



FAIRBURN GEORGIA POLICE DEPARTMENT OPERATIONS MANUAL



CHAPTER 5

Conduct

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INDEX

I. PURPOSE

II. DEFINITION

III. RULES AND REGULATIONS

A General

1. Oath of Office
2. Code of Ethics
3. Commendations

B Standards of Conduct

1. Violation of Law
2. Insubordination
3. Possession or Use of Alcohol
4. Possession or Use of Controlled Substances
5. Payment of Debts
6. Prohibited Association, Frequenting
7. Public Criticism
8. Confidential Information
9. Political Use of Official Position
10. Political Involvement

11. Professional Image
12. Unauthorized Persons in Vehicles
13. Altering Records
14. Reporting Sick Leave
15. Absence from Work
16. Residence Telephone and Address
17. Gifts and Gratuities
18. On and Off-Duty Conduct
19. Job-Related Gains
20. Solicitation of Assistance
21. Abandonment of Duty Assignment
22. Internal Investigations
23. Participation in Civil Matters
24. Leaving Jurisdictional Limits
25. Use of Private Vehicles
26. Unauthorized Recordings
27. Sick Leave Patterns and Abuse

STANDARD OPERATING PROCEDURES (S.O.P.)

- S.O.P. 5-1 ETHICS**
- S.O.P. 5-2 SECONDARY EMPLOYMENT**
- S.O.P. 5-3 OFF DUTY ACTION**
- S.O.P. 5-4 SEXUAL HARASSMENT & SEXUAL DISCRIMINATION**
- S.O.P. 5-5 SEXUAL MISCONDUCT**
- S.O.P. 5-6 DOMESTIC MISCONDUCT**
- S.O.P. 5-7 INTERNAL AFFAIRS/CITIZEN COMPLAINTS**
- S.O.P. 5-8 ALLEGATION/INQUIRY/COMMENDATION (AIC)**
- S.O.P. 5-9 RECEIPT OF CIVIL PROCESS**

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 shall 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 shall request the issuing officer to clarify the order or to confer with a higher authority.

3. Possession or Use of Alcohol - Employees shall 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.

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

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 "light 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.

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 shall 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 shall 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 shall 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 shall 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 persons 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 shall 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/her self 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 supervisory approval or the approval of the 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 four (4) 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 taken into account. Sometimes, it may be necessary to deny sick leave requests, or approve sick leave on different dates than requested, in order 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. Failure to honor such a request may result in disciplinary action.
16. Residence Telephone and Address - The Agency shall maintain a listing of each employee's address and telephone number. It is the responsibility of each officer to maintain a phone at his/her residence and to notify the Agency of any changes in address or phone number.
17. Gifts and Gratuities - Employees shall 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 superior.
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 for 2 separate incidents in any 30 day period.

**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.

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 shall abide by the Law Enforcement Code of Ethics.
- E Abuse of position: Employees shall 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 shall 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 shall 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

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 shall be courteous and civil 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.

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

**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 shall 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 66 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.
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 completed the FTO program will only be permitted to work details inside city limits.
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.
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 officers on the 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

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

1. Private Clubs requiring bouncers or related duties.
2. Adult entertainment establishments.
3. Traffic control measures outside of city jurisdiction.
4. Any non-Fairburn establishment that serves alcoholic beverages, excluding sporting events.
5. Any use of Agency personnel that is not in the best interest of the Agency.
(Best interest determinations rest with 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.

Officers who receive rent reimbursement as a courtesy officer shall fall within all the provisions of this policy.

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 has 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 shall 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 employments, 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 66 hours in a week.

Repeat infractions will result in progressive disciplinary action, to include revocation of extra duty/outside employment approved applications.

The 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 application for extra duty/outside employment is denied, the Chief of Police will put the reasons 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.

**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.

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 shall 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 shall be documented and forwarded up the chain of command to the Chief of Police.
6. All complaints of sexual harassment or discrimination shall 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 shall be retaliated against for reporting allegations of sexual harassment or discrimination.

B Training - The Agency shall conduct annual training regarding sexual harassment and sexual discrimination for all employees that includes instruction on the reporting requirements of such conduct. This training shall 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 having knowledge of a violation of this policy, who 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/CITIZENS COMPLAINTS

I. PURPOSE

It is imperative that the Police Agency operates transparently and is responsive to complaints alleging employee misconduct and external concerns regarding the operation of the Agency. Members of the public shall be provided with a reasonable avenue for any redress of grievances they may have with the service received by police employees and the conduct of the Police Agency. This policy shall provide members of the Agency with the procedures for the acceptance of complaints, the initiation of the administrative investigative process, the process for conducting a fair and reasonable investigation, the proper methods for adjudication of these administrative investigations, and the methods for the administration of fair, reasonable and defensible discipline.

II. POLICY

The Police Agency will accept and document all complaints alleging employee or Agency misconduct for the following principle reasons:

- A To ensure that complaints alleging employee or Agency misconduct are accepted and investigated in a consistent and reasonable manner to uncover the truth of the allegations,
- B To identify areas of misunderstanding by the complaining citizen,
- C To identify employees whose attitude, behavior and/or performance is in need of correction and supervisory intervention,
- D To protect Agency employees and the Agency from erroneous complaints, and
- E To identify Agency policies, training and/or practices in need of reevaluation, clarification and/or correction.

III. DEFINITIONS

- A Complaint of employee misconduct: A complaint is an allegation from any source of an act or omission by an Agency employee, which if proven true, would be considered misconduct or a violation of Agency policies, rules or regulations.

Note: Complaints regarding the validity of traffic citations or parking tickets are not considered complaints for this definition and the party should be referred to the proper court for resolution.

- B Complaint of Agency dissatisfaction: A complaint from an external source of dissatisfaction with an Agency policy or practice
- C Public concerns regarding law enforcement operations not amounting to a complaint: A concern expressed by a member of the public which does not meet the Agency's definition of a complaint, but must be documented by the Agency employee receiving the information from the member of the public

IV. PROCEDURE

- A Sources for complaints: A complaint can originate from any of the following sources:
1. Individual aggrieved person
 2. Third party
 3. Anonymous
 4. Agency employee
 5. News media
 6. Governmental Agency
 7. Civil claim
 8. Members of the public:
 - a) In person
 - b) By telephone
 - c) By letter
 - d) Email
- B Informational brochure: The Agency has developed an informational brochure to inform members of the community how to provide the Agency with commendations, make Agency suggestions, express dissatisfaction with the Agency, or lodge a complaint alleging employee misconduct.
- C Police employee responsibilities: Whenever a police employee becomes aware of a citizen's complaint meeting the above complaint definition or becomes aware of misconduct of another police employee, he/she shall:
1. Immediately notify an on-duty supervisor and ensure that follow-up with the complaining person will not be delayed.
 2. If a supervisor is unavailable or the party making the complaint refuses to wait for the supervisor, the employee will gather all available information regarding the complaint and contact numbers for the complainant.
 3. The employee shall ensure that this information is given to a supervisor at the earliest moment during the employee's duty shift.
 4. Failure to follow these provisions will result in disciplinary action against the involved employee.
- D Supervisor's responsibilities: Whenever a supervisor becomes aware of a person requesting to make a complaint or becomes aware of an incident which will likely result in a complaint or administrative investigation, the supervisor shall conduct an

immediate preliminary investigation including:

1. Conduct an interview of the complainant. Should the allegations not amount to a complaint consistent with the Agency definition of a complaint, the supervisor will advise the party that his/her dissatisfaction will be recorded and forwarded for Agency review. All complaints will be reviewed.
 2. The supervisor accepting the complaint, or if the incident is an occurrence likely to result in a complaint or administrative investigation and no specific complaining person is present, the supervisor shall respond to the scene of the police encounter/incident and:
 - a) Determine the identity of persons involved, witnesses, other police Agency's personnel and Agency employees.
 - b) Ensure that proper evidence is collected and/or documented.
 - c) Ensure that all reasonable documentation and physical evidence is maintained. This includes police reports, communications/dispatch information, medical documentation, and video recording of any portion of the police involvement.
 - d) Ensure that all necessary medical treatment is provided, and documentation is preserved.
- E The complaint initiation process is not incumbent on the cooperation of the complaining person. If the complaining person refuses to cooperate with the investigation or there is no identifiable complainant and the information known to the supervisor satisfies the Agency's definition of a complaint, the complainant will be listed as Agency.
- F Classification of complaints: Complaints and administrative investigations will be classified by the Agency and assigned specific numbering.
- G Processing the complaint: It is the responsibility of the Support Services Division to process the complaint for investigation.
1. Assign the complaint the appropriate control number
 2. Log the complaint into the record management system
 3. Ensure that the complainant receives a letter notifying that the complaint has been received and will be assigned for investigation
 4. Assign the complaint to the appropriate Agency employee for investigation
 5. Investigation will be assigned a due date for completion within thirty (30) days. Extensions of this due date must be submitted in writing for approval by the Chief of Police.
- H Investigative procedures: The employee assigned to conduct the investigation shall:
1. Evaluate the allegations contained in the complaint, and consult with the person accepting the complaint or learning of the allegation(s)

2. Obtain all police reports, communications/dispatch records, video recordings, and other police documents
3. Determine the specific allegations of the complainant and identify any other possible Agency violations, whether alleged by the complainant or not

I Cooperation of Employees

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 shall not discuss open investigations with any person outside of the person(s) conducting the investigation.

J Garrity

1. When a public employee is being questioned by their employer, they are being questioned by the government. Therefore, the Fifth Amendment applies to that interrogation, if it is related to potentially criminal conduct. Any employee being questioned about criminal or potentially criminal conduct will be provided a Garrity warning.

K Conduct interview normally in the following sequence:

1. Complaining person
2. Other public witnesses
3. Agency witnesses
4. Accused employees

L Disposition

1. The investigating person will prepare the investigative report and submit it through the chain of command to the Office of Professional standards for review and recommendations and then to the Chief of Police for adjudication and disposition.
2. The Chief of Police, after careful consideration of each allegation investigated, shall determine the complaint to be one of the following:
 - a) Sustained: there was a preponderance of evidence to prove the allegation
 - b) Not Sustained: there was not sufficient evidence to either prove or disprove the allegation
 - c) Exonerated: the actions of the employee were consistent with the law and Agency policies, rules, regulations and practice

- d) Unfounded: the alleged action did not occur
- 3. The final authority for the disposition is the Chief of Police. Both IA/OPS and the Chief of Police are responsible to ensure that the investigation and the final recommendation are consistent with the investigation and the practices of the Agency.
 - a) When allegations are sustained, the specific charges and processing will be conducted according to the personnel practices of the Agency.

M Role of Internal Affairs (IA) or the designated person

- 1. IA shall prepare the letter to the complainant following the conclusion of the investigation and the disposition of the complaint advising the person that the matter has been resolved.
- 2. IA is responsible for the quality control of the complaint and administrative investigation process and shall:
 - a) Review all final complaint investigations to ensure that they are consistent with the practices of the Agency
 - b) Maintain records of the process
 - c) Maintain the completed investigative and adjudication files in a secure, confidential manner
 - d) Conduct an annual audit of the process
 - e) Maintain statistical documentation regarding the process and prepare any overall reports consistent with the directions of the Chief of Police
 - f) Alert the Agency to any noticeable trends that may require specific supervisory direction, policy review or training evaluation.

N When criminal allegations involving a member of the Agency are identified, the Chief of Police and the IA shall be notified immediately:

- 1. Crime within Agency jurisdiction: the appropriate criminal investigation unit will investigate the criminal aspect unless the Agency elects to have the investigation conducted by an outside entity. The administrative investigation will be conducted by Internal Affairs and is not dependent on the conclusion of the criminal investigation. Normally the initiation of a personnel complaint and the start of the administrative investigation will proceed concurrently with the criminal investigation.
- 2. Crime outside Agency jurisdiction: Internal Affairs will:
 - a) Develop and maintain liaison with the involved Agency and
 - b) Conduct the administrative investigation the same as it would have had the incident occurred within this Agency's jurisdiction.

STANDARD OPERATING PROCEDURE
EFFECTIVE: 05/19/2008

S.O.P. 5-8 ALLEGATION/INQUIRY/COMMENDATION REPORT

I. INTRODUCTION

The Complaint Tracker shall be used to record allegations of employee misconduct, inquiries concerning Agency policy, procedures or tactics, and employee commendation information received from outside the Agency.

II. OVERVIEW

A Allegations of Employee Misconduct

1. Allegations of employee misconduct shall be documented in the complaint tracker maintained by Internal Affairs. The Agency will investigate all allegations received.
2. The information recorded shall be used to begin an investigation into the events surrounding the allegation.
3. Based upon the allegation received and preliminary investigations, allegations shall be classified as either "formal" or "informal." The primary difference in classifying the allegation is the manner in which the investigation will be pursued.

B Formal Investigation - A formal investigation shall be conducted on all serious allegations of misconduct, or where an alleged breach of the law has occurred, or civil litigation is anticipated. Depending upon the nature and complexity of the allegation, the investigation will be classified as a formal investigation by Internal Affairs with the approval of the Chief of Police. These investigations shall be handled by IA.

C Informal Investigation - An informal investigation is conducted on less serious allegations of misconduct. These involve less serious instances of misconduct and demand less intensive investigation. Usually, these investigations will be handled by the employee's supervisor.

III. INQUIRIES

A An inquiry is defined as citizen contact with the Agency concerning questions about policies, procedures, or tactics used by the Agency.

B When a citizen questions the actions of an Agency employee and it is determined by the receiving supervisor that the employee acted within prescribed Agency policy, procedure or tactics, the matter shall be handled as an inquiry.

C The supervisor receiving the inquiry shall obtain all pertinent details from the citizen.

D The supervisor receiving the inquiry shall make every attempt to explain to the citizen

the reasons a policy, procedure or tactic is utilized by the Agency.

- E All information concerning the inquiry shall be documented, including the nature of the inquiry and the response to the citizen. Any related reports or documentation concerning the inquiry shall be attached to the report and submitted through the chain of command to Support Services Division/Internal Affairs.
- F If the citizen is dissatisfied with the explanation, the supervisor shall inform Internal Affairs who shall contact the citizen to explain Agency procedure concerning the incident.
- G If the supervisor receiving the inquiry determines that the employee has not acted within prescribed Agency policy, procedure or tactics, the report form shall reflect the matter as an allegation of employee misconduct, and the supervisor shall complete and forward the form as appropriate.

IV. COMMENDATIONS

- A Any commendation given to an employee of the Agency shall be documented.
- 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.

V. CONTENT OF COMPLAINT REPORTS

1. The complaint tracker case number assigned by IA.
2. The name of the person who received the information.
3. The date the report was received.
4. The name(s) of the employee(s) involved.
5. The location of occurrence of the alleged misconduct, subject of inquiry or commended acts.
6. The actions questioned, alleged, or commended.
7. The name(s) of person(s) making the report & contact information.
8. The name(s) of witnesses.
9. The actions of the supervisor.
10. The date and time the actions were taken by the supervisor.
11. The actions of IA.
12. Whether Investigation recommended/required.

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.