
**PPD POLICY – 100.003
PERSONAL CONDUCT**

EFFECTIVE DATE: January 3, 1977
AFFECTS: Sworn Personnel

REVISION DATE: October 15, 2019

I. STANDARD OF CONDUCT

The law enforcement code of ethics is adopted as a general standard of conduct for officers of the Plano Police Department. All employees of the department shall adhere to the personnel rules and regulations of the city and the policies of this department that govern conduct. In the event of any conflict with city rules and regulations, the rules and regulations of the department shall govern the conduct of department employees.

A. Law Enforcement Code of Conduct

1. Primary Responsibilities of a Police Officer

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace; and ensuring the rights of all to liberty, equality and justice.

a. Performance of the Duties of a Police Officer

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

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

b. Discretion

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

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

c. Use of Force

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

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

d. Confidentiality

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

Members of the public have a right to security and privacy and information obtained

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about them must not be improperly divulged.

e. Integrity

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

The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

f. Cooperation with Other Officers and Agencies

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

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

g. Conflicts of Interest

In the course of a call for service or investigation where there could be a conflict of interest or a perceived conflict of interest, an officer shall use reasonable judgment and discretion in delegating any enforcement decisions to another officer. In such situations where an officer is uncertain as to the appropriate actions to take, he or she shall contact their immediate supervisor or designee for assistance.

h. Personal/Professional Capabilities

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

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

i. Private Life

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

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

B. Law Enforcement Code Of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder, and to respect the constitutional rights of all to liberty, equality and justice. I will keep my private life unsullied as an example to all and

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will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

II. LOYALTY

In the performance of their duty to serve society, officers are often called upon to make difficult decisions. They must exercise discretion in situations where their rights and liabilities and those of the department hinge upon their conduct and judgment. An officer's decisions are not easily made and occasionally they involve a choice which may cause them hardship or discomfort. An officer must be faithful to this oath of office, the principles of professional police service, and the objectives of the department, and in the discharge of their duty, must not allow personal motives to govern their decisions and conduct.

III. CONDUCT UNBECOMING AN OFFICER

A police officer is the most conspicuous representative of government and to the majority of people they are a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized and when his actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of an officer or civilian employee, on-duty or off-duty, may reflect directly upon the department, an employee must at all times conduct themselves in a manner which does not bring discredit to themselves, the department, or the city.

Any violation of a city ordinance, state or federal law shall constitute prima-facie evidence of conduct unbecoming an officer.

IV. RESPECT FOR CONSTITUTIONAL RIGHTS

No person has a constitutional right to violate the law; neither may any person be deprived of his/her constitutional rights merely because he/she is suspected of having committed a crime. The task of determining the constitutionality of a statute lies with a court of proper jurisdiction, not with an officer who seeks to properly enforce the law as it exists. Therefore, an officer may enforce any federal, state, or local statute for which they have jurisdiction and which is valid on its face without fear of abrogating the constitutional rights of the person violating that statute. An officer who lawfully acts within the scope of his/her authority does not deprive persons of their civil liberties. An officer may, within the scope of their authority, make reasonable inquiries, conduct investigations, and arrest on

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probable cause. However, when an officer exceeds their authority by unreasonable conduct, he/she violates the sanctity of the law which they are sworn to uphold.

V. LEGALLY ARMED CITIZENS

During the course of daily contacts, law enforcement officers will encounter citizens who are legally armed, as provided by law. It is imperative the officer's response in these situations be in compliance with local, state and federal firearms statutes, both civil and criminal. At the same time, the officer must maintain reasonable standards for the safety of him/herself and the citizen. To accomplish this balance, officers must consider the realistic threat potential of each situation based on the facts known in each case. Officers are encouraged to maintain good safety techniques during any such conduct with the understanding that a procedural order cannot replace good judgment and common sense based on training and experience, and as dictated by the situation. Officers will be judged in their use of force in these situations based on the decisions a reasonable officer would make as set out in this policy and in 100.106, Law Enforcement Operations, XV. Use of Force - General of the policy manual.

VI. INTEGRITY

The public demands that the integrity of its law enforcement personnel be above reproach, and the dishonesty of a single departmental member may impair public confidence and cast suspicion upon the entire department. Succumbing to even minor temptation can be the genesis of a malignancy which may ultimately destroy an individual's effectiveness and may contribute to the corruption of countless others. Departmental employees must scrupulously avoid any contact which might compromise their integrity, the integrity of their fellow officers, or the department, and they have an obligation to report the dishonesty of others.

A. Gratuities

Police discounts, special purchasing privileges, or other benefits, shall not be sought or knowingly accepted by a member of the department when such benefit is granted either fully or partially as a result of the member's employment by the department.

Gifts, rewards, or gratuities presented for the personal use of any member of the department shall be returned to the provider with an explanation of the department policy.

No member of the department shall offer gifts, gratuities, or special privileges to any other person or agency in expectation of special benefit to him/herself or the department.

This shall not prohibit acceptance by the Chief of Police of items or services that will benefit the City of Plano or the Plano Police Department. If an offer is freely made in good faith to present a gratuity of some type to the department, it may be accepted. Dependant upon the intended purpose of the gift, any monies received in this fashion shall be promptly forwarded to either the Finance Department to be added to the City General Fund, or to the Employee's Fund Committee to be added to the Employee's Fund.

B. Solicitations

No employee of this department shall solicit any form of benefit for him/herself, or any other person or organization, from any person, group, or firm, when the benefit is to be secured as a result of his/her employment by the department.

VII. COURTESY

Effective law enforcement depends on a high degree of cooperation between the department, the public it serves, and other public agencies. All employees shall act courteously toward citizens and other members of the department, even in the face of discourteous behavior directed toward the employee. The practice of courtesy in all public contacts encourages understanding and appreciation;

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discourtesy breeds contempt and resistance. The majority of the public are law-abiding citizens who rightfully expect fair and courteous treatment by department employees. While the urgency of a situation might preclude the ordinary social amenities, discourtesy under any circumstance is indefensible. The practice of courtesy by an officer is not a manifestation of weakness; it is, on the contrary, entirely consistent with the firmness and impartiality that characterizes a professional police officer.

VIII. RESPECT FOR OTHER DEPARTMENTAL MEMBERS

In keeping with our policy of maintaining a professional image and out of respect for other department members, coworkers will be addressed by title when in the presence of persons who are not members of the department. This will be by rank in the case of sworn personnel and by Mr., Mrs., Ms., or Miss in the case of non-sworn personnel.

IX. COMPLIANCE WITH LAWFUL ORDERS

The department is an organization with a clearly defined hierarchy of authority. This is necessary because unquestioned obedience of a superior's lawful command is essential for the safe and prompt performance of law enforcement operations. The most desirable means of obtaining compliance are recognition and reward of proper performance and the positive encouragement of a willingness to serve. If there is a willful disregard of lawful orders, commands, directives, or policies, retraining of personnel and/or disciplinary action may be necessary.

X. CONSUMPTION OF INTOXICANTS AND/OR DRUGS

There is an immediate lowering of esteem and suspicion of ineffectiveness when there is public contact by a department employee evidencing the use of intoxicants or drugs. Additionally, the stresses of law enforcement require an employee to be mentally alert and physically responsive.

In the very rare situation an employee is required to consume intoxicants as part of an official assignment (example - undercover narcotics) it should only be done to the degree necessary for that particular assignment, and not to such a degree that it impairs his/her performance of duty, judgment, safety, or the safety of others. This rare on-duty consumption shall be approved by a lieutenant and must be done under the direction and control of at least a sergeant.

When off-duty, employees shall not consume intoxicants to the degree that his/her actions could bring disrepute, dishonor, discredit, shame, scandal, humiliation, or embarrassment to the employee or the department. Employees shall not consume alcoholic beverages on City of Plano property while off-duty unless approved by the Chief of Police or attending a permitted special event. The odor of an alcoholic beverage on the breath of an on-duty employee, or reporting for duty with any detectable amount of alcohol in the system, is prohibited.

No employee shall consume, in any manner, an illicit or illegal drug. No employee shall report for duty while under the influence of any drug which has the capability of altering the responsiveness of the individual. It is incumbent upon any employee to notify the immediate supervisor if medication is being consumed which could affect job performance in any manner. Upon notification to the supervisor, a determination must be made whether the member can perform assigned duties. An employee may be required to take sick leave or function in another assigned job depending upon the effect of any prescribed medication.

Any violation by an employee concerning the improper use of intoxicants or taking of medication may result in disciplinary action, including dismissal or indefinite suspension.

XI. ATTENTION TO DUTY

As most police work is necessarily performed without close supervision, the responsibility for the proper performance of an officer's duty lies primarily with the officer him/herself. An officer carries with them a responsibility for the safety of the community and their fellow officer. He/She discharges

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that responsibility by the faithful and diligent performance of their assigned duty. Anything less violates the trust placed in them by the people, and nothing less qualifies as professional conduct and will not be tolerated by the department.

XII. FINANCIAL OBLIGATIONS

Public employees have stable incomes upon which they may forecast future earnings. For this reason and because of public confidence in their responsibility, it is relatively easy for department employees to contract financial obligations which, if not controlled, may become an impossible burden. Such financial distress may impair the individual's effectiveness and tend to bring discredit upon the department. Employees should avoid incurring financial obligations which are beyond their ability to reasonably satisfy from their anticipated department earnings.

XIII. REFUSAL TO WORK

The alternative to law and its enforcement is anarchy and its resulting devastation. An officer's commitment to public service and professional ethics precludes his engaging in strikes or similar concerted activities. For these reasons, police officers do not have the right to strike or to engage in any work stoppage or slowdown. It is the policy of this department to seek the removal from office of any officer or civilian employee who plans or engages in any such strike, work stoppage or slowdown.

XIV. OUTSIDE EMPLOYMENT

The nature of the law enforcement task requires department employees to have the ability to work irregular duty schedules which are subject to change, in meeting deployment needs. Additionally, it is necessary that an employee have adequate rest to be alert during his/her tour of duty. For these reasons and because certain occupations inherently conflict with an employee's primary responsibility to the department, the department may impose conditions on outside employment or may prohibit it altogether. Determination of the degree of limitation will be based upon the interest of the department in furthering professionalism, protecting the reputation of the employee and the department, and ensuring that the department receives full and faithful service in return for its expenditure of resources. Such a determination is within the sole discretion of the Chief of Police, after a review of facts pertaining to individual cases. If permission is granted for outside employment, such permission may at any time be rescinded at the election of the Chief of Police.

XV. EMPLOYEE GRIEVANCES

Effective management and respect for individual dignity require that employees have means available for the proper redress of grievances. A department employee having a complaint relating to any matter affecting his/her employment is ensured the right of review at succeeding levels of department authority until his/her grievance is resolved. The right of an employee to file a grievance and its administrative review promotes efficiency and results in improved morale. Those positive benefits are defeated if employees are reluctant to file a grievance. Therefore, no action of a formal or informal nature shall be taken by the department against an employee or his/her witnesses merely for having filed a grievance, nor is such filing to be otherwise looked upon with disfavor by the department, unless it is determined that the grievance is false or malicious in nature.

XVI. COMMENDATIONS

The Plano Police Department expects a high level of professional conduct from all employees; however, members of the department frequently perform their duties in a manner exceeding the highest standards of the department. The official commendation of such performance and the arrangement of appropriate publicity are to be provided by the department to give full public recognition to those who have brought honor to themselves and the department.

XVII. ALLEGATION OF EMPLOYEE MISCONDUCT

It is essential that the public confidence be maintained in the ability of the department to investigate

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and properly adjudicate complaints against its members. The rights of the employee as well as those of the public must be preserved, and any investigation or hearing arising from a complaint must be conducted in an open and fair manner with the truth as its primary objective. The department accepts complaints against its members and fully investigates all such complaints to the appropriate disposition.

XVIII. DISCIPLINE

Discipline is the willing compliance with policies, rules, and regulations of the department. The department has the responsibility to ensure discipline and may therefore employ punitive action against those employees whose conduct discredits the department or impairs its effective operation.

XIX. WHEN TO TAKE POLICE ACTION

A. Responsibility of On-duty Officers

On-duty officers within the city limits, after considering the tactical situation, are to take all steps reasonably necessary and consistent with their assignment to protect life and property, to effect the enforcement of the laws of the city, state, and nation, and to serve the public.

B. Responsibility of Off-duty Officers

Under Texas law, both on-duty and off-duty officers have peace officer authority as to any public offense committed or which there is probable cause to believe has been committed, and with respect to which there is immediate danger to persons or property, or the escape of the perpetrator of such offense. However, on-duty officers outside the city limits who are not acting within the scope of their employment as officers on matters of direct concern to the City, and off-duty officers both inside and outside of the city limits are to give first consideration to causing the appropriate action to be effected by the responsible law enforcement agency. Such officers should then act only after consideration of the tactical situation and of their possible liability and that of the City of Plano.

C. No Peace Officer Authority Outside of State

Peace officer powers of Plano police officers do not extend beyond this state except as provided for in the Uniform Act on Fresh Pursuit. Officers who are outside the boundaries of this state for extradition or other matters of direct concern to the City are not to engage in police activities unless necessary in the performance of their duties as an officer of the City, except when called upon to assist another police agency or when necessary to protect the life of any person.

D. Arrests Within the State of Texas

Off-duty officers outside the City of Plano and within the State of Texas maintain their powers of arrest in specific circumstances defined within Article 14.03 of the Code of Criminal Procedure. An officer making an arrest under these provisions shall, as directed by state law, notify the agency having jurisdiction where the arrest was made and release custody of the person arrested to that agency.

XX. DUTIES AND POWERS

A sworn member's authority as a peace officer emanates from the State of Texas and the City of Plano. The duties and powers of peace officers are derived from the Code of Criminal Procedure, Article 2.13:

"It is the duty of every peace officer to preserve the peace within the officer's jurisdiction. To affect this purpose, the officer shall use all lawful means. The officer shall: (1) in every case authorized by the provisions of this Code, interfere without warrant to prevent or suppress crime; (2) Execute all lawful process issued to the officer by any magistrate or court; (3) give notice to some magistrate of all offenses committed within the officer's jurisdiction, where the officer has good reason to believe

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there has been a violation of the penal law; and (4) Arrest offenders without warrant in every case where the officer is authorized by law, in order that they may be taken before the proper magistrate or court and be tried."

In order for peace officers to execute any powers of the office or to act under the color of their uniform and badge they must have the authority of law to justify their actions. This means that in order for peace officers to issue any order or to execute any action they must act solely under the authority of the State of Texas and the City of Plano. Officers in their individual capacity have no more authority than any other citizen. However, anytime they hold themselves out as police officers their actions are restricted to the power of their office with all accompanying responsibilities and liabilities. Officers are deemed to act under the authority of their office when they identify themselves as a police officer, display badge and/or ID, display or wear the uniform of an officer or are otherwise known as a police officer. If enforcement action is required, the officer must identify himself/herself by visual or verbal means.

XXI. OATH OF OFFICE

Prior to appointment as a peace officer, all appointees will file the Elected/Appointed Officer Statement. Peace Officer Appointees will then take and abide by the Oath of Office that is required by the Texas Constitution.