



# MAINE STATE POLICE GENERAL ORDER

## E-24

**SUBJECT:** MAINE STATE POLICE CODE OF CONDUCT POLICY

**EFFECTIVE DATE:** 08.01.2020

**EXPIRATION DATE:** 08.01.2027

**RECENT HISTORY:** AMENDED (08.01.2020); AMENDED (09.03.2019); TECHNICAL AMENDMENT (05.07.2014); AMENDED (04.12.2013); REVISES MSP GO E-24 (05.05.2010); CONVERTED TO WEB FORMAT ON 02.04.2009; FORMERLY G.O. 26A (EFFECTIVE DATE 01.03.1994)

**DISTRIBUTION CODE:** 2 (MAY BE PUBLICLY DISCLOSED)

**APPLICABILITY CODE:** C, S, Z

**SIGNATURE OF COLONEL:**

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Code of Conduct policy.

### II. POLICY

1. The policy of the Maine State Police is to:
  - A. Adopt the *International Association of Chiefs of Police Code of Conduct* as the code of conduct that is to be followed by Maine State Police officers;
  - B. Establish through this policy specific requirements and prohibitions with respect to the conduct of Maine State Police officers; and

- C. To enforce violations of the *International Association of Chiefs of Police Code of Conduct* and the provisions of this policy.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Code of Conduct. "Code of Conduct" means the *International Association of Chiefs of Police Code of Conduct*. Colonel.
  - B. "Colonel" means the Chief of the Maine State Police, or her or his designee.
  - C. Social media platform. "Social media platform" means a website through which individuals and organizations may develop uniquely-identifiable profiles and communicate and network with other individuals and organizations who visit or themselves also use the website.
    1. Examples of such websites are Facebook, Snapchat, Twitter, and Instagram.

### IV. PROCEDURE

1. At all times, each officer of the Maine State Police shall follow the *International Association of Chiefs of Police Code of Conduct* (copied below).
2. In addition, at all times, an officer **shall**:
  - A. Both on and off duty, behave in a manner that does not discredit or impugn the integrity of the Maine State Police;
  - B. Be civil, orderly, and ethical in conduct, character, and habit;
  - C. Be attentive, control personal emotions, and exercise the utmost patience and discretion;
  - D. Fulfill all financial obligations;
  - E. Presume the official business of the Maine State Police to be confidential;
  - F. Act with dignity and maintain a military bearing;
  - G. Perform assigned duties in a diligent, professional manner;
  - H. Follow State and Federal statutes and regulations, as well as Maine State Police policies;
  - I. Follow orders and instructions from superior officers, unless any such order or instruction is believed in good faith by an officer to be unreasonable or unlawful, in which case the officer may appeal the order or instruction to the Colonel in writing;
    1. Disobedience or disregard of a lawful order or instruction from a superior officer constitutes grounds for disciplinary action;
  - J. Respond to calls for police service or assistance from citizens or as assigned by emergency communications operators;
  - K. When in uniform, salute the flag of the United States of America as it passes in public parades, ceremonies, or other occasions, when the flag

approaches within six (6) paces of the officer, and hold such salute until the flag has passed;

1. An officer assigned to VIP security does not need to abide by this requirement “K”;
- L. When the National Anthem is played at any place where the officer is present, come to the position of attention and face the flag of the United States of America;
1. If in uniform, the officer shall salute at the first note of the anthem and retain the salute until the last note;
  2. An officer assigned to VIP security does not need to abide by this requirement “L”;
- M. Be generally knowledgeable of all laws enforced by the Maine State Police; and
- N. When using personal social media platforms, and the Internet in general, ensure that he or she is aware that:
1. Her or his online posts and comments become part of the worldwide electronic domain for an indeterminate length of time;
  2. Any information created, transmitted, downloaded, exchanged, or discussed in a publicly-accessible online forum – including, but not limited to, on a publicly-accessible personal social media platform – may be accessed by the Maine State Police at any time without prior notice;
  3. Use of personal social media platforms could compromise an employee’s ability to be assigned future undercover or covert assignments of the agency.
3. In addition, an officer ***shall not***, at any time:
- A. Permit the use of a personal photograph of the officer in uniform, or that otherwise identifies the officer as a member of the Maine State Police, in connection with any testimonial or advertisement, unless previously approved by the Colonel;
  - B. Authorize the use of the officer’s title, identification, or position with the Maine State Police in connection with any testimonial or advertisement, unless previously approved by the Colonel;
  - C. Solicit subscriptions or collect donations for any purpose, except as permitted by applicable law, and unless previously approved by the Colonel;
  - D. Voluntarily offer to be a witness in any civil case.
    1. An officer, however, shall comply with a lawful, authorized subpoena that commands the officer's appearance as a witness in an adjudicatory proceeding;
  - E. Provide bond or furnish bail for any person unrelated to the officer;

- F. Sign any petition on behalf of the Maine State Police, unless previously approved by the Colonel;
- G. Make any statement publicly, written or spoken, critical of the Maine State Police, or any personnel thereof, if such statement is defamatory or unlawful;
- H. Bring any intoxicating liquor or drugs into any building officially occupied by the Maine State Police, except:
  - 1. On order of a physician for medical purposes;
  - 2. As evidence in an investigation; or
  - 3. When authorized by the Colonel or a Troop or Unit Commanding Officer;
- I. Consume alcoholic beverages while on duty, except if doing so is required in the performance of the officer's law enforcement duties;
- J. Consume alcohol while in uniform;
- K. Operate a state-owned vehicle after consuming alcohol;
- L. Report to duty while under the influence of or impaired by drugs or alcohol;
- M. Consume any drug, narcotic, or other like substance, except as permitted by law or authorized by a licensed physician;
- N. Feign illness or otherwise abuse sick leave;
- O. Be absent from work without authorization.
  - 1. Absence for three consecutive days without authorization shall be deemed a voluntary resignation, unless such absence is excusable pursuant to applicable State law and personnel policies;
- P. Knowingly associate or have any dealings with persons engaged in unlawful activities;
- Q. Frequent or operate places of questionable character, either while on or off duty, except if doing so if required in the performance of the officer's law enforcement duties;
- R. Sleep on duty, unless approved by the officer's Commanding Officer;
- S. Use any tobacco product in violation of any state law, regulation, rule, or policy.
  - 1. Additionally, officers shall not use tobacco products when they are in a situation in which they are likely to be observed by a member of the public, or when interacting with a member of the public; or
- T. When using personal social media platforms –
  - 1. Without the prior, written authorization of the Colonel, post or otherwise disclose any privileged or legally-protected information learned or obtained in the course of their duties, including, but not limited to, any text, photograph, audio, video, or any other multimedia file related to any investigation, either current or past, of any law enforcement agency;
  - 2. Without the prior, written authorization of the Colonel, post or otherwise disclose any text, photograph, audio, video, or any other

- multimedia file related to either current or past action of the Maine State Police, and that is critical of the agency or any personnel thereof;
3. Without the prior, written authorization of the Colonel, post or otherwise disclose any picture or description of any nonpublic work areas or facilities of the Maine State Police that would jeopardize the safety or security of such areas or facilities;
  4. Without the prior, written authorization of the Colonel, post or otherwise disclose any information that is legally protected intelligence information, investigative information, or security information, or that is otherwise confidential as a matter of law;
  5. Post any comment, discussion, text, photograph, audio, video, or any other multimedia or digital technology media file on a personal social media platform that implies, states, opines, or otherwise expresses their personal views that likely would:
    - a. Be detrimental to the mission of the Maine State Police;
    - b. Undermine the public's trust or confidence in the Maine State Police;
    - c. Bring embarrassment, disgrace, or doubt as to their credibility as impartial members of the Maine State Police;
    - d. Impair working relationships of the Maine State Police;
    - e. Impede the performance of their duties;
    - f. Impair discipline or harmony among coworkers;
    - g. Negatively affect the public perception of the Maine State Police;
    - h. Negatively reflect upon the mission, reputation, or professionalism of the Maine State Police;
  6. Use personal social media platforms to conduct Maine State Police business;
  7. Make any statements, speeches, appearances, endorsements, or publish materials that could reasonably be interpreted as representing the interest, views, or official positions of the Maine State Police.

### **International Association of Chiefs of Police Code of Conduct**

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing.

The International Association of Chiefs of Police believes it important that police officers have clear advice and counsel available to assist them in performing their duties consistent with these standards, and has adopted the following ethical mandates as guidelines to meet these ends.

#### **PRIMARY RESPONSIBILITIES OF A POLICE OFFICER**

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property,

protecting the innocent, keeping the peace and ensuring the rights of all to liberty, equality and justice.

#### PERFORMANCE OF THE DUTIES OF A POLICE OFFICER

A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

#### DISCRETION

A police officer will use responsibly the discretion vested in his position and exercise it within the law. The principle of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest – which may be correct in appropriate circumstances – can be a more effective means of achieving a desired end.

#### USE OF FORCE

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

The use of force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

#### CONFIDENTIALITY

Whatever a police officer sees, hears or learns of that is of a confidential nature will be kept secret unless the performance of duty or legal provision requires otherwise.

Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

#### INTEGRITY

A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers.

The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public

confidence in a law enforcement agency. Officers will refuse to accept any gifts that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

#### COOPERATION WITH OTHER POLICE OFFICERS AND AGENCIES

Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.

#### PERSONAL-PROFESSIONAL CAPABILITIES

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence.

Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

#### PRIVATE LIFE

Police officers will behave in a manner that does not bring discredit to their agencies or themselves.

A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

#### **NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**