

# FALMOUTH POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Effective Date: January 6, 1995	Number: 5
Distribution: All Personnel	Rescinds: Professional Conduct and Responsibility
Subject: Standards of Conduct	
Signature, Chief of Police:	
Reviewed/Revised: Jan. 22, 1996, Jan. 13, 1997, Jan. 16, 1998, Feb. 1, 1999; Oct. 15 2005; Oct. 1, 2013; June 30, 2014; Dec. 10, 2019	

## PURPOSE

It is the purpose of this policy to provide specificity to the standards of conduct embodied in the law enforcement officer's code of ethics and this agency's statement of values and mission, so that officers have a clear understanding of agency expectations pertaining to conduct and activities while on and off duty. Non-Union personnel are expected to uphold the non-union code of ethics and must adhere to the rules in the Town's Personnel Policies.

## POLICY

It is the policy of the Falmouth Police Department that officers conduct themselves both on and off duty in a manner that reflects high ethical standards consistent with the values and mission established by this agency and the expectations of the jurisdiction it serves.

## DEFINITIONS

- A. Accountability: The duty of all officers to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of this agency without attempting to conceal, divert, or mitigate any culpability by falsehoods or omission—and an obligation or willingness to accept responsibility for such actions.

## PROCEDURES

- A. General Conduct
1. Officers shall be truthful in all matters and shall not lie, falsify, conceal, purposely distort, diminish, embellish, or fail to fully disclose facts associated with any law enforcement business.

2. Adherence to Laws, Regulations, and Orders:
  - a. Officers shall abide by all laws, regulations, agency policies, rules, and procedures.
  - b. Officers shall obey all lawful orders.
  - c. Officers who are arrested, cited, or come under investigation for any offense in any jurisdiction shall immediately report this fact to their supervisor.
3. No employee of this agency shall make any expenditure nor incur any obligation on behalf of the agency without the knowledge and permission of competent authority. This pertains to articles or supplies that may be purchased and work which may be ordered in the name of the agency.
4. No employee of the agency shall possess an alcoholic beverage, or other intoxicant, within the confines of headquarters or in any agency vehicle, except that which has been seized as evidence, contraband or found property.
5. Employees of the agency, unless with supervisory permission in the performance of duty, shall neither consume nor purchase any alcoholic beverage while on duty. Under no circumstances shall an employee consume an alcoholic beverage in public view while attired in uniform or any part thereof. Alcoholic beverages, or other intoxicants, shall not be consumed off duty to the extent that their use is detectable when an employee reports for a regularly scheduled duty assignment.
6. The use of any medication by an employee, prescribed or non-prescribed, which may result in an altering of mental or physical capacities or affect the ability to perform required duties, shall be immediately reported to a supervisor. No employee rendered incapable of performing required duties due to the effects of such medication will be allowed to report or remain on duty. The use of marijuana is prohibited by all agency employees.
7. Employees of this agency are expected to responsibly manage all just debts and legal liabilities they incur. No employee shall sell or assign their salary.
8. An employee of the agency shall neither smoke nor chew tobacco while conducting agency business with the public. Tobacco may be smoked or chewed on duty provided one is not in general view of the public and no smoking restrictions exist at the chosen location. The use of tobacco products is prohibited in agency vehicles and within agency headquarters.
9. Sworn employees of this agency are required to maintain a valid license to operate a motor vehicle within the State of Maine. An employee must maintain a telephone and shall report any changes in phone number, residence and dependent or marital status to the appropriate agency authority within one working day of such change. All personal information is considered confidential. Employees shall not use the agency's mailing address for personal uses.
10. Employees in uniform will render a hand salute to the national colors and anthem at appropriate times. Non-uniformed personnel shall place the right hand over the heart at appropriate times.
11. Employees of this agency are required to report for duty physically, mentally and emotionally fit. If, for any reason, a supervisor believes an employee to be unfit for

duty, the supervisor may relieve the employee from duty. Employees of the agency shall report for duty, properly attired and equipped, at the time and place specified by their assignment. An employee shall complete the number of hours on duty required by the assignment. An assignment is not complete until an employee is properly relieved by a qualified employee and has performed all required tasks or is relieved by competent authority.

12. Officers of the agency must take proper police action whenever it is required.

Assignment of an officer to a special detail or specific unit does not relieve one of the responsibility to take necessary and proper police action even though such action may be outside the scope of one's assignment. An exception to this rule may occur when an officer is performing an undercover assignment and revelation of his official position would jeopardize such assignment. However, one must evaluate such situations and take police action if necessary. Under no circumstance is an employee to engage in covert investigations or undercover activities without the prior approval of an appropriate supervisor.

13. No employee shall leave their assigned duty post or geographical area of assignment unless dispatched to do so or authorized to do so by a supervisor or in the performance of a legitimate police action. No on-duty employee shall leave the jurisdiction except when engaged in official business, authorized to do so by a supervisor or in the performance of a legitimate police action.

14. Conduct Unbecoming an Officer

Officers shall not conduct themselves in a manner, on or off-duty, that casts doubt on their integrity, honesty, judgment, or character; brings discredit to this agency; or impairs the agency's efficient and effective operation.

15. Neglect of Duty

- a. All officers shall perform their duties faithfully and diligently and shall take responsibility for and exhibit attentiveness, care, and thoroughness in the conduct of assignments and responsibilities.
- b. Officers shall conduct themselves in an expeditious manner to avoid any unreasonable delays to the public in the performance of law enforcement duties and activities.
- c. Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. They shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the agency. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's rank, grade, or position; and the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.

16. Accountability and Responsibility

- a. Officers are directly accountable for their actions, through the chain of command, to this agency's chief executive officer.

- b. Officers shall report for duty, including court and off-duty assignments, at the time and place required.
- c. Officers have a duty to intervene to prevent or stop wrongdoing by another officer when it is safe and reasonable to do so. A supervisor shall be notified as soon as possible when another member of the agency is violating law or policy.
- d. Officers shall cooperate fully in any internal administrative investigation conducted by this or any other authorized agency and shall not attempt to conceal, divert, or mitigate any culpability of theirs by falsehoods or omissions.
- e. Officers shall utilize agency supplies, property, and equipment only for their official purpose and in accordance with established agency rules, policies, and procedures and shall not intentionally abuse, lose, or damage these items.

#### 17. Conduct Toward Fellow Officers

- a. Officers shall conduct themselves in a manner that fosters cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.
- b. Officers shall not use language or engage in acts that demean, harass, or intimidate other officers.
- c. No member of this agency may record a conversation of any other member of this agency without the expressed knowledge and consent of all parties. Internal Affairs interviews will be recorded regardless of consent.

#### 18. Conduct Toward the Public

- a. Officers shall interact with the public in a civil and professional manner that conveys a service orientation that fosters public respect and cooperation, and adheres to the concepts associated with procedural justice.
- b. Officers shall treat individuals with courtesy, respect, and dignity.
- c. Officers shall respect the rights of individuals and shall not engage in discrimination, oppression, or favoritism.
- d. Officers shall not employ an officious or overbearing attitude or use language that might belittle, ridicule, or intimidate individuals.
- e. Officers shall perform their duties equitably in both the enforcement of laws and the delivery of law enforcement services within the community and shall strive to maintain public trust by conducting all law enforcement business in an unbiased, fair, and impartial manner.

#### 19. Abuse of Law Enforcement Authority or Position

- a. Officers may not accept goods, services, or discounts of value not available to the general public and shall report any unsolicited goods or services they receive and the circumstances of the receipt.
- b. Officers shall not use their authority or position:
  - I. for financial gain;
  - II. to obtain or grant privileges or favors;
  - III. to avoid the consequences of illegal acts for themselves or others; or

- IV. to barter, solicit, or accept any goods or services, (such as gratuities, gifts, discounts, rewards, loans, or fees) whether for themselves or others.
- c. Officers shall not purchase, convert to their own use, or have any claim to found, impounded, abandoned, or recovered property—or any property held or released as evidence.
- d. Officers shall not permit the use of any identification card, badge, or official document by unauthorized persons.
- e. Officers are prohibited from using law enforcement sensitive information gained through their position to advance financial or other private interests of theirs or others.
- f. Officers shall not steal, forge, or tamper with any official law enforcement document. Documents shall not be altered or duplicated unless such actions are approved by a supervisor.
- g. Officers shall not undertake any investigation or other official action that is not part of their regular duties without first obtaining permission from their supervisor, unless the exigency of the situation requires immediate law enforcement action.
- h. Officers involved with any civil action that arises from acts performed under color of authority shall inform their supervisor.

## 20. Prohibited Associations and Establishments

- a. 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 law enforcement or criminal justice agency 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 criminal activity), except as necessary to the performance of official duties or where unavoidable or impractical because of familial or marital relationships. In such cases where regular household, physical, or telephone contact is unavoidable, the officer shall inform his or her supervisor of the relationship.
- b. Officers shall not knowingly engage in social or romantic relationships with confidential informants or suspects or victims or witnesses involved with active investigations.
- c. Officers shall not participate or interfere in investigations involving family members or persons with whom they have a close personal or business relationship.
- d. Except in the performance of official duties, officers shall not knowingly enter any establishment in which the law is knowingly violated.
- e. Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.

## B. Public Statements, Appearances, and Endorsements

1. Officers shall not, as a representative of this agency,
  - a. make any public statement that could be reasonably interpreted as having an adverse effect upon agency morale, discipline, operations, or public perception;
  - 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 public appearances that could reasonably be considered to represent the views of this agency.
2. Officers shall not solicit or accept contributions for this agency or, as a law enforcement officer of this agency, for any other agency, organization, event, or cause without the express consent of the agency chief executive or his or her designee.
3. Officers may not, as an agent of this agency, endorse, recommend, or facilitate the sale of commercial products or services without the approval of the agency's chief executive officer or his or her designee. This includes but is not limited to the use of tow services, vehicle repair shops, attorneys, or other technical or professional services. It does not pertain to referrals to appropriate governmental, community, or social services

C. Political Activity

Employees are to refrain from using their influence publicly for or against any candidate for political office. While working on-duty or in uniform, officers shall not:

1. Place, affix, or display any campaign literature or other paraphernalia in or on government-owned or controlled property, to include offices and vehicles;
2. Solicit political funds from any member of this agency or another governmental agency of this jurisdiction;
3. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures;
4. Use official authority to interfere with any election or interfere with the political actions of other officers or the general public; or
5. Favor or discriminate against any person seeking employment because of political opinions or affiliations.