



ORONO POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Protect with Vigilance & Serve with Compassion and Excellence

Subject:	Code of Conduct	Policy #	A-1
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	<i>Rescinds All Previous Policies Related to This Current Policy</i>		
Issuing Authority:	Chief of Police Daniel Merrill		

I. POLICY:

It is the policy of the Orono Police Department to maintain standards of professional conduct that apply to all employees. These standards are consistent with the proper functioning of a professional law enforcement organization.

MLEAP 2.12

II. PURPOSE:

To establish rules and regulations consistent with the department's high expectations of professional conduct and behavior by its employees with the intention of enhancing public trust and confidence in the department's fair-mindedness and integrity.

III. RULES / STANDARDS OF CONDUCT:

A. General Conduct:

- Truthfulness:** All employees of the department must be truthful in speech and writing, whether under oath or not. Employees are prohibited from intentionally making any materially false statement(s) in connection with their performance of official duties or in circumstances that would have a bearing on their fitness for duty.

Similarly, employees are prohibited from failing to disclose material information in connection with the performance of their duties.

Except for the correction of grammatical errors, no official report, record, or communication being sent through the proper channels will be altered or withdrawn without authorization from the appropriate supervisor. Additions or corrections to reports already submitted will be done through the submission of supplemental reports.

No employees will knowingly make or submit any official communication or enter, or cause to be entered, in an official record any false, inaccurate, or improper information.

No employees will take law enforcement action based on information that the employees reasonably believe to be false or inaccurate.

MLEAP 2.14

2. **Personal Behavior / Conduct Unbecoming:** Employees shall always conduct themselves, both on and off duty, in a manner that is in keeping with the highest ethical standards of the law enforcement profession. Conduct unbecoming an employee includes actions that bring the department into a state of disrepute or discredit, reflects unfavorably upon the employee as a member of the department, embarrasses, damages, or affects the reputation of the department, or impairs the operation of the department or the work of any of its personnel.

Employees shall be accountable for their speech, writings, and conduct, including electronic communications and posting in social media, when such actions conflict with the department's policies and procedures manual.

3. **Associations:** Employees shall not associate with persons that they know to be under criminal investigation, charged with a crime, under indictment, or have the reputation within the community or within the department for present involvement in criminal activity, except as necessary in the performance of official duties or were unavoidable due to immediate family relationship. Unless part of a pre-existing, ongoing relationship, employees shall not engage in a romantic relationship, sexual act, or sexual contact with any victim or defendant associated with any crime against a person being investigated by this agency for a period of at least one year from the date of the last official contact related to the matter. Employees shall not engage in a romantic relationship, sexual act, or sexual contact with any cooperating individual or individual over whom they exercise some supervisory or other authority during their employment or affiliation with the department (e.g., student, intern, volunteer, etc.).
MLEAP 2.18
4. **Rumor Mongering:** Employees of the department shall refrain from participating in spreading rumors of a personal, sensational, or intimate nature about any person.
5. **Compensation:** No employees will seek, solicit, bring a civil suit for, or accept from any person or agency, money, or other compensation for damages and/or expenses incurred in the line of duty or for which compensation has already been received, without prior written notification to the Chief of Police.
6. **Divulging Police Information:** No employees who receive information in the course of their official duties shall disclose such information to members of the public, except as permitted by law or competent authority. No employees shall reveal any information, however obtained, that may prompt or enable another person to destroy evidence or unlawfully obtain, destroy, or conceal stolen property. The identities of sources of information provided in confidence regarding criminal activity shall remain confidential unless there is a compelling reason to reveal the sources.

Employees shall not reveal confidential police information or take any action that would compromise confidential information, obstruct a legal process, or otherwise improperly assist any person who has been arrested, summonsed, or is suspected, or is known to have engaged in or known to be planning illegal conduct.

7. **Memberships and Organizations:** No employees shall join or continue membership in any organization whose object or purpose is or becomes, directly or indirectly, adverse to the observance of or respect for the law. No employees shall knowingly affiliate with a subversive organization that advocates the overthrow of local, county, state, or federal government institutions except in the line of duty and then only with the express consent of the Chief of Police.
8. **Correspondence, Letterhead, and Business Cards:** Employees shall use department letterhead and mail services only for official correspondence. Department business cards will be used by employees only in connection with official business. The department's mailing address will not be used for private purposes.
9. **Expenditure of Department Funds:** No employees shall make any expenditure or incur any obligation on behalf of the department without the express knowledge and permission of a competent departmental authority. This pertains to articles or supplies that may be purchased and work that may be ordered in the name of the Department or the municipality.
10. **Telephone Calls and Identification:** Employees are not permitted to make long-distance telephone calls or accept collect telephone calls on the department's equipment unless the calls are related to official business.

Departmental cellular telephones are for official use only. Incidental personal use of department telephones may be authorized by a supervisor, but such use may be monitored and should not be excessive or exceed the department's monthly plans. Employees may be held financially responsible for costs incurred by the municipality for the personal use of department telephones. Except as it would otherwise compromise an investigation, when making or receiving a telephone call, employees shall identify themselves as a member of the agency by providing their name and rank and by explaining the contact. If the validity of the telephone call is called into question by the person receiving the call, the person should be invited to contact the Chief of Police to verify their employment and position within the agency.

11. **Character and Employment Reference:** When requested, employees are authorized to provide a character and employment reference if that reference would not require the disclosure of unfavorable information. Requests involving current or former employees that may result in negative disclosures shall be promptly referred to the Chief of Police or the municipality's Human Resources office. These restrictions do not apply to internal uses by the Orono Police Department, including background checks of applicants and requests for references for internal specialty or other assignments.

12. **Department Property and Equipment:** Each employee shall be held responsible for the proper care and use of department-owned equipment. Any employee finding damaged property or equipment shall promptly report the incident to the on-duty supervisor. If the department's property or equipment is found to have unreported damage, unless investigation indicates otherwise, there may be a rebuttable presumption that the last person using it was responsible for the damage.

No employees may alter, mark, deface or tamper with any municipality-owned property or equipment without a supervisor's approval.

Department property shall not be sold, disposed of, given, or loaned to anyone without the approval of the Chief of Police.

Any damage to or loss of department property shall be immediately reported to a supervisor. Employee lockers are subject to inspection by any member of the command staff in the presence of the employees or a union representative unless provided otherwise in a collective bargaining agreement.

Employees shall return all department-issued equipment and police identification upon separation from the department or when ordered to do so by the Chief of Police or designee.

13. **Availability:** Off-duty employees are expected to perform necessary law enforcement services within the Town of Orono whenever they are aware of a serious crime or a present threat to life. In the event of an emergency, off-duty employees shall report for duty immediately upon notification from the Chief of Police or designee.

MLEAP 2.22

14. **Driver's License Status:** Employees are required to maintain a current and valid driver's license. Employees are required to report any action that results in suspension or revocation of the employees' driver's license to the Chief of Police within 24 hours of such action.

On an annual basis, the Chief of Police shall determine the driver license status of all sworn personnel by making an inquiry of the Maine Bureau of Motor Vehicles database.

15. **Employee's Residence Notification Requirements and Prohibitions:** Employees must report any changes in address, telephone number(s), and dependent or marital status within three (3) days of the change becoming effective.

No employees may divulge the address, phone number, or other personal information of other employees to anyone outside the department without permission from the affected employees or the Chief of Police.

- 16. Badge or Credentials:** Employees will not use another employee's badge or credentials without permission from the Chief of Police or designee. Employees will not knowingly allow a person who is not appointed to this agency to use a Orono Police Department badge or credentials.

Unless acting in a covert capacity, on-duty employees will always have their badges and credentials available for display.

Employees on official business will, upon request, identify themselves by giving their name and rank and displaying their badge and official credentials, which includes a photograph, unless such action is likely to jeopardize the employee's safety or a covert assignment. Credentials shall be turned in to the Chief of Police upon separation from the department.

- 17. Conformance to Laws and Reporting Requirements:** Employees shall obey all federal and state laws, as well as the laws applicable in any local jurisdiction in which they may be present. Although Maine law may allow the use, possession, or cultivation of marijuana for medical or other purposes, such acts remain crimes under overarching federal law; users of illegal drugs are also prohibited from purchasing or possessing a firearm or ammunition. Therefore, all employees are prohibited from using, possessing, growing, selling, administering, or manufacturing marijuana or products containing marijuana and or its derivatives, except possession that are allowed within the scope of their official duties.

Employees shall not obey any order that they reasonably believe requires them to commit an illegal or unconstitutional act. Any employee who is arrested, charged, and/or convicted of **any criminal offense** or who are required to appear as a defendant in any criminal or civil proceeding shall notify the Chief of Police in writing within 24 hours of such notice or event. Employees shall similarly notify the Chief of Police if served with any restraining order (e.g., Protection from Abuse, Protection from Harassment, etc.). Employees are not required to report parking tickets or minor traffic offenses unless department vehicles are involved. Employees must report second or subsequent violations for speeding or any other traffic offenses. Failure to notify the Chief of Police is cause for discipline.

- 18. Liquor and Marijuana Establishments:** Employees are prohibited from owning, operating, having a financial interest in, or being in any way connected with, the management of any place of business or service in which alcoholic beverages or marijuana products are sold or served for on-site consumption, where such sales are the primary purpose of the business, or where other circumstances exist that would bring discredit or criticism to the employee or the department. These categories of businesses include, but are not limited to, bars (i.e., a premise licensed to sell alcohol), marijuana dispensaries, social clubs, or similar retail establishments.

Employees shall adhere to the Town's personnel policies.

B. Conduct on Duty and Neglect of Duty:

- 1. General Responsibilities and Response:** While on-duty, employees will devote their time and energy to the duties and responsibilities of the rank, grade, and/or duties that they have been assigned to perform, as specified by-laws, ordinances, policies, or instructions from a senior officer (e.g., conducting investigations and related activity; preparing and submitting appropriate reports and documentation; responding to emergencies, calls for service, or any other circumstances indicating a need for police involvement). Employees shall respond without delay upon notice from a proper authority that their services are needed. An employee who is in doubt as to the nature of or details concerning an assignment shall seek clarification from an appropriate supervisor through the department's chain of command.

Assignment to a special detail or specific unit does not relieve employees from taking necessary and proper police action even though such action may be outside the scope of the employee's typical assignment. An exception to this responsibility shall apply when an employee is performing an undercover assignment under circumstances in which disclosure of the employee's official position would jeopardize the assignment and outweighs the nature of the police action that would otherwise be required. However, each situation must be evaluated on its own merits, and undercover employees must take appropriate police action when necessary.

Employees are prohibited from engaging in covert investigations or undercover activities without prior approval from an appropriate supervisor.

- 2. Reporting for Duty and Absence from Duty:** Employees shall report for all duty assignments, including regular duty assignments, court, grand jury, and training, at the time and place required by the assignment or orders or other official instructions, and the employee shall be physically and mentally prepared for those duties, as well as properly dressed and equipped to perform their duties. If a supervisor believes that an employee is unfit for duty, that supervisor may relieve that employee from duty. Employees should report to the on-duty supervisor or senior officer at the beginning and end of each tour of duty. Employees who are unable to report for duty shall notify the on-duty supervisor before the beginning of their scheduled duty tour. In such cases, the notification must be as far in advance of the scheduled tour as possible under the circumstances.

Employees shall not feign illness or injury, falsely report themselves sick, ill or injured, or otherwise deceive or attempt to deceive any proper authority of the department as to the condition of their health or that of their families. Employees shall complete the number of hours on duty required by the assignment unless relieved early by an employee of competent rank (and after completing all required tasks) unless approved for compensatory time off or unless relieved from duty by a competent authority. Employees unable to report for duty or remain on duty as scheduled must notify the department as required by a current policy relating to those circumstances.

MLEAP 2.16

- 3. Required Conduct and Obedience to Laws & Regulations:** Employees are required to obey all federal, state, and local laws. Employees are expected to maintain knowledge of, and comply with, the requirements of all current rules, regulations, policies, and procedures relevant to their position and the personnel policy of the town of Orono to the extent granted by ordinance.

All department personnel shall comply with the terms of applicable collective bargaining agreements.

Employees are subject to the appropriate exercise of command authority as provided for in the Orono Police Department's rank structure, chain of command, and operating procedures specified by relevant policies of the agency. Insubordination shall be cause for disciplinary action.

Employees shall maintain a level of competency to perform their assigned duties properly and to assume the responsibilities of their positions. When such action would be reasonable, an unsatisfactory performance evaluation may be given to an employee upon a showing of a lack of knowledge of applicable laws that must be enforced; an unwillingness or inability to perform assigned tasks; a failure to conform to work standards established for the employees assigned rank or position; or, the failure to take appropriate action at a crime scene or other situation requiring action. Employees are required to follow the lawful orders and directives of a superior officer in a timely and professional manner.

MLEAP 1.08

- 4. Cooperation and Coordination:** All employees are required to take appropriate police action, consistent with departmental policies and procedures, whenever another law enforcement employee needs the assistance within Orono. Employees shall display a high degree of cooperation with one another and with representatives of other agencies, and employees must coordinate their activities to maintain a continuity of purpose to achieve success through teamwork.
- 5. Area of Assignment:** Employees shall not leave their assigned duty post or geographical area of assignment unless dispatched, authorized by a supervisor, or required for the performance of legitimate police action. On-duty employees shall not leave municipality's limits except when engaged in official business when authorized by a supervisor or in the performance of legitimate police action.
- 6. Courtesy: Conduct Towards the Public and Co-Workers:** Employees shall be courteous, civil, and tactful with members of the public and with fellow employees. Employees shall perform their duties and respond professionally and in a non-hostile manner, regardless of the provocation, by avoiding intentionally profane, violent, or insulting language.

Whenever possible, employees will comply with requests for public information by supplying the requested information or making a relevant referral. Employees shall promptly and courteously return telephone calls, email messages, or other forms of inquiries from community members, co-workers, or other individuals.

Employees will supply prompt access to emergency medical attention, emergency shelter, or emergency social services for those in legitimate need of assistance. Incapacitated people will be given the appropriate standard of care as required by policy.

7. **Impartiality:** Employees shall treat others with dignity and respect. Employees shall not exhibit or express any partiality or prejudice for or against another person because of race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin, ancestry, position in the community, political orientation, or other personal characteristics. Employees shall enforce laws in a fair and impartial manner and shall not unnecessarily interfere with the lawful business of another person.

MLEAP 2.17

8. **Conduct toward Supervisors, Subordinates, and Associates:** Employees shall treat supervisors, subordinates, associates, and civilian employees with respect, courtesy, and civility.

When on duty, and particularly in the presence of the public, employees shall be referred to by rank.

Employees are required to follow the lawful orders and directives of a superior employee in a timely and professional manner.

No employees shall intentionally subject any fellow employees to harassment based upon the other person's race, sex, gender identity, age, national origin, religion, disability, or sexual preference.

9. **Availability On-Duty:** On-duty employees shall be readily available to the public and shall not conceal themselves except to perform a specific police purpose. Employees shall immediately respond to all assigned calls for police service unless reasonable circumstances make the response impossible. Employees shall inform the dispatcher of their location and activity when departing from routine patrol or when engaging an individual or situation in the field.
10. **Loitering On-Duty:** Employees on duty shall not remain in the station, in any public establishment, or in any private place beyond allowable break time or beyond the time reasonably needed for the performance of police business.
11. **Sleeping On-Duty:** Employees shall remain awake and shall not sleep while on duty. Inability to remain awake must be reported to the duty supervisor or senior officer, who will determine the proper course of action.
12. **Sexual Activity On-Duty:** Employees shall not engage in any sexual act or sexual contact while on duty.
13. **Department Reports:** Employees shall submit all necessary reports on time and in compliance with established procedure and/or supervisory directives. Reports submitted by employees shall be accurate, complete, truthful, and timely.
14. **Possession, Purchase, and Use of Alcohol:** Employees shall not purchase or consume intoxicating beverages while in the full uniform or while wearing a part of the police uniform. Employees shall not purchase or consume intoxicating beverages while on duty, except in the performance of official duties (e.g., approved covert operation to acquire evidence or contraband), and with the approval of their direct on-duty supervisor. Employees shall not possess intoxicating beverages while on duty, except in the performance of official duties (e.g., seizure or transport as evidence, contraband, or found property).

Off-duty employees shall not consume intoxicants to the extent that their consumption is detectable when reporting for duty or to the extent that it results in an act that might bring discredit to the department. Employees shall not appear for duty or be on duty while under the influence of intoxicants or with the odor of

intoxicants on their breath. Off-duty employees who have been consuming intoxicants before being recalled ("ordered in for") duty must inform the supervisor of their prior consumption of intoxicants.

MLEAP 2.19

15. **Possession / Use of Drugs / Medications:** Employees shall not store or possess any confiscated drug, medication, or controlled substances, except when such materials have been lawfully seized or are being held as evidence, contraband, or property, consistent with the department's *Property Management / Evidence Control* Policy. This does not apply to an employee's possession or use of any non-illicit pharmaceutical drug that has been lawfully prescribed to the employees.

The use of any drug or medication, prescribed or non-prescribed that may result in impairment, altered mental or physical capabilities, or otherwise affects the employee's ability to perform required duties shall be immediately reported to a supervisor. Any employees who are rendered incapable of performing required duties because of the use of such medication may be removed from duty until a fitness for duty evaluation can be conducted.

MLEAP 2.20

16. **Use of Tobacco / Nicotine Products:** While on duty, employees may use tobacco/nicotine products in the least conspicuous manner. The on-duty use of chewing tobacco, smoking of cigarettes, pipes, or similar electronic smoking devices in department headquarters, town vehicles, or in the view of anyone from the general public is prohibited.
17. **Use of Force:** Employees shall only use reasonable force, consistent with the *Use of Force* policy and applicable statutory authority.
18. **Duty to Intervene and Report:** Any employee who witnesses another employee using what the employee reasonably believes to be an unreasonable use of force, which is in itself a substantial deviation from known standards of law enforcement training, has a duty to intervene to protect the safety and the rights of the subject involved.

Any employee who witnesses use of force that the employee reasonably believes to be unreasonable and/or a substantial deviation from known standards of law enforcement practices or training shall report those observations to the employee's supervisor as soon as practicable and will complete a written report on the incident as soon as practicable.

19. **Personal Business:** Employees shall not conduct private or personal business while on duty. Shopping or carrying quantities of merchandise is prohibited without authorization. Devoting duty time to the pursuit of recreational activity, personal business, or private enterprise is prohibited.
20. **Gambling:** Gambling on duty or while attired in any recognizable part of a department uniform is prohibited, except as part of an approved police investigation.
21. **Political Activity:** Employees shall not engage in political activities while on duty. Town funds, supplies, property, or equipment shall not be used in performing any service of a political nature.

MLEAP 2.15

22. **National Colors / Anthem:** Uniformed employees shall render a hand salute to the national colors and for the duration of the national anthem. Employees should face the flag if a United States flag is being displayed or face the band if no flag is being displayed. Non-uniformed personnel shall place their right hand over their heart instead of executing a hand salute.
23. **Potential Liability:** When a person is injured or property is damaged in conjunction with the actions of on-duty employees or any off-duty police actions, the employees causing the injury or the property damage (or another individual directed by the employees) shall notify a supervisor as soon as practicable and all necessary reports shall be completed.

24. **Legal Process:** Employees are expected to make every effort to promptly serve all warrants, summonses, orders, or other documents assigned to them or within their assigned area of responsibility.
25. **Trials and Hearings:** All employees shall have the cases in which they are concerned properly prepared; their witnesses shall be present, and their evidence suitably arranged for a presentation to the court, grand jury, or hearing board. They shall afford the utmost respect toward the court, employees of hearing boards, and members of the jury. When presenting evidence or testimony, they shall speak calmly and explicitly in a clear, distinct, and audible tone so as to be easily understood. They shall give evidence with accuracy, confining them to the case before the court, and shall neither suppress nor overstate the slightest circumstance with the intention of favoring any person or projecting ill will to either the complainant or the defendant. When cross-examined by a defense attorney, they shall answer with the same civility and readiness as when giving testimony in support of the prosecution.

C. Use of Official Position:

1. **Use of ID, Badge, or Position for Personal Gain:** Employees are prohibited from using or attempting to use their official position, badge, credentials, or identification to obtain a personal or financial gain or advantage, or to avoid the consequences of illegal acts for themselves or another person. Use of official position, badge, credentials, or identification to obtain admission to a location (unless necessary in the performance of official duty) or to obtain discounts on purchases, except as authorized in the following paragraph, is prohibited.
2. **Bribes / Gifts / Gratuities / Rewards:** Employees are prohibited from soliciting, accepting, or agreeing to accept any financial benefit from another person when it is reasonable for the employee to believe that the other person's purpose may be to influence a police action, a law enforcement decision, the employee's official duties, the employee's opinions, an official recommendation, the employee's exercises of discretion or authority, or as a reward for any job-related action, all of which may be considered bribery or other corrupt practices under *17-A M.R.S.A. Chapter 25*.

Unless otherwise expressly authorized below, or by the Chief of Police, employees are prohibited from soliciting or accepting, on behalf of themselves or another, any gift, gratuity, contribution, reward, discount, service, loan, fee, payment, meal, or other items (s) of value, while on or off-duty, that is not otherwise available to them as a private citizen, or the public or segment of the public at large (including the entire department or other public safety employees and agencies), or that may reasonably be perceived as being directly or indirectly related to their official capacity, association with the department, or a service rendered in the line of duty.

Employees shall immediately report, in writing, receipt of any such unsolicited gifts, gratuities, or other items or services of value to the Chief of Police through the chain of command. Such items may include those offered by any person as a genuine display of gratitude or items provided by a law enforcement vendor for consideration of their product(s). Using intent and value as criteria, the Chief of Police shall determine the appropriate disposition, which may include retention by the employees, return to the provider, or use or retention by the department.

MLEAP 2.21

3. **Intervention:** Employees are prohibited from interceding, interfering with, or acting on any case being handled by the department or any other police or governmental agency, including the courts, to make arrangements for a person who has been cited, summonsed, or arrested to escape penalties, prosecution, or administrative hearing, unless authorized by the Chief of Police or designee.
4. **Commercial Testimonials / Public Appearances:** Participation in an advertising scheme or enterprise related to or based upon employment with the department requires prior approval from the Chief of Police. This includes the use of photographs or names and testimonials or endorsements of any product or service based upon employment with the department. Requests to employees for routine public speeches or other routine public activities may be approved by a supervisor. Other requests must be approved by the Chief of Police.
5. **Other Transactions:** Employees are prohibited from buying or selling anything of value from or to a complainant, witness, suspect, defendant, prisoner, or other person involved in a matter that has come to their attention or which arose from their employment without authorization from the Chief of Police. Employees shall

not convert to their use or have any claim to any found property, recovered property, or property held as evidence. Employees shall not accept money for bail or in payment of a fine. Employees shall not vouch for or post bail for a person under arrest, except for a family member.

6. **Conflict of Interest:** Employees are prohibited from engaging in any business or personal financial activities with individuals or businesses that benefit financially from a relationship with the department if the employees can directly or indirectly influence transactions between the person or business and the department.
7. **Recommendation of Private Enterprise:** Employees shall not, in their official capacity, recommend the use or non-use of any private business, product, or service to the public, except as may be required to direct someone to the type of business, product, or service they are seeking. This does not apply to employees or their families.
8. **Recommendation of Legal Counsel:** Employees will not solicit, suggest, recommend, or advise on engaging, retaining, or discharging a specific attorney or law firm to provide legal aid to a person seeking counsel as a result of a police matter. This does not apply to employees or their families.
9. **Civil Matters / Civil Actions:** Employees will not use their position with the department to assist or influence the pursuit of a matter that is private and civil. Exceptions to this are when in the performance of assigned duties or when a breach of the peace has occurred or is imminent. Employees shall notify the Chief of Police or their designee when they have been subpoenaed or requested to testify in civil cases when the subject matter of the testimony is related to the employee's official duties. Employees shall confer with the Chief of Police or designee before giving interviews, depositions, or affidavits in civil cases resulting from the employee's association with the department.
10. **Personal Preferment or Advantage:** Employees are prohibited from seeking the influence or intervention of any person for purposes of personal preferment, advantage, transfer, or advancement. Employees are prohibited from using information gained as a result of their official positions to obtain personal benefit or advantage.