

Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Olympia Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of the Olympia Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, on-duty may be cause for disciplinary action.

Failure to meet these guidelines may bring negative perception. Each member shall acknowledge they have been provided the opportunity to review the Policy Manual and the Department Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification. Members shall promptly obey the lawful order of a supervisor, including those relayed by any other member.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law, or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy, or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the

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previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to their immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Washington constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for violations of professionalism, ethical standards, law, policy, training, or other articulable justification.

320.4.1 WRITTEN REPRIMANDS

Unless otherwise specified in a collective bargaining agreement, a member wishing to formally appeal a written reprimand must submit a written request to their next level supervisor within 10 days of receipt of the written reprimand. The next level supervisor will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

Absent a written stipulation to the contrary, the member will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The assigned, uninvolved supervisor shall make the decision to sustain, modify, or dismiss the written reprimand. A member wishing to formally appeal the decision of the assigned, uninvolved supervisor shall submit a written request,

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following the chain of command, up to and including the City Manager. If necessary, the decision made by the City Manager shall be considered final. Nothing in this paragraph shall override any language in any collective bargaining agreements.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient department service.

320.5.1 LAWS, RULES, AND ORDERS

- (a) Violation of or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement, or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules, or regulations.

320.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Olympia Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) Individuals soliciting or accepting any reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Individuals soliciting or accepting any fees, gifts, or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel, or services.
- (g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

It is the policy of the Department to provide a work environment for its members which is free from discrimination and harassment, in accordance with City regulations [City Policy 3]. Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or

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intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

320.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose without approval of the Chief or their designee.

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- (e) Members are to utilize Department equipment only for its intended purpose in accordance with established Departmental procedures. Members shall not abuse Department equipment or cause it to be lost because of personal negligence. All Department equipment issued to members shall be maintained in a proper, service-ready condition.

320.5.7 EFFICIENCY/NEGLECT OF DUTY

- (a) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (b) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (c) Personal business or shopping while on-duty is not to disrupt regular work, unless specific permission to temporarily suspend work has been granted by a supervisor.
- (d) While on-duty, members shall not engage in entertainment or any other activities which would cause them to neglect or be inattentive to their work.
- (e) Unauthorized sleeping during on-duty time or assignments.
- (f) Failure to notify the Department within 24 hours of any change in contact numbers.
- (g) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any department record, public record, book, paper, or document.
- (c) Members shall not be untruthful or knowingly making false, misleading, or malicious statements, or omit material information.
- (d) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency, and discipline of this department or that would tend to discredit any of its members.
- (e) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.

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2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (f) Improper political activity including:
1. Unauthorized attendance while on-duty at official legislative or political sessions.
 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (g) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police.
- (h) Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of the law; unwillingness or inability to perform assigned tasks; failure to conform to work standards established for the member's rank, grade, or position; failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave.
- (i) Any act on- or off-duty that brings discredit to this department.

320.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on their part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy (RCW 10.93.190).
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage while on-duty or in uniform.
- (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City while on-duty or in uniform.
- (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform. Profane language outside of this policy for the purpose of de-escalating a deadly force situation may be used.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty.

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- (i) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming or tends to reflect unfavorably upon this department or its members.
- (n) Using the Department's established complaint procedure, members shall courteously and promptly facilitate any complaint made by a community member involving the Department or any member of the Department. No member shall engage in behavior which they know, or reasonably should know, serves to retaliate against any person for being a party to a complaint against the Department or member of the Department. This does not, however, preclude a member from seeking lawful civil redress stemming from complaints that are based, in whole or in part, on information that the complainant knows to be untrue or that is submitted without regard for accuracy.
- (o) Members shall obey all laws of the United States and of any state and/or local jurisdiction in which they are present. A conviction is prima facie evidence of a violation of this section.
- (p) Members who attend court pursuant to a Department order, subpoena, or court notice are to appear promptly and well prepared and are to remain until excused by competent authority.
- (q) Members shall not authorize the use of their names, photographs, or official titles identifying them as members of the Department in connection with any testimonial, advertisement, commodity, or commercial enterprise without the prior approval of the Chief.
- (r) While on-duty, members are not to participate in, campaign for, support, solicit for, contribute to, interfere with, or influence any political activity.
- (s) An officer shall intervene in circumstances where they reasonably believe another officer is using excessive force, making an unjustifiable arrest, or violating a person's Constitutional rights. Members shall not interfere with cases being handled by other members of the Department or by any other governmental agency except in the following circumstances:
 - 1. When ordered to intervene by a supervisor.
 - 2. When failing to intervene would violate this section and the policy described in Use of Force or would otherwise result in a manifest injustice being done.

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3. Any intervention by any member shall be reported to a supervisor as soon as practical.
- (t) Members shall not leave their assigned duty stations except when authorized.
- (u) Property or evidence which has been discovered, gathered, or received in connection with Department responsibilities will be processed in accordance with established Department procedures. Members shall not convert to personal use, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence. Destruction or disposition of property or evidence will occur only in accordance with established Department procedure and applicable law.
- (v) Without proper authority, members shall not address public gatherings, appear on radio or television, prepare articles for publication, act as correspondents to a newspaper or periodical, release or divulge investigative information, testify before committees, commissions, or other political bodies, or discuss other business of the Department while either presenting themselves as, or permitting themselves to be regarded as, official representatives of the Department.
- (w) Any member of the following who has restrictions imposed on them by a court shall report the restriction to their immediate supervisor without delay:
 1. Protection orders
 2. Anti-harassment orders
 3. Restraining orders
 4. Other civil orders related to domestic violence
 5. Driving privilege suspension/revocation
- (x) Members will follow the Olympia Smoking and Tobacco Use Policy (Olympia Policy 8.6.1.1). Additionally, members shall not use tobacco, e-cigarettes, or other vaping style products while in uniform if they are in conspicuous view of the general public.
- (y) Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace officer or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the witnessing officer's supervisor or other supervisory peace officer in accordance with the witnessing peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer.
 1. "Wrongdoing" means conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de-minimis or technical in nature.
 2. A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening in good faith or for reporting wrongdoing in good faith as required by this Policy.
- (z) A law enforcement agency shall send notice to the criminal justice training commission of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report as required by this section to determine whether the officer's conduct

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may be grounds for suspension or revocation of certification under RCW 43.101.105 (SB5066).

- (aa) Any member of the Olympia Police Department must report any pending criminal charges and/or any conviction, plea, or other case disposition immediately through the chain of command to the Chief of Police (SB5051).

320.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the workplace, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision in the course of employment or appointment.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.11 INTOXICANTS

- (a) Reporting for work or being at work while under the influence of intoxicated, a BAC level at or greater than 0.04 (Olympia Policy 5) or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) A supervisor who has reasonable suspicion that a member may be under the influence of alcohol while on-duty may require the member to submit to alcohol testing and a physical examination, in accordance with City policy (Olympia Policy 5).
- (d) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to any work site. Use of marijuana by members of the Department is not authorized.