

NEW BERN POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL

Chapter: 26	Disciplinary Procedures
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Chapter 26 Disciplinary Procedures

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26.1.1 Code of Conduct and Appearance

The purpose of the Code of Conduct is to ensure that employees comply with the directives, policies and procedures of the New Bern Police Department. Employees shall obey the Code of Conduct and be held accountable for their adherence to it. Violations of the Code of Conduct that are not specifically addressed in the code shall be referenced to the closest related section for adjudication.

1. Employees shall be courteous to the public, both in person and by telephone, and shall control tempers and exercise patience and discretion; employees shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning race, gender, religion, politics, ethnicity, national origin, lifestyle, economic status, age, culture or other identifiable group characteristic, or similar personal characteristics.

2. Employees shall not engage in offensive verbal or physical conduct directed against a co-worker, or any member of the public based upon race, color, national origin, sex, religion, handicap, age, lifestyle or marital status. Employees are also forbidden from such conduct while off duty if such conduct adversely affects the employee's ability to perform his/her official duties.
3. Employees shall avoid associating or conducting business with persons whom they know, or should have known, are under criminal investigation or indictment, or who have a reputation in the community for involvement in criminal behavior, except as necessary in the performance of official duties or where unavoidable because that individual is a close relative of the employee.
4. Employees shall not solicit or accept any gift/gratuity without the written permission of the Chief of Police or in cases involving the Chief of Police, without the approval of the appointing authority.
5. Employees shall not possess and/or use alcohol while on duty or while in uniform other than in an authorized duty capacity.
6. Employees shall not appear for duty or be on duty while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants upon their breath. Employees shall at no time purchase any type of alcoholic beverage while in uniform.
7. Employees shall not consume intoxicating beverages in public while off-duty to such an extent that would reflect discredit upon themselves or the New Bern Police Department.
8. Employees suspected of drinking while on duty or reporting for duty intoxicated shall submit to a chemical analysis as determined by the division captain. Such test may be used in any criminal action if the tests are given according to the rules set forth by the North Carolina Department of Human Resources.
9. Employees shall not possess and/or use any controlled substance while on duty or while in uniform, except with the approval and guidance of a licensed physician and with the knowledge of a superior. At no time may an employee of the department use or be under the influence of a controlled substance where such use or influence impairs or compromises the efficiency and integrity of the department. Employees shall notify their immediate supervisor when they are taking prescribed medication that could impact their performance.
10. Employees shall not engage 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.
11. Employees shall use only the degree of force that is reasonably necessary to perform official duties, and is in compliance with Federal law, State laws and Department policies, procedures, rules and regulations.
12. Employees shall only use deadly force as a last resort, and then in compliance with Federal law, State laws and Department policies, procedures, rules, and regulations.
13. Stopping a vehicle or person, issuing a citation, searching a person or vehicle, making an arrest, or taking any action in traffic contacts, field contacts, seizing assets or initiating the forfeiture of property solely because of race, ethnicity, national origin, or any other group characteristic of an individual is prohibited.
14. Sergeants and other first-line supervisors shall make careful inspections of their subordinates to ensure they are properly uniformed, equipped, and fit for duty to include the following:
 - a. General personal appearance to determine proper grooming and appropriate wearing of the uniform. Personnel in plainclothes assignments shall be inspected to ensure compliance with applicable dress codes and clothing allowances.
 - b. Exceptions: Officers assigned to undercover, or other such special assignments shall be exempt from the physical appearance and grooming provisions of this general order. Appearance and

grooming standards for the undercover officers shall be established by the appropriate Division Captain in accordance with the needs and circumstances of the duties to be performed.

- c. Uniformed employees shall wear uniforms and insignia commensurate with their rank and assignment. The official uniform or any part thereof shall be worn only while on duty, traveling to and from work, or at authorized assignments or ceremonies.
- d. The official uniform shall be worn in its entirety. The official uniform shall not be mixed with civilian clothing except when required for recognition purposes by plainclothes officers during raids or similar emergencies or as authorized by the Chief of Police.
- e. While in uniform, employees shall be neat and clean in personal appearance, and shall wear the uniform with dignity and in conformance with rules and regulations.
- f. When operating a department vehicle, employees shall be attired appropriately. The employee's attire will always project the professional image of the department. Officers must keep in mind that when the public sees a marked police vehicle, they have the expectation that the marked vehicle is an on-duty police officer and capable of providing assistance.
- g. Employees can display tattoos, brandings, or intentional scarring however, they are subject to review to determine if they reflect the professional image of law enforcement. No officer shall display tattoos, body art, or brands on the head, hands, face, neck, or scalp. The only exception to the hand would be on the ring finger of an employee representing a wedding band. The band shall be no wider than a normal size band. Any designs, letters, or other art must be covered.
- h. Content of Tattoos. Tattoos located anywhere on the body that are prejudicial to good order and discipline or are of a nature to bring discredit upon the police department, are prohibited. Examples include, but are not limited to, tattoos that are drug-related, gang-related, extremist, obscene or indecent, sexist, or racist, as further defined below:
 - 1. Extremist. Extremist tattoos are those affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities. Extremist philosophies, organizations, and activities are those which advocate racial, gender, or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, ethnicity, religion, or national origin; or advocate violence or other unlawful means of depriving individual rights under the U.S. Constitution and federal or state law.
 - 2. Obscene or Indecent. Indecent tattoos are those that are grossly offensive to modesty, decency, or propriety.
 - 3. Sexist. Sexist tattoos are those that advocate a philosophy that degrades or demeans a person based on gender.
 - 4. Racist. Racist tattoos are those that advocate a philosophy that degrades or demeans a person based on race, ethnicity, or national origin.

15. General Regulations for uniformed employees:

a. Male Employees:

- 1. Hair styles shall be worn in a fashion that is professional in appearance and style, and in keeping with normal business standards as determined by the New Bern Police Department. Hair shall not extend over the top of the ear when groomed and shall not touch the back of the collar in normal posture. If hair coloring is used it must appear natural.

2. Sideburns: Sideburns shall not extend below the earlobe and shall at no point be more than one and one-half inch (1½") wide or more than one half inch (½") in thickness. Sideburns shall not flare and shall be trimmed horizontally across the bottom.
 3. Mustaches: Mustaches are permitted and shall be neatly trimmed at all times. Mustaches shall not extend more than one half inch (½") horizontally beyond the corners of the mouth, shall not extend below the corners of the mouth, and shall not cover any part of the upper lip.
 4. Facial Hair:
 - a. Beards, goatees, or other growth of hair below the lower lip shall not be permitted, except as authorized by command authority for special assignments for sworn personnel.
 - b. A groomed and maintained mustache, goatee or beard is authorized for non-sworn employees. Non-sworn employees will be held to the same grooming standards as outlined in the City of New Bern employee handbook.
- b. Female Employees:
1. Hair styles shall be worn in a fashion that is professional in appearance and style, and in keeping with normal business standards as determined by the New Bern Police Department. Hair may not be worn longer than three inches (3") below the bottom of the collar except for non-sworn personnel. Longer hair must be worn in an upward sweep or bun and not allowed to straggle. These hair styles must present a neat appearance. Braiding, twisting, and locking styles are permitted, provided they are conservative and professional in appearance. Braids should be straight and tight to the scalp. Hair that normally falls below the bottom edge of the collar shall be neatly, professionally and inconspicuously fastened or pinned and must meet the length and bulk guidelines defined within this directive. Hairstyles that are lopsided or distinctly unbalanced are prohibited. If hair coloring is used it must appear natural.
 2. Prohibited Hair Styles: Hair styles which are prohibited for all employees (except approved Narcotics assignments) include, but are not limited to:
 - a. Mohawks
 - b. Plaits
 - c. Spikes or tails
 - d. Unusual colors.
16. Earrings: Male employees shall not wear earrings. Female sworn employees may wear one pair of stud type earrings not in excess of one-half inch (1/2") only to be worn in the ear lobe. Female non-sworn employees may wear one pair of earrings, only to be worn in the ear lobe, which must not dangle more than one inch (1") from the base of the ear lobe or in excess of one inch (1") in diameter. Any other visible piercing is not authorized.
17. Jewelry worn with the uniform must be in good taste and not distract from the professional image or work performance of the employee. In addition to the restrictions on earrings listed above, uniformed employees may wear only the following jewelry items:
- a. One wristwatch

- b. Medic alert bracelet(s)
 - c. One memorial bracelet
 - d. Jewelry worn around the neck only if it is not visible.
 - e. One ring or ring set is to be worn on each hand.
18. Fingernails: The length of employee's fingernails shall not exceed one quarter inch (1/4"). Excessive length of fingernails interferes with the safe and efficient operation of equipment and machinery. Excessive length of fingernails can also contribute to an unintentional discharge of a firearm.
 19. Plainclothes Personnel: All employees in plainclothes assignments shall wear attire which is in good taste and is normally accepted as business attire. Extreme fashions, T-shirts, blue jeans, shorts, sneakers, flip-flops, sandals, denim, leather, rope or string ties, and other casual wear are inappropriate in the workplace. Sworn employees whose assignment necessitates unusual attire (Narcotics, etc.) may wear such attire as is approved by their Division Captain.
 20. Display of Firearm by Non-Uniformed Personnel: When a weapon is worn or carried on or about the person and within open display of the public, the non-uniformed officer will ensure that a police badge is clearly visible on the front of the body or in close proximity to the firearm. Sworn officers may also wear other approved department issued accessory clothing when working in plainclothes, such as raid vest, police caps, lightweight jackets or traffic vests that clearly identify them as police officers.
 21. Detainees will be treated civilly and with appropriate respect.
 22. When operations permit, bicycle officers are encouraged to interact with citizens seeking photographs and discussion of the Bicycle Program. Bicycle officers should take advantage of the opportunity to act as goodwill ambassadors for the Department and the City.
 23. New Bern Police Officers shall be alert and shall strive to make each contact both safe for the officer and educational for the violator, leaving the violator with the impression that the officer has performed a necessary task in a professional and friendly manner.
 24. No employee will conduct surreptitious audio and/or video recording in the police department, any City of New Bern facilities or vehicles of police department personnel without the expressed authorization of the Chief of Police or his designee. Personnel actions such as Internal Affairs interviews, hearings, etc. may be recorded by the command officer or investigating officer but it will be done in the open. This regulation does not prohibit the use of approved recording equipment (Interview rooms, ECC phone lines, police radio communications, in-car camera system, body worn cameras, etc.) documenting overt or covert police activity or require specific notice of its use. All personnel shall presume that they are being recorded by these systems for the duration of an incident.
 25. All communications between Communications and the public, as well as radio traffic with all radio users and other agencies shall be conducted using appropriate professional protocol at all times.
 26. Tele-communicators will project a professional demeanor by demonstrating concern, patience, respect, and exceptional listening and verbal communications skills. Provide prompt, positive, calm, and courteous attention to all telephone calls.
 27. The relationship between an officer and a confidential informant (C.I.) shall be maintained strictly on a professional basis. Officers shall not socialize with, become overly friendly with, conduct private business transactions with, or be publicly identified with a C.I.

26.1.2 Employee Recognition

- A. The New Bern Police Department is committed to providing excellent service to the citizens we serve. When an employee goes above and beyond what is necessary or completes an assignment above the normal standard, it is the policy of the department to recognize the employee for their actions and achievements. There are three levels of recognition: Supervisor Commendations, Chief's Letters of Merit and Valor Awards. It is possible that an employee could receive all three levels of recognition for a single act. There shall be no anonymous submission or self-nomination of awards by any employee of the New Bern Police Department.

Determination of this distinction requires careful consideration of exactly what is or was expected as the ordinary, versus what is or was accomplished as extraordinary and distinctive.

1. **Supervisor Commendations** are less formal acknowledgments to an employee of positive behavior or performance in the completion of their duties. A Supervisor Commendation can be documented using the approved format and issued to an employee by any supervisor. Once a Supervisor Commendation is presented to an employee by a supervisor, the supervisor will enter the commendation into the current tracking program along with a copy of the commendation and forward it through their chain of command for approval and/or recommendations for other awards. The Supervisor Commendation will be filed into the employee's Employee Reference File.
 2. **Chiefs Letter of Merit** is a more formal acknowledgment for positive work performance. The Chief of Police or designee will present an employee their Chiefs Letter of Merit. Any employee may nominate another employee for a Chiefs Letter of Merit. The nominating employee will prepare a Chief's Letter of Merit and it to the Awards and Recognition Committee (hereafter known as the Committee). The Committee will review the submission and choose to approve it, edit it, or deny the issuance of the letter. The Committee will furthermore review the nomination for any other possible awards. Once the award is presented, a copy will be filed into the employee's Employee Reference File.
 3. **Valor Awards and Service Awards** are awarded to an employee for specific act(s) of valor and meritorious service. A recommendation for a Valor Award or Service Award can be received internally or externally. To recommend an employee for a Valor Award or Service Award, the submitting officer must submit an Award and Recognition Form (Form 41.2) describing the events with the name of the employee(s) through his chain of command and to the Professional Standards Lieutenant. The request will be accompanied by supporting documentation such as copies of case /incident reports, incident logs, etc. The request must include the name of the employee, the recommended award, the date, time and location of the qualifying act or acts, a brief statement of the facts and circumstances, and the names of any witnesses. All Valor Awards and Service Award submissions will be reviewed by the Awards and Recognition Committee for consideration of a Valor Award or Service Award.
 4. **Yearly awards** to include Civitan Officer of the Year, Telecommunicator of the Year and Civilian Employee of the Year will be based on a calendar year. The nomination period is from November 15 – December 1, each year so that it may be acknowledged in the next year evaluation process. For questions related to the requirements of each award refer to the Professional Standards Lieutenant for information.
- B. The committee shall meet as needed to consider nominations for recognition. The Committee may base its decisions on the documentation submitted or may request further investigation, including testimony of witnesses. The committee may determine that an award other than the one listed on the nomination is more appropriate and may amend the request for recognition accordingly. All nominations shall be decided by majority vote and shall be recorded as "passed" or "denied". In the event of a deadlock vote, the Chief of Police will make the final determination of the vote. If there is no deadlock vote, the committee will forward a copy of their final decisions to the Chief of Police who will make the final determination of award approval. All Valor and Service Awards will be presented to the employee(s) at time and place decided by the Chief of Police. If a Valor Award or Service Award is awarded to an employee, a copy will be included in the employees departmental Employee Reference File and forwarded to Human Resources.

- C. If the Chief of Police determines an employee of the New Bern Police Department or citizen has acted in a manner that merits an award or recognition, with proper support and documentation, the Chief of Police can directly award or recognize the employee without facilitating the use of the committee.
- D. Departmental recognition shall be awarded in accordance with the following criteria. All employees of the department shall be eligible to receive these awards if the individual awards criteria are satisfied:
1. **Valor Awards:** A Valor Award is one bestowed upon an individual for specific act(s) of gallantry meritorious service:
 - a. **Medal of Ultimate Sacrifice:** Presented to the family of any sworn member who pays the ultimate sacrifice and dies while in the lawful performance of their police duties. The member shall be eligible posthumously for any other awards that may be appropriate.
 - d. **Purple Heart:** Awarded to a member who, in the performance of his duties, receives a significant or life threatening injury or is killed as a result of any hostile or aggressive criminal action. The committee may consider significant injuries sustained during other, non-intentional events such as fires, explosions, collisions, etc., with valid justification.
 - c. **Combat Cross:** Awarded to any member who, while in the performance of his duties, successfully and intelligently performs an act of extraordinary heroism while engaged in personal combat with an armed adversary under circumstances of imminent personal hazard to life.
 - d. **Medal of Valor:** Awarded to any member, while in the performance of his duties, who manifests outstanding bravery, risks his or her life with full and unquestionable knowledge of the danger involved, or where a reasonable person would assume his or her life was in great danger.
 - e. **Medal of Distinguished Service:** Awarded to a member while in the performance of his duties, who intelligently, performs an act of outstanding personal bravery at imminent personal risk to life or serious injury and without the knowledge of the dangers involved.
 - f. **Medal of Meritorious Service:** Awarded to any member who has made an exceptional achievement or achievements, including, but not limited to extraordinary valor, crime prevention, criminal investigations, community service and relations, juvenile issues, drug abuse and prevention, training, traffic safety, mentoring, and other innovative approaches to public safety. All nominees should have maintained the highest standard of leadership, distinguishing themselves by superior accomplishments, continuing long-term involvement, communication, skills that encompass problem solving, planning, organizational performance, professionalism, and effectiveness.
 - g. **Lifesaving Medal Award:** Awarded to any member, who rescues, or endeavors to rescue, any person or police K9 from a life-threatening event. The rescue or attempted rescue may take place in or outside the jurisdiction of the New Bern Police Department. The Lifesaving Medal is authorized if the individual attempting the rescue did so with the knowledge of possible risk to his or her own personal safety.
 2. **Service Awards:** Service Awards are awarded to an individual recognizing achievement or for participation in designated projects or events:
 - a. **Award of Excellence:** Awarded to any member who, performed an act that is well above the expected, that is commendable and exemplary while in the performance of their duties. The act

should be an exceptional accomplishment that is usually distinguished by a succession of outstanding acts of achievement over a sustained period in time.

OR

Awarded to a member, whose courage, resourcefulness, tenacity, diligence and/or perseverance in the line of duty goes beyond that which is normally encountered by members in the protection of life or property, such as the prevention of a major crime or the apprehension of an armed and/or dangerous criminal.

- b. **Chief 's Unit Citation:** Awarded to two or more members who perform an act or series of acts over a period of time which demonstrate a high degree of teamwork and professionalism above and beyond normal expectations and/or during adverse conditions and which result in the attainment of department goals, thus increasing the department's effectiveness and efficiency. This award may be presented alone or in addition to any other award. If the award is given because of a particular incident, only those personnel actually working at the time are eligible. If the award is given because of a series of acts over a period of time, all personnel assigned to the unit during that period are eligible.
 - c. **Advanced Certificate:** Any member who has been awarded the Advanced Certificate by the North Carolina Criminal Justice Education and Training Standards Commission shall be authorized to wear this ribbon upon providing proper documentation to the Awards and Recognition Committee.
 - d. **Intermediate Certificate:** Any member who has been awarded the Intermediate Certificate by the North Carolina Criminal Justice Education and Training Standards Commission shall be authorized to wear this ribbon upon providing proper documentation to the Awards and Recognition Committee.
 - d. **Years of Service:** Presented by the Board of Alderman to sworn officers for their years of service with the City of New Bern, as well as any years of service approved by the North Carolina Criminal Justice Education and Training Standards Commission. May also be awarded to any civilian personnel for their years of service with the City of New Bern, as well as any years of service with a law enforcement agency as approved by the committee.
 - e. **Hours of Service Plaque:** Awarded to the reserve officer working the most hours in a calendar year.
3. **Achievement Awards:** Awarded to any member who through some determination has made an achievement, which is deserving of recognition.
- a. **Military Service:** Awarded to any member who has honorably severed in a United States military branch.
 - b. **Bachelor Degree:** Awarded to any member who has received their Bachelor Degree as outlined in the City of New Bern policy. Proper documentation must be presented to the committee.
 - c. **Master's Degree:** Awarded to any member who has received their Master's Degree as outlined in the City of New Bern policy. Proper documentation must be presented to the committee.
 - d. **FBI National Academy:** Awarded to any member who has successfully completed the FBI National Academy.
 - e. **Other:** All other achievement awards must be approved by the committee.

4. **Civic Awards:** The Chief of Police may receive requests from various civic associations to recognize members of the department. The Chief shall notify the committee of the criteria established by the association and shall request a list of qualified candidates from other members of the department or the committee's files. The Chief of Police or the association shall choose the recipient of the civic award from that list of candidates. The recipient, in addition to any medal or plaque presented by the civic association, shall receive a designated ribbon from the department, which shall represent all civic awards.

a. Current employees sworn or non-sworn who have received any of the authorized annual civic association awards during their employment with a law enforcement agency, providing it meets the awards criteria and employee can provide the necessary documentation, shall receive the designated ribbon.

E. Employees that wish to wear uniform ribbons awarded to them from outside agencies must submit their request to the committee. The request should be completed in writing and must include all supporting documentation. The committee will make a recommendation to approve or deny the request to the Chief of Police. The Chief will make the final determination.

F. Anytime an employee is formally recognized for positive work performance as identified above, a copy of the recognition letter will be forwarded to Human Resources to be placed in the employees Employment Record.

G. **Citizen Awards Program:** At times citizens may render services to law enforcement in this community that deserves formal recognition by the New Bern Police Department. The Chief or designee shall present awards to citizen recipients as soon as possible following the committee's deliberation.

1. Citizen Awards Criteria: Citizens shall be recognized in accordance with the following criteria.

a. **Certificate of Courage** - Awarded to a citizen who performs an act of outstanding personal bravery to aid an officer or any other person in imminent danger of death or injury or who administers life-sustaining measures to an officer or any other person.

b. **Certificate of Appreciation** - Awarded to a citizen who, in the spirit of civic duty, performs an act or a series of acts over a period, which contribute greatly to law enforcement efforts within the City of New Bern.

H. **Displaying issued ribbons:**

When worn, all issued ribbons will be in a sequential hierarchy of nominal importance as outlined below or as displayed in the shadow box. The most important ribbon will begin at the top or closest to the center of the body.

Example: While facing the ribbons, the U.S. Flag will always be on top or closest to the centered of the body, Purple Heart will be mounted to its left; the Combat Cross will be mounted under the U.S. Flag etc. This order will continue based on issued ribbons.

Insignias, such as Special Response Team will be centered above the ribbon stack.

New Bern Police Department

Authorized Ribbons Order of Precedence

1. U.S. Flag

Valor Awards

2. Medal of Ultimate Sacrifice (No ribbon)
3. Purple Heart
4. Combat Cross
5. Medal of Valor
6. Distinguished Service
7. Meritorious Service
8. Life Saving Award

Service Awards

9. Award of Excellence
10. Chief Unit Citation
11. Civic Awards

Years of Service

12. (5) year Service
13. (10) year Service
14. (15) year Service
15. (20) year Service
16. (25) year Service
17. (30) year Service

Law Enforcement Certificates

18. Intermediate Certificate
19. Advanced Certificate

Achievement Awards

20. Military Service V121
21. Bachelor's degree 0414
22. Master's Degree 0515
23. FBI National Academy V231

Other achievement awards authorized by the committee.

Specialty Unit Assignments

24. Special Response Team
25. Instructor
26. Honor Guard
27. Bike Officer
28. K-9
29. Recruiter
30. Firearms Instructor
31. School Resource Officer
32. Motorcycle
33. Accident Reconstructionist T519
34. Field Training Officer
35. Field Training Sergeant

36. **Gang Ribbon**

Other specialty unit assignments ribbons authorized by the committee.

Specialty Ribbons

37. **CALEA**

Other specialty ribbons authorized by the committee.

Qualification Awards

38. **Expert**

39. **Marksman**

40. **Sharpshooter**

I. Displaying Mourning Bands:

At the direction of our Chief of Police, when special circumstances dictate that a department display of official mourning is appropriate. The Mourning Band will be worn during the dates as stated by the Chief of Police. This policy has been established to define the proper time, period, and etiquette to wear a Mourning Band.

1. **Definition:**

- a. **Mourning Band:** Black or black with thin blue line band or other band as approved by the Chief of Police.
- b. **Line of Duty Death:** The death of an active-duty officer by felonious or accidental means during the course of performing police functions while on-duty or off-duty.

2. **Authorization:** Mourning Bands may be worn on both sworn & professional staff law enforcement badges/ID badges, only as authorized in the following section.

- a. **Law Enforcement Officer Line of Duty Death:** The Mourning Band may be worn on the badge from the date of line of duty death and removed at the conclusion of the funeral/burial service or memorial service.
- b. **Non-Line of Duty Death of a New Bern Police Officer (Active):** The Mourning Band may be worn on the badge from the date of death and removed at the conclusion of the funeral/burial service or memorial service.
- c. **Non-Line of Duty Death of a New Bern Police Officer (Retired):** The Mourning Band may be worn on the date of the memorial service.
- d. **Anniversary of the EOW for Line of Death of a NBPD Officer:** The Mourning Band may be worn on the badge for twenty-four (24) hours on the date of the End of Watch (EOW) of the deceased officer.

26.1.3 Sexual Harassment

Workplace Harassment: Employees shall not either personally or sexually harass any employee of the New Bern Police Department.

1. Personal Harassment: Employees shall not either explicitly or implicitly ridicule, mock, deride or belittle any person.
2. Sexual Harassment: Sexual harassment is deliberate or repeated unsolicited verbal comments, gestures or physical contact of a sexual nature, which are unwelcome. (Refer to City of New Bern Policy Handbook - Sexual and Other Unlawful Harassment)
 - a. Supervisors shall not use implicit or explicit coercive sexual behavior to control, influence or affect the career, salary, or job of an employee.
 - b. Employees shall not participate in any deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature, which are unwelcome and/or interfere with work productivity, or create an intimidating, hostile or offensive working environment.

26.1.4 Disciplinary System

A. Procedures and criteria for using training as a function of discipline.

1. Remedial training may be required whenever an employee has engaged in conduct or used language that is reasonably interpreted as violating this policy.
2. Each pursuit will be reviewed by way of the I.A. Pro system to ascertain the need for remedial training.
3. When the officer's performance falls below standard and the officer is not responding to training, formal remedial training is required. The New Bern Police Department Remedial Worksheet Form #98 must then be used outlining the assignment given to the officer to correct the performance. The FTO Supervisor should develop a training plan to address specific tasks to correct specific performance problems.

B. Procedures and criteria for using counseling as a function of discipline.

Supervisors must counsel and correct employees concerning any action or language that reasonably indicates a violation of policy, safety or negative workplace performance. Counseling could be used as the first step in a progressive ladder of correcting an employee's behavior or work performance and is not considered discipline. Supervisor's counseling of employees must be properly recorded in the I.A. Pro system.

C. Procedures and criteria for taking punitive actions in the interest of discipline.

1. The Guidelines are divided into five (5) levels that reflect the seriousness of the offense. In each level and for each offense, consideration will be given to the following: severity of the violation, potential cost or actual damages, time interval between offenses, length and quality of the employee's service and other pertinent information. **Any violation of this Code of Conduct that resulted in disciplinary action that occurred more than twenty-four (24) months prior to the current offense will not be considered when imposing discipline. Twenty-four (24) months shall be calculated from the date discipline was imposed on prior charges to the date of the current offense.**
2. Understanding that successive violations of the same rule may occur over a period of time, the concept of progressive discipline will be applied as established in the Guidelines. When an employee commits several unrelated offenses over a period of time, the Department may combine the penalties in a cumulative

manner as the offenses warrant. As a guide to understanding the combining of unrelated offenses, point values have been assigned to each offense level (see Table I). Employees receiving a total of sixty (60) points in any consecutive twenty-four (24) month period are subject to dismissal.

3. Points will not be assessed for Contact Sheets, Written Warnings or Letter of Reprimand, which are all considered as non-disciplinary actions. Explanation of Disciplinary Actions:

- a. Demotions: A permanent reduction in rank of one or more grades and may be imposed in conjunction with any suspension.
- b. Suspension: A period of time when an employee is relieved, without compensation, from all official duties. Days imposed as a result of disciplinary action shall be calculated in hours based upon the assignment at the time of the infraction. While on suspension, employees shall not interfere with other employees who are on duty. All suspended employees will surrender issued equipment including but not limited to, the following where applicable:
 1. Department ID
 2. Badge
 3. City vehicle and contents (to be inventoried by a supervisor)
 4. Department issued keys and
 5. Firearms.
- c. Accumulation totals: Employees that accumulate a total of sixty (60) disciplinary points and have not been dismissed, will be notified that subsequent disciplinary action will result in termination.
- d. Performance evaluations: Employees receiving suspensions totaling five (5) days or more during their annual evaluation period will receive an overall rating of below standard and their performance appraisal will reflect such disciplinary action.
- e. Employees shall not be eligible to receive a merit pay increase for a period of six (6) months from the date disciplinary action is imposed, pending an appropriate re-evaluation.
- f. Employees who receive discipline are not eligible for internal job transfers for a period of six (6) months from the date discipline is imposed.

D. The Department will maintain a current tabulation of all points assessed for a period of twenty-four (24) months, beginning with the date of the first action where a penalty was imposed.

E. Department personnel will follow the North Carolina Training and Standards Minimum Standards for Criminal Justice Officers, 12 NCAC 09B .0101, for all reporting requirements.

All notifications will be made via department memorandum sent through the chain of command.

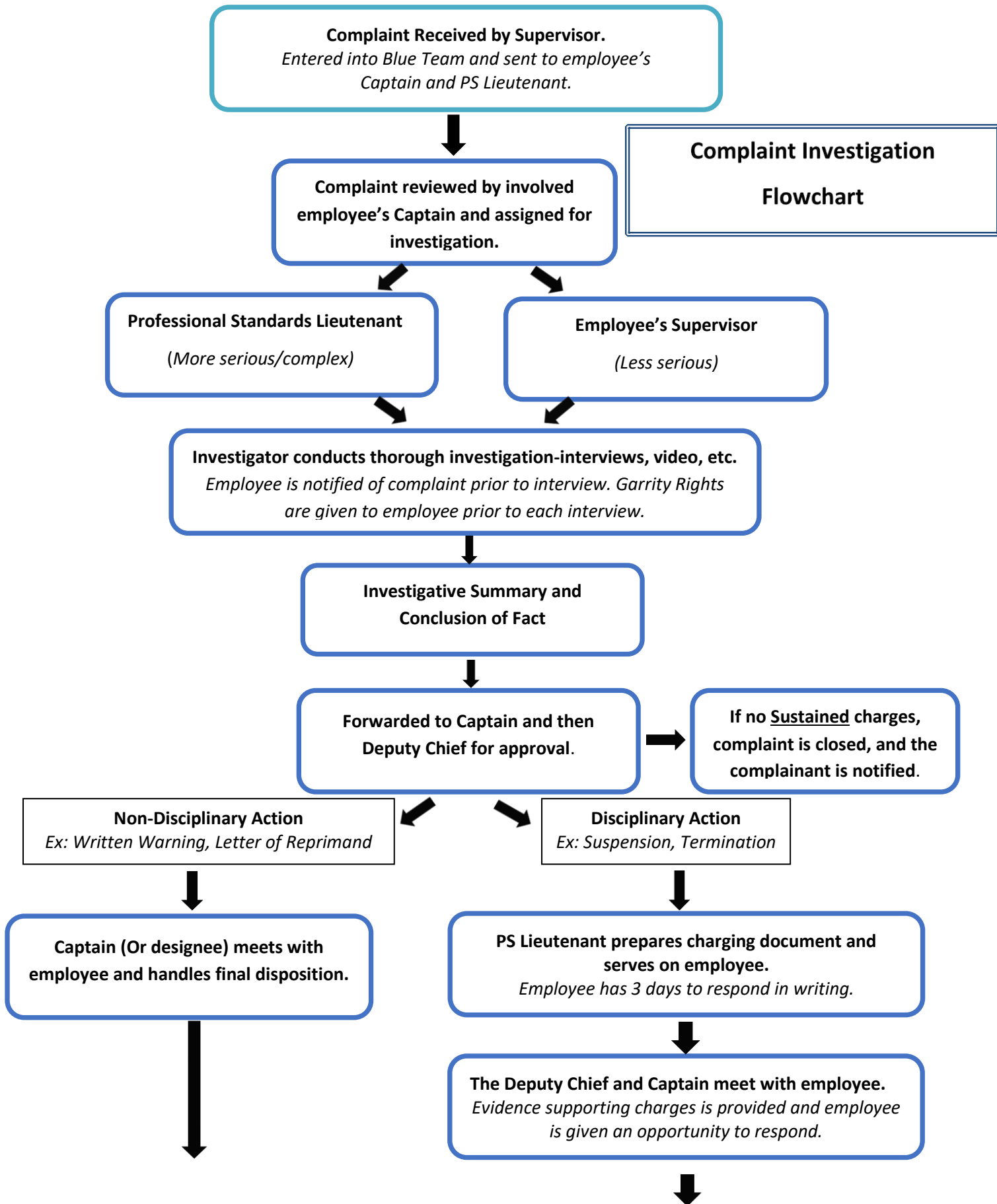
The reporting requirements address some of the following situations:

- a. Being charged with a Class B misdemeanor traffic offense and DWI or DUI.
- b. Report any disposition of cases charged as a Class B misdemeanor traffic offense and DWI or DUI.
- c. Any officer who is issued a Domestic Violence Orders and Civil No Contact Papers.
- d. The manner and information required when submitting the requested information.

	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	5 th Offense
Level 1	Contact Sheet, Written Warning 0 points	Written Warning, Letter of Reprimand 0 points	Letter of Reprimand, 1-3 days Suspension 15 points	3-5 days Suspension 20 points	5-7 days Suspension 25 points
Cumulative Totals	0	0	15	35	60
Level 2	Written Warning, Letter of Reprimand 0 points	Letter of Reprimand, 1-4 days Suspension 20 points	3-7 days Suspension 20 points	7-15 days Suspension, Dismissal 20 points	Dismissal
Cumulative Totals		20	40	60	
Level 3	Letter of Reprimand, 1-4 days Suspension 20 points	3-7 days Suspension 20 points	7-15 days Suspension, Dismissal 20 points	Dismissal	
Cumulative Totals	20	40	60		
Level 4	3-7 days Suspension 30 points	7-15 days Suspension, Dismissal 30 points	Dismissal		
Cumulative Totals	30	60			
Level 5	30 days Suspension, Dismissal 60 points	Dismissal			
Cumulative Totals	60				

26.1.5 Role and Authority of Supervisors

- A.** Guidelines for Disciplinary Action are established to ensure that all employees are treated fairly whenever an issue of misconduct arises. The Guidelines provide recommended penalties for specific offenses; however, it is recognized that violations of rules that affect the safety, health and welfare of citizens or co-workers may necessitate more serious disciplinary action than that recommended by the Guidelines. Persons employed in supervisory positions are in crucial management roles.
- B.** In the disciplinary process, the role of the supervisor is:
1. Receive allegations of employee misconduct;
 2. When within the scope of their authority and responsibility, resolve less serious allegations by offering professional explanation and submit initial documentation to the Chief of Police through the Chain of Command by utilizing the I.A. Pro system;
 3. When complaint is assigned by the Chief of Police, conduct investigation;
 4. Implement any disciplinary action approved by the Chief of Police.
- C.** Progression of Disciplinary Actions:
1. Contact Sheet: Used by immediate supervisor to advise an employee of both positive and negative feedback (non-disciplinary).
 2. Written Warning: Used by immediate supervisor or any higher-level supervisor to advise an employee of negative performance that requires correction (non-disciplinary).
 3. Letter of Reprimand: Used by division head or higher to advise an employee when performance is negative and that unless there is immediate corrective action discipline will be taken (non-disciplinary).
 4. Suspension: Issued by Chief of Police to relieve from duty without compensation for a specified period of time.
 5. Demotion: Issued by Chief of Police is a reduction in rank and/or pay grade.
 6. Dismissal: For sworn employees Civil Service Board with recommendation from Chief of Police for termination of employment.



Complaint is closed and the complainant is notified.



The Captain recommends disciplinary action with approval of Deputy Chief and Chief. The Captain imposes disciplinary action.

26.1.6 Appeals Procedures

Any employee suspended, demoted, transferred or dismissed, except those employees on probation, may file an appeal in accordance with City of New Bern Code of Ordinances. City Ordinance 54-348

26.1.7 Dismissal Procedures

The Chief of Police may recommend an employee's dismissal for **just cause**, in accordance with the City of New Bern Code of Ordinances, City Ordinance 5-346 and City Ordinance 5-5 to the City Manager. The following information must be contained in the supporting documentation:

1. **A written statement citing the reason for dismissal.**

Such recommendation must be made in writing to the Human Resources Director and shall contain the reasons for such recommendation. If the City Manager approves of the recommended dismissal, the Chief of Police will notify the employee in writing of the outcome of the recommendation.

2. **The effective date of the dismissal**

A recommendation for dismissal to the Human Resources Director shall contain a proposed dismissal date. The dismissal date will be provided to the employee in writing as outlined in 26.1.7 (A).

3. **A statement of the status of fringe and retirement benefits after dismissal**

As per City of New Bern City Ordinance 54-81 when an employee separates, either voluntarily or involuntarily, from the city, the employee's last paycheck shall be forwarded to the Human Resources Department in order that an exit interview may be conducted and the employee's personnel file may be closed out.

26.1.8 Procedure for Maintenance of Disciplinary Actions Files

It should be the responsibility of the Professional Standards Lieutenant to maintain records and/or files pertaining to any documentation resulting from internal investigations in a secure area that is separate from the Department's central records system and personnel files. These files are to be maintained and stored in accordance with the Records Retention and Disposition Schedules.

26.2.1 Complaint Investigation

It is the policy of the Department to conduct appropriate investigations of all complaints, including anonymous complaints against the Department or its members. The goal of Internal Affairs is to ensure that the integrity of the New Bern Police Department is maintained through a system of internal discipline where objectivity, fairness and justice are assured by intensive, impartial investigations and review. The Department will investigate fully all verbal or written allegations of misconduct. Complaints may originate internally or from the public.

26.2.2 Records, Maintenance and Security

All complaints, whether internal or citizen complaints, shall be entered into the IA Pro or Blue Team tracking system. All complaint records shall be considered confidential with any physical documentation maintained in the Office of the Chief of Police. The employee designated to manage the Internal Affairs function will be responsible to maintain the

confidentiality of all Internal Affairs investigations and records.

26.2.3 CEO, Direct Accessibility

The Internal Affairs function will be the responsibility of a person at the rank of sergeant or greater assigned by the Chief of Police. On matters involving internal investigations the incumbent will report directly to the Chief of Police.

26.2.4 Complaint Registering Procedures

The New Bern Police Department will make available to the public, information on procedures regarding the registering of commendations and complaints. Information will be available in a handout in the lobby of the police department and on the department webpage.

26.2.5 Annual Summaries - Public Availability

The confidentiality of internal affairs investigations in no way precludes reporting to the public statistical information on the processing of all complaints and internal investigations that were received by the Internal Affairs function. Annually the Chief of Police will cause a review and have published a report of internal affairs investigations. Copies of this report will be made available to all members and the public upon request.

26.3.1 Complaint Types

The New Bern Police Department is dedicated to developing policies and implementing programs and services that will establish a positive relationship between the citizens of the community and police in order to enhance the quality of life and provide a safer environment.

It is the responsibility of every member in the Department to work toward improved community relations. When members learn of problems or concerns from the community impacting upon community relations, those problems and concerns not immediately corrected should be forwarded to the appropriate Division Captain through the Chain of Command.

A. The type of complaints to be investigated by line supervisors

Supervisors have the responsibility and authority to make inquiries concerning complaints of less serious allegations of employee misconduct. Supervisory or command personnel will document the facts of observed infractions or complaints received. Documentation for all complaints will be entered into IA Pro or Blue Team tracking system. These may include:

1. General complaints concerning less serious allegations of infractions of regulations or the manner in which employee duties are performed;
2. Complaints relative to differences of opinion between an employee and a citizen arising from the performance of duty;
3. Complaints concerning the manner or method in which an employee investigated a crime, traffic collision or service incident;
4. Complaints concerning an officer's authority to arrest or the propriety of a particular charge.

B. The type of complaints that require investigation by the internal affairs function

Complaints alleging serious misconduct or criminal activity shall be investigated as assigned by the Chief of Police. Prior to instituting any internal investigation into criminal or potential criminal activity, consideration must be given to preserving the opportunity to proceed with a criminal prosecution. If a criminal prosecution is anticipated, then the criminal case shall take precedent.

26.3.2 CEO, Notification

Documentation for all complaints will be submitted to the Chief of Police through the Chain of Command by use of the IA Pro or Blue Team tracking system. If it is necessary to obtain an arrest warrant for an employee, the Chief of Police will be notified without delay.

26.3.3 Investigation Time Limits

Internal investigations should be completed within 45 workdays of receipt, unless circumstances develop which necessitate additional time to ensure a thorough investigation. To receive an extension, employees completing internal investigations must submit a memo to the Chief of Police requesting approval.

26.3.4 Informing Complainant

A. Verification of receipt that the complaint has been received for processing

Upon receiving a complaint of misconduct upon an employee of the New Bern Police Department, the assigned investigator shall prepare a memo for the chief notifying the complainant that the complaint has been received for investigation.

B. Periodic status reports

If after receiving a complaint it appears that the complainant will not be contacted by the investigative authority for a period of time exceeding 45 days, the Office of the Chief of Police shall notify the complainant, in writing or by a documented phone call, of the receipt of their complaint, the estimated delay in processing, and an estimated date for completion.

If the investigation extends beyond the 45-day limit to complete, the investigator shall periodically notify the complainant of the status of the investigation and document the date and time the complainant was notified.

C. Notification of the results of the investigation upon conclusion

The investigating authority will prepare a letter of “completion” for the signature of the Chief of Police. The Office of the Chief of Police will send written notification to the complainant that a resolution of the investigation has been reached.

26.3.5 Statement of Allegations/Rights

When employees are notified that they have become the subject of an investigation of a complaint, the investigator will issue the employee a written statement of the allegations and the employee’s rights and responsibilities relative to the investigation. In criminal investigations, the employee is afforded all of the constitutional rights given to any person who may be a suspect of a criminal investigation. As such, there shall be no action taken against an employee who exercises their constitutional rights in criminal investigations.

In a complaint investigation an employee will be advised of their rights according to *Garrity v. New Jersey, 385 US 493 (1967)*. All questioning in a complaint investigation shall be conducted at a reasonable time and manner; the investigator may take into consideration an employee’s schedule and other work-related matters prior to setting up appointments, interviews, and conducting other investigative matters that require an employee to participate in an investigation. Those employees who are required to cooperate in an investigation, and are off duty, shall be compensated for their time.

An employee who is the subject of a complaint investigation does not have the right to have an attorney present while being questioned. An employee involved in a complaint investigation shall not discuss the investigation with others unless authorized by the investigative authority.

26.3.6 Submission to Tests, Procedures

If, during the course of a complaint investigation, the investigating authority determines cause exists to justify an employee's submission to a medical, physical, psychiatric, laboratory, or truth verification examination, the employee shall submit to such test or exam. These tests may include:

A. Medical or laboratory examinations are administered

Testing blood or urine specimens to determine whether employees have used drugs or alcohol shall be in accordance with the City of New Bern, Personnel Ordinance 54-200: Employee Conduct.

B. Photographs are taken of employees

The New Bern Police Department will maintain employee photographs that may be used in a complaint investigation. If additional photographs are required for this purpose, the employee may be directed to submit for additional photographs. Refusal by the employee to comply with such direction may result in disciplinary action.

C. Audio or Video Recordings

No one will conduct surreptitious audio and/or video recording in the police department or City of New Bern facilities, vehicles, or on police department time of police department personnel without the expressed authorization of the Chief of Police or Division level designee. Personnel actions such as Internal Affairs interviews, hearings, etc. may be audio or video recorded by the Division Captains or investigating officer but it will be done in the open. This regulation does not prohibit the use of approved recording equipment (interview rooms, Emergency Communication Center phone lines, police radio communications, in-car camera system, body worn cameras, etc.) documenting overt police activity or require specific notice of its use. All personnel shall presume that they are being recorded by these systems for the duration of an incident.

D. An employee may be directed to participate in a line-up

In a complaint investigation an employee may be asked to participate in a physical lineup for the purposes of eyewitness identification. If the employee refuses to comply with such direction, non-compliance may result in disciplinary action.

E. An employee may be required to submit financial disclosure statements

Employees who are subject to a complaint investigation may be directed to submit financial disclosure statements when such records are necessary for the investigation. Failure to comply may result in disciplinary action.

F. Instruments for the detection of deception are used

In a complaint investigation, an employee may be asked to submit to a truth verification examination. Additionally, the complainant may also be asked to submit to such examinations. The truth verification examination, if requested, shall be specifically directed and narrowly focused upon those aspects of the internal investigation that are pertinent to the employee's job performance. The employee involved in the internal investigation must comply with a request for a truth verification examination and if said employee refuses, such refusal may result in disciplinary action, up to and including dismissal.

26.3.7 Relieved from Duty

Relief from duty is a temporary administrative action to expedite a member's immediate removal from duty when it appears such action is essential to protect the interests of the Department.

- A.** Relief from duty is warranted when a supervisor observes conduct and/or appearance of an employee not acceptable for the work environment. Relief from duty shall involve one of the following actions:
1. Suggest that the employee use sick leave or vacation leave and return home instead of continuing with the work period, or
 2. Reassign the employee for the work period, if an appropriate task or location is available, or Contact the
 3. Chief of Police for authorization to invoke an Emergency Suspension as defined in the City of New Bern, Personnel Ordinance 54-347.
- B.** When the relief from duty involves an officer, the authority initiating the relief shall make a determination, based on the totality of the facts, whether police authority should be suspended. The period of relief shall continue until an administrative hearing is held and reinstatement is authorized by the Chief of Police.
- C.** Reasons for relief from duty **may** include, but are not limited to:
1. Involvement in a use of lethal or less lethal force;
 2. Alleged violation of department rules, regulations, policies and/or procedures;
 3. Alleged violation of federal, state, and/or local laws/ordinances;
 4. When physical condition or behavior indicates an actual or potential risk to the public, the department or the individual;
 5. Unapproved absence from work; or
 6. Alleged acts of insubordination.
- D.** Authority:
1. Any supervisor may immediately relieve from duty any member of subordinate rank, regardless of the organizational assignment of either party;
 2. Members who have been relieved from duty may only enter the police facility when approved by a supervisor or to perform reassigned duties.
 3. A member relieved from duty and denied access to the facilities will have access removed from the automated locking system and must be escorted while he/she is in a police facility.
- E.** Process of Relief:
1. Documentation of Action Taken: Within 24 hours of the relief of duty, the initiating supervisor shall forward a memorandum through the chain of command to the Chief of Police describing the nature of the alleged violation or event and the date and time of relief.
 - a. If relief of duty involves an officer, a statement as to whether police powers were suspended and a list of equipment removed shall be included in the memorandum.
 - b. If police authority is suspended, the officer shall relinquish at a minimum, their:
 - 1) Badge
 - 2) Identification card
 - 3) Issued weapon(s) to include less lethal
 - 4) Radio and all equipment issued with the radio and
 - 5) Vehicle and all associated contents.
 - c. A copy of the memorandum shall be given to the relieved employee.
 2. Administrative Hearing: The employee's Division Captain shall hold an administrative hearing the next

regular business day to determine appropriate actions.

- a. The administrative hearing will facilitate a review of the facts surrounding the relief from duty and a recommendation to the Chief of Police as to reinstatement, and if applicable, restoration of police authority.
 - b. A memorandum documenting the finding of the administrative hearing shall be forwarded to the Chief of Police by the Division Captain/Section Lieutenant within 24 hours for final disposition.
 - c. Employee relieved from duty shall be reassigned or use personal leave. Every effort should be made to assign the employee to a productive assignment while relieved from duty.
 - d. Determine if employee's action involved violation of policy and warrants further investigation.
3. Notification of Disposition: The Professional Standards Lieutenant will notify the relieved employee of the finding of the administrative hearing.

Emergency Suspensions: The City of New Bern, Personnel Ordinance 54-347: **Emergency suspension:** provides that, When it is determined by the department head that any employee has committed an extremely serious violation of ordinance, policy or procedure, or that the best interest of the city would be served given a certain circumstance, the department head may impose an emergency suspension on the employee. Such suspensions will originate as non-disciplinary suspensions with pay and will last no longer than one working day.

Should the department head impose an emergency suspension, the Human Resources Director and the City Manager are to be notified of the suspension and the reasons for the suspension as soon as feasible, but no later than 24 hours after the suspension took effect.

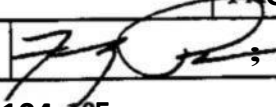
26.3.8 Conclusion of Fact

Upon completion of the review and hearing, if warranted, the Division Captain will recommend one of the following conclusions:

1. Unfounded - Allegation is false;
2. Exonerated - Incident or allegation occurred, but was lawful and proper;
3. Not Sustained - Insufficient evidence exists to either prove or disprove the allegation or violation;
4. Sustained - Allegation or violation is supported by sufficient evidence. Only findings in this category will be included in the employee's personnel file. Findings of a sustained violation will result in appropriate corrective measures.

Policy Failure: Allegation true but action taken was not inconsistent with policy and **there is an indication of a need for policy review.**

The Appendixes and Guidelines below are board mandated and may not be altered unless approved by the Board of Alderman.

SUBJECT: GUIDELINES FOR DISCIPLINARY ACTION		General Order 102:
EFFECTIVE DATE : 05-18-98		PAGE 1 OF 4
REVISION DATE: (ADOPTED 05-18-98)	 CHIEF OF POLICE	
CROSS REFERENCE: General Order 103 104, 105		

102.01	Purpose	102.05	Explanation of Disciplinary Action
102.02	Policy	102.06	Progression of Disciplinary Action
102.03	Procedure	102.07	Authorities for Disciplinary
102.04	Appeal Process		

102.01 Purpose: The purpose of the Guidelines for Disciplinary Action is to assure that all employees are treated fairly whenever an issue of misconduct arises. Recognizing the that the circumstances of each infraction or occurrence may differ, each occurrence will be viewed and treated as a separate event, without creating a precedent future cases or mitigating any previous Examples given in any rule do not limit the generality of the rule. The Guidelines provide recommended penalties for specific offenses, however, it is recognized that violations of rules which affect the safety, health and welfare of citizens or co-workers may necessitate more serious disciplinary action than that recommended by the Guidelines.

102.02 : Policy Members of the New Bern Police Department are charged with providing the citizens of the City of New Bern with competent and professional police service. In order to ensure that level of service a code of employee conduct has been established by this Department Any employee who fails to meet these standards of performance adversely affects the mission and the image of the Department and the City of New Bern

102.03 Procedure : The Guidelines are divided into five (5) levels which reflect the seriousness the offense. In each level and for each offense, consideration will be given to the following: severity of the violation, potential cost or actual damages, time interval between offenses, length and quality of the employee's service and other pertinent information ***Any violation of this code of conduct that resulted in disciplinary action which occurred more than twenty four (24) months prior to the current offense, will not be considered when imposing discipline. Twenty-four (24) months shall be calculated from the date discipline was imposed on prior charges to the date of the current offense.***

Understanding that successive violations of the same rule may occur over a period of time the concept of progressive discipline will be applied as established in the Guidelines. When an employee commits several unrelated offenses over a period of time the Department may combine the penalties in a cumulative manner as the offenses warrant. As a guide to understanding the combining of unrelated offenses, point values have been assigned to each offense level (see Table I). Employees receiving a total of sixty (60) points in any consecutive twenty-four (24) month period are subject to dismissal.

Guidelines For Disciplinary Action
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Page 2 of 4

Points will not be assessed for Contact Sheets, Written Warnings or Letters of Reprimand, which are all considered to be non-disciplinary actions.

The Department will maintain a current tabulation of all points assessed for a period of twenty-four (24) months, beginning with the date of the first action where a penalty was imposed.

102.04 Appeal Process: Demotions or suspensions of less than 30 days may be appealed in writing to the City Manager within three (3) working days of receipt of notification by the employee.

102.05 Explanation of Disciplinary Actions:

1. Demotion: A permanent reduction in rank of one or more grades and may be imposed in conjunction with any suspension.
2. Suspension: A period of time when an employee is relieved, without compensation, from all official duties. While on suspension, employees shall not interfere with other employees who are on duty. Suspended employees will surrender their Department ID and firearms.
3. Accumulation totals: Employees who accumulate a total of 60 disciplinary points and have not been dismissed, will be notified that subsequent disciplinary action will result in termination.
4. Performance evaluations: Employees receiving suspensions totaling five (5) days or more during their annual evaluation period will receive an overall rating of less than satisfactory, and their performance appraisal will reflect such disciplinary action.

Progression of Disciplinary Actions

- 102.06**
1. Contact Sheet: Used to advise an employee of both positive and negative feedback (non-disciplinary)
 2. Written Warning: Used to advise an employee of negative performance that requires correction (non-disciplinary)
 3. Letter of Reprimand: Used to advise an employee when performance is negative, and that unless there is immediate corrective action discipline will be taken (non-disciplinary)
 4. Suspension: Relieved from duty without compensation for a specified period of time.

5. Demotion: Reduction in rank and/or pay grade
6. Dismissal: Termination of employment

102.07

Authorities for disciplinary actions

1. Contact Sheet: Immediate Supervisor
2. Written Warning: Immediate Supervisor or any higher level supervisor
3. Letter of Reprimand: Division head or higher
4. Suspension: Chief of Police
5. Demotion: Chief of Police
6. Dismissal: Civil Service Board with recommendation from Chief of Police

Guidelines For Disciplinary Action

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102.08 Guidelines for Administering Disciplinary Action

	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	5 th Offense
Level 1	Contact Sheet Written Warning	Written Warning, Letter of Reprimand	Letter of Reprimand, 1-3 days Suspension	3-5 days Suspension	5-7 days Suspension
	0 points	0 points	15 Points	20 point	25 points
Cumulative Totals	0	0	15	35	60

	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	5 th Offense
Level 2	Written Warning, Letter of Reprimand	Letter of Reprimand, 1-4 days Suspension	3-7 days Suspension	7-15 days Suspension, Dismissal	Dismissal
	0 points	20 points	20 points	20 point	
Cumulative Totals		20	40	60	

	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	5 th Offense
Level 3	Letter of Reprimand, 1-4 days Suspension	3-7 days Suspension	7-15 days Suspension, Dismissal	Dismissal	
	20 points	20 points	20 points		
Cumulative Totals	20	40	60		

	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	5 th Offense
Level 4	3-7 days Suspension	7-15 days Suspension, Dismissal	Dismissal		
	30 points	30 points			
Cumulative Totals	30	60			

	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	5 th Offense
Level 5	30 days Suspension, Dismissal	Dismissal			
	60 points				
Cumulative Totals	60				

Appendix 1 - Code of Conduct (General Orders 103)

SUBJECT: CODE OF CONDUCT		GENERAL ORDER: 103
EFFECTIVE DATE: 05-18-1998		PAGE 1 of 1
REVISION DATE: 08-15-2007	, Chief of Police	
CROSS REFERENCE: General Order 102, 104, 105, 124		

103.01	<u>Purpose</u>	103.03	<u>Procedure</u>
103.02	<u>Policy</u>		

103.01 Purpose: The purpose of the Code of Conduct is to ensure that employees comply with the directives, policies and procedures of the New Bern Police Department in order to provide professional service to the community. [26.1.1]

103.02 Policy: Employees shall obey the Code of Conduct and be held accountable for their adherence to it. Violations of the Code of Conduct that are not specifically addressed in the code shall be referenced to the closest related section for adjudication. (Reference G.O. 104 – Rules and Regulations; 105 – Improper Conduct) [26.1.1]

103.03 Procedure: [26.1.1]

A.The New Bern Police Department’s Guidelines for Disciplinary Action, General Order 102, shall be applied to all violations of the Code of Conduct.

B.The Chief of Police shall have the discretion to adjudicate at a higher level of disciplinary action, any sum of minor violations occurring in the same course of conduct. (Reference G.O. 102 - Guidelines For Disciplinary Action)

C.Disciplinary action taken against an employee shall apply to internal administrative investigations alone and will not preclude possible criminal sanctions.

D.Employees shall not be eligible to receive a merit pay increase for a period of 6 months from the date disciplinary action is imposed, pending an appropriate re-evaluation. [26.1.4(c)]

E.Employees who receive discipline are not eligible for internal job transfers for a period of 6 months from the date discipline is imposed. (Reference G.O. 124 – Sworn Duty, Specialty and Rotation Assignments. [26.1.4(c)]

END

Revised: 08-15-2007

Appendix 2 - Rules and Regulations (General Orders 104)

SUBJECT: RULES AND REGULATIONS		GENERAL ORDER: 104
EFFECTIVE DATE: 05-18-1998		PAGE 1 of 6
REVISION DATE: 08-08-2008	,Chief of Police	
CROSS REFERENCE: General Order 108, 115, 121		

104.01 Safety Rules	104.24 Official Identification
104.02 Tardiness	104.25 Police Identification
104.03 Unexpected Absence	104.26 Sleeping on Duty
104.04 Absence from Duty	104.27 Leaving Municipal Limits
104.05 Absence from Assignment	104.28 Off-Duty and Extra Duty Employment
104.06 Sick Leave/Absence	104.29 Scheduled Overtime and Emergency Callback
104.07 Sick Leave/False Statements	104.30 Duty to Read/ Understand/ Comply with Orders
104.08 Prompt Performance of Duty	104.31 Supervision
104.09 Completion of Assigned Duties	104.32 Aiding Fellow Officers
104.10 Failure to Commence Work	104.33 Requests for Assistance/ Rendering Aid
104.11 Personal Appearance	104.34 Furnishing Information/ Identification
104.12 City Telephone	104.35 Department Records/ Stealing/ Forging
104.13 Lock City Vehicles	104.36 Department Records Duplication
104.14 Address and Telephone Number	104.37 Search Subsequent to Arrest
104.15 Maintenance of Departmental Manuals	104.38 Medical Aid for Prisoners
104.16 Absence from Court	104.39 Permitting Escape
104.17 Personal Equipment	104.40 Recovered Property/ Evidentiary Material
104.18 Neglect of Duty	104.41 Paperwork to Be Filed on Time
104.19 Reporting On-Duty Injury	104.42 Abuse of Break Periods
104.20 Departmental Property-Reporting Damage/Loss	104.43 Safe Operation of a Motor Vehicle
104.21 Loss of Equipment	104.44 Careless and Reckless Driving
104.22 Reporting Vehicle Accidents	104.45 Emergency Vehicle Response and Pursuit
104.23 Valid Operator's Permit	

- 104.01 Safety Rules:** Employees shall not neglect, be careless, or fail to observe Departmental safety rules or disregard common safety practices.
- 104.01.0** When the employee's actions do not endanger the public or co-workers.
[Level (1)]
- 104.01.02** When the employee's actions endanger the public or co-workers.
[Level (3)]
- 104.02 Tardiness:** Employees must report for duty at the scheduled time, or be excused by immediate supervisor.
[Level (1)]
- 104.03 Unexpected Absence:** Employees must notify their supervisor or in the event he/she cannot be reached the on duty supervisor of an unexpected absence prior to the beginning of the scheduled work shift.
[Level (1)]
- 104.04 Absence from Duty:** Employees shall promptly report for duty at the time and place specified by their assigned work schedules or orders to include scheduled overtime, special assignments or shifts, and shall not be absent from duty without having made proper notification.
[Level (2)]
- 104.05 Absence from Assignment:** Employees shall be present and perform all duties associated with all assignments during the tour of duty unless authorized by a supervisor.
[Level (1)]
- 104.06 Sick Leave/Absence:** Employees shall notify a supervisor when they become ill and cannot report for work. (Reference City Employee Handbook.)
[Level (1)]
- 104.07 Sick Leave/False Statements:** Employees 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.
[Level (3)]
- 104.08 Prompt Performance of Duty:** Employees shall promptly perform as directed all lawful duties required by a supervisor, notwithstanding the general assignment of duties and responsibilities.
[Level (2)]
- 104.09 Completion of Assigned Duties:** Employees shall promptly and accurately complete all assigned duties, reports, records and forms as required by Department policy before leaving the employee's tour of duty, unless excused by supervisory authority.
[Level (1)]
- 104.10 Failure to Commence Work:** Employees will commence work at the beginning of the established shift. Stopping work or making preparation to leave, or leaving work without specific authority before any official break in work, or quitting time is prohibited.
[Level (1)]
- 104.11 Personal Appearance:** Employees shall maintain a neat and clean personal appearance which does not adversely reflect upon the individual's competency, efficiency and pride as a member of the Department, or the ability of the City and Department to foster and enhance a professional image.
[Level (1)]
- 104.12 City Telephone:** Habitual and/or excessive personal use of the City telephones is prohibited.
[Level (1)]

- 104.13 Lock City Vehicles:** Employees shall lock City vehicles, unless performing emergency duties and the emergency precludes locking the vehicle or when the vehicle is within immediate control of the driver.
[Level (1)]
- 104.14 Address and Telephone Number:** Employees shall maintain their correct address (Post Office Box numbers are not acceptable) and phone number with the Support Services. Each employee shall maintain an operating telephone at their residence.
[Level (1)]
- 104.15 Maintenance of Departmental Manuals:** Employees issued Department manuals shall maintain and make the appropriate changes, inserts, and updates as required in a timely manner.
[Level (1)]
- 104.16 Absence from Court:** Employees shall be present for all trials, hearings or other court appearances to which they have been called except for good cause and with proper notification.
[Level (2)]
- 104.17 Personal Equipment:** Employees shall not use or be in possession of another employee's equipment without the consent of the employee or their supervisor.
[Level (1)]
- 104.18 Neglect of Duty:** Employees shall devote their on-duty time and efforts to the performance of their assigned duties and responsibilities. Employees shall report to work mentally and physically fit to perform their duties and will cooperate with and assist other members of the Department. Violations of this section shall include, but are not limited to failure to take appropriate action on the occasion of a crime scene, disorder or other act or condition deserving attention.
[Level (3)]
- 104.19 Reporting On-Duty Injury:** Employees shall report an on-duty injury using the proper forms to their immediate supervisor as soon as they are aware of the injury, or by the end of their tour of duty.
[Level (3)]
- 104.20 Departmental Property - Reporting Damage/Loss:** Employees shall maintain Department property and equipment assigned to them in good condition. Employees shall immediately report in writing all damage, defects, or hazardous conditions of vehicles, equipment, and property. This report shall contain all known facts surrounding the cause and nature of the damage. Additionally, employees shall return all equipment owned by the Department when they retire, resign, or otherwise leave the Department. They shall also return any equipment when ordered to do so. (Reference G.O. 121 - Uniforms, Issued Equipment and Dress Code)
[Level (2)]
- 104.21 Loss of Equipment:** Employees shall promptly report to their immediate supervisor the loss of any Department property or equipment that has been furnished to the employee. Loss of Department property or equipment as a result of negligence on the part of the employee shall render the employee liable for reimbursement to the City in an amount equivalent to the value of the property at the time of its loss.
[Level (2)]
- 104.22 Reporting Vehicle Accidents:** Employees must report immediately to their immediate supervisor or the on duty supervisor all vehicle accidents involving the employee while on duty, or while off-duty in a Department vehicle. (Reference G.O. 108 - Emergency Vehicle Response and Pursuit).
[Level (3)]
- 104.23 Valid Operator's Permit:** Employees shall possess a valid North Carolina driver's license while operating a city vehicle. The class of license shall be appropriate for the type or class of vehicle being operated.
[Level (2)]

104.24 Official Identification: Employees shall possess an official Department photo identification card at all times while on duty. Employees will respond to requests to view personnel identification except when working in an undercover assignment. Sworn members of the Department shall carry their police identification at all times, unless excused by their immediate supervisor. [22.2.7(a, b)]

[Level (1)]

104.25 Police Identification: A sworn officer shall properly identify himself/herself as a police officer by the display of the badge or shield before taking police action, except when impractical or infeasible.

[Level (2)]

104.26 Sleeping on Duty: Employees shall remain awake and alert at all times while on duty

[Level (3)]

104.27 Leaving Municipal Limits: Employees shall remain within the municipal limits while on duty unless in the performance of their duty, driving to another annexed part of the city, or upon the approval of a supervisor.

[Level (1)]

104.28 Off-Duty and Extra Duty Employment: Employee shall engage in off-duty or extra duty employment only as authorized by the Chief of Police or his/her designee. [22.3.4(a)]

[Level (2)]

104.29 Scheduled Overtime and Emergency Callback: Employees shall report as directed for overtime work or to emergency callback.

[Level (2)]

104.30 Duty to Read/Understand/Comply with Orders: Employees shall read, understand, and comply with all Department rules and regulations, general orders, administrative orders, policies and procedures and written and verbal orders of a superior. It shall be the duty of employees to inquire of a superior the meaning or application of any law, rule, regulation, general order, administrative order, policy, procedure, written order or verbal order when their meaning or application is not apparent. [12.1.3; 12.1.4; 12.2.1(h), 12.2.2(c)]

[Level (2)]

104.31 Supervision: Supervisory personnel (including acting supervisors) shall properly supervise subordinates, refer disciplinary charges, and take appropriate disciplinary action when necessary in accordance with Department procedures.

[Level (3)]

104.32 Aiding Fellow Officers: Sworn personnel shall take appropriate police action to aid a fellow officer exposed to danger or in a situation where danger might be impending.

[Level (3)]

104.33 Requests for Assistance/Rendering Aid: When any person requests assistance, advice, makes a complaint, or files a report either by telephone or in person, all pertinent information will be obtained in a professional and courteous manner and will be properly documented and acted upon consistent with established Department procedures.

[Level (3)]

104.34 Furnishing Information/Identification: Employees shall furnish information as is consistent with their duty. Employees shall furnish their name and employee number in a respectful manner when requested.

[Level (2)]

104.35 Department Records/Stealing/Forging: Employees shall not steal, alter, forge, or tamper with any police Department record, report or citation. The removal of any record, card, report, letter, document, or other official file from the Department, except by process of law or as directed by the Chief of Police or a superior, is prohibited.

[Level (5)]

104.36 Department Records Duplication: Employees shall not obtain or duplicate or attempt to obtain or duplicate any information from Department files, sources, or reports other than that to which the employee is properly entitled in accordance with his/her duties and assignment.

[Level (3)]

104.37 Search Subsequent to Arrest: Sworn personnel shall make a complete and thorough search of an arrested person and the area within the immediate control of all arrested person.

[Level (3)]

104.38 Medical Aid for Prisoners: Employees shall promptly summon medical aid for any person in the employee's care or custody who is unconscious, ill, or injured and requires or requests such aid. The employee shall promptly report any unconscious, injured or ill person in custody to their immediate supervisor.

[Level (3)]

104.39 Permitting Escape: Sworn personnel shall observe proper prisoner handling procedures and shall not allow a prisoner to escape through carelessness or neglect.

[Level (3)]

104.40 Recovered Property/Evidentiary Material: Employees shall turn over to the designated agent of the Department all lost, stolen, recovered, abandoned or evidentiary material which comes into their possession as a result of the performance of their official duties. All such material shall be turned over prior to the completion of the tour of duty during which the material came into the possession of the employee. (Reference G.O. 115 - Property and Evidence)

[Level (3)]

104.41 Paperwork to Be Filed on Time: Employees shall ensure that all official paperwork is filed by the scheduled due date. Official paperwork includes, but is not limited to, evaluations, incident reports, accident reports, 96 hour reports, time sheets, etc.

[Level (1)]

104.42 Abuse of Break Periods: Employees shall take meal or rest breaks within the time limits allowed by policy, procedure, rules and regulations or supervisory authority.

[Level (1)]

104.43 Safe Operation of a Motor Vehicle: Employees shall operate all Department owned vehicles in a careful and prudent manner, and shall obey all laws of the state, local and departmental policies and procedures pertaining to such operation. Employees shall always set a proper example for other persons by their operation of a vehicle. [41.3.3]

[Level (2)]

104.44 Careless and Reckless Driving: Employees shall not drive a Department owned motor vehicle in a careless and reckless manner as defined by General Statute 20-140 Reckless Driving:

A. Any person who drives any vehicle upon a highway or any public vehicular area carelessly and heedlessly in willful or wanton disregard of the rights or safety of others shall be guilty of reckless driving.

B. Any person who drives any vehicle upon a highway or any public vehicular area without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving.

[Level (4)]

104.45 Emergency Vehicle Response and Pursuit: Sworn employees shall operate all department emergency vehicles in emergency mode in compliance with established policy and procedure as set forth in Chapter 41 Emergency Vehicle Response and Pursuit.

A. Failure to comply with established policy and procedure for the operation of all department emergency vehicles as set forth in Chapter 41 Emergency Vehicle Response and Pursuit.

[Level (3)]

B. Flagrant, willful disregard of established policy and procedure for the operation of all department emergency vehicles as set forth in Chapter 41 Emergency Vehicle Response and Pursuit.

[Level (5)]

END

Revised: 08-08-2008

Appendix 3 - (Improper Conduct) General Order 105

SUBJECT: IMPROPER CONDUCT		GENERAL ORDER: 105
EFFECTIVE DATE: 05-18-1998		PAGE 1 of 40
REVISION DATE: 05-06-2010	,Chief of Police	
CROSS REFERENCE: NCGS 50 B-1; City Ordinance Article I, Section 34-3; 106, 131, 216		General Order

105.01	<u>On/Off Duty Conduct</u>	105.30	<u>Arrests, Search and Seizure</u>
105.02	<u>Discourtesy</u>	105.31	<u>Falsifying Reports</u>
105.03	<u>Discriminatory Conduct</u>	105.32	<u>Impartiality</u>
105.04	<u>Fighting with Other Employees</u>	105.33	<u>Workplace Harassment</u>
105.05	<u>Threatening/ Intimidating Other Employees</u>	105.34	<u>Cooperation with Internal Affairs</u>
105.06	<u>Malicious/Unnecessary Complaints</u>	105.35	<u>Transporting Passengers in City Vehicles</u>
105.07	<u>Exposure of Undercover Officer</u>	105.36	<u>Receipt of Mail or Visitors at Police Station</u>
105.08	<u>Testifying for the Defendant</u>	105.37	<u>Reading on Duty</u>
105.09	<u>Serving as a Character Witness</u>	105.38	<u>Personal Business on Duty</u>
105.10	<u>Tampering with Witnesses</u>	105.39	<u>Possession of Keys</u>
105.11	<u>Truthfulness</u>	105.40	<u>Loitering in Public Places</u>
105.12	<u>Public Criticism of the Department</u>	105.41	<u>Smoking on Duty</u>
105.13	<u>Divulging Confidential Information</u>	105.42	<u>Chewing Tobacco While on Duty</u>
105.14	<u>Participation in Civil Matters</u>	105.43	<u>Respect to the Flag</u>
105.15	<u>Prohibited Association</u>	105.44	<u>Endorsement of Products or Services</u>
105.16	<u>Personal Associations</u>	105.45	<u>Excessive Force</u>
105.17	<u>Subversive Organizations</u>	105.46	<u>Use of Deadly Force</u>
105.18	<u>Referral of Attorneys, Bondsmen, Towing or Other Services</u>	105.47	<u>Use and Handling of Weapons</u>
105.19	<u>Gift-Solicitation/Acceptance</u>	105.48	<u>Radio Discipline</u>
105.20	<u>Fees/Rewards</u>	105.49	<u>Radio Usage</u>
105.21	<u>Valuable Items-Buying/ Selling/ Receiving</u>	105.50	<u>Insubordination</u>
105.22	<u>Settlement of Duty Incurred Expenses/ Damages</u>	105.51	<u>Domestic Violence</u>

105.23 <u>Private Benefit from Department Association</u>	105.52 <u>Obedience to Laws and Regulations</u>
105.24 <u>Use of Private Vehicles/ Equipment</u>	105.53 <u>Violation of Laws</u>
105.25 <u>Unauthorized Repair of Vehicles</u>	105.54 <u>Reporting Violations of Department Policies and Procedures</u>
105.26 <u>Possession/Use of Alcohol</u>	105.55 <u>Subject of Criminal Investigation</u>
105.27 <u>Possession/Use of Controlled Substance</u>	105.56 <u>Improper Use of a City Computer</u>
105.28 <u>Gambling</u>	
105.29 <u>Reporting Criminal Activity</u>	

105.01 On/Off Duty Conduct: Employees shall not engage in conduct on or off-duty which adversely affects the morale or efficiency of the Department; nor shall any employee engage in conduct on or off duty which has a tendency to destroy public trust and/or respect for the employee and/or the Department.
[Level (5)]

105.02 Discourtesy: Employees shall be courteous to the public, both in person and by telephone, and shall control tempers and exercise patience and discretion; employees shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning race, gender, religion, politics, ethnicity, national origin, life-style, economic status, age, culture or other identifiable group characteristic, or similar personal characteristics.
[1.2.9; 26.1.1]
[Level (3)]

105.03 Discriminatory Conduct: Employees shall not engage in offensive verbal or physical conduct directed against a co-worker, or any member of the public based upon race, color, national origin, sex, religion, handicap, age, life-style or marital status. Employees are also forbidden from such conduct while off duty if such conduct adversely affects the employee's ability to perform his/her official duties. [26.1.1; 26.1.3]
[Level (4)]

105.04 Fighting with Other Employees: Employees shall not provoke or instigate a fight with another employee while on duty, reporting for duty, or leaving duty.
[Level (5)]

105.05 Threatening/Intimidating Other Employees: Employees shall not threaten, intimidate, coerce, or interfere with fellow employees, supervisors, or citizens at any time. [26.1.3]
[Level (4)]

105.06 Malicious/Unnecessary Complaints: Employees shall not make malicious or unnecessary complaints against another employee of the Department.
[Level (4)]

105.07 Exposure of Undercover Officer: Employees shall protect and not intentionally expose the identity or occupation of officers engaged in covert operations.
[Level (5)]

105.08 Testifying for the Defendant: Employees shall notify their immediate supervisor upon receipt of a

subpoena or other notice requiring the employee to testify on behalf of a defendant or against the City of New Bern or the Department in any trial or hearing, civil or criminal.

[Level (3)]

105.09 Serving as a Character Witness: Employees shall not give testimony as a character witness for any defendant in a criminal trial without prior notification, in writing to the Chief of Police.

[Level (3)]

105.10 Tampering with Witnesses: Employees shall not interfere with the attendance or testimony of witnesses through coercion, bribery or other means.

[Level (5)]

105.11 Truthfulness: Employees are required to be truthful at all times, whether on or off-duty.

[Level (5)]

105.12 Public Criticism of the Department: Employees shall not publicly criticize the Department, its policies or employees either orally, in writing or through expression of any manner which could be considered:

- A. Defamatory;
- B. Obscene;
- C. Unlawful; or
- D. Has a negative impact on the operation of the Department by impairing its efficiency, interfering with the ability of supervisors to maintain discipline, or made with reckless disregard for truth.

Employees shall make maximum utilization of the grievance procedure of the Department as described in the General Orders.

[Level (4)]

105.13 Divulging Confidential Information: Employees shall not discuss the operations and official business of the Department which are of a confidential nature with anyone outside the Department without the permission of a superior. (For purposes of this section all Department documents and orders are to be considered confidential unless otherwise directed by a supervisor.) This section does not apply to orders that are of such a nature that they must be communicated to others.

[Level (4)]

105.14 Participation in Civil Matters: Employees shall not give deposition, affidavit or appear as a witness in a civil matter stemming from the performance of official Department duties without prior notification, in writing to the Chief of Police.

[Level (3)]

105.15 Prohibited Association: Employees shall avoid associating or conducting business with persons whom they know, or should have known, are under criminal investigation or indictment, or who have a reputation in the community for involvement in criminal behavior, except as necessary in the performance of official duties or where unavoidable because that individual is a close relative of the employee. [26.1.1]

[Level (3)]

105.16 Personal Associations: Employees shall not make unofficial or unnecessary associations with other persons for social or personal reasons while on duty.

[Level (2)]

105.17 Subversive Organizations: Employees shall not knowingly seek or hold membership or associate with any subversive organization, except when necessary in the performance of duty and then only with the knowledge and

consent of the Chief of Police.

[Level (5)]

105.18 Referral of Attorneys, Bondsmen, Towing or Other Services: Employees shall not suggest, recommend, or otherwise influence a decision regarding the retention of any specific attorney, bail bondsman, towing or other services to any person coming to the employee's attention as result of police business.

[Level (3)]

105.19 Gifts - Solicitation/Acceptance: Employees shall not solicit or accept any gift/gratuity without the written permission of the Chief of Police or in cases involving the Chief of Police, without the approval of the appointing authority.

[26.1.1]

[Level (3)]

105.20 Fees/Rewards: Employees shall not accept or receive any fee or reward from any source for any services rendered in the line of duty without the knowledge and written consent of the Chief of Police.

[Level (3)]

105.21 Valuable Items - Buying/Selling/Receiving: Employees shall not knowingly buy, sell, or receive any item of value that has come to the attention of the employee during the performance of their official duties, except as may be specifically authorized by the Chief of Police.

[Level (3)]

105.22 Settlement of Duty Incurred Expenses/Damages: Employees shall not accept any money or other compensation for damages sustained or expenses incurred in the line of duty, except as may be specifically authorized by the Chief of Police.

[Level (3)]

105.23 Private Benefit from Department Association: Employees shall not use the prestige or influence of their official position, or use the time, facilities, equipment or supplies of the Department for the private gain or advantage of the employee or another person.

[Level (4)]

105.24 Use of Private Vehicles/Equipment: Employees shall not use private vehicles/equipment for official purposes unless directed or authorized by the Chief of Police.

[Level (2)]

105.25 Unauthorized Repair of Vehicles: Employees shall not allow repair work, service, or alterations of any kind to be performed on any Department vehicle by any person or firm, unless specifically authorized by the commanding officer on duty.

[Level (3)]

105.26 Possession/Use of Alcohol: Employees shall not possess and/or use alcohol while on duty or while in uniform other than in an authorized duty capacity. [26.1.1]

105.26.01 Employees shall not appear for duty or be on duty while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants upon their breath. Employees shall at no time purchase any type of alcoholic beverage while in uniform. [26.1.1]

[Level (5)]

105.26.02 Employees shall not consume intoxicating beverages in public while off-duty to such an extent that would reflect discredit upon themselves or the New Bern Police Department. [26.1.1]

[Level (3)]

105.26.03 Employees suspected of drinking while on duty or reporting for duty intoxicated shall submit to a breath analysis test. Such test may be used in any criminal action if the tests are given according to the rules set forth by the North Carolina Department of Human Resources.
[Level (3)]

105.27 Possession/Use of Controlled Substance: Employees shall not possess and/or use any controlled substance while on duty or while in uniform, except with the approval and guidance of a licensed physician and with the knowledge of a superior. At no time may an employee of the Department use or be under the influence of a controlled substance where such use or influence impairs or compromises the efficiency and integrity of the Department. Employees shall notify their immediate supervisor when they are taking prescribed medication that could impact their performance. [26.1.1]
[Level (5)]

105.28 Gambling: Employees shall not engage 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. [26.1.1]
[Level (5)]

105.29 Reporting Criminal Activity: Employees who observe or obtain any information concerning criminal activity while on or off duty shall promptly report same.
[Level (2)]

105.30 Arrests, Search and Seizure: Employees shall respect the constitutional and civil rights of all persons. Employees shall not knowingly make an unlawful arrest, or conduct an unlawful search/seizure that is not in compliance with current Department policies and procedures.
[Level (4)]

105.31 Falsifying Reports: Employees shall not knowingly falsify personal or city records/reports, including accident, insurance or medical records or reports, employment applications, purchase orders, time sheets, or any other reports, records or applications.
[Level (5)]

105.32 Impartiality: Employees shall remain completely impartial in their dealings with all persons coming to the attention of the Department.
[Level (3)]

105.33 Workplace Harassment: Employees shall not either personally or sexually harass any employee of the New Bern Police Department. [26.1.3]

105.33.01 Personal Harassment: Employees shall not either explicitly or implicitly ridicule, mock, deride or belittle any person. [26.1.3]
[Level (3)]

105.33.02 Sexual Harassment: Sexual harassment is deliberate or repeated unsolicited verbal comments, gestures or physical contact of a sexual nature which are unwelcome. (Refer to City of New Bern Policy Handbook Sexual and Other Unlawful Harassment) [26.1.3]

1. Supervisors shall not use implicit or explicit coercive sexual behavior to control, influence or affect the career, salary or job of an employee.
[Level (5)]

2. Employees shall not participate in any deliberate or repeated unsolicited verbal comments, gestures or physical contact of a sexual nature which are unwelcome and/or interfere with work productivity, or create an intimidating, hostile or offensive working environment.
[Level (5)]

105.34 Cooperation with Internal Investigation: Employees shall answer all questions, respond to lawful orders and render material and relevant statements in an internal administrative investigation when such orders, questions and statements are directly related to their job responsibilities. Nothing in the section shall constitute authority to violate the Constitutional rights of any employee.

[Level (5)]

105.35 Transporting Passengers in City Vehicles: Employees shall not transport any unauthorized passengers in city vehicles without prior supervisory approval.

[Level (1)]

105.36 Receipt of Mail or Visitors at Police Station: Employees shall not consistently receive personal mail or visitors at the station for non-duty related purposes.

[Level (1)]

105.37 Reading on Duty: Employees shall not read any material, recreational or otherwise, not in furtherance of official duty while on duty unless authorized by supervisory authority.

[Level (2)]

105.38 Personal Business on Duty: Employees shall not engage in any activity or personal business while on duty which may cause neglect or inattention to duty including, use of personally owned electronic equipment; carrying of personally owned two-way radios, cellular telephones or other two way communication devices; or personal use of Department owned equipment; without the written permission of the Chief of Police.

[Level (2)]

105.39 Possession of Keys: Employees shall not possess keys pertaining to Department business or obtained under Department authority, which are not officially issued to the employee.

[Level (2)]

105.40 Loitering in Public Places: Employees shall not enter or loiter in any bars, nightclubs, or other public place while on duty except to perform a police task.

[Level (2)]

105.41 Smoking on Duty: Employees shall not smoke while on duty and in direct contact with the public, nor while on duty and in any City building.

[Level (1)]

105.42 Chewing Tobacco While on Duty: Employees shall not chew tobacco while on duty and in direct contact with the public nor when in uniform in public view.

[Level (1)]

105.43 Respect to the Flag: Employees in uniform shall render full military honors to the national colors and anthem at appropriate times. Employees in civilian dress shall render proper civilian honors to the national colors and anthem at appropriate times.

[Level (2)]

105.44 Endorsement of Products or Services: Employees shall not permit their name or photograph to be used to endorse any product or service while being identified as an employee of the Department without the written consent of the Chief of Police.

[Level (3)]

105.45 Excessive Force: Employees shall use only the degree of force that is reasonably necessary to perform official duties, and is in compliance with Federal law, State laws and Department policies, procedures, rules and regulations.

[1.3.1; 26.1.1]

[Level (4)]

105.46 Use of Deadly Force: Employees shall only use deadly force as a last resort, and then in compliance with Federal law, State laws and Department policies, procedures, rules, and regulations. [26.1.1]

[Level (5)]

105.47 Use and Handling of Weapons: Employees shall use and handle weapons in a careful and prudent manner and in accordance with law and Department policies and procedures.

[Level (3)]

105.48 Radio Discipline: Employees operating a police radio shall strictly observe all FCC regulations for such operations, as well as Department policies and procedures. [81.1.2]

[Level (2)]

105.49 Radio Usage: Employees shall not engage in intentional horseplay while using a Department radio. Horseplay includes, but is not limited to keying the mike and not transmitting for purpose of covering another employee.

[Level (1)]

105.50 Insubordination: The refusal of an employee to promptly obey any lawful order, written or verbal, from a ranking officer or supervisor is prohibited. [12.1.3]

[Level (5)]

105.51 Domestic Violence: Employees shall not commit, be charged with, or convicted of any violation of domestic violence laws as stated in North Carolina General Statute 50 B-1. (Reference GO 106 – Use of Force and Firearms)

[Level (5)]

105.52 Obedience to Laws and Regulations: Employees shall observe and obey all Local, State and Federal laws and ordinances, all rules and regulations of the Department and all General and Special Orders of the Department.

[Level (3)]

105.53 Violation of Laws: Employees shall report immediately in writing to the Chief of Police if they have been charged with a violation of a criminal or traffic law or ordinance listing all pertinent facts concerning the violations.

[Level (3)]

105.54 Reporting Violations of Department Policies and Procedures: Employees shall immediately report known or perceived violations of all Department's policies and procedures to their immediate supervisor.

[Level (3)]

105.55 Subject of Criminal Investigation: Employees who become aware that they are the subject of a criminal investigation by any law enforcement agency, shall immediately advise the Chief of Police, in writing.

[Level (3)]

105.56 Improper Use of a City Computer: Employees shall not intentionally access internet sites containing any sexually explicit materials, gambling or other inappropriate material using Department equipment for non-law enforcement purposes. Unintentional access shall be reported in accordance with Chapter 41 Internet Usage.

[Level (4)]

END

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