

Standards of Conduct

310.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Kalamazoo Department of Public Safety and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

310.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for the disciplinary action.

Disciplinary action may take the form of a verbal or written reprimand, transfer of assignment, reduction in rank, suspension, and/or termination. Action is taken will depend upon the nature of the offense, the record of the employee involved, and the seriousness of the violation.

310.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

310.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who

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are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

310.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

310.4 REPORTING REQUIREMENTS

It shall be the duty of all officers to report to their supervisor as soon as possible, but not more than 24-hours after, they observe any conduct subject to disciplinary action as defined in 320.1 above. If an officer's direct supervisor is involved in the allegation of misconduct, the reporting officer shall notify a command officer of next highest rank.

Supervisors who are notified of potential conduct violations shall determine if the violation is a Major (serious violation of policy that will or could bring discredit to the department) or Minor (will not bring discredit to the department) and shall ensure that the circumstances surrounding the incident are appropriately documented within the Benchmark - Internal Affairs Intake Form.

310.5 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Michigan Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

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310.6 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

310.6.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank shall be considered insubordination.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.
- (d) The ranking on-duty supervisor at any scene of any police incident shall be in charge and responsible for the proper conclusion of that incident. In the absence of a supervisor, the senior officer present shall be in charge and responsible for the handling of the incident. The supervisor or senior officer shall remain on scene until such time as the incident is under control or is being properly handled in accordance with existing policies, and sufficient instructions have been issued to result in the proper conclusion of the incident.

310.6.2 ETHICS

- (a) To avoid any appearance of impropriety which might arise from such situations, no officer may accept, solicit or receive any gift, gratuity, service, reward, discount, rebate, loan fee, or other special consideration offered or arising because of any direct or indirect relation to his police employment to include:
 - 1. Acceptance of anything or service from any liquor licensee or his employees or agents other than items properly purchased off duty or in the line of duty.
 - 2. Free beverages and/or food offered by or accepted from a restaurant or other business selling beverages or food (Exceptions listed below).
 - 3. Discounts or rebates offered by merchants or financial institutions which are not offered to the general public.
 - 4. Loans from someone who is not regularly engaged in the business of lending money for profit to the general public.
 - 5. Officers may accept the following:
 - (a) Free beverages, other than alcoholic beverages which are offered to an officer while on a call for service (does not include officers' breaks).
 - (b) Beverages, other than alcoholic beverages and food offered or served while attending meetings or other functions as a representative of the Department.

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- (c) Gifts, etc., which are received from relatives and close personal friends; however, in case of doubt, the officer shall bear the burden of proving that the other person is a close personal friend and did not offer the gift, etc., because of the officers public safety employment.
- (b) Using or disclosing one's status as a member of the Kalamazoo Department of Public Safety or as a police officer in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (c) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (d) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (e) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state. Any reward, gift or fee paid or sent to any officer shall be promptly turned in by that officer to his or her supervisor with a memo documenting the circumstances of the reward, gift or fee paid. The supervisor shall forward the memo and gift to the Office of Professional Standards for return to the sender or dissemination/delivery to a charitable organization or program.
- (f) Offer or acceptance of a bribe or gratuity.
- (g) Misappropriation or misuse of public funds, property, personnel or services.
- (h) Conducting private business while on-duty (exception: banking or other things approved by a supervisor).
- (i) Any other failure to abide by the standards of ethical conduct.

310.6.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

310.6.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the

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organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations (all felony and violent misdemeanor cases) of state or federal laws after the member knows, or reasonably should know of such criminal activities, except for circumstances below:
 - 1. Other than disclosure at the time of the hiring process (background investigation), this provision does not include association with members of an employee's immediate family.
 - 2. When a person has only been involved in simple misdemeanors, this provision shall not apply once three (3) years has elapsed beyond the period of adjudication by the court to include any terms of probation.
- (f) Each time an officer knowingly and intentionally associates or has contact with a person convicted, charged, or suspected of any crime as indicated above, the officer shall report the association or contact via memo/email to the Office of Professional Standards as soon as reasonably possible but no later than 24 hours beyond the contact itself.
- (g) Any information submitted pursuant to the requirements above and not needed in other reports, may be kept confidential by submitting the memo directly to the Office of Professional Standards and not through the officer's chain of command. The employee should mark the memo confidential and for Departmental use only.

310.6.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism.
- (d) Abuse of leave privileges.
- (e) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties and properly equipped and in uniform without reasonable excuse.
- (f) Officers shall not work at any outside or extra duty employment, eight (8) hours before or after, the same day that they fail to report for duty to illness or injury.

310.6.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Public Safety or the authorized designee.
- ~~(d) Lending, selling, allowing unauthorized use, giving away or appropriating any~~

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Kalamazoo Department of Public Safety badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

310.6.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Officers shall verbally provide their name and badge/employee number to any person upon request.
- (c) Officers shall respond without delay to all calls for assistance. Emergency calls take precedence, however all calls for service shall be answered as soon as possible, consistent with normal safety precautions and traffic laws. Except under the most extraordinary circumstances or when otherwise directed by a supervisor, no officer shall fail to answer any call for service given to him.
- (d) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (e) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (f) Unauthorized sleeping during on-duty time or assignments.
- (g) Failure to notify the Department within 24 hours of any change in residence address, home contact telephone numbers.

310.6.8 PERFORMANCE

- (a) Failure to perform duties because of danger.
- (b) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (c) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (d) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (e) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (f) Disparaging remarks or conduct to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

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- (g) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of a public safety officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (h) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Public Safety.
 - 3. No officer shall become a member of any organization, association, movement or group which the officer knows, or should have known advocates or approves of commission of acts of force or violence to deny others the rights under the Constitution of the United States of America or the laws thereof or which the officer knows or should have known seeks to alter the form of government by unconstitutional means.
- (i) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Public Safety.
- (j) Any act on- or off-duty that brings discredit to this department.

310.6.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) No officer shall at any time ridicule, mock, taunt, or belittle any person. Neither shall he willfully embarrass, humiliate, or shame any person or do anything that is likely to incite any person to violence.

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- (h) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (i) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (j) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (k) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (l) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract, including fraud in securing the appointment or hire.
- (m) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Public Safety of such action.
- (n) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.
- (o) Uniformed officers (on-duty or off-duty) shall render a military salute to the United States flag and national anthem at appropriate times. Officers while on-duty and in civilian uniform shall render civilian honors (hand over heart) to the United States flag and national anthem at appropriate times.

310.6.10 PROTECTION OF PRISONERS AND THEIR PROPERTY

- (a) No officer shall arrest any person or search any premises or person except with an arrest warrant, a search warrant, or when such arrest or search is authorized without a warrant under the laws of the State of Michigan, the United States, or the ordinances of the City of Kalamazoo.
- (b) All officers shall protect the rights of any person held in custody and no officer shall verbally abuse or use any unnecessary violence against any person.
- (c) No officer shall falsely arrest, imprison, or direct malicious prosecution against any person.
- (d) No officer shall willfully mistreat or give inhumane treatment to any person held in custody.
- (e) Officers shall only use such force as is necessary in effecting an arrest.
- (f) Any officer who has lost, damaged, or destroyed any property or equipment belonging to a person in custody or coming into possession of the officer by reason of his office may be required to make restitution if the loss or damage is the result of negligence on the part of the officer.

310.6.11 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

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- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Non-uniformed officers shall not have their weapon visible to the public when outside the confines of any Public Safety building.
- (g) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (h) Any personal action contributing to a preventable traffic accident.
- (i) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but **within 24 hours**.

310.6.12 EVIDENCE/PROPERTY

Officers shall submit all property and evidence found by, confiscated by, or relinquished to them without undue delay and in any event before his/her duty shift has ended.

Officers shall deliver all evidence to the evidence intake area for preservation and storage. At no time shall evidence remain in the possession of an officer beyond their duty shift and shall not be stored in the officers duty bag, vehicle, mailbox or locker at any time beyond the shift in which the evidence was found, confiscated or relinquished to them.

310.6.13 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

310.6.14 TRAINING

Training on ethics should be conducted as directed by the Training Division Commander at a minimum of every three years.