

# CITY OF ANDERSON POLICE DEPARTMENT

## Anderson, South Carolina

<b>DIRECTIVE TYPE</b> General Order	<b>EFFECTIVE DATE</b> September 11, 2020	<b>NUMBER</b> 1527
<b>SUBJECT</b> Employee Misconduct		
<b>REVISED</b>		
This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this agency for non-judicial administrative action in accordance with the laws governing employee discipline		
<b>REFERENCE</b>	<b>AMENDS/SUPERSEDES</b> All Others	
<b>DISTRIBUTION</b> All Personnel	<b>RE-EVALUATION DATE</b> Annual	<b>NO. PAGES</b> 7

- I. PURPOSE:** It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the law enforcement officer's code of ethics and this department's statement of values so that officers of this agency will better understand prohibitions and limitations pertaining to their conduct and activities while employed by this Department.

The rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on officer conduct and activities established by this agency. Rather, they are intended to;

- A. alert officers to some of the more sensitive and often problematic matters involved in police conduct and ethics;
- B. specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of law enforcement officers, and
- C. guide officers in conducting themselves and their affairs in a manner that reflects standards of deportment and professionalism as required of law enforcement officers.
- D. additional guidance on matters of conduct is provided in regard to specific policies, procedures, and directives disseminated by this department and from officers' immediate supervisor and Chief of Police and his/her designee.

- II. POLICY:** Actions of any officers that are inconsistent, incompatible, or in conflict with the values established by this agency and city which negatively affect its reputation and that of its officers. Such actions and inactions thereby detract from the department and the city's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business.

Therefore, it is the policy of the **Department** that employees conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules contained in this policy and otherwise disseminated by this agency.

- III. DEFINITIONS:** Accountability: In the context of this policy, accountability means the duty of all officers to truthfully acknowledge and explain his or her actions and decisions when requested to do so by an authorized member of this agency without deception or subterfuge.

**IV. PROCEDURE:**

**A. General Conduct Obedience to Laws, Regulations, and Orders**

- a. Employees shall not violate any federal or state law or any department policy, rule, or procedure.
- b. Employees shall obey all lawful orders.

**B. Conduct Unbecoming an Officer**

- a. Officers shall not engage in any conduct or activities on- or off-duty that reflect discredit on the officer or department, tend to bring this department into disrepute, or impair its efficient and effective operation.

**C. Accountability, Responsibility, and Discipline**

- a. Officers are directly accountable for their actions and decisions through the chain of command, to the Chief of Police.
- b. Officers shall cooperate fully in any internal investigation or inquiry conducted by this or other authorized agency and shall provide complete and accurate information in regard to any issue under investigation.
- c. Officers shall be accurate, complete, and truthful in all matters. Failure to do so may result in disciplinary action to include termination.



- d. Officers shall accept responsibility for their actions without attempting to conceal, divert, or mitigate his or her true culpability nor shall they engage in efforts to thwart, influence, or interfere with any internal or criminal investigation. Failure to do so may result in disciplinary action to include termination.
- e. Officers who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to the Chief of Police as soon as possible. Failure to do so may result in disciplinary action to include termination.

#### **D. Conduct Toward Fellow Employees**

- a. Officers shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in his or her dealings with one another.
- b. Employees shall not use language or engage in acts that demean, harass, or intimidate another person. (Members should refer to the employee handbook on "Harassment and Discrimination in the Workplace" for additional information on this subject).

#### **E. Conduct Toward the Public**

- a. Officers shall conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation.
- b. Officers shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of his or her duty.
- c. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to this agency's use-of-force policy and shall observe the civil rights and protect the well-being of those in their charge.

#### **F. Use of Alcohol and Drugs**

- a. Officers shall not consume any intoxicating beverage while on duty unless authorized by the Chief of Police.
- b. No alcoholic beverage shall be served or consumed on police premises or in vehicles owned by this Department.
- c. Officers shall not be under the influence of drugs or grossly intoxicated in a public place, whether on- or off-duty.
- d. No officer shall report for duty with the odor of alcoholic beverage on his or her breath.

- e. No officer shall report to work or be on duty as a law enforcement officer when his or her judgment or physical condition has been impaired by alcohol, medication, or other substances (prescription or illegal).
- f. Officers must report the use of any substance, prior to reporting for duty, which impairs his or her ability to perform as a law enforcement officer.
- g. Supervisors shall order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol. Such screening shall conform to this department's policy on employee drug-screening and testing.

#### **G. Use of Tobacco Products – Refer to GO 911**

- a. There will be no smoking in public by on-duty members of the City of Anderson Police Department or members who may be off-duty but who are representing the City of Anderson Police Department, formally or informally. This includes traveling to and from work in uniform or while representing the City of Anderson Police Department to the public in plain clothes.
  - 1. Exception: Members who are traveling to and/or from work in their personal vehicle may smoke in uniform while inside their personally-owned-vehicle (POV).

#### **H. Abuse of Law Enforcement Powers or Position**

- a. Officers shall report any unsolicited gifts, gratuities, or other items of value that he or she receive and shall provide a full report of the circumstances of their receipt if directed.
- b. Officers shall not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit, or accept any goods or services (to include, gratuities, gifts, discounts, rewards, loans, or fees) whether for the officer or for another.
- c. Officers shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.
- d. Officers shall not solicit or accept contributions for this agency or for any other agency, organization, event, or cause without the express consent of the Chief of Police or his or her designee.
- e. Officers are prohibited from using information gained through their position as a law enforcement officer to advance financial or other private interests of themselves or others.



- f. Officers who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform the Chief of Police.

#### **I. Off-Duty Police Action**

- a. Officers shall not use his or her 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.
- b. Unless operating a marked police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action.

#### **J. Prohibited Associations and Establishments**

- a. Arresting, investigating, or custodial officers shall not commence social relations with the spouse, immediate family member, or romantic companion of persons in the custody of this department.
- b. Officers shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in felonious activity), except as necessary to the performance of official duties, or where unavoidable because of familial relationships
- c. Except in the performance of official duties, officers shall not knowingly enter any establishment in which the law of that jurisdiction is regularly violated.
- d. Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

#### **K. Public Statements, Appearances, and Endorsements**

- a. Officers shall not, under color of authority, make any public statement that could be reasonably interpreted as having an adverse effect upon department morale, discipline, operation of the agency, or perception of the public;
- b. divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose; or

- c. unless expressly authorized, make any statements, speeches, or appearances that could reasonably be considered to represent the views of this agency.

## **L. Endorsements**

- a. Officers may not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of tow services, repair firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

## **M. Political Activity**

- a. Officers shall be guided by state law regarding their participation and involvement in political activities. Where state law is silent on this issue, officers shall be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of this agency:
  - i. Engage in any political activity;
  - ii. Place or affix any campaign literature on city/county-owned property;
  - iii. Solicit political funds from any member of this agency or another governmental agency of this jurisdiction;
  - iv. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;
  - v. Use official authority to interfere with any election or interfere with the political actions of other employees or the general public;
  - vi. Favor or discriminate against any person seeking employment because of political opinions or affiliations;
  - vii. Participate in any type of political activity while in uniform.

## **N. Expectations of Privacy**

- a. Officers shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational needs, internal investigatory requirements, or for other reasons—at the direction of the Chief of Police or his or her designee.
- b. No member of this department shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express written permission of the Chief of Police.

By order of:

  
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Jim Stewart, Chief of Police

9-11-20  
Date