

# JUNEAU POLICE DEPARTMENT PROCEDURES



**Title: Rules of Conduct**

**Date Issued: July 24, 2006**

**Revised: July 11, 2008**

Violation of any of these rules shall be sufficient cause for counseling, reprimand, suspension, and/or dismissal of any member of the Police Department.

The terms "Police Department" and "Department" apply to the Juneau Police Department. The terms "members of the Police Department" applies to all employees of the Juneau Police Department, both sworn and non-sworn. The term "officer" applies only to sworn police officers of the Juneau Police Department. The term "civilian members" applies only to non-sworn personnel employed by the Juneau Police Department.

## **Rule 101 Violation of Rules:**

Members of the Police Department shall not commit any acts or omit any acts, which constitute a violation of any of the rules, regulations, directives or orders of the Department, whether stated in this rule or elsewhere.

## **Rule 102 Unbecoming Conduct:**

Members of the Police Department shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department.

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Unbecoming conduct shall include that which brings the Department into disrepute or reflects discredit upon the individual as a member of the Police Department, or that which impairs the operation or efficiency of the Department or the individual.

## **Rule 103 Conformance to Laws:**

Members of the Police Department shall obey all laws of the United States and of any state or local jurisdictions in which the members are present. A conviction of the violation of any law shall be prima facie evidence of a violation of this section.

## **Rule 104 Reporting for Duty:**

Members of the Police Department shall report for duty at the time and place required by assignment or orders and shall be properly equipped so that they may immediately assume their duties. Judicial subpoenas and Department approved off-duty details shall constitute an order to report for duty under this section.

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## **Rule 105 Neglect of Duty:**

Members of the Police Department shall not commit any acts expressly forbidden or omit any acts that are specifically required by the laws of this state, the ordinances of the City and Borough of Juneau, these Rules of Conduct, or any other orders, policies, procedures, or directives of the Police Department. Members shall not engage in any activity or personal business, which could cause them to neglect or be inattentive to duty.

## **Rule 106 Fictitious Illness or Injury Reports:**

Members of the Police Department shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health.

## **Rule 107 Sleeping on Duty:**

Members of the Police Department shall remain awake while on duty.

If unable to do so, they shall so report to their superior officers, who shall document the incident and determine the proper course of action.

## **Rule 108 Leaving Duty Post:**

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Members of the Police Department shall not leave their assigned duty post during a tour of duty except when authorized by proper authority.

## **Rule 109 Meals:**

Members of the Police Department shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during their tour of duty, but only for such period of time and at such time and place as established by Department procedures or collective bargaining agreement.

## **Rule 110 Less than Acceptable or Unsatisfactory Performance – Sworn Officers:**

Officers shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Less than acceptable or unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave.

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In addition to other indicators of less than acceptable or unsatisfactory performance, the following will be considered prima facie evidence: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.

## **Rule 111 Less than Acceptable or Unsatisfactory Performance – Civilian Members:**

Civilian members of the Police Department shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Civilian members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Less than acceptable or unsatisfactory performance may be demonstrated by a lack of knowledge of Department policy and procedures; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the civilian member's position; the failure to take appropriate action within the responsibilities of the civilian member's assignment; or absence without leave.

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In addition to other indicators of less than acceptable or unsatisfactory performance, the following will be considered prima facie evidence: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.

## **Rule 112 Alcoholic Beverages:**

Members of the Police Department shall not consume alcoholic beverages in a police facility or vehicle except in the performance of official duties, in which case the expressed advance approval of a supervisor is required. Members of the Police Department shall not appear for duty or be on duty while under the influence of intoxicants.

## **Rule 113 Possession and Use of Drugs:**

Members of the Department shall not use any controlled substances, narcotics, or hallucinogens which could affect or impair their ability to function in their job, except when prescribed in the treatment of members by a physician or dentist. Members of the Department shall not possess any controlled substance, narcotics, or hallucinogens except when prescribed in the treatment of members by a physician, dentist, or in the performance of official police duties.

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Members of the Police Department shall not store or bring into the police facility or vehicle controlled substances, narcotics, or hallucinogens, except those which are to be submitted into evidence for safekeeping, or for disposal. When any controlled substance, narcotics, or hallucinogens are prescribed, members shall notify their superior officer, who may arrange for an alternate assignment or require the employee to take personal leave.

## **Rule 114 Use of Alcohol Off Duty:**

Members of the Police Department while off duty shall refrain from consuming intoxicating beverages to the extent that it results in intoxication to the point of obnoxious or offensive behavior which discredits them or the Department, or renders the members unfit to report for their next regular tour of duty.

## **Rule 115 Use of Tobacco:**

Officers when in uniform may use tobacco as long as they are not in a formation, they do not have to leave their assignment or post for the sole purpose of doing so, and they are not engaged in traffic direction or control. Employees are prohibited from using any form of tobacco when they are in direct contact with the public.

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Officers may not smoke, or allow others to smoke, in a police facility, a police vehicle, or any location in violation of city ordinance.

## **Rule 116 Insubordination:**

Members of the Police Department shall promptly obey any lawful orders of a superior officer. This will include orders relayed from a superior officer by any member of the Police Department.

## **Rule 117 Conflicting or Illegal Orders:**

Members of the Police Department who are given an otherwise proper order, which is in conflict with a previous order, rule, regulation, or direction shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not alter or retract the conflicting order, the last given order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer. Members shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued. Members of the Police Department shall not obey any order which they know or should reasonably know would require them to commit any illegal act. If in doubt as to the legality of the order, officers shall request the issuing officer to clarify the order or to confer with higher authority.



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### **Rule 118 Gifts, Gratuities, Bribes or Rewards:**

Except when specifically authorized by the Chief of Police, members of the Police Department shall not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan promise, service or entertainment) which may, in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties.

### **Rule 119 Abuse of Position:**

Members of the Police Department shall not use their official position, identification, or badge for personal or financial gain or privilege or to avoid the consequences of illegal acts. They shall not permit the use of their names, photographs, or official titles in connection with testimonials or advertisements of any product or commercial enterprise without the approval of the Chief of Police; nor shall they lend to another person their identification cards or badge, or permit them to be photographed or reproduced without authorization from the Chief of Police.

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## **Rule 120 Endorsements and Referrals:**

Members of the Police Department shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, towing service, mortician, etc.). In the case of towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, members shall proceed in accordance with established Department procedures.

## **Rule 121 Identification:**

Members shall furnish their name and position with JPD to any person requesting that information when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

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## **Rule 122 Identification – Civilian Members:**

Civilian members of the Police Department shall furnish their name and unit assignment to any person requesting that information when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

## **Rule 123 Citizen Complaints:**

Members of the Department shall courteously and promptly record in writing, a formal complaint made by a citizen against a member of the Department and refer it to a command officer. Members taking the complaint may attempt to resolve the complaint but shall never attempt to dissuade any citizen from lodging a complaint against any member of the Department. Members shall follow established Department procedures for processing complaints.

## **Rule 124 Surreptitious Audio or Video Recording:**

Members of the Police Department are prohibited from surreptitiously audio or video taping department personnel except as authorized by department policy or state law.

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## **Rule 125 Political Activity:**

1. Off duty members of the Police Department shall be permitted to:
  - a. Express opinions as individuals privately and publicly on political issues and candidates.
  - b. Attend and address political conventions, rallies, fundraisers, and similar political functions.
  - c. Assume active roles, as candidates, officers, management, organization, or financial activities of partisan, or nonpartisan, political parties.
  - d. Initiate, circulate, and sign political petitions as individuals.
  - e. Solicit votes in support of or in opposition to any partisan candidate.
  - f. Make financial contributions to political organizations.
  - g. Serve as a delegate to a political party convention.
  - h. Endorse or oppose a candidate for public office.
2. Members of the Police Department are prohibited from:
  - a. Engaging in any permitted political activity while on duty.
  - b. Using their official capacity to influence, or interfere with or affect the results of an election, or to coerce or persuade any person to follow any course of political action.
  - c. Serving as an elected official of the City and Borough of Juneau.
  - d. Otherwise engaging in prohibited political activity on the federal, state, or municipal level.

## **Rule 126 Telephones and Addresses:**

Members of the Police Department shall have a working telephone and shall report within 24 hours any changes in telephone numbers or residential addresses to their superior officers and to such other persons as may be appropriate.

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## **Rule 127 Intervention:**

1. Officers shall not interfere with cases being handled by other officers of the Department or by any other governmental agency unless:
  - a. Ordered to intervene by a superior officer, or
  - b. The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.
2. Officers shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer, unless the urgency of the situation requires immediate police action.

## **Rule 128 Departmental Reports:**

Members of the Police Department shall submit all necessary reports on time and in accordance with established Department procedures. Reports submitted by members shall be truthful and complete, and no member shall knowingly enter or cause to be entered any inaccurate, false, or improper information, or alter, remove, or destroy any report once filed for the purpose of obstructing justice, misleading superior officers, or altering the natural order of information.

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### **Rule 129 Processing Property and Evidence:**

Property or evidence, which has been discovered, gathered, or received in connection with departmental responsibilities, will be processed in accordance with established Department procedures. Members of the Police Department shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established Department procedure.

### **Rule 130 Abuse of Process:**

Officers shall not intentionally make false accusations.

### **Rule 131 Use of Department Equipment:**

Members of the Police Department shall utilize Department equipment only for its intended purpose in accordance with established departmental procedures and shall not abuse, willfully damage, or lose Department equipment. All Department equipment issued to members shall be maintained in a proper order.

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### **Rule 132 Operating Vehicles:**

Members of the Police Department shall operate official vehicles in a careful and prudent manner and shall obey all laws and all Department orders pertaining to such operation. Loss or suspension of any driving license shall be reported to a superior immediately.

### **Rule 133 Carrying Firearms:**

Officers shall carry firearms in accordance with the law and established Department procedures.

### **Rule 134 Truthfulness:**

Members of the Police Department shall maintain the highest level of honesty during any official proceeding or inquiry. Deliberate false statements or omissions of critical facts are prohibited.

### **Rule 135 Medical Examinations, Photographs, Polygraphs and Line-Ups:**

Upon the order of the Chief of Police, members of the Police Department shall submit to any medical, ballistics, chemical, or other tests, photographs, or line-ups. Officers may be ordered by the Chief of Police to submit to a polygraph examination. All procedures carried out under this section shall be specifically directed and narrowly related to a particular internal administrative investigation being conducted by the Department.

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### **Rule 136 Treatment of Persons in Custody:**

Members of the Police Department shall not mistreat persons who are in their custody. Members shall handle such persons in accordance with the law and Department procedures.

### **Rule 137 Use of Force:**

Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force in accordance with the law and Department procedure and policy.

### **Rule 138 Use of Weapons:**

Officers shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with the law and Department procedures.

### **Rule 139 Arrest, Search and Seizure:**

Officers shall not make any arrest, search, or seizure which they know or should reasonably know is not in accordance with the law and Department procedures.

### **Rule 140 Ethics:**

Members of the Police Department shall not conspire or knowingly engage in any activity which deprives any person of their civil rights, due process, equal opportunity for employment, advancement, job opportunities, or any constitutionally or statutory guaranteed right.



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The Juneau Police Department adopts the Law Enforcement Code of Ethics as its philosophical basis for regulations governing the conduct of its employees, and is quoted as follows:

"As a law enforcement officer my fundamental duty is to serve all people, 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 people 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 esteem 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 has been confided in me in my official capacity will be kept ever secret, unless revelation is necessary in the performance of duty. I will never act officiously or permit personal feelings, prejudice, animosities or friendships to influence my decisions. With no compromise with 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 police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession, law enforcement."

## **Rule 141 Courtesy:**

Members of the Department shall be courteous to the public.

Members shall address, refer, and treat other members of the Department with respect and courtesy, and address the co-worker with proper title when in public.

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Members shall be tactful in the performance of their duties; shall control their tempers and exercise the utmost patience and discretion; and shall not engage in argumentative discussions, even in the face of extreme provocation. In the performance of their duties, members shall not use coarse, violent, profane, offensive, or insolent language or gestures and shall not express any prejudice concerning race, sex, age, religion, politics, national origin, life style, or similar characteristics.

## **Rule 142 Requests for Assistance:**

When any person requests assistance or advice or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Department procedures.

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## **Rule 143 Associations:**

Members of the Juneau Police Department shall avoid regular or continuous associations or dealings with persons and or organizations whom they know or should reasonably know are persons under criminal investigation or indictment or who have a reputation in the community, or the Department, for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties or where unavoidable because of other personal relationships of the members.

## **Rule 144 Visiting Prohibited Establishments:**

Members of the Police Department shall not knowingly visit or frequent a house of prostitution, gambling house or establishment wherein the laws of the United States, the State, or local jurisdiction are regularly violated, except in the performance of duty or while acting under proper and specific orders from a superior officer.

## **Rule 145 Gambling:**

Members of the Police Department shall not engage or participate in any form of illegal gambling at any time except in the performance of duty and while acting under proper and specific orders from a superior officer.

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## **Rule 146 Public Statement and Appearance:**

Members of the Police Department shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information or any matters of the Department while holding themselves out as representing the Department in such matters without approval of the Chief of Police.

Members may lecture on police or other related subjects only with prior approval of the Chief of Police. This policy does not prohibit routine press releases done in accordance with established media relations policies.

## **Rule 147 Confidentiality:**

No member of the Police Department shall disseminate confidential police related information to any unauthorized person for any purpose.

## **Rule 148 Electronic Systems Security:**

The querying of any data file to obtain any information for personal purposes, to satisfy curiosity, or for any purpose other than official law enforcement business is strictly prohibited.

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This includes but is not limited to drivers license information, vehicle registration information, and criminal history information. Department members shall not access, request, divulge, use, or permit the use of any information gained by reason of their position, except as authorized by legal requirements or as permitted by Department regulations and procedures. This includes but is not limited to data available in NCIC, APSIN, ALEISS, CBCInnovis, NLETS, III, LINX, WINPHO, ACCURINT, JUDG, VisionAir CAD and RMS, or any other computer generated information system. All data and information available to JPD employees is to be used strictly for official police business.

Ed Mercer

A handwritten signature in dark ink, appearing to read "Ed Mercer".

Chief of Police