
ADMINISTRATIVE DIRECTIVE – 101.030
INTERNAL ETHICS AND COMPLIANCE

EFFECTIVE DATE: September 1, 2017
REVIEW SCHEDULE: Annual
AFFECTS: All Personnel

REVISION DATE: June 20, 2023

I. PURPOSE

This Administrative Directive establishes an Internal Ethics and Compliance Program for all Plano Police Department employees. This policy does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees.

II. POLICY

The Plano Police Department promotes an organizational culture that encourages ethical conduct and commitment to compliance with all applicable laws and regulations. It is the Plano Police Department's desire to identify and address incidents of misconduct in an expeditious manner by encouraging employees to spot and report potential compliance issues to management. A violation of this policy, if proven, can only form the basis of a complaint for non-judicial administrative action in accordance with the laws governing employee discipline.

III. DEFINITIONS

- A. Conflict of Interest – A situation in which one's private interest conflicts with or raises a reasonable question of conflict with their job-related duties and responsibilities.
- B. Employee – Sworn and civilian personnel who are employed by the Plano Police Department.
- C. EthicsPoint – A comprehensive and confidential reporting tool to assist management and employees to work together to address theft, fraud, waste, abuse, and other misconduct in the workplace, all while cultivating a positive work environment.
- D. Department – The City of Plano Police Department
- E. Department Personnel – Includes the individuals characterized by this Directive's definitions of Employee, Intern and Volunteer.
- F. Fraud – Any type of act characterized by deceit, concealment, or violations of trust that are perpetrated by individuals or organizations to obtain money, property, services, avoid payment; or secure personal or business advantage.
- G. Harassment - Objectionable conduct, comment or display that demeans, belittles, or causes personal humiliation based on a person's race, national or ethnic origin, color, religion, sexual orientation, age, sex, gender identity, genetic information, disability or veteran status. This includes physical contact (e.g., touching, pushing), comments (e.g., slurs, jokes, name-calling), or displays (e.g., posters, cartoons). Behavior or conduct can rise to the level of harassment if it results in one of the following:
 - 1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
 - 2. Has the purpose or effect of interfering with an employee's work performance; or
 - 3. Adversely affects an employee's employment opportunities.
- H. Intern – A student or trainee who works in the Plano Police Department, sometimes without compensation, in order to gain work experience.
- I. PowerDMS – The Plano Police Department's policy management software system used to manage the Department's policies and procedures, Accreditation Program, and to train and test employees.
- J. SharePoint – The Plano Police Department's online document management and storage system.

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- K. Theft – Taking, using, or removing City of Plano property without consent of a City policy or written consent of the Chief of Police or his/her designee. Theft also includes definitions found in state and federal laws
- L. Vendor – A person who enters or seeks to enter into a contract with the City of Plano. The term includes an agent of a vendor.
- M. Volunteer – A person who freely offers to undertake a task to assist the Plano Police Department without compensation.
- N. Waste – To use, consume, spend, or expend City of Plano resources in a manner that is thoughtless or careless.

IV. PROCEDURES

A. Oversight of Compliance with Standards and Procedures and Delegation of Authority

- 1. The Chief of Police or his/her designee is charged with monitoring compliance within the Department and taking appropriate action in response to compliance related complaints.
- 2. The Chief of Police or his/her designee, along with the Plano Police Department's Fiscal Affairs Division Manager are responsible for oversight of financial reports and establishing and maintaining an adequate internal financial control structure with appropriate checks and balances.
- 3. The Chief of Police or his/her designee will take all possible steps to avoid the delegation of substantial discretionary authority to individuals whom the organization knows or should know have previously engaged in illegal activities. Upon employment with the Plano Police Department, criminal background checks are done on all Department personnel.

B. Communication of Compliance Standards and Procedures.

- 1. This Administrative Directive, including any amendments and all related documents, are available to all Department personnel through PowerDMS and SharePoint.
- 2. During orientation, all new employees, interns, and volunteers will receive training on this Administrative Directive, the Department's Internal Ethics and Compliance Program, and EthicsPoint. Thereafter, the training will be held annually.
- 3. Employees will receive training through PowerDMS. The employee's electronic signature will acknowledge their receipt and understanding of the Administrative Directive's requirements, the Department's Internal Ethics and Compliance Program, EthicsPoint, and ethical behavior. A test over the subject matter may be administered after the training.
- 4. All volunteers and interns will access this Administrative Directive, the Department's Internal Ethics and Compliance Program, and EthicsPoint training on SharePoint. Each individual must print and sign the Internal Ethics and Compliance Form (FM600.026) acknowledging their receipt and understanding of this Administrative Directive's requirements, the Department's Internal Ethics and Compliance Program, EthicsPoint, and ethical behavior. A test over the subject matter may be administered after the training. The completed form along with any test is to be returned to the individual's immediate supervisor for signature and submitted to the Compliance Unit located at the Plano Police Department's headquarters.

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5. The Chief of Police shall participate in annual training on the Department's Internal Ethics and Compliance Program and ethical behavior. The participation may be in the form of a letter or video address to all employees, interns and volunteers.
 6. All City Council members will receive annual training on the Internal Ethics and Compliance program per the City of Plano Code of Ordinances Article IV, Sec. 2-100.
 7. The Plano Police Department will notify department personnel of its ethics and compliance policy, and of its expectation of ethical behavior and compliance with the law from individuals and companies it does business with through the distribution of written material, electronic communications, or verbal communications.
 8. In accordance with Chapter 176 of the Texas Local Government Code, local government officers and vendors may have to complete conflict of interest forms. The completed forms are to be filed with the City of Plano Secretary's Office.
- C. Enforcement, Auditing, Monitoring, and Reporting Noncompliance
1. The Chief of Police or his/her designee will ensure internal audits and other risk evaluations are conducted annually to monitor compliance and assist in the reduction of identified problem areas.
 2. Department personnel are required to intervene within their scope of authority and training and notify appropriate supervisory authority if they observe another agency employee or public safety associate engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state/provincial or federal law, or local ordinance.
 3. Department personnel are required to report any suspicion of non-compliance with law or unethical behavior to the Chief of Police.
 - a. If an employee, volunteer or intern is uncomfortable making a report directly to the Chief of Police, he or she can and is encouraged to make reports anonymously through the City of Plano's EthicsPoint program.
 - b. All reports received will remain confidential.
 - c. Department personnel who report suspected non-compliance with law or unethical behavior can do so without fear of retaliation.
 4. Any employee who violates this Directive or the Department's Internal Ethics and Compliance Program shall be subject to disciplinary action up to and including termination, as well as applicable civil or criminal penalties.
 5. Any volunteer or student intern who violates this Directive or the Department's Internal Ethics and Compliance Program shall be subject to dismissal.
 6. The Chief of Police or his/her designee shall be responsible for periodically assessing the risk of criminal misconduct within the organization and will be primarily responsible for responding to evidence of non-compliance by taking the appropriate action(s) to prevent future noncompliance's.
- D. Code of Conduct

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1. This Administrative Directive prescribes the standards of ethical conduct for all employees of the Plano Police Department. This Directive supports the Department's Administrative Directive 100.003 – Personal Conduct.
 - a. All employees, interns, and volunteers will familiarize themselves with this Directive.
 - b. All employees, interns, and volunteers will abide by applicable federal laws, state laws, City of Plano Ordinances and the policies and procedures of the Plano Police Department.
 - c. All employees, interns, and volunteers shall perform their official duties in a lawful, professional, and ethical manner. They will also practice responsible stewardship of organizational resources.
 - d. Employees, interns, and volunteers shall report any conduct or activity they believe to be in violation of federal laws, state laws, City of Plano Ordinances and the policies and procedures of the Plano Police Department.
 - e. Employees, interns, and volunteers shall not knowingly make false or misleading statements, oral or written, in the course of conducting Plano Police Department business.
 - f. Department personnel shall not disclose confidential or sensitive organizational business information without prior written authorization.
2. Record Retention
 - a. The Plano Police Department is committed to ensuring compliance with federal, state and local requirements concerning records retention periods, records destruction, archival preservation, records storage, microfilming, imaging, document registration, and report submissions.
 - (1) In compliance with federal and state laws, the City of Plano has established a Records Management Program.
 - (2) See City of Plano Code of Ordinances Article V - Records Management Program, City of Plano Policies and Procedures 114.000 - Records Management Program, City of Plano Policies and Procedures 116.000 – Standards and Procedures for Electronic Records.
 - b. Department personnel shall not falsify records, conceal records, destroy records in bad faith, exploit confidential information, or otherwise mishandle records.
 - c. When a lawsuit is filed or it is reasonably anticipated one will be filed against the City of Plano, the Plano Police Department, or department personnel acting in their official capacity, or when an internal or governmental investigation is initiated, department personnel shall ensure:
 - (1) All information potentially relevant to the suit or investigation is preserved,
 - (2) Potential relevant records are not altered or concealed,
 - (3) Potential relevant information is not inadvertently destroyed pursuant to document retention schedules or by routine computer operations or common computer settings, such as the automated deletion of emails.
3. Fraud

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- a. Department personnel must be good stewards of resources entrusted to them and exercise due diligence to prevent and detect criminal conduct and non-compliance with laws and policies. Examples of fraud include lying on an employment application, falsifying records, or providing false receipts for reimbursement.
 - b. Department personnel are responsible for reporting fraud, waste, or abuse per this directive (See IV.C.2 above).
 - c. Engaging in acts of fraud may result in discipline up to and including termination and civil or criminal liability.
- 4. Equal Opportunity Employment
 - a. The Plano Police Department adheres to the City of Plano Affirmative Action and Equal Employment Opportunity Program adopted by the Plano City Council through Resolution 89-5-24(R).
 - b. Discrimination against any person in recruitment, examination, appointment, training, promotion, discipline, pay or any other aspect of employment is prohibited. This includes discrimination because of race, color, religion, sexual orientation, creed, gender identity, genetic information, veteran status, national or ethnic origin or other non-merit factors.
 - c. Discrimination on the basis of age, sex, or physical disability is prohibited, except where specific age, sex, or physical requirements are a bona fide occupational qualification necessary to the proper and efficient operation of the City.
- 5. Harassment
 - a. The City of Plano and the Plano Police Department are committed to a harassment free work place that promotes a healthy work environment for all department personnel.
 - b. The City of Plano and the Plano Police Department prohibit all forms of harassment.
 - c. The City of Plano and the Plano Police Department have established procedures for reporting, investigating and resolving complaints of all forms of harassment and misconduct. See City of Plano Policies and Procedures 219.000 – Harassment Free Workplace and Police Department Administrative Directive 113.003 - Harassment and Discrimination in the Workplace.
- 6. Conflicts of Interest
 - a. The City of Plano has adopted Section 171.001 et seq., of the Local Government Code of the State of Texas, as amended, being the statute which regulates conflicts of interest of officers of municipalities in the State of Texas, and made a part of City of Plano's Code of Ordinances, code of conduct for all purposes, with the provision that, in the case of a conflict between the provisions of the code of conduct and the state statute, then in that event the more restrictive provision shall govern.
 - b. The following City of Plano and Police Department policies are adopted to guide department personnel on conflict of interest issues:
 - (1) City of Plano Policies and Procedure 204.000 – Outside Employment;
 - (2) Plano Police Department Administrative Directive 100.003 - Personal Conduct,

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- (3) Plano Police Department Administrative Directive 101.011 - Secondary Employment.
- c. Department personnel shall not engage in any activity that would create a conflict of interest or even the appearance of a conflict.
- d. Department personnel shall not make personal investments in any business, enterprise or venture that would create a substantial conflict between the employee's private interest and the Plano Police Department.
- e. Department personnel shall not engage in outside business, professional activities, or accept employment if:
 - (1) The activities create a conflict between the employee's private interest, City of Plano or the Plano Police Department;
 - (2) The activities cause the individual to use or appear to use information obtained in connection with their duties for the Plano Police Department; or
 - (3) There is, or could be an expectation to prejudice the employee's independence of judgment in the performance of their duties for the Plano Police Department.
- 7. Personal Use of Plano Police Department Property
 - a. Property owned or leased by or provided to the City of Plano or the Plano Police Department may only be used for official City business. Any misuse or unauthorized use of City or Department property, including information system resources, is subject to disciplinary action up to and including termination. Misuse of official property may also result in criminal prosecution.
 - b. The following City of Plano and Police Department policies are adopted to guide Department personnel on personal use of City equipment and information:
 - (1) City of Plano Policy and Procedure 411.000 – Use of City Vehicles
 - (2) City of Plano Policy and Procedure 412.000 – Loan of City Equipment
 - (3) City of Plano Policy and Procedure 500.000 – Telecommunication Services
 - (4) City of Plano Policy and Procedure 510.000 – Cell Phone Smartphone Device Use
 - (5) City of Plano Policy and Procedure 520.000 – PC Computer Software
 - (6) Police Department Administrative Directive 106.007 - Lost or Damaged City Issued Equipment
 - (7) Police Department Administrative Directive 109.008 – General Requirements of TCIC and NCIC Operations.
- 8. Gifts and Honoraria
 - a. It is the Plano Police Department's policy that department personnel shall not solicit or accept, directly or indirectly, any gift or gratuity from any existing or potential vendor, contractor, public utility corporation, customer, or a person who is a suspect in an offense or under investigation by the Department. Violation of this prohibition is subject to disciplinary action up to and including termination and may also result in criminal prosecution.

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- b. The following City of Plano and Police Department policies are adopted to guide department personnel on gifts and honoraria
 - (1) City of Plano Policy and Procedure City Policy 102.000 - Seeking or Accepting Gifts or Gratuities)
 - (2) Police Department Administrative Directive 100.003 – Personal Conduct