

**CITY OF SCHERTZ  
POLICE DEPARTMENT**

**Policy: 2.1      Title: *Rules of Conduct***

**Date Issued: January 1, 2003**

**Revised: December 2, 2021**

**I. POLICY**

The Schertz Police Department and the public expect all department personnel to maintain highest standards of appearance and conduct, which is accomplished through the preservation of life, maintaining and defending individual rights and protecting property, while promoting individual responsibility and community commitment.

**II. PURPOSE**

The purpose of this policy is to define and explain Department expectations of conduct for both on and off-duty department members. Members shall hold themselves to a higher standard.

**III. APPLICATION**

This policy applies to all Department members, both sworn and non-sworn. The terms "Police Department and Department" apply to the Schertz Police Department. The term "members" applies to all members of the Police Department, both sworn and non-sworn. The term "Officer" applies only to sworn police officers. The term "civilian members" applies only to non-sworn personnel.

Violation of any of these rules shall be sufficient cause for disciplinary action up to and including termination.

**IV. LAW ENFORCEMENT OFFICERS CODE OF ETHICS**

Although the Law Enforcement Code of Ethics is directed at Officers, all department members shall display the integrity required by the 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 will behave in a manner that does not bring discredit to me or 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 in both 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 law enforcement 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.*

## **V. GENERAL DUTIES**

- A. All Officers shall, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, the laws of the State of Texas, and all local ordinances, according to the rules, regulations, and policies of the Department. Officers must know that when they act under the color of law, they are enforcing the law according to statutes, written administrative guidance in the Department, ordinances, common usage and custom. Furthermore, Officers shall exhibit good moral character in the administration of their duties.
- B. The Department maintains the right to establish oral and written orders to govern and control the efficiency, effectiveness, and safe operation of law enforcement. Officers shall be trained in the rules and expectations of professional conduct prior to assuming law enforcement duties.

- C. All Officers in the Department must hold a Texas Peace Officer license before they will be approved and allowed to perform law enforcement duties.
- D. The Department reserves the prerogative to discipline members for violations of the rules listed in this policy, as well as violations of all departmental orders and directives. The decision to discipline and the measure of discipline employed depends on the rule or law violated, the consequences of the member's actions and the member's prior history and experience.
- E. Duty to Report
  - 1. All members of this Department have an affirmative duty to report acts of misconduct or failures to perform actions defined in departmental policy, procedures and rules. Failure to report misconduct shall result in corrective and/or disciplinary action.
  - 2. Acts of retaliation against members who make good faith complaints or disclosures of misconduct against another member are strictly forbidden. Such acts will form the basis for charges of misconduct, resulting in serious disciplinary action and/or termination.
  - 3. All members have an affirmative duty under this policy to cooperate fully during an investigation of any allegation of employee misconduct, whether conducted by this Department or another authorized authority. Protection from retaliation is extended under this policy to all members who cooperate in good faith.
  - 4. All complaints of retaliation shall be submitted to any supervisor. If the supervisor is the subject of or is involved in the complaint, an employee shall submit the complaint to the next higher-ranking member in the chain of command.
  - 5. In uncommon situations involving highly egregious offenses or illegality that may have Departmental or governmental implications, a complaint may be made directly to the Chief of Police or the City's Human Resources Department. Examples include, but are not limited to, broad-based corruption, conspiracy among employees or offenses involving or including high-ranking officers or members of the government.

## **VI. RULES OF CONDUCT**

### **Section One: Obedience to Orders, Rules and Laws**

#### **1.1 Obedience to Rules of Conduct**

All members, regardless of rank, assignment or certification, shall be governed by the Rules of Conduct. Violation of any of these rules by any member of the Department shall be considered sufficient cause for dismissal, demotion, suspension or other disciplinary action.

1.2 Violation of Rules

Members of the Schertz Police Department shall not commit any acts or omit any acts that constitute a violation of any of the rules, regulations, directives or orders of the Department, whether stated in this policy or elsewhere.

1.3 Obedience to Laws

Members shall abide by the laws of the United States and the State of Texas, as well as the ordinances of the City of Schertz. A conviction for a violation of any law or ordinance shall be prima facie evidence of a violation of this section.

1.4 Adherence to Departmental Rules

Members shall abide by the Department policies and rules, City personnel policies and rules and other properly issued internal directives of the Schertz Police Department.

1.5 Applicability of Rules

Certain rules may not apply in undercover or covert police assignments specifically authorized by supervisors in accordance with Department policy. Officers will be strictly accountable for justifying their actions.

1.6 Insubordination

Members shall promptly obey all lawful orders and directions given by a supervisor. The failure or deliberate refusal of members to obey such orders shall be deemed insubordination and is prohibited. An order, for the purpose of this rule, is considered any legal demand, command, mandate, appeal or simple request made by a person so authorized, including, but not limited to all Department supervisors. This includes orders that are relayed by a member of the Department on behalf of a supervisor. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing their lawful orders shall likewise be deemed insubordination.

1.7 Issuance of Lawful Orders

No commanding or supervisory member shall knowingly or willfully issue an order that violates federal or state law, appropriate case law, a City ordinance or a Departmental policy or rule.

1.8 Unjust or Improper Orders Contrary to Department Policy

If a member receives an order they believe is unlawful, improper or contrary to Departmental policy, they shall respectfully inform the supervisor of the conflict. If the supervisor does not alter or retract the order, the member must first obey the order to the best of their ability and then may appeal the order to the Chief of Police via the proper chain of command.

#### **1.9 Obedience to Unlawful Orders**

No member is required to obey an order that is unlawful under the laws of the United States, the State of Texas or the ordinances of the City of Schertz. If a member receives an unlawful order, they shall immediately report, in writing, the full facts of the incident and their actions to the Chief of Police via the chain of command or to the Cities Human Resources Department.

#### **1.10 Conflict of Orders**

If a member receives an order that conflicts with one previously given by a supervisor, the member receiving the order shall respectfully point this out to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the second order shall stand and shall be the responsibility of the second supervisor. If the second supervisor so directs, the second order shall be obeyed first. Orders shall be countermanded only when necessary for the good of the Department.

#### **1.11 Medical Examinations, Photographs & Line-ups**

Upon the order of the Chief of Police, members shall submit to any medical, ballistics, chemical or other tests, photographs, or line-ups. All procedures carried out under this section shall be specifically directed and narrowly related to a particular internal investigation being conducted by the Department.

### **Section Two: Attention to Duty**

#### **2.1 Performance of Duty**

Members shall be attentive to their duties at all times and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any Departmental rules or procedures manual.

#### **2.2 Conduct and Behavior**

Members, whether on-duty or off-duty, shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the Department. Members shall follow established procedures in carrying out their duties as members of this Department, and shall at all-time use sound judgment.

#### **2.3 Responsibility to Serve the Public**

The Department shall provide 24-hour/7 days per week emergency services to the citizens of the City of Schertz. Members shall promptly serve the public by providing direction, counsel and other assistance that does not interfere with the discharge of their duties. They shall make every attempt to respond to the inquiry or request for assistance themselves.

#### 2.4 Responsibility to Respect the Rights of Others

Members shall respect the rights of individuals and shall not engage in discrimination, oppression or favoritism. Members shall maintain a strictly impartial attitude toward all persons with whom they come in to contact with in an official capacity.

#### 2.5 Truthfulness

Members shall be truthful in all official verbal and written communications and reports. Members will be truthful in any court related testimony or agency investigations. Officers who are undercover or conducting interviews or interrogations may find it necessary to provide inaccurate information in order to maintain their cover or determine the truthfulness or veracity of a subject.

#### 2.6 Officers Always Subject to Duty

Officers shall, at all times, respond to the lawful orders of supervisors and to the call of individuals in need of police assistance. The fact that they may be off-duty shall not relieve them from the responsibility of taking prompt and proper police action or from being recalled to duty as needed.

- a. The above shall not be construed to include enforcement of laws of a Class "C" misdemeanor nature, or traffic offenses except for breach of the peace, theft, or assault.
- b. While off-duty or in their personal vehicle, Officers shall not enforce or take any police action to enforce Class "C" traffic offenses.
- c. This section shall not require an Officer to take action when off-duty and in the company of others, when doing so could place them in jeopardy.

#### 2.7 Officers Required to Take Action

Except where expressly prohibited, Officers are required to take prompt and effective police action conforming to Departmental policy with respect to violations of laws and ordinances coming to their attention or of which they have knowledge. Officers shall promptly and punctually perform all official duties. Officers shall render, or cause to be rendered, medical assistance to any injured person.

#### 2.8 Reporting for Duty

Members shall promptly report for duty properly prepared to immediately assume their duties at the time and place required by assignment, training, subpoenas or orders. Members shall remain at their posts or place of assignment until completion of their assigned tour of duty, relieved by another or dismissed by a supervisor. All members are subject to emergency recall and shall report for duty during emergencies when so notified by a supervisor or other authorized member.

## 2.9 Exceptional Leave

Members shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible. If unable to report to work, members shall notify the on-duty supervisor at least two hours before reporting time.

## 2.10 Fictitious Illness or Injury Report

Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department or City as to the condition of their health.

## 2.11 Remaining Alert to Duty

While on duty or at training, members shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics or conflicts arising from off-duty employment.

## 2.12 Neglect of Duty

Members shall not commit any acts expressly forbidden, or omit any acts that are specifically required, by law, ordinance, policy, rule, procedure or directives.

## 2.13 Prohibition of Personal Business While On-Duty

While on-duty, members shall not engage in any activity or personal business which would cause them to neglect their duty.

## 2.14 Availability While On-Duty

Members, while on-duty, shall not conceal themselves except for an authorized police purpose. Members shall keep themselves immediately and readily available at all times while on-duty.

## 2.15 Sleeping On-Duty.

Members must be alert throughout their tours of duty. Sleeping while on-duty is forbidden. If unable to stay awake, they shall immediately report to their superior, who shall determine the proper course of action.

## 2.16 Reading On-Duty

Members shall not browse or read newspapers, books, magazines, articles, etc., either in printed form or through the use of electronic devices, while on-duty and in the public view, unless such reading has been assigned by a supervisor or is directly related to the member's job assignment.

## 2.17 Studying On-Duty

Members shall not, during their regularly assigned working hours, engage in any studying activity that is not directly related to their current job assignments. The prohibition includes studying for promotional exams.

2.18 Use of Other Media

Members' use of televisions, internet, computers, laptops, smart phones, etc., shall be limited primarily to work related activities. The occasional personal use of these items shall be restricted to special/major events and only to the extent that it does not interfere with their official duties.

2.19 Assistance to Fellow Officers

An Officer shall not display cowardice in the line of duty or in any situation where the public or another officer might be subjected to physical danger. Unless actually incapacitated themselves, Officers shall aid, assist and protect fellow officers in time of danger or under conditions where danger might be impending.

2.20 Prompt Response to All Calls

Officers, while on-duty, shall respond without delay to calls for police service. Calls shall be answered in compliance with normal safety precautions, traffic laws and Departmental policy.

2.21 Duty to Report All Crimes and Incidents

Members shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations and police information that come to their attention. Members shall not conceal, ignore or distort the facts of such crimes, violations, emergencies, incidents and information.

2.22 Duty to Record a Complaint

Members shall courteously and promptly record, in writing, any formal complaint made by a person against any member of the Department. Members taking the complaint may attempt to resolve the complaint, but shall never attempt to dissuade any person from lodging a complaint against any member of the Department. Members shall follow established Department procedures for processing complaints.

2.23 Responsibility to Know Laws and Procedures

Members shall know the laws and ordinances they are charged with enforcing, all Departmental policies, orders and rules, and the duties and procedures governing their specific assignments. When notified of the implementation of new rules, policies or procedures, members will promptly familiarize themselves with the new policy or procedure and acknowledge receipt of such in the manner prescribed by the Department Administration.

2.24 Responsibility to Know Districts and Locations

Officers shall know the location and boundaries of their assigned areas. Officers shall also be familiar with the names and general locations of Schertz streets and highways and the names and locations of hospitals and major public buildings.



2.25 Keeping Posted on Police Matters

Each day, while on-duty and immediately upon returning from an absence, members shall study and become familiar with the contents of any recently issued communications and directives.

2.26 Assisting Criminal Activity

Members shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or may enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.

2.27 Confidentiality

No member shall disseminate confidential police related information to any unauthorized person for any purpose.

2.28 Maintaining Communications

While members are on-duty or officially on-call, they shall be directly available by normal means of communication, or shall keep their office, headquarters or supervisors informed of the means by which they may be reached when not immediately available.

2.29 Reporting Accidents and Injuries

Members shall immediately report the following accidents and injuries:

- a. All on-duty traffic crashes in which they are involved.
- b. All personal injuries received while on-duty, or off-duty, but are likely to interfere with performance of assigned duties.
- c. All property damage or injuries to other persons that resulted from the performance of assigned duties.
- d. All accidents involving City equipment whether on or off-duty.

2.30 Report Address and Telephone Number

Members shall have a working telephone or other means of communication in case of emergency, and shall register their correct residence address and telephone number with the Department on the prescribed form. Any change in address or telephone number must be reported immediately to the office of the Chief of Police.

2.31 Testifying in Departmental Investigations

When directed by a competent authority to make a statement, answer questions or furnish materials relevant to a Departmental administrative investigation, members shall comply with the directive without delay.

2.32 Keeping Notes on Police Activities

Officers shall maintain written notes on police matters such as calls, arrests and other activities to the extent that they may complete official reports and accurately testify in official proceedings.

2.33 Departmental Reports

Members shall submit all necessary reports in a timely manner and in accordance with established Department procedures. Reports submitted by members shall be truthful and complete and no member shall knowingly enter or cause to be entered any inaccurate, false, or improper information, or alter, remove or destroy any report once filed for the purpose of obstructing justice, misleading supervisors or altering the natural order of information.

2.34 Abuse of Process

Members shall not intentionally make false accusations in a criminal or traffic charge.

2.35 Carrying of Firearms

All Officers are required to carry a sidearm at all times while on-duty, unless prohibited by a law, ordinance, Department policy or rule. While off-duty, Officers may use their own discretion as to whether to carry a sidearm.

2.36 Registration of Firearms

All firearms and weapons carried and used by Officers in the performance of their official duties must be approved and registered with the Department. Required registration information must be kept current. Only approved firearms and weapons may be carried on or off-duty if intended to be used in the performance of their official duties.

2.37 Personal Appearance

Members, while on-duty, shall wear uniforms or other clothing in accordance with Department procedures, except when acting under proper and specific orders from a supervisor. Members, when on-duty, shall maintain a neat, well-groomed appearance.

### **Section 3: Cooperation with Fellow Members & Agencies**

3.1 Respect for Fellow Members

Members shall treat other members of the Department with respect. They shall be courteous, civil and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language.

3.2 Supporting Fellow Members

Members shall cooperate with, support and assist each other whenever necessary.

3.3 Interfering with Cases or Operations

Members shall not interfere with cases assigned to others. Members shall not interfere with the work or operations of any unit in the Department or the work or operations of other governmental agencies. Members against whom a complaint has been made shall not directly or indirectly contact or attempt to contact for any reason, the complainant, witness or any other person(s) related to the case in an attempt to intimidate or to secure the abandonment or withdrawal of the complaint, charges, or allegations.

3.4 Cooperation with Other Agencies

Members shall cooperate with all governmental agencies by providing whatever aid or information such agencies are entitled to receive.

**Section 4: Restrictions on Behavior**

4.1 Interfering with Private Business

Members, during the course of their duties, shall not interfere with the lawful business of any person.

4.2 Use of Intimidation

Members shall not use their official positions to intimidate persons.

4.3 Soliciting and Accepting Gifts and Gratuities

Unless approved by the Chief of Police, members may not accept any reward, gratuity, gift or other compensation for any service performed as a result of or in conjunction with their duties as members of the Department, regardless of whether the service was performed while said persons were on or off-duty. Members shall not solicit any gift, gratuity, loan, present, fee or reward for personal gain.

4.4 Soliciting and Accepting Gifts from Suspects and Prisoners

Members are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee or other item of value; or from lending or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant or other person involved in any case; or other persons of ill-repute; or professional bondsmen, or other persons whose vocations may profit from information obtained from the Police Department.

4.5 Reporting Bribe Offers

If a member receives or is offered a bribe, they shall immediately notify the Chief of Police, via the chain of command, providing a written report of the circumstances surrounding the bribe. For the purpose of this policy, a bribe is defined as a person's attempt to persuade a member of this Department to act in one's favor or to influence the judgement or conduct of a member by offering a gift, money or other form of inducement.

4.6 Accepting Gifts from Subordinates

Without approval from the Chief of Police, members shall not receive or accept any gift or gratuity from subordinates, other than customary celebratory times such as holidays or birthdays.

4.7 Soliciting Special Privileges

Members shall not use their official positions or identification to solicit special privileges for themselves or others, such as free admissions, discounted purchases, or free / discounted meals and refreshments.

4.8 Personal Use of Police Power

Officers shall not use their police powers to resolve personal grievances (e.g., those involving the Officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person or when a serious offense has been committed that would justify an arrest. In all other cases, Officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.

4.9 Giving Testimonials and Seeking Publicity

Members representing themselves as employees of the Department shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Members shall not seek personal publicity, either directly or indirectly, in the course of their employment. This rule shall not apply to Department sponsored activities such as Public Service Announcements, recruiting efforts, etc.

4.10 Soliciting Business

Members shall not, while on-duty or on City property, solicit or advertise for subscriptions, sell books, papers, tickets, merchandise or other items of value or service nor collect or receive money or items of value for any personal gain to themselves or others. Members may solicit for projects related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the Chief of Police. This section does not prohibit an infrequent brief conversation initiated by someone who is both a potential buyer and co-worker.

4.11 Abuse of Position

Members shall not use their official position, identification or badge for personal or financial gain or privilege or to avoid the consequences of an illegal act.

4.12 Drinking On-Duty

Members shall not drink any intoxicating beverages while on-duty. Officers involved in an approved undercover operation shall follow the policy established to regulate that function.

4.13 Intoxication

Members shall not be under the influence of any intoxicating beverage or substance during their tour of duty or immediately prior to their tour of duty. Nor shall members be on-duty with an odor of intoxicants on their breath or about their person. Nor shall members be intoxicated off-duty while in the public view. While off-duty, Officers that have consumed an alcoholic beverage to the extent that their mental and physical faculties are impaired, shall refrain from exercising any police authority. Officers assigned to special units or assignments where they may consume alcoholic beverage during the performance of their duties shall not do so to the extent that their mental and physical faculties are significantly impaired.

4.14 Drinking While in Uniform

At no time shall any member consume alcoholic beverages while in uniform. Uniforms include any clothing items issued by the Department.

4.15 Liquor on Official Premises

Members shall not bring intoxicating beverages into any Police Department buildings or vehicles, except as evidence in a criminal case.

4.16 Entering Bars, Taverns and Liquor Stores

On-duty members or members in uniform shall not enter or visit any bar, lounge, parlor, club, store or other establishment whose primary purpose is the sale and on- premise consumption of liquor unless for the purpose of official duties; and shall not otherwise enter, remain in or frequent such places. On-duty members or members in uniform shall not purchase intoxicating beverages.

4.17 Drug Usage

While on or off-duty, members shall not use any controlled drug not prescribed to the member by a physician. Members shall notify their supervisor if they are using any prescribed drug or other medication or medical device that the member believes (or has been informed by a physician, pharmacist or prescription label) might impair their driving or critical decision making. Members shall not be in possession of any illegal drug or any controlled drug not prescribed to the member by a physician, except in their official duties.

4.18 Playing Games On-Duty

On-duty or uniformed members shall not engage in any games of cards, billiards, pool, dominoes, electronic arcade games, portable electronic games, computer games, internet-based games or other games in view of the public. A member on an approved break and out of public view may inconspicuously utilize personally owned portable electronic devices, such as a smartphone, for personal amusement.

4.19 Political Activity

While in uniform, on-duty or anytime while representing themselves as an employee of the Department, members are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns. While off-duty and without representing themselves as an employee of this Department, a member has the same political rights as other members of the community, except he or she may not serve as an elected official for the City of Schertz.

4.20 Improper Release of Information

Members shall not communicate to any person who is not a member of this Department any information concerning operations, activities, or matters of law enforcement business, the release of which is prohibited by law, rule or which could have an adverse impact on law enforcement operations or officer safety.

4.21 Seeking Personal Preferment

Members shall not solicit petitions, influence or seek the intervention of any person outside the Department for purposes of personal preferment, advantage, transfer, advancement, promotion or change of duty for themselves or for any other person.

4.22 Criticism of the Department

Members shall neither publicly nor at internal official meetings criticize or ridicule the Department or its policies, City officials or other members by speech, writing, or other expression, where such speech, writing or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline or is made with reckless disregard for truth or falsity.

4.23 Disruptive Activities

Members shall not perform any actions that tend to disrupt the performance of official duties and obligations of members of the Department or which tend to interfere with or subvert the reasonable supervision or proper discipline of members of the Department.

4.24 Operation and Use of Police Radios

Operation and use of police radios is restricted to authorized and official police business only. Personal conversations or using vulgar, sarcastic or obscene language, or making unnecessary sounds are not permitted.

4.25 Use of Racial Jokes and Slurs

No member shall engage in any form of speech likely to be construed as a racial, religious, gender or sexual orientation slur or joke, whether in the presence of the public or of other members.

4.26 Indebtedness to Subordinates

Supervisors shall not become indebted to their immediate subordinates.

4.27 Personal Relationships Prohibited with Certain Persons

Members shall not become personally involved with or develop a personal or social relationship with a victim, suspect, witness or defendant during the time a case or incident involving the person is being reported, investigated or prosecuted through the Department.

4.28 Duty to be Kind, Courteous, and Patient

Members will be courteous, kind, patient, and respectful in dealing with the public. Members shall strive to win the respect of all members of the community in the discharge of their official duties. Members shall be tactful in the performance of their duties; shall control their tempers and exercise the utmost patience and discretion; and shall not engage in argumentative discussions, even in the face of extreme provocation. When addressed, members shall avoid answering questions in a short or abrupt manner. Members shall not use harsh, coarse, violent, profane, indecent, suggestive, sarcastic, or insulting language.

There are times in an extremely high stress situation, such as a violent altercation, where a member may momentarily fluctuate from the intent of this rule. The language or action may not normally be acceptable, but in that brief moment it may be understandable. Although still a violation of this rule, if it is in fact a momentary lapse, a coaching or counselling, along with additional de-escalation training, should be satisfactory. Repeated violations would constitute more severe policy violations and would be treated accordingly.

4.29 Treatment of Persons in Custody

Members shall not mistreat persons who are in custody. Members shall handle such persons in accordance with the law and department procedures.

4.30 Ethical Conduct

Members shall not conspire or knowingly engage in any activity which deprives any person of their civil rights, due process, equal opportunity for employment, advancement, job opportunities or any constitutionally or statutory guaranteed right.

4.31 Personal Use of Information

Members shall not share information, photographs, etc. that they may obtain due to their position with others for personal gain, amusement or enjoyment. Members shall not take any photographs or videos of crime scenes, accident scenes, suspects, evidence, etc. using personally owned equipment unless under exigent circumstances, where a delay in waiting for Departmental equipment could jeopardize the investigation. Any photographs or videos so obtained may only be used for a bona fide law enforcement purpose.

## **Section 5: Identification & Recognition**

5.1 Giving Name

Members shall give their name and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a Department assignment.

5.2 Carrying Official Identification

Officers shall carry their official identification on their persons at all times. All members will carry their official identification on or about their persons while on-duty. Identification cards shall be worn in a conspicuous manner by all members not wearing an approved uniform, when on Department property.



5.3 Personal Cards

Members are not permitted to have or use personal cards showing their connection to the Department if such cards bear any information directly pertaining to their work as Police Department members.

5.4 Exchange, Alteration or Transfer of Badge

Issued badges shall not be altered or exchanged between members or transferred to another person except by order of the Chief of Police. Members retiring under honorable conditions may request their badge. Members resigning under honorable conditions may purchase their badge. All badges must be purchased unless exempted by the Chief of Police.

5.5 Plainclothes Officers – Identification

Members shall neither acknowledge nor show recognition of another Officer in civilian clothes unless that Officer first addresses the uniformed Officer.

**Section 6: Maintenance of Property**

6.1 Use of City Property or Service

Members shall not use or provide any City equipment or service other than for official City business.

6.2 Responsibility for City Property

Members shall be responsible for the proper care and use of Department property and equipment assigned to or used by them and shall promptly report any loss, damage, destruction, or defect therein to the Chief of Police via the chain of command.

6.3 Departmental Vehicles and Equipment

Members shall operate Department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a Department vehicle or equipment is damaged or involved in an accident, the operator shall notify an on-duty supervisor immediately. The member shall, as soon as possible, complete all reports and damage to City property documentation, forwarding it to the Chief of Police via the chain of command. Under no circumstances shall an Officer investigate their own accident.

6.4 Reporting Damage

At the beginning of a tour of duty, members shall examine any vehicle assigned to them and report any operational deficiencies, damage or defects to the on-duty supervisor. Failure to report damage or defects creates the presumption that the member inspected the vehicle and found no damage or defects. The member, in this case, shall be held responsible for damage or defects subsequently discovered.

6.5 Responsibility for Private Property

Members are responsible for protecting private property and equipment that has come into their possession by reason of their office against loss, damage or destruction.

6.6 Care of Quarters

Members shall keep their offices, lockers and desks neat, clean and orderly.

6.7 Property and Evidence

Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any property or evidence coming into the possession of a member shall be submitted to the evidence locker prior to the end of shift.

6.8 Alteration or Modification of Police Equipment

Members shall not use any equipment that does not conform to Departmental policy or specifications. All equipment, gear, weapons and force options shall be carried and utilized only as issued and authorized. No changes, alterations, modifications or substitutions shall be made to such equipment, gear, weapons and force options unless approved by the Chief of Police.

## **Section 7: Relationships with Courts & Attorneys**

7.1 Attendance in Court

Members shall arrive on time for all required court appearances and be prepared to testify. This includes trials, hearing or depositions for which they have been subpoenaed or meetings with prosecutors when requested. Each member shall be familiar with the laws of evidence and shall testify truthfully on any matter.

7.2 Recommending Attorneys or Bondsmen

Members shall not suggest, recommend, advise or counsel the retention of a specific attorney or bondsmen to any person (except relatives) coming to their attention as a result of police business.

7.3 Testifying for a Defendant

Any member subpoenaed or requested to testify for a criminal defendant or against the City of Schertz or against the interests of the Department in any hearing or trial shall immediately notify the Chief of Police through the chain of command.

- 7.4 Interviews with Attorneys  
Interviews between a member and a complainant's attorney about a case arising from the member's employment by the Department shall be done in the presence of or with the knowledge and consent of the Chief of Police, Department legal counsel and/or prosecutor.
- 7.5 Assisting and Testifying in Civil Cases  
Officers shall not serve civil-process papers nor render assistance in civil cases except as required by law.
- 7.6 Notice of Arrest or Citation  
Members who have become the subject of a citation (other than traffic citations) or arrest action in any jurisdiction shall immediately notify the Chief of Police.
- 7.7 Arrest of Sworn Officer  
An Officer who arrests another Officer (from this Department or another) shall immediately notify the on-duty supervisor, who shall notify the Chief of Police via the chain of command. Officers shall take whatever actions are appropriate to the circumstances, including making a physical arrest, regardless of the employment status of anyone involved.

## **Section 8: Expectation of Privacy**

- 8.1 Expectation of Privacy  
Members shall have no expectation of personal privacy in such places as offices, lockers, desks, Department vehicles, computers or similar areas under the control of this Department. While this department recognizes the need for members to occasionally store personal items in such areas, members should be aware that these places may be inspected or otherwise entered to meet operational needs, investigatory requirements, or for other reasons, at the direction of the Chief of Police or their designee.
- 8.2 Duplicate Files  
No member of this agency shall maintain original files or duplicate copies of official agency files, photographs or audio/video recordings, in either manual or electronic formats, at their place of residence or in other locations outside the confines of this Department without expressed permission.

By order of

Marc Bane  
Interim Chief of Police