

EAST LANSING POLICE DEPARTMENT

POLICY AND PROCEDURE

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CHIEF OF POLICE: _____

4.1 PURPOSE

The purpose of this policy is to establish a standard Code of Conduct that reflects the values of our organization. The rules of conduct set forth in this policy are intended to alert employees to some of the more sensitive and often problematic matters involved in the law enforcement profession. The policy is intended to guide employees in conducting themselves in an ethical and professional manner. The actions of employees that are inconsistent, incompatible, or in conflict with the values of the Code of Conduct, can negatively affect our reputation as an organization.

- A. The attached list of offenses and penalties shall guide the Police Administration in recommending fair and uniform penalties for violations of the code of conduct.
1. This list of offenses is not necessarily complete. Any offense not included in the following list shall result in penalties of comparable seriousness to those specified.
 2. The time limitations regarding all offenses placed in to an employee's personnel file are determined by the parameters listed in the employee's collective bargaining agreement.
 3. It will not be a violation of the Code of Conduct or of any article therein, if a reasonable and legal act is a requirement of an authorized duty assignment.

4.2 CORRECTIVE ACTION AND DISCIPLINE

- A. When it is necessary to apply corrective action or discipline to modify employees conduct, the Department will apply the basic principles of progressive discipline. In accordance with these principles, severe disciplinary action and / or discharge will normally occur only after previous corrective actions have failed. However, some infractions may be so serious as to require immediate discharge or other severe disciplinary action.

- B. As a general rule, corrective action or discipline will follow the steps listed below. The corrective action(s) or discipline will be documented in writing and placed in the employees personnel file (see steps 2-5).
1. A **non-disciplinary** counseling session. The employees daily contact sheet or equivalent shall be utilized to document the incident and the counseling received.
A written letter documenting the incident and the counseling may be used and attached to the employees daily contact sheet or equivalent.
 2. Verbal Reprimand
 3. Written Reprimand
 4. Suspension(s), without pay, duration to be determined by Chief of Police
 5. Termination
- C. The appropriate corrective action or discipline will be determined by considering such factors as, the number of violations in a two year time period, the nature and severity of an offense, and the past work record of an employee. In steps 1-4, training may also be required.

4.3 VIOLATIONS

A. Article 1 - Conduct Unbecoming

1. Members of this Department shall conduct themselves at all times, both on and off-duty, in a professional and ethical manner that promotes a positive image for the Department. Conduct Unbecoming is defined by, but not limited to, a violation of a criminal law, behavior that embarrasses, discredits, or negatively impacts the Department. Behavior that hinders or obstructs the efficiency or effectiveness of the daily operation of the Department. Behavior that damages the reputation of the Department or that detracts from a professional image. Verbal comments, written emails, letters, memos, pictures, cartoons, etc. that demonstrate a lack of respect for authority.

B. Article 2 - Insubordination

1. Disobedience to authority.

C. Article 3 - Attendance

1. Employees shall report for all scheduled, ordered, or volunteer duty assignments at the time and place required by the assignment, except when failure to report or to notify is beyond the control of the employee.
2. Employees shall not leave their work assignment prior to the designated

ending time of their work day unless prior authorization has been given by their supervisor.

3. Judicial subpoenas and / or notices to appear shall constitute an order to report for duty under this section.

D. Article 4 - Use of Tobacco Product(s)

1. East Lansing Police Department employees are prohibited from using tobacco products in any form while on duty and / or in any official uniform that represents the East Lansing Police Department. Tobacco products include, but are not limited to: cigarettes, cigars, chewing tobacco, snuff, pipe tobacco, generic equivalents, etc.

E. Article 5 - Security

1. Releasing police information or policy without authority and / or acting in the capacity of speaking for the Department or the Chief of Police.
2. Communication or imparting confidential police information either in writing or verbally, to unauthorized persons.

F. Article 6 - Personal Conduct and Integrity

1. The employee does not comply with a verbal or written rule, order, directive, policy and procedure, regulation, training guideline, job performance standard, work goals and objectives, duty assignment, etc. from the Chief of Police or a Department supervisor, without just cause.
2. Treat everyone, including fellow employees, with dignity, courtesy and respect. The employee shall not use any language, gestures, personal behavior, or send any email, written letter, etc. which would be considered profane, rude, insulting, abusive, demeaning, intimidating or unprofessional.
3. Cooperate fully in an administrative or criminal investigation conducted by this or any other authorized agency. Shall provide complete, accurate and truthful information. Shall not attempt to influence or interfere with any authorized investigation. Employees are entitled to their constitutional and collective bargaining rights during an administrative or criminal investigation.
4. Employees that initiate a civil action, or that would have a reasonable expectation to financially or personally benefit from a civil action, arising from an on-duty incident, shall notify the Chief of Police through a written memorandum.
5. Failure to provide a physician's certificate upon returning to work, when required to do so, as specified in applicable contracts.
6. Shall not be in any bar, tavern, or Class "C" establishment in uniform, while off-duty.

7. Interference with Police radio broadcasting and/or tampering with police radio equipment.
8. Failure by any employee who is required to operate a departmental vehicle, to notify a supervisor in writing, whenever their Michigan Operator's License has been revoked, suspended or restricted.
9. Failure to notify the Chief of Police or designee within 24 hours of having been custodially arrested, convicted of a misdemeanor violation which results in a custodial arrest, or convicted of any felony violation.
10. Misappropriation or unauthorized use of city money, property, equipment or supplies.
11. Use of Department employment to solicit or refer business to an attorney, bail bond personnel, towing personnel, or any other private business, with the intent for personal or financial gain.
12. Accepting a bribe for permitting an illegal act or for personal financial gain. Employees shall send a written memorandum to the Chief of Police describing any incident of an attempted bribe. The memorandum shall be completed before the employee goes off duty.
13. Failure to report to the Chief of Police or designee, knowledge of corruption within the department. This includes, but is not limited to, any illegal act committed by a member of the department, and/or offers and acceptance of bribes to permit illegal acts.
14. Knowingly and willfully make an unauthorized or false entry in any police report or any other type of department record such as, but not limited to, a duty assignment, personnel record, payroll record, time record, job application, resume, etc.
15. Unauthorized person(s) in a city owned vehicle.
16. Engaging in any outside employment, is prohibited, unless it has been approved by the Chief of Police.

G. Article 7 - Neglect of Duty

1. The employee failed to perform their duties in a reasonable, proper, thorough, and efficient manner. The employee failed to take the appropriate or required action based upon Department policies and procedures, written directives, or Department training guidelines. The employee failed to complete the required or appropriate written or computerized documentation of the incident.
2. Unauthorized sleeping on duty.
3. Failure to supervise subordinates. Failure to initiate appropriate disciplinary action toward known violations of the Code of Conduct.

4. Failure to report to court or to an administrative hearing, when subpoenaed. Examples would be, but not limited to, criminal cases, civil cases, formal hearings, informal hearings, driver license hearings, liquor control hearings, etc.
5. Loss or damage to any city property, due to negligence, carelessness, misuse, etc. Employees shall report the loss or damage of any city property to their supervisor by the end of their duty day.
6. It is the employee's responsibility to have their current address and telephone number on file with the department at all times. Per applicable employee collective bargaining agreements, "notice of change of address or telephone number shall be deemed given only if the employee submits the change in writing to the Personnel Office and the Police Chief's Office"
7. When an employee is asked for their name and/or badge number, the employee shall identify themselves by their name and/or badge/employee number, unless such action is likely to jeopardize the successful completion of a duty assignment.
8. Allow a prisoner to escape through carelessness or neglect.

H. Article 8 - Discriminatory Actions

1. The department will not tolerate any type of discrimination based upon, but not limited to, religion, race, color, national origin, age, weight, height, disability, sex, marital status, sexual orientation, student status, etc.

I. Article 9 - Sexual Harassment

1. Violation of the Department / City's policy regarding sexual harassment.

J. Article 10 - Use of Alcohol and Drugs

1. Shall not consume alcoholic beverages while in uniform, or in any part of the uniform, while on or off-duty. Employees may consume alcoholic beverages when performing a duty assignment, with authorization from a supervisor.
2. Shall not appear for duty or be on-duty, with a blood alcohol concentration of a .015% or greater.
3. Shall not appear for duty or be on-duty, when the employee has taken any medication or drug, and there is visible behavior, appearance, speech, etc. that indicates the substance is impairing the employee's physical or mental ability to perform their duty in a safe and professional manner.
4. Shall follow all the requirements pertaining to the "Drug Testing Policy" which can be found in applicable employee collective bargaining agreements.

K. Article 11 - Expectation of Privacy

1. The Department recognizes the need for employees to occasionally store personal information or belongings in areas that are under the control or management of the Department. Examples of such places would be, but not limited to, Department property such as lockers, desks, Department vehicles, file cabinets, computers, etc. However, employees should **not** have any expectation of privacy in these areas.
2. These areas and contents may be inspected, entered, searched, confiscated, etc. without notice to the employee. This may be done for the purposes of operational needs, internal investigations, evidence gathering or any other reasonable need. This will only be done at the discretion of the Chief of Police or designee.

L. Article 12 - Gratuities

1. A gratuity is **defined** as any food, beverage, gift, loan, discount, reward, promise, favor, service, trip, entertainment activity or other tangible or intangible property that is given, granted or conveyed to any employee of the East Lansing Police Department, by virtue of that employee's position or capacity. This would include, but is not limited to, "special" discounts or services given to Department employees that are not afforded equally to other persons outside of the Department.
2. Employees of the East Lansing Police Department shall not accept or solicit from any person, business or organization any gratuity as defined above (Section (K)(1)), by virtue of their position or capacity within the East Lansing Police Department.
3. Specific case by case exceptions or exemptions may be granted by the Chief of Police or designee.
4. An employee of the East Lansing Police Department who receives a gratuity or other goods which may be reasonably inferred as being connected to an employee's official position or capacity shall:
 - a. Report receipt of the item to their Supervisor as soon as applicable.
 - b. The employee's Supervisor shall determine the appropriate disposition of said item(s). If said Supervisor is unsure of an appropriate disposition, the Supervisor shall complete a written report of the incident to the Chief of Police. The Chief of Police or designee will then determine the appropriate disposition.