

WATERTOWN POLICE DEPARTMENT GENERAL ORDER



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CHIEF

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| Effective Date: June 1, 2009 | Rescinds: Amends: December 1, 2005 | Number: A-10 |
| Subject: Professional Standards, (Code of Conduct) | | Re-evaluation Date: June 2012 |
| Distribution: ALL PERSONNEL | Related CALEA Standards: | |

This order consists of the following numbered sections:

1. Purpose
2. Policy

1. PURPOSE

The purpose of this series of Professional Standards is to set clear guidelines and a code of conduct for the behavior, appearance, and actions of all employees and volunteers of the Watertown Police Department.

2. POLICY

It is the policy of the Watertown Police Department that all employees and volunteers representing the department conduct themselves in an exemplary and professional manner, reflective of the standards set forth by the Chief of Police. These identified professional standards represent actions, activities, and standards of behavior expected of employees and volunteers, by the Chief as well as the citizens of Watertown.

Professional Standards, (Code of Conduct)

100.00

General Professional Responsibilities

Employees will not engage in any conduct which constitutes neglect of duty, conduct unbecoming an officer, insubordination, carelessness, or any other act which is likely to adversely affect the discipline, good order, or reputation of the Police Department, or any of its employees.

Within Watertown sworn employees will:

- A. Enforce all laws, Federal, State, as well as all City ordinances.
- B. Protect life and property.
- C. Preserve the peace.
- D. Prevent, detect and deter crime.

100.01

Professional Duty Responsibilities

- A. Employees will at all times respond to the lawful orders of a superior officer, as well as calls for assistance from citizens. The administration delegation of the enforcement of certain laws and ordinances to particular units of the Police Department does not relieve employees of other units or divisions from the responsibility of taking prompt, effective action within the scope of those laws and ordinances when the occasion so requires. Employees assigned to special details or duties are relieved from taking prompt actions outside the scope of their specialized assignment when necessary. Employees will perform their duties as required or directed by law, Police Department policy or order, or by order of a Superior Officer.
- B. When an employee is assigned, whether it be a division, post, stake out, or task, it will be that employee's responsibility to remain within the assigned area, unless he/she is granted permission to leave that area by competent authority. If time is of the essence and competent authority to leave the area is not secured, the employee will be responsible for justifying his/her action. Penalty depends upon infraction.
- C. Employees in doubt as to their assignment, or the nature of their duties will seek such information from their supervisors via chain of command, prior to any action.

- D. On duty Officers outside the City of Watertown must be aware of their limited authority, incidental to fresh pursuit, prisoner transportation and carrying a concealed weapon. Except as to the foregoing, a Watertown Police Department Officer is not entitled to consideration as an Officer outside the City of Watertown. Action taken outside the City of Watertown is considered that of a private citizen.

100.02

Authority of Off Duty Officers

An Officer, who is technically off-duty, is always subject to orders from superior officers regarding police matters. Further he/she is responsible for taking necessary action in any police matter coming to their attention, which requires immediate action.

100.03

Officer Authority/Outside of South Dakota

Law enforcement authority of a Watertown Police Department Officer does not extend beyond the State of South Dakota, except as provided for in the Uniform Act on Fresh Pursuit. Penalty depends upon infraction. Employees who are outside the State of South Dakota are not to engage in law enforcement activities unless in the performance of their duties as officers of the Watertown Police Department. Any other action taken is considered that of a private citizen.

100.04

Substandard Performance

A. Incompetence

An employee will be determined to be incompetent in his/her job performance when he/she has shown themselves unable to meet reasonable measures of job performance or to maintain established standards of proficiency. Depending upon the circumstances, the Chief of Police will determine appropriate action, including counseling, retraining, transfer, demotion, or discharge of such employee.

B. Carelessness

An employee may be determined to have impaired or jeopardized the proper and efficient operation of the Office of the Chief of Police due to his/her carelessness, or neglect of their job performance under this provision: Where he/she acts or fails to act, either in a deliberate or willful manner, which reflects a reckless or wanton disregard for life, safety, or property; or in any manner contrary to acceptable standards of performance; or which results or could have resulted in injury, danger, or damage to another or their property. Furthermore, repeated incidents of minor carelessness or a pattern of errors, neglect, and/or inattentiveness to job performance are of an equally serious nature and will not be tolerated. Each case of carelessness or neglect will be evaluated and considered on its merits and will result in appropriate administrative or disciplinary action up to and including discharge of the employee.

100.05

Insubordination

Any employee who deliberately, or passively refuses or fails to immediately obey any lawful order or instruction given by a superior officer or supervisor, or who engages in any disrespectful action or language to any superior officer or supervisor, will be guilty of insubordination, in violation of this regulation. Employees will be subject to disciplinary action at the discretion of the Chief of Police.

100.06

Compliance with Law and Regulations

Employees will observe and obey Federal and State Laws, Local Ordinances, Rules and Regulations of the Police Department and orders from superior officers. Employees knowing of other employees violating laws, ordinances, or rules and regulations of the Police Department, or disobeying lawful orders by superior officers, will report same in writing to the Chief of Police through official channels.

100.07

Conduct Toward Superior and Subordinate Personnel

Employees will treat superior officers, subordinates and associates with respect. They will be courteous and civil at all times in their relationships with one another. When in the presence of the public, employees will refer to one another by rank.

100.08

Gossip & Criticism

Employees will not engage in gossip, public criticism, or ridicule of the Office of the Chief of Police, Agency employees, or Police Department policies and procedures; by talking, writing, or expressing in any manner, where such actions or expressions are:

- A. Unlawful.
- B. Defamatory.
- C. Profane.
- D. With reckless disregard for truth or falsity.
- E. An impairment to the operation or interferes with the efficiency of the Police Department. Penalty depends upon infraction.

100.09

Unlawful Orders

- A. Obedience of: No employee is required to obey any order which is contrary to Federal or State law, or Local Ordinance. Responsibility for refusal to obey rests with the employee. **NOTE:** (Employees are reminded that the Chief of Police may impose regulations that are more restrictive than Federal or State Laws or Local Ordinance as long as such orders or regulations are not in conflict with said laws).
- B. Issuance of: Employees will not issue orders which are contrary to Federal or State Law, or Local Ordinance. Responsibility for refusal to obey the order rests with the subordinate.

100.10

Improper or Unjust Orders

- A. Obedience of: An employee who is given an order that he/she feels is unjust or improper, or that he/she feels is in violation of the Police Department Rules and Regulations, must:
 1. Obey the order to the best of his/her ability.
 2. Appeal such order as outlined in the grievance procedure.

100.11

Conflicting Orders

Should any order conflict with a previous order, or with any provision of the Rules and Regulations, the subordinate to whom the order is given will call attention to such conflict. If the supervisor giving the latter order does not alter or retract said order, then his/her order will stand. The responsibility will be with the supervisor. The subordinate obeying the order will not be held responsible for disobeying any order previously given.

100.12

Gifts

Employees of the Police Department will not under any circumstances, directly or indirectly accept any gift from any person of bad reputation or character.

100.13

Rewards and Favors

Employees of the Police Department will not accept any gift, gratuity or reward in money or other considerations, for services rendered in the line of, or as a result of their duties. Lawful salary and that which is authorized by law are exempt. Employees may accept gifts on behalf of the Police Department as authorized by the Chief of Police.

100.14

Disposition of Unsolicited Gifts and Gratuities

Any unsolicited gift, gratuity, fee, or other thing of value, falling into any of these categories, coming into the possession of any employee, will be forwarded to the Chief of Police, together with a written report explaining the circumstances connected herein.

100.15

Debts and Loans

Employees will not solicit other employees to co-sign or endorse any promissory note or loan. Employees will pay all just debts and legal liabilities incurred by them.

100.16

Associations with Criminals and Unsavory Persons

Employees will not associate with any person of unsavory character, a person who is generally known to be of bad repute, criminal, or generally known associate of criminals, except as specifically required as a matter of law enforcement duty.

100.17

Sexual, Racial, and Religious Harassment

Employees will not engage in any conduct, whether physical or verbal, which may constitute sexual, racial or religious harassment.

100.18

Dismissal of Charges by Employees

Employees will not be permitted to dismiss charges against arrested persons who have not yet been booked, unless there is sufficient reason, and then only with the knowledge and consent of their supervisor.

100.19

Unauthorized Release of Arrested Persons

Only a judge of the County Court or Circuit Court may authorize the release without bail, of persons arrested and booked for violations of law. Exception: The Pre-Trail Release Jailer is authorized to release arrested persons on their own recognizance.

100.20

Subversive Organizations

No employee will knowingly become a member of, or connected with any subversive organization, except when necessary in the performance of duty, and only under the direction of the Chief of Police.

Subversive Organization, any organization designated by the Attorney General of the United States pursuant to Executive Order, #10450. Such as the KKK, etc

100.21

Conduct Toward the Public

Employees will be courteous and orderly when dealing with the public. Employees will perform their duties avoiding harsh, violent, profane, or insolent language. Employees will always remain calm regardless of provocation. Upon request, employees will supply their name, identification number and immediate supervisor in a courteous manner. Employees will attend and respond to requests from the public quickly and accurately, avoiding unnecessary referrals to other parts of the Police Department.

100.22

Personal Preferment

No employee may seek the influence or intervention of any employee or person outside the Police Department for purposes of personal preferment, advantage, transfer, or advancement.

100.23

Compromising Criminal Investigations

Employees will not:

- A. Interfere with the service of lawful process
- B. Interfere with the attendance or testimony of witnesses through coercion, bribery or other unlawful or unethical means.

- C. Attempt to have any traffic citation or parking ticket or notice to appear reduced, voided, or stricken from the record, except as provided by law or by written directive from the Chief of Police.
- D. Take any action, which will interfere with the efficiency or integrity of the administration of criminal justice.
- E. Having knowledge of such interference, fail to inform a superior officer.

100.24

Commercial Testimonials

Employees will not permit their names or photographs to be used to endorse any product or service, which is in any way connected with law enforcement, without the permission of the Chief of Police. They will not, without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial, which alludes to their position or employment with the Agency.

100.25

Civil Action, Court Appearance Subpoenas

Employees will not volunteer to testify in civil actions and will not testify unless legally subpoenaed. Employees will accept all subpoenas legally served.

100.26

Prohibited Activity while On-Duty

Employees are prohibited from engaging in the following activities while on duty, except when in performance of a law enforcement duty, and then, only with the specific consent of a Command Staff Member and never in uniform.

- A. Gambling
- B. Sleeping on Duty: Employees will remain alert while on duty. If unable to do so, he/she will report to their supervisor, who will determine the proper course of action.
- C. Loafing or Idling: Employees will not avoid work, or their duty assignment.
- D. Personal Activities: Employees will not make or receive personal phone calls, conduct personal business or other activities, which would interfere with scheduled work assignments or regular duty assignments.
- E. Engaging in Private Enterprise Employees will not engage in private enterprise for personal gain while on duty.

100.27

Loitering

All employees on duty and in uniform will not enter bars, casinos, theaters or other public places for the purpose of loitering and engaging in unnecessary conversation, except to perform a law enforcement function.

100.28

National Colors and Anthem

All employees will render the appropriate honors to the National Colors and Anthem. Uniformed personnel will render full military honors (hand salute). Employees in civilian attire will render proper civilian honors (hand over heart).

100.29

Roll Call

Unless otherwise directed or engaged in a call for service, employees will report to daily roll call (briefing) at the time and place specified, properly attired and equipped.

100.30

Relief

All employees are to remain on duty and at their assignments until properly relieved by another employee at the end of their shift or until dismissed by a competent authority. Employees will advise dispatch personnel when ending their shift or otherwise unavailable for duty.

100.31

Responding to Calls for Service

Employees will respond without delay, to all calls for police assistance from citizens or other members. Emergency calls take precedence, however; all calls will be answered as soon as possible consistent with normal safety precautions and vehicle laws. Exception: Under the most extraordinary circumstances or when otherwise directed by competent authority. No employee will fail to answer any landwire, City funded Cell phone, page, or radio call directed toward him/her. The employee will inform the Communications Center when leaving the air and when returning to a duty status.

100.32

Absence from Duty

If an employee is absent from duty for a period of one (1) hour or more, without the consent of competent authority, it is to be considered "Absent Without Leave". The employee's immediate supervisor will attempt to make contact with the employee and report the absence in writing, via the chain of command to the Chief of Police.

100.33

Physical & Mental Fitness for Duty

Employees will maintain adequate physical and mental condition to allow them to properly perform their duties and comply with current Police Department standards.

100.34

Consumption of Intoxicants

Employees will not consume intoxicants while off duty to the extent that evidence of such consumption is apparent when reporting for duty. Employees will not consume intoxicants while on duty, except when necessary in the performance of their law enforcement duties or authorized by competent authority.

100.35

Prescribed Medications

When the use of any controlled or prescribed medication is dispensed to an employee, via any medical doctor which may have some type of adverse affect on the employees behavior, the employee must notify his/her immediate supervisor of the use and affect the medication will have on his/her duties.

100.36

Intoxication On and Off Duty

Employees will at no time be intoxicated or under the influence of any substance while on duty. Employees who are off duty will not be intoxicated in public view to the extent it is likely to adversely affect the discipline, good order or reputation of the Police Department.

100.37

Possession of Intoxicants

Employees will not store or bring onto Police Department premises or into any Agency vehicle, any intoxicant which is not held as evidence or stored in accordance with current Agency policy or procedure. (Exception: Prescribed medication). Employees while in uniform, will not purchase or possess intoxicants unless it is necessary in the performance of a law enforcement duty.

100.38

Address and Telephone Numbers

Employees will record their correct address and telephone number with the Police Department via the chain of command. Employees are required to have a telephone in their place of residence. Changes in address or telephone numbers will be reported to the Police Department, within 48 hours of said change. This will be done in writing and within the specified time whether the employee is working or not.

100.39

Residency Requirements

Employees of the Police Department will maintain a permanent residence within 10 miles from the intersection of Broadway and Kemp of the City of Watertown, South Dakota.

100.40

Strike/Work Speed Ups

Employees will not strike or participate in any form of work speed ups.

Strike - The concerted failure of employees to report for duty, absence from their position, stoppage of work by employees, submission of resignations by employees, absence in whole or in part by any group of employees from the full and faithful performance of the duties or employment for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or the rights, privileges or obligations of employment.

Work Speed Up - The concerted acceleration or emphasis of a particular aspect to the law enforcement function by employees especially relating to arrests, ticket issuance, the towing of vehicles, etc., with the intent to induce, influence, or coerce a change in the conditions, compensation, right, privileges, or obligations of employment.

100.41

Impartial Attitude

Employees will remain completely impartial toward all persons coming to the attention of the Police Department and will avoid the use of derogatory language, terms or any mannerism that may be considered by the public a display of partiality.

100.42

Availability While On-Duty

Employees on duty will not conceal themselves except for some law enforcement purposes. Employees will be immediately and readily available to the public during their duty hours. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no employee will fail to answer any telephone call, radio call or page directed to him/her.

100.43

Compensation for Damage Sustained While On-Duty

Employees will not seek in any way, nor accept from any source, money or other compensation for damage sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police in writing, via the chain of command.

100.44

Concluding Tour of Duty, Supervisor Notification

Prior to the end of his/her current tour of duty, employees will report all information regarding criminal activity or suspected criminal activity to their immediate supervisor and other appropriate authority. Employees will notify Dispatch by radio that they are out of service 010-70 for the day.

100.45

Knowledge of Areas

Employees are expected to obtain and maintain a working knowledge of all streets, avenues, businesses, etc in the City of Watertown.

100.46

Valid Drivers License Requirement

Employees are required to maintain a valid South Dakota driver license.

100.47

Unauthorized Use of Agency Property

Unless authorized by a commanding officer or supervisor, agency equipment will not be used for any purpose other than that which accomplishes the Police Department mission.

100.48

Political Activity

Employees should become fully informed regarding the issues of local, state and national political campaigns and of the candidates' qualifications for the offices they hope to attain. Each employee as an individual voter is urged to vote in all elections that he/she chooses to.

- A. Employees may express their opinions on any candidate or issue, i.e., campaign contribution and may participate in any political campaign during their off duty hours and while not in uniform.
- B. While on duty, employees will not campaign or wear any campaign material or display any campaign material on any agency vehicle.
- C. Should an employee receive a request for information concerning the Agency's business, other than that which is usually and readily available to any citizen, from a candidate for public office, the employee will advise the candidate to submit the request in writing to the Office of the Chief of Police.
- D. Employees will not solicit any assessments, contributions, or services for any political candidate or party from any other employees while either employee is on duty or in uniform.
- E. Employees will not require political service of any kind from any subordinate.
- F. Employees will have the right to hold membership in and support a political party, to vote as he/she chooses, to express an opinion on all political subjects and candidates, to maintain political neutrality and to attend meetings and rallies, subject to the limitations set forth in this section.

100.49

Notices

Employees will not mark, alter, or deface any posted notice or bulletin of the Agency. Notices or announcements will not be posted on bulletin boards without permission of a supervisor or a commanding officer.

100.50

Care of Agency Facilities and Property

Employees will not mark, or deface any surface in any county building. No materials will be affixed in any way to any wall in agency buildings without specific authorization of a commanding officer.

100.51

Repair or Alteration of Agency Vehicles

No repair work, services or alterations of any kind will be permitted to be performed on any agency vehicle by any person, firm, or concern unless specifically authorized by a supervisor.

100.52

Transporting Citizens

Citizens may be transported in agency vehicles only when necessary to accomplish a law enforcement purpose or with the approval of a supervisor. Such transportation will be done in compliance with Agency General Orders and Policy.

100.53

Management Prerogatives, Agency Equipment

Employees are hereby advised that equipment such as lockers, desks, files, cabinets, and computers, as well as vehicles assigned to them as a condition of their employment are subject to inspection by the Agency with the authority of the Chief of Police, at any time, with or without notice.

100.54

Agency Telephones

Agency telephones are primarily intended for use in conducting Agency business and any employee using such telephones must do so with that knowledge and understanding.

100.55

Radio Discipline

Employees of the Agency operating the radio, either from a mobile unit or from within the Communication Center will strictly observe General Orders and Policy for such operations as set forth, and by the Federal Communications Commission.

100.56

Punctuality

Employees will be punctual in all aspects of their duties and responsibilities within the Agency.

100.57

Personal Quarrels and Disputes

When avoidable, employees will not make arrests arising from their own disputes or those involving family members. These matters will be handled by on-duty law enforcement personnel either of the Police Department or from the agency in whose jurisdiction the incident occurs.

100.58

Recommending Attorney and Bail Bondsman Prohibited

Employees will not suggest, recommend, advise, or otherwise counsel the retention of any specific attorney or bail bondsman to any person coming to their attention as a result of Agency business. This does not apply to a relative, when such relative of the employee seeks such service. In no case may such advice be given where a fee, gratuity, or reward is solicited, offered or accepted from the attorney or bail bondsman.

100.59

Obtaining and Disseminating Information

Employees will not obtain or attempt to obtain any information from the Agency's files, record section or teletypes, or from any other source, other than that to which they are entitled in accordance with their official duties. Employees will not use for an unofficial purpose, information received or acquired during the course or scope of their official duties. Employees will not disseminate or release any information to anyone outside the scope of their official duties without the expressed permission of the Chief of Police, their commanding officer or immediate supervisor.

100.60

Injuries to Other Persons

Employees will immediately notify their supervisor in writing of an injury or illness which occurs to any person coming in the employee's care, custody and control during the course of their duties.

100.61

Court Appearances

Employees will, when attending court or quasi-judicial hearing of any type, wear either the official uniform or clothing conforming to standards imposed on officers wearing plain clothes. Employees are expected to maintain a clean and neat appearance in compliance with General Orders. Employees will not wear the official uniform when appearing as a defendant in any court proceeding.

100.62

Testifying as a Professional Paid Witness

Employees who volunteer their expertise or who are subpoenaed as an expert witness in order to testify for the defense in any criminal action, or against the State, or in any civil action are required to notify their immediate supervisor of such situations prior to any testimony.

100.63

Agency Investigations, Testifying

Employees are required to answer questions or render material and relevant statements in Agency investigations when so directed by competent authority and in accordance with Policy/General Orders.

100.64

Truthfulness

Employees are required to be truthful at all times whether under oath or not. Employees will not infer or mislead, either directly or indirectly, any information to an employee of the Police Department or the public.

100.65

Identification as a Officer

Except when impractical or unfeasible, or where the identity is obvious, employees will identify themselves by displaying Agency Identification before taking any law enforcement action.

100.66

Investigations

Investigations at the scene of any crime, accident or other incident will be conducted in accordance with current Agency Standard Procedures and by those so designated.

JOANNA W. VITEK
Chief of Police
Watertown Police Department
Watertown, South Dakota