
- B To Protect the Department: the department often is evaluated and judged by the conduct of individual members. It is imperative that the entire organization not be subjected to public censure because of misconduct by one or more of its personnel. When an informed public knows that the Fairburn Police Department investigates and adjudicates all allegations of misconduct against its members fairly and honestly,

then the public will be less likely to feel any need to raise a cry of indignation over alleged incidents of misconduct.

- C To Protect the Employee: employees must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigation process.
- D Removing Unfit Personnel: Personnel who engage in serious acts of misconduct, or who have demonstrated that they are unfit for Law Enforcement work, must be removed for the protection of the public, the department and its employees, and the City of Fairburn.
- E Correction of Procedural Problems: The department is constantly seeking to improve its efficiency as well as the effectiveness of its personnel. Occasionally, personnel investigations reveal faulty procedures that would otherwise have gone undetected. These procedures can then be improved or corrected.

## **V. COMPLAINTS AGAINST THE AGENCY**

Any complaint received that is directly against the agency, Fairburn Police Department, will be forwarded to the Chief of Police. The Chief of Police will appoint a Division Commander that is not directly involved in the complaint or request an outside agency to investigate the complaint.

## **VI. ALLEGATIONS OF MISCONDUCT INVESTIGATIONS**

Depending on the nature and circumstances of the allegation, misconduct will either be investigated by the employee's direct supervision or by designated Internal Affairs personnel. Any supervisor can receive a complaint against any employee of a lesser rank. If a supervisor were to be notified of a complaint against another supervisor of an equal or higher rank, he/she will promptly put the complainant in contact with the Support Services Commander.

## **VII. RECEIPT OF COMPLAINTS**

Complaints are accepted from any source, whether made in person, by mail, email, social media, website, or by phone. Individuals are encouraged to submit complaints in person, but they will be accepted by any means and from anonymous sources, juveniles, and people under arrest.

The complainant should be advised that allegations of employee misconduct are taken seriously. The supervisor will obtain the complainant's statement regarding the allegation, either written or recorded. The supervisor will note the specific complaint(s) of the complainant and solicit from them any facts, evidence, witnesses, or other relevant information regarding the allegation. Additionally, accurate information regarding the date, time, place, and employee(s) involved should be obtained if possible.

Once the supervisor has received all information, he/she is responsible for ensuring it is reported immediately through the chain-of-command to the appropriate Division Commander. The supervisor taking the complaint, at no time, shall discuss the details with peers or subordinates, before or after reporting the complaint; failure to do so would be deemed as gossiping. This is in order to maintain the integrity of any investigation, as well as providing the complained upon employee/officer with due process.

## VIII. INVESTIGATIVE TIERS

### A TIER 1

Complaints of insubordination, unprofessional conduct, rudeness towards the public, policy violations (other than Tier 2), or improper/unsafe procedures, will be handled by the employee's immediate supervision. These allocations will be categorized as "non-Garrity" investigations, therefore the supervisor is authorized to investigate, determine the facts, and compel a statement from the employee regarding the allegation.

Once the investigation is completed, the supervisor will determine the correct disposition and determine if any corrective action is warranted. Regardless of the disposition, the supervisor will complete a report documenting the complaint, investigation, and findings. That report will be input into the Department's tracking database (IAPRO/BlueTeam).

The supervisor will notify both the complainant and the employee of his/her findings.

### B TIER 2

Allegations of untruthfulness and/or deceitfulness in their duties, unethical conduct, dereliction of duty, biased based profiling or enforcement, abuse of authority, sexual harassment or misconduct, and any criminal activity, to include D.U.I. and Reckless Driving, will be investigated by designated internal affairs personnel at the direction of the Chief of Police. Tier 2 investigations will require that the employee be notified of the investigation and his/her Garrity Rights (Garrity vs New Jersey) be invoked prior to obtaining any statement from them.

The IA Investigator will be tasked with determining the facts associated with the allegation and will report his/her findings directly to the Chief of Police. IA Investigators will work independently and separately from any criminal investigation that may be occurring simultaneously. IA Investigators will not propose suggestions or be solicited for feedback regarding correction action or discipline at the conclusion of an internal investigation.

## IX. PROTOCOL FOR TIER 2 INTERNAL INVESTIGATION

- A Upon authorizing an Internal Investigation, the Chief of Police, or his designee, will notify the employee by delivering in writing a notice that an investigation has been opened. Both the Chief of Police and the employee under investigation will sign the notice, and a copy of the notice will be supplied to the employee.
- B The IA Investigator will thoroughly investigate the allegation, which should include interviewing the complainant, the employee, and any witness, as well as examining any evidence available.
  1. When conducting interviews, the following sequence should normally occur:
    - a) Complainant
    - b) Other public witnesses

- c) Agency witnesses
- d) Accused employee

#### C Employee Cooperation

1. All employees will fully cooperate with any internal affairs investigation being conducted by the agency. Cooperation includes but is not limited to answering all questions truthfully, promptly, and without withholding relevant information.
2. Employees will not discuss open investigations with any person outside of the person(s) conducting the investigation.

#### D When an IA Investigator interviews the employee who is under investigation, he/she will advise the employee of their Garrity Rights prior to taking any statement. Those rights are as follows:

1. You are required to answer all questions asked during this administrative investigation into the allegations made against you.
2. No statements or admissions made by you concerning the limited scope of this investigation will be used against you in criminal proceedings.
3. The department will advise you if administrative proceedings cease and criminal proceedings begin. You will be advised of your rights under criminal law at that time.
4. You do not have the right to counsel during an administrative investigation. An administrative investigation may include, but not limited to any interview, polygraph or voice stress analyzer examinations, or chemical or scientific tests.
5. Your statement can be used as a basis for administrative actions to include termination.
6. Giving false statement during an administrative investigation is, in itself, a separate criminal act and can result in criminal prosecution.

#### E The IA Investigator will record (either audibly or by video) all interviews conducted.

#### F The IA Investigator will complete and deliver a final report to the Chief of Police with the appropriate disposition. The report will include all findings of facts, investigative actions taken, and will list any violations of law and/or policy that were discovered.

#### G All IA Investigations will be stored and tracked in the department's tracking database system. During any administrative/internal investigation, any statements, test results, or any other type of evidence obtained may only be used and considered in the administrative process and may not be used against the employee in any criminal proceeding.

During any criminal investigation or hearing, any statements, test results, or any other type of evidence obtained, may be used against the employee in administrative proceedings.

## **X. DISPOSITIONS**

- A Both Tier 1 and Tier 2 investigations will be assigned a disposition at the conclusion of the investigation:
  - 1. Sustained: The allegation occurred and is a violation of policy and/or law.
  - 2. Not sustained: Insufficient evidence to either prove or disprove the allegation.
  - 3. Unfounded: Allegation is false, not factual, and did not occur.
  - 4. Exonerated: The allegation occurred but was within policy and appropriate.
  - 5. Policy Failure: The conduct took place and was in violation of policy. However, the conduct was reasonable given the circumstances.
  - 6. Failure to Cooperate: After the complaint is filed, the complainant fails to cooperate with the investigation.
- B Once the Chief of Police has reviewed the completed IA file and disposition, if it determined that disciplinary action is warranted, the file is to be forwarded to the Deputy Chief of Police for disciplinary proceedings.

## **XI. INTERNAL AFFAIRS PERSONNEL**

Personnel designated to conduct Tier 2 Internal Affairs Investigations will be selected by the Chief of Police with the following requirements:

- A Will hold the minimum rank of Lieutenant
- B Will obtain a minimum of 24 hours of POST training in Internal Affairs Investigations prior to participating in investigations
- C Will receive annual training updates in Internal Investigations

## **XII. COMMENDATIONS**

- A Any commendation given to an employee of the Agency shall be documented in the agency's tracking database system.
- B Specific information about the reporting party and necessary details shall be documented along with an attachment of any pertinent written reports or documentation.
- C A commendation shall be processed through the chain of command, with a copy of the report placed in the employee's personnel file.
- D Any employee that nominates a fellow employee for a commendation must be submitted to the Chief of Police and approved.

**STANDARD OPERATING PROCEDURE**  
**EFFECTIVE: 06/01/2026**

**S.O.P. 5-8 COURT SUBPOENAS AND COURT DATES**

**I. PURPOSE**

The purpose of this policy is to establish guidelines for receipt of subpoena or other legal notice requiring officers to appear in court as well as appropriate means of filing conflict with the court(s) when applicable.

**II. POLICY**

It is the policy of the Fairburn Police Department that sworn and non-sworn personnel will respond to all subpoenas for court. Those subpoenas, on receipt, shall be reviewed and served by an agency Lieutenant, or higher rank, to the employee under subpoena and a record of service retained. Any conflicts that may arise on the part of the employee in question shall be filed with the court by the employee in writing and the Division Commander affected notified in the same manner. Agency employees will be held accountable for any unexcused absence.

**III. PROCEDURES**

- A. **Receipt of Legal Service** - When a person (investigator, process server, attorney, law enforcement officer) delivers a court subpoena or other related order of the court requiring an employee of this agency to attend court, the employee will immediately tender the document to the respective employee's Lieutenant. In the case of emails sent to the agency related to the service of same, the email will be forwarded to the employee's Lieutenant, with the Division Commander included. The Lieutenant in receipt will accept service in person or in writing and verify the timeframe provides the officer ample time to receive the notice and prepare.
- B. **Dissemination of Legal Service** – Once a Lieutenant has accepted service on behalf of an employee of this agency, the Lieutenant will email that employee, signed receipt/read receipt requested related to the legal service and will include in the email a copy of the subpoena/legal document, as well as reiterate the date, time, and location of the court in which the employee is needed. In an event where there is little time for the employee to prepare, the Lieutenant will attempt to phone the employee as well with the information. In a case where the Lieutenant in receipt of service knows that the employee in question is out sick or is otherwise unable to be reached (such as being recalled to active duty or FMLA), or the time frame allotted does not provide at least 7 business days to prepare for court, the Lieutenant will immediately contact the court related to the employee being unavailable to be served or service lacking proper time allotted to pull evidence and prepare accordingly.
- C. **Conflicts** – Employees that are under subpoena that know prior to date in question that they cannot make court for training, vacation, medical procedures, military leave, or other type event will notify their Division Commander of the issue at hand and submit a memorandum on Department letterhead as soon as reasonably possible to both the court and their Division Commander for record. The employee will remain under subpoena and required to attend court until such time as the employee has

received word from the court that their conflict has been accepted and their presence has been either excused or the court date reset for a different date.

- D **Sickness** – In the event an employee is out sick the day of a required court appearance, the employee will attempt to contact the court (prosecutor/solicitor/investigator) using the contact numbers normally provided on the subpoena and advise of his or her inability to attend due to sickness. Likewise, they will notify their Division Commander accordingly.
  
- E **Failure to Appear (FTA)** - In the event a complaint is made related to an employee of this agency failing to appear in court, the complainant will be directed to a supervisory officer, holding rank of Lieutenant or higher, and a complaint filed in the department's tracker system (IAPRO/BlueTeam) related to the absence. Support Services will review the complaint and assign it to the Unit/Shift Commander of the employee in question for investigation. If the employee is found to be in violation of this policy, progressive disciplinary action will be taken. In the event a critical case is dismissed or lost related to the employee's Failure to Appear, the Division Commander will make notification to the Deputy Chief of Police and any discipline determined appropriate will be executed.

**STANDARD OPERATING PROCEDURES**  
**EFFECTIVE: 05/19/2008**

**S.O.P. 5-9 RECEIPT OF CIVIL PROCESS**

**I. INTRODUCTION**

With increasing frequency, persons at all levels of government are being sued and held individually liable. Whether this arises as a direct result of an "official action" or an incident outside the scope of employment, it impacts the employee and the Agency. The following procedure addresses the processing of civil papers served on the Agency and/or its employees:

- A Acceptance of Civil Process - All civil process (subpoena, notice of law suit, complaint, or summons) shall be served on and accepted only by the employee named on the process. If only the jurisdiction is named, the process server shall be informed that service may be made only to the designated official.
- B Employee Receipt of Civil Process - Any employee who receives a civil process to appear as a defendant or witness in any civil action related to any circumstances arising from the performance of his/her duties shall immediately make one photocopy of the entire civil process and hand deliver the copy to the Division Commander. The civil process shall be handled as any other incoming subpoena.
- C Duties of the Division Commander Upon Receiving Copies of Civil Process:
  - 1. Notify the Chief of Police of the civil process;
  - 2. If the civil process is the result of a work-related activity and lists the employee as a defendant, the Chief of Police or his/her designee will immediately notify the City Attorney's Office. The copy of the entire civil process shall be hand carried to the City Attorney's Office.
  - 3. Obtain copies of all Agency reports and documents about the action; and
  - 4. Ensure the file is complete, review it with the Chief of Police and forward the file to the City Attorney's Office and the City Administrator.

**NOTE: If the Chief of Police determines there may be misconduct by the Agency or an employee, the case shall be investigated. The City Attorney's Office will determine whether the City has any legal interest in the matter and will return its recommendations to the Chief of Police.**

- D Procedure When Civil Suit is Likely - When an employee has reason to believe that he/she may be sued due to circumstances arising from the performance of his/her duties as a City employee, but has not been served civil process, he/she shall immediately notify his/her supervisor by memorandum. The memorandum shall outline his/her actions in the incident and his/her reasons for believing a civil suit will result. The supervisor shall then forward the memorandum and related reports to the Division Commander who shall notify the Chief of Police.
- E Civil Process Arising from Non-Official Actions - When any employee has reason to

believe that he/she may be sued due to circumstances not arising from the performance of his/her duties as a City employee, but the legal action may have an effect on his/her employment or have an adverse effect on the Agency, he/she shall immediately notify his/her supervisor.

- F Procedure when an Employee Starts a Civil Suit Related to Employment with the City - When an employee plans to start any civil action resulting from his/her employment with the City, he/she shall notify the Chief of Police.