

**EASTON POLICE DEPARTMENT  
ADMINISTRATIVE ORDER  
CHAPTER 4: CODE OF CONDUCT**

	Title: <b>Supporting Value - Accountability</b>		Number: <b>04-3</b>
	Effective: <b>December 29, 2011</b>	Revised: <b>10/19/16</b>	General Order <b>#11-015</b>
	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amends	Notes: Replaces Administrative Manual Chapter 4-3.0 paragraph C – Accountability and 4-4.0 Litigation (01-01)	
Authority: _____ <div style="text-align: center;">Chief of Police</div>			Total Pages: <b>9</b>

**4-3.0 PURPOSE**

The purpose of this General Order is to establish rules and regulations for the conduct of all members required under the supporting Department Core Value of “Accountability.”

**4-3.1 DEFINITIONS/ABBREVIATIONS**

AWOL	Absent With Out Leave
CJIS	Criminal Justice Information System
MPCTC	Maryland Police and Corrections Training Commission
METERS	Maryland Electronic Telecommunications Enforcement Resource System
NCIC	National Crime Information Center

**4-3.2 FORMS**

Form 48	Memo Form
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**4-3.3 POLICY**

Members are accountable to the Oath of Office, the Law Enforcement Profession and the citizens they serve. Members are also accountable for their actions, therefore, they must aspire to meet and maintain the highest degree of law enforcement professionalism. To this end, members shall comply with the following rules and regulations.

**4-3.4 DUTY - GENERAL**

1. Members must preserve and advance the principles of democracy, freedom, and the police profession in a multi-cultural society, while remaining sensitive and responsive to community concerns and problems. To this end, members shall strive to:
  - a. Protect life and property.
  - b. Preserve the public peace.
  - c. Detect and arrest violators of the law.
  - d. Reduce crime, and the fear of crime, by addressing quality of life issues.

- e. Remain sensitive and responsive to community concerns and issues.
  - f. Obey Department rules, regulations, and procedures and applicable laws.
  - g. Enforce all Federal, State and local laws and ordinances coming within Departmental jurisdiction.
  - h. Maintain good physical conditioning in order to meet their job duties and responsibilities.
2. Members are always subject to duty. Although they are periodically relieved or technically scheduled off-duty, members are not relieved of the responsibility to respond to the order of a superior officer, or to take proper police action in any matter coming to their attention within the Town limits of Easton which requires immediate police action.
  3. Sworn members are required to carry their badge, identification card and service weapon, or approved off-duty weapon at all times when within the Town of Easton, whether on or off duty. Exceptions: The above equipment does not have to be worn on the officer's person when the officers are in their homes or when it is impractical or improper to do so due to the nature of activities the officer is involved in.

#### **4-3.5 REPORTING FOR DUTY**

1. A member of the Department shall not absent himself without properly approved leave and will be considered A.W.O.L...
2. A member shall report for duty at the time and place specified by their supervisor, assignment or orders, and shall be physically and mentally fit to perform his duty. He shall be properly equipped and cognizant of information required for the proper performance of duty so that he may immediately assume his duties.
3. If a member of the Department is unable to report for duty due to sickness or other causes, such member shall, as soon as possible, make notification in conformance with established policy.
4. A member shall not feign illness or injury, or otherwise deceive or attempt to deceive any official of the Department as to the condition of his health.
5. Members, while off duty, shall be subject to recall at all times. In the event of an emergency or potential emergency, police members ordered to an "inactive-on call" duty status and those required to leave word where they may be reached, will notify their supervisor of the location and telephone number where they can be contacted.
6. Members will be considered to have voluntarily resigned from employment with the Department when the member has been absent from work for three or more consecutively scheduled work days without notifying their supervisor or commander.
7. Members, upon being subpoenaed, will attend court proceedings at the time and location specified unless excused by the prosecuting attorney, the judge presiding over the case or by the person requesting the subpoena.
8. Members receiving a subpoena to appear in court shall notify their immediate supervisor and provide a copy of the subpoena to the Administrator of Records

#### **4-3.6 INTERFERENCE WITH DUTY**

1. A member shall not attempt to bring influence to bear on the Chief of Police for the purpose of securing promotion or transfer, or to avoid penalties for violations of the Department's policies, rules, procedures or orders.
2. Members shall not obstruct or hinder a criminal or administrative investigation of this or any other law enforcement agency.
3. Members shall not attempt to have any traffic citation or notice to appear reduced, voided or stricken from the calendar, except in the interest of justice.

4. Members shall not be directly or indirectly involved with making arrangements, agreements, or compromises between a criminal and a person who has suffered from his criminal acts for the purpose of allowing the criminal to escape any punishment prescribed by law. Any member having knowledge of such an arrangement, agreement or compromise shall report such to his immediate supervisor, without delay.
5. A member shall not interfere with cases assigned to other members for investigation without consent, except by order of a superior officer; nor shall he interfere with the operation of a division or unit.
6. Members shall not interfere with any lawful arrests or any prosecution brought by another member of this or any other agency.
7. Members shall not undertake any investigation or other police action not a part of his regular duties without first obtaining permission from his supervisor, unless he can justify the need for his immediate intervention.
8. A member of this Department shall not reveal the identity of a member of this or any law enforcement agency assigned to plain clothes or covert investigation work. A member shall not recognize such members unless such plain clothes or covert member salutes or otherwise acknowledges him first.

#### **4-3.7 NEGLECT OF DUTY**

1. Members shall perform their duties as required or directed by law, departmental directive, policy or order, or by order of a superior officer.
2. The failure of a police member to take appropriate action, while on or off duty, within the scope of their authority and responsibility, on the occasion of a crime, disorder, or other condition deserving police or administrative attention, is considered neglect of duty.
3. Members shall remain alert and awake while on duty. If unable to do so, the member will report his condition to his supervisor, who will determine the proper course of action.
4. A member will not, without proper authorization, absent himself from his assigned place of work during his tour of duty.
5. Police and civilian supervisors will actively oversee the performance of subordinates to ensure compliance with all Easton Police Department policies and procedures.
6. Members shall be unencumbered by prescription drugs, illegal narcotics while on duty or from conflicts arising from off-duty employment.
7. Department members shall be punctual in attendance to all calls, requirements of duty, court appointments, and other assignments.
8. A member will not read, play games, watch television or movies, or engage in any activity, or conduct private or personal business to the extent that it causes them to neglect or be inattentive to their duties.
9. Members are to respond without delay to all calls for police assistance from citizens and take the appropriate police action in all matters that come to their attention.
10. Members shall respond to all radio and telephone calls directed to them without unnecessary delay.
11. Members shall keep the dispatcher informed of their whereabouts while on duty. To this end, officers will keep their portable radios charged, turned on, and in their immediate possession at all times when they are out of a patrol car.
12. A member may be authorized to suspend patrol or other assigned activity, subject to the immediate recall at all times, for the purpose of having meals during his tour of duty but only for such periods and at such times as are authorized by his supervisor. He will inform the Department of the location when he leaves service.

#### **4-3.8 ORDERS**

1. Insubordination:
  - a. A member shall promptly obey all lawful orders of a superior, including those from a superior relayed by another member of equal or lesser rank unless the member has received a direct conflicting order from a superior.
  - b. Unless otherwise directed by competent authority, all members shall transact all official business with member's senior in rank or classification, through the official chain of command.
2. Lawful Order:

Any order, either verbal or written, which a member should reasonably believe to be in keeping with the performance of his duties or the responsibilities of his post given by proper authority, and would not require the commission of an illegal act.
3. Manner of Issuing Orders:

Orders from superior to subordinate shall be clear, understandable language, civil in tone and issued in pursuit of Department business.
4. Unlawful Orders:
  - a. No member shall deliberately issue any order in violation of any law, ordinance or Departmental rule or regulation.
  - b. Members are not required to obey an unlawful order. Responsibility for refusal rests with the refusing member, who shall immediately explain his actions in writing to the Chief of Police, who shall determine if the order was lawful and properly issued.
5. Conflicting Orders:
  - a. No member, without adequate justification, will intentionally issue an order that is contrary to an order issued by a superior.
  - b. Members to whom conflicting orders are issued will call immediate attention to such conflict. However, if the conflict is not resolved, the last order will be obeyed.
  - c. Any order may be countermanded in an emergency. The member countermanding a prior order will report the reason for his action to the original issuing authority as soon as practical. The member issuing the countermanding order assumes the responsibility for his actions.
  - d. At the scene of any incident, the assigned police member shall be in charge until relieved at the direction of another police member senior in rank.

#### **4-3.9 USE OF ALCOHOLIC BEVERAGES**

1. Members shall not consume, purchase or be under the influence of alcoholic beverages while on duty or in uniform. In every case where it is necessary for a member to use or purchase intoxicating beverages while on duty, written permission must be obtained from the member's commander, with a copy placed in the members personnel file. Under exigent circumstances verbal consent may be given by the commander who is still required to file written approval stating the exigent circumstances. A member given permission to consume alcoholic beverages while on duty may not do so to the extent that his ability to perform his duty is impaired.
2. A member will not report to work with any level of alcohol in his system.
3. Members shall not loiter in or around taverns or liquor establishments while on duty or in uniform, or bring alcoholic beverages onto any town property, except in the proper performance of their duties.
4. Members ordered to an inactive on-call status will not consume alcoholic beverages during the time that he is on call.

5. Members who by virtue of a written or verbal order, duty schedule, etc., that is informed that he has been placed on standby duty status and is expected to immediately report for duty if called, will not consume alcoholic beverages.
6. A member not in an inactive on-call or standby duty status who has consumed alcoholic beverages and is recalled to duty will notify the supervisor on duty of his condition and will refrain from further consumption of alcoholic beverages. The member will be afforded sufficient reporting time to assure the alcohol is no longer in his system.
7. Members shall not consume alcoholic beverages within 8 hours of their scheduled tour of duty.
8. Members, either on-duty or off-duty, shall not drive or attempt to drive a Department owned vehicle while any measureable amount of alcohol is present in the member's body, or under the influence of a drug or a combination of alcohol or drugs, or a controlled dangerous substance.

#### **4-3.10 USE OF DRUGS**

1. Members shall not use or be under the influence of any controlled substance, narcotic, or hallucinogen, except when prescribed in the treatment of a member by a licensed physician or dentist.
2. Members must immediately report the use of these drugs in writing to the Chief of Police, with a copy of the prescription. Members who are on medication which may impair the member's ability to perform their essential job functions, or classified as a controlled narcotic, shall notify the department, on a Form 48, via their chain of command, with the:
  - a. Name of the medication.
  - b. Possible adverse side effects and how the use will affect his ability to perform his job.
  - c. Duration member is required to be on the medication.

#### **4-3.11 FIREARMS**

Weapons shall not be used, displayed or handled in a careless or imprudent fashion or contrary to Easton Police Department policy or Maryland Criminal Law.

#### **4-3.12 USE OF FORCE**

1. A member, acting in his official capacity, shall not use unnecessary or excessive force. Members will only employ the minimum amount of force necessary to affect an arrest and overcome any resistance offered.
2. The use of force by a member will be reported in conformance with Department procedures.

#### **4-3.13 TREATMENT OF PRISONERS**

1. Members will not abuse or mistreat persons who are in their custody, and will act in accordance with established policies and procedures.
2. A member of the Department will not, without proper authority, release any prisoner in his charge, or, through negligence or design, allow any prisoner in his charge to escape.

#### **4-3.14 IDENTIFICATION**

1. Members are required to carry their badge, MPCTC Certification Card and Department Identification Card on their person while on duty.
2. During the times that a sworn member is not readily identified by the uniform of the Easton Police Department, he shall furnish his name, identification number and assignment to any person properly entitled to this information, at any time except when authorized not to do so by proper authority and when such refusal may be necessary for the proper performance of his police duties.
3. When a sworn member makes a traffic stop or makes an arrest while in plainclothes, he shall identify himself to the violator and display his badge and/or identification card.

#### **4-3.15 HOME TELEPHONE AND ADDRESS**

1. Members are required to provide the Department with a working telephone number to their place of residence or to their personal cell phone if they are not issued a Department cell phone.
2. Changes in home address or telephone contact number shall be reported to the member's supervisor and the Deputy Chief of Police within 24 hours of the change. This shall be done in writing, and within the specified time, whether the member is working or on leave.
3. Members are prohibited from divulging the home address, telephone number, pager number or cellular phone number of other department members to anyone outside this agency, without approval from the member or a supervisor.
4. When completing Department paperwork where an officer is involved, members should use the Department address, not the officer's home address.

#### **4-3.16 PAYMENT OF DEBTS**

1. Members shall make every effort to pay all of their debts and legal liabilities. Disciplinary action may be taken when:
  - a. Judgments of creditors have been finally adjudicated and the member, even though able to pay, has refused to comply with such judgment.
  - b. The effects of such indebtedness have adversely affected the ability of the member to perform his job or have negatively reflected on the reputation or effectiveness of the Department.
2. Absent extenuating circumstances, disciplinary action shall be inappropriate where:
  - a. The member has made a genuine and sincere effort to pay his debts.
  - b. The member has filed a petition for voluntary bankruptcy.

#### **4-3.17 EVIDENCE/FOUND/RECOVERED PROPERTY**

1. Property which has been received as evidence in connection with investigations or which, for any other reason, comes into the custody and care of this Department will be processed in accordance with established procedures.
2. Members shall not convert to their own use, manufacture, tamper with, damage through negligence, destroy, or in any other way, misappropriate any evidence or any other material or property found in connection with an investigation or other police action, except in accordance with established procedures.
3. Members shall not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information, or make any false accusations of a criminal charge.

#### **4-3.18 INCOMPETENCE**

1. Members will be held strictly responsible for the proper performance of their duties.
2. Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
3. Members shall be required to establish and maintain a working knowledge of all laws and ordinances, the rules and policies of the Department and the orders of the Department and divisions thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule or policy in question.
4. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.

#### **4-3.19 AGENCY PROPERTY AND EQUIPMENT**

1. Agency equipment will be used and maintained in accordance with established Departmental procedures and members will not cause or contribute to the damage, abuse, alteration, or loss of any Departmental equipment or property through negligence or carelessness.
2. Damaged or lost property through negligence or carelessness may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.
3. Damaged, inoperative or lost property and equipment shall be immediately reported to the on duty supervisor in conformance with Departmental procedures. The last person to have used, or are in possession of Town property found bearing evidence of damage which has not been reported, shall be considered responsible for the damage.
4. Members will not have any Department property or equipment repaired, adjusted, or modified without proper authorization.
5. Only members of this Department will be permitted to operate any Department-owned vehicle, or use any Department-issued firearm, or use any other item or property owned by the Department, however, specific exceptions to this rule may be authorized by the Chief of Police.
6. Department telephones are for official business. While personal calls are allowed, they must be kept to a minimum. Long distance calls related to personal business are the financial responsibility of the member making the call.
7. Members may not convert to his own use or in any way misappropriate Department equipment/property.

#### **4-3.20 DEPARTMENT VEHICLES**

1. Members will operate Department vehicles in a careful and prudent manner, and will not through negligence, or reckless operation, incur or cause damage to be incurred to Department property or the property of another.
2. Members will immediately report any motor vehicle accident involving a Department vehicle in conformance with established procedures.
3. Members will obey all laws of the State of Maryland and all local ordinances, and conform to all departmental procedures and regulations pertaining to the operation and maintenance of any Departmental vehicle assigned to the member on a permanent or temporary basis.
4. Set a proper example for other persons by his operation of a vehicle at all times.
5. Members will not permit unauthorized personnel to operate a Department vehicle.

#### **4-3.21 SECONDARY EMPLOYMENT**

A member shall not be employed in any capacity in any other business, trade, occupation, or profession, while employed by the Easton Police Department except as established by Easton Police Department policy and approved by the Chief of Police.

#### **4-3.22 INTERROGATIONS/INTERVIEWS**

1. During any administrative investigation a member shall, at the direction of competent authority, submit to an interrogation, interview or polygraph examination. The questions to be asked during the interrogation, interview or polygraph examination will be related specifically, directly, and narrowly to the performance of a member's official duties and to the subject matter of the current investigation.
2. On the order of competent authority, a member shall submit to any medical, chemical or other tests, photographs, or lineups. All procedures carried out under this rule shall be specifically, directly and narrowly related to the nature and scope of the member's employment and conduct.

#### **4-3.23 PERSONAL APPEARANCE**

Department members will maintain a neat, well-groomed appearance and will style his hair and wear his uniform consistent with established Department policy and procedure.

#### **4-3.24 UNAUTHORIZED USE OF METERS, NCIC OR CJIS SYSTEMS**

Members are prohibited from using or assisting in the use of the METERS, NCIC or CJIS systems for personal reasons or for any purposes other than those authorized by Easton Police Department policy.

#### **4-3.25 UNSATISFACTORY JOB PERFORMANCE**

1. Unsatisfactory Job Performance, as well as violations of the Rules of Conduct, may be grounds for disciplinary action and/or termination of employment.
2. Unsatisfactory Job Performance may be demonstrated by:
  - a. Lack of knowledge of the application of laws required to be enforced.
  - b. Unwillingness or inability to perform assigned tasks.
  - c. Failure to conform to work standards established for the member's position or rank.
  - d. Failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.
  - e. Repeated poor evaluations or a written record of repeated violations of the Rules and Regulations of the Department.
  - f. Disrespect towards supervisors.
  - g. Failure to abide by a Regulation, Procedure or Rule of Conduct established by this manual, or pursuant thereto, or failure to follow a lawful order.

#### **4-3.26 LITIGATION**

1. Members must notify the Office of the Chief of Police within 24 hours of filing a lawsuit or being served as a defendant for any reason and/or requesting representation through the Town Attorney's Office. This will be done through channels, via a Form 48.

2. Members, who are served as a defendant in a lawsuit relating to their official duties as a Department member, may request legal representation through the Town Attorney's Office. The member should attach to the request, copies of all court documents received. The request should be made through proper channels, via a Form 48.
3. Members will not make any statements, or otherwise furnish information, regarding an incident or allegation of liability against the Town of Easton to anyone outside the Department without first notifying the Town Attorney. Approval must be obtained from the Town Attorney to make the statement or to furnish the information.
4. Members filing a lawsuit as a plaintiff will provide sufficient information at the time of notification so that a determination can be made as to whether the cause of action arose during the course of employment.
5. Members will not compromise, discharge, or settle any line of duty claim committed against their person or property, or against the Town's property or interests, without the consent of the Chief of Police or the Town Attorney.
6. When summonsed/requested, subpoenaed or voluntarily acting to testify, write correspondence, or make statements on behalf of a criminal defendant or civil plaintiff or defendant, members shall:
  - a. Notify their commander and the appropriate prosecutor as soon as possible.
  - b. If no summons is received, advise the person making the request that a summons or subpoena is necessary, unless acting voluntarily.
  - c. Not make voluntary reference to their position or employment with the Easton Police Department, if acting outside the line of duty.