



# TIVERTON POLICE DEPARTMENT

<b>SUBJECT:</b> Rules and Regulations	<b>GENERAL ORDER NO. 100.10</b>
	<b>PAGES:</b> 30
<b>SECTION:</b> 100- General Rules of Conduct <b>SUBSECTION:</b>	<b>AMENDS/SUPERSEDES:</b> Rules and Regulations Dated 08/01/2012
<b>PER ORDER OF:</b>  <i>Thomas Blakey</i>  Thomas Blakey, Chief of Police	<b>EFFECTIVE DATE: 09/09/2014</b>
	<b>REVISED DATE: 09/09/2014</b>
	<b>REVIEW DATE: 09/09/2016</b>

<b>CALEA:</b> 26.1.1
<b>RIPAC:</b> 5.1

NOTE: This written directive is for the internal governance of the Tiverton Police Department, and is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

**INDEX WORDS:** Ethics, code of; rules, violation of; conduct unbecoming; immoral conduct; laws, conformity to; courtesy and respect; misconduct, reporting of; duty, reporting for; duty, neglect of; illness or injury, feigning; sleeping on duty; duty post, absence from; meals; unsatisfactory performance; personal appearance; tobacco; alcohol; drugs; chewing gum; relationships; outside employment; public appearances; off-duty enforcement; political activity; abuse of position; unauthorized transactions; orders, conflict of; arrest of officers; civil rights; leave; off-duty obligations; off-duty enforcement; uniforms; weapons, carrying of; pursuits, reporting; force, use of; force, reporting use of; honesty; telephones; stationery, use of; radio protocols; loitering; vehicles, use of; civil suits and claims; financial obligations, manual; identification; record checks; warning shots; cooperation; public defects; court appearances; dispatchers, obedience to; mutual aid; grievances; conflict of interest; memberships; relationships prohibited; grooming; equipment, use of; evidence, care of; lost property; false statements; bribery

## I. POLICY:

- A. Both the Tiverton Police Department and the public expect police personnel to maintain high standards of appearance and conduct.
- B. The citizens delegate considerable authority to the police. This authority is carefully circumscribed by State and Federal law, and, ultimately, by the State and Federal Constitutions and Bill of Rights.
- C. Our authority to arrest, seize property, and interfere, at times, with the lives of citizens constitutes a public trust. We can demonstrate that we respect this trust by

properly performing our jobs, and by always conducting ourselves in an exemplary fashion. It is not enough to "do the thing right", we must also always strive to "do the right thing."

## **II. PURPOSE:**

To define departmental expectations for personal behavior on-duty and, to a degree, off-duty. To provide a clear understanding of what is expected in the way of behavior from all employees, in such a way as to bring forth an atmosphere of professionalism and public trust to the Tiverton Police Department.

- A. Although we have no desire to control the private, off-duty time of our employees, we also recognize that some off-duty conduct may reflect negatively on the individual, the department, the law enforcement profession, or the community, and that such conduct, on- or off-duty, is clearly unacceptable.

## **III. CODE OF ETHICS:**

All officers shall display the degree of integrity required by the Law Enforcement Code of Ethics:

"As a law enforcement officer, my fundamental duty is to serve humankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all persons to liberty, equality, and justice."

"I will keep my private life unsullied as an example to all; maintain courage in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that which is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of duty."

"I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities."

"I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession--law enforcement."

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## **IV. OVERALL GUIDELINES:**

A. Violation of Rules

Employees shall not commit any acts or omit any acts which constitute a violation of any of the written directives, rules, or policies of the Tiverton Police Department.

B. Conduct Unbecoming

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the department. "Conduct unbecoming an officer or employee" shall include that which brings the department into disrepute or reflects discredit upon the officer as a member of the department, or that which impairs his or her ability to perform as a law enforcement officer.

C. Immoral Conduct

Employees shall maintain a level of moral conduct in their personal and business affairs, both on and off duty, which is in keeping with contemporary community standards. Employees shall not participate in any incident involving moral turpitude which impairs their ability to perform as law enforcement officers or causes the department to be brought into disrepute.

D. Conformance to Laws

Employees shall obey the laws of the United States, the State of Rhode Island and Providence Plantations, the Town Ordinances of the Town of Tiverton, and the laws and ordinances of any jurisdiction in which they may be present. A conviction of a felony, misdemeanor or petty misdemeanor or similar law of any other jurisdiction shall be prima facie evidence of a violation of this section.

E. Courtesy and respect

All officers and civilian employees of the department shall conduct themselves in a courteous, well-mannered and professional fashion at all times while representing the Town of Tiverton. Respect, discipline, courtesy and restraint shall temper the actions of all employees of the department in dealing with persons who come to their attention or require their services.

F. Treatment of Prisoners and Suspects

Persons being questioned or arrested shall be handled in accordance with the applicable procedures and in a courteous manner, never being the target of ridicule or distasteful humor. Arrested persons shall be treated as the officer or employee would wish to be treated, or to have a member of his or her family treated, under the same circumstances.

G. Reporting Misconduct

Employees shall promptly report any complaints of misbehavior or malfeasance on the part of any other member of the department, through the proper channels.

H. Handling Public Funds

Employees shall accomplish the handling of any public funds that come into their possession with strict adherence to proper business and accounting procedures.

I. Reporting for Duty

1. Employees shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall bring any required, issued equipment with them and shall inform themselves of available information required for the proper performance of their duties. Judicial subpoenas shall also constitute an order to report for duty under this section.
2. Upon reporting for duty from any absence, officers shall inform themselves of any new orders, regulations, directives, memoranda and previous shift activities, and all other important matters governing their assignments.
3. Officers shall attend and be respectful and attentive at all required roll calls and briefings, and shall otherwise not unreasonably delay commencement of their patrols nor return to the station unnecessarily prematurely at the conclusion of their shifts.

J. Neglect of Duty

Employees shall not engage in entertainment while on duty except as may be required in the performance of duty. They shall not engage in unofficial activities that cause them to neglect or be inattentive to duty.

K. Fictitious Illness or Injury Reports

Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the department as to the condition of their health.

L. Sleeping on Duty

Employees shall remain awake and alert while on duty. If unable to do so, they shall report to their immediate supervisor, who shall determine the proper course of action.

M. Leaving Duty Post

1. Employees shall not leave their assigned duty posts during a tour of duty except when authorized by proper authority.
2. Whenever an employee during duty hours is about to leave the town limits or assigned area for any reason, the employee shall inform the communications center prior to leaving and upon return.

N. Meals

Employees shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during tours of duty, but only for such period of time and at such time and place as established by departmental procedure.

O. Directives from Dispatcher

All personnel shall promptly respond to all communications received. Officers shall not disobey or refuse to take cognizance of any communication transmitted by the dispatcher, unless directed to do so by a supervisor.

P. Unsatisfactory Performance

Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner, which will maintain a high standard of efficiency in carrying out the functions and objectives of the department. Examples of unsatisfactory performance shall include but not be limited to lack of knowledge of the applications of the laws they are charged with enforcing, unwillingness or inability to perform assigned tasks, failure to conform to work standards established for their particular position, failure to take appropriate action on the occasion of a condition deserving police attention, and absence without leave. In addition to other indications of unsatisfactory performance, the following shall be prima facie evidence of unsatisfactory performance: Repeated failure to heed counseling from supervisors and correct deficiencies in performance after they have been pointed out to the employee, repeated infractions of rules, regulations or written directives of the department, unnecessary endangerment of the employee's life or that of another employee, and failure to meet technical standards.

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V. **GENERAL APPEARANCE AND BEHAVIOR:**

A. Appearance

The physical appearance and grooming of employees shall at all times be neat and clean, and conform to contemporary professional standards.

B. Alcohol or Drugs

1. Employees shall not drink any liquor or alcoholic beverage while on duty. Officers in plainclothes, with the prior consent of their commanding officer, may drink limited quantities while on an undercover assignment and only to the extent necessary to accomplish the police mission. Employees while attending conferences or other functions at which alcohol is served, if not in uniform, may consume limited social quantities of alcoholic beverages such as at a social hour preceding a function, but shall not consume alcoholic beverages to the point of impairment and shall not drive a motor vehicle while impaired nor drive an official vehicle after drinking.
2. Employees shall not consume, possess except as evidence or use or sell illegal drugs.
3. Employees shall not appear for duty or be on duty while impaired by the use of alcohol or legal or illegal drugs to any degree, nor appear for duty or be on duty with an odor of liquor or alcoholic beverages on their breaths.
4. Employees, while off duty, shall refrain from consuming liquor or alcoholic beverages to the point that it results in dangerous, obnoxious, illegal or offensive behavior which could discredit them or the department, or renders them unfit to report for their next regular tour of duty.
5. A ranking officer or supervisor having reasonable suspicion that an employee has violated the provisions of this section may require the employee to submit to a blood, breath or urine test and any employee who refuses to submit to such a test under such conditions shall be subject to dismissal from the department.

C. Tobacco

Consumption of tobacco in any form is prohibited while riding in a police vehicle, while in the non-smoking area of any public or private building including the police station, or at any time while in uniform in public view.

D. Chewing Gum

The chewing of gum while maintaining a conversation with a member of the public or while on ceremonial or dignitary protection duty can be seen as rude, and should be avoided.

E. Relationships

1. Police employees shall not violate contemporary community or professional standards. Employees shall be scrupulously careful in their

contacts with members of the opposite sex, and aware of the appearance of their conduct.

2. Examples of improper-appearing conduct that should be avoided include on-duty meetings by employees with members of the opposite sex for no legitimate business purpose, romantic affiliations with under-age or married persons, on-duty overt public displays of romantic affection, and social or personal business relationships with known or suspected felons, drug dealers, or other persons whose reputation in the community is such that association with them might cast doubt on the credibility or reputation of the employee or the department. These are provided as examples of improper relationships and are not intended to be all-inclusive.

#### F. On-Duty Relationships

Members of the department shall maintain harmonious professional relationships with one another. They shall avoid any romantic relationships of the sort that detract from the image of the department or interfere with the quantity or quality of work performed by either party, or with the ability to supervise or be supervised.

#### G. Outside Employment

1. All outside employment or business activity by employees shall require prior written approval of the Chief of Police.
2. The Chief shall grant approval only if such employment or business activity does not have the potential to reflect negatively on the employee or the department, result in a conflict of interest, interfere with the employees availability or job performance, or cause the Town excessive exposure to civil liability.
3. The department may place a reasonable limit on the number of hours to be worked on special details or outside employment or business activity, in the interest of making sure that officers and dispatchers are alert and able to pay full attention to their regular duties.
4. Examples of prohibited off duty employment or business include but are not limited to any employment or business involving the sale or distribution of liquor or alcoholic beverages, performing as a bouncer at a club, a bail bond agent, employee or owner of an alarm service, collection agency, private investigator, or employment in a place of entertainment where exotic dancing takes place, or the sale of pornographic materials.
5. Employees shall not engage in any extra-duty employment (employment where the actual or potential use of law enforcement powers is anticipated) without being assigned by the department or with written permission of the

Chief. While engaged in such employment, the employee shall observe all written directives of the department as to behavior, conduct, and procedures.

#### H. Public Appearance

##### 1. Appropriate Conduct

Whenever on duty or in uniform, each employee shall maintain a professional demeanor, conduct, and appearance. They shall avoid inappropriate conduct, including but not limited to horseplay, deliberately erratic vehicle operation for no legitimate purpose, sexual harassment, use of profanity or vulgar language, insubordination, or other behavior that would cause public disgust or alarm.

##### 2. Public Statements

Employees shall not address public gatherings on police related matters, appear on radio or television, prepare articles for publication, act as reporters for a newspaper or periodical, release or divulge investigative information, or any other matters of the department while holding themselves out as representing the department on such matters without proper authority. The department can and will authorize employees to represent it upon proper occasions.

#### I. Enforcement While Off Duty

If an officer, while off duty, witnesses a violation of the law committed in his or her presence which, in the officer's official judgment, requires immediate attention, the officer may make an arrest, providing:

1. The law violation was committed in the officer's jurisdiction.
2. The officer does not use his/her own personal vehicle to chase or pursue the violator at high speeds, but observes all traffic laws applicable to citizens.
3. The officer displays police identification to the violator and announces his/her purpose.
4. The officer can make the arrest without jeopardizing his/her own safety, the safety of the violator, and of the public.
5. The seriousness of the offense is such that immediate police intervention is required to prevent a breach of the peace, personal injury or property damage, or to prevent a wanted person from eluding capture.

J. Positive Intervention

Any officer observing a fellow officer breaking the law or mistreating a prisoner shall intervene appropriately and report such conduct to a superior. (See also sec. XXIV below)

K. Abuse of Position

Employees shall not use their official positions, identification credentials or badges for personal or financial gain, to obtain privileges otherwise not available to them except in the performance of duty, or for avoiding the consequences of illegal acts, nor shall they lend their official identification or permit it to be photographed by unauthorized persons.

L. Political Activities

1. Participation in political activities other than assigned dignitary protection or traffic control while on duty is prohibited. Any action that could give the impression that an employee is using his or her official position to influence the political process is also prohibited.
2. Employees are exempt from running for or holding political office as per Town Charter.
3. Nothing in this section shall abridge the right of employees to vote, to express opinions as individuals on issues and candidates, to attend, off duty, political functions, sign political petitions as individuals, make financial contributions to political organizations, hold membership in a political party, or participate in any political affairs that do not impair the neutral and efficient performance of their duties or create real or apparent conflicts of interest.

M. Unauthorized Transactions

Employees are prohibited from entering into any transactions of material value at substantially lower than their fair market value, or the value of which such goods or services are offered to the general public, when such transaction takes place between themselves and any person involved in any matter or case which arose out of their employment with the department, except as specifically authorized in writing by the Chief of Police. This shall not prevent officers from taking advantage of bargains that would be available to any member of the public, nor standard discounts offered on the sale of police uniforms or equipment.

N. Prohibited Intervention

Employees shall not interfere with cases being handled by officers of this department or any other governmental agency unless ordered to intervene by the Chief, or if the officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action. Officers shall not undertake any investigation or other official action not part of their regular duties without receiving permission from their superior officer unless exigent circumstances require immediate police action.

## **VI. SYNOPSIS OF DUTIES:**

### **A. General Duty**

The department's officers shall, at all times, within jurisdictional limits, prevent crime, preserve the peace, protect lives and property, detect and arrest law violators, and enforce the laws of the United States, the State of Rhode Island and Providence Plantations, and all local ordinances, in accordance with the rules, regulations, policies, procedures, and orders of the jurisdiction and the department.

1. Officers shall always be aware that when they act under "color of law," that phrase includes not only laws but also policies, procedures, ordinances, common usage, and customs.

### **B. Obedience to orders, rules and regulations.**

#### **1. Authority**

Employees of the department shall obey all lawful orders issued to them by competent authority.

#### **2. Orders Contrary to Law**

Supervisory officers of the department shall not knowingly or willfully issue any order in violation of a law, ordinance or rule, regulation, general or special order of the department.

#### **3. Conflicting Orders**

- a. Employees shall promptly obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank.
- b. If an employee is given two apparently lawful but different orders that may be in conflict, the last order given shall be complied with unless it is retracted or modified.
- c. In the event an employee receives conflicting orders, then s/he shall inform the person giving the last order of the conflict of orders.

The person giving the conflicting order shall then resolve the conflict by either retracting or modifying it, or requesting the employee to comply with the latest order.

- d. In the event the conflicting order is not altered or retracted, the employee shall not be held responsible for disobedience of the order or directive previously issued.
4. Obedience to Unlawful Orders. No employee of the department shall be required to obey any order which is contrary to the laws of the United States, the State of Rhode Island and Providence Plantations, or ordinances of the Town; however, such refusal to obey is the responsibility of the employee and s/he will be required to justify such action.

C. Respect for Civil Rights

All members shall carefully observe and respect the civil rights of citizens, as the term "civil rights" is commonly understood.

D. Arrests of Law Enforcement Officers

An officer who arrests a member of another law enforcement agency shall immediately notify his/her own supervisor of the fact. Officers shall take whatever action is appropriate to the circumstances, up to and including issuance of citations or making an in-custody arrest. No more or less discretion shall be applied in the case of a police officer than another citizen under the same circumstances.

E. Care and Custody of Evidence

1. Contraband and evidence seized from suspects or arrested persons shall be stored in an evidence storage locker or other secure location designated by the department for that purpose, before and during trial.
2. Officers shall not give away evidence to anyone. Further, officers shall not appropriate any evidence or other property to their own use under any circumstances.
3. If any citizen refuses to accept returned property that was used as evidence or otherwise acquired by the department, the property shall be disposed of in accordance with applicable Rhode Island law, under the supervision of the Chief of Police (See also General Order on Evidence Control).

F. Officers or other employees who encounter lost property shall treat such property with the same level of security as evidence, storing it in an evidence storage locker, if possible, or otherwise securing the property under guidance of the Chief of Police. Officers shall document the circumstances and describe the property.

1. The department shall make a reasonable effort to determine the ownership of the property and return it.
2. Upon releasing property, or obtaining property from a citizen who finds it, officers shall issue a receipt.

G. False Statements

On any official matter whatsoever, employees shall not knowingly make any false statements or misrepresentations of the facts, nor withhold information that would assist in resolving the matter.

H. Bribes

Employees who have accepted or failed to report bribes shall be dismissed from employment with prejudice.

1. All employees shall forthwith report to the Chief of Police and/or the Attorney General all knowledge of bribes received or offered.

I. Use of Force – General

No greater restraint than is necessary to defend the officer or a third party from what the officer reasonably believes is the imminent use of force against the officer, nor for the detention of any person, and no unnecessary or unreasonable force shall be used in making an arrest

J. Lethal Force

A police officer may use force dangerous to human life to defend the officer or a third party from what the officer reasonably believes to be the imminent use of deadly force, or to make a lawful arrest for committing or attempting to commit a felony involving the use of force or violence or is using a deadly weapon in attempting to escape, if the officer reasonably believes that such force is necessary to effect the arrest and that the person to be arrested is aware that a peace officer is attempting to arrest him or her. Nothing in this regulation constitutes justification for conduct by a law enforcement officer amounting to an offense against innocent persons whom the officer is not seeking to arrest or retain in custody.

1. As used in this policy, "lethal force" means any force which, in the manner it is used, intended or threatened to be used, is known to be capable of producing death or serious bodily injury.
2. Firearms are issued to officers for self-defense and the protection of the public, recognizing that in the performance of their duties they may have to deal with dangerous persons who place them in life-threatening situations.

Lethal weapons shall not be used when other, less drastic means of apprehension are possible.

K. Warning Shots

Warning shots are strictly prohibited, and shall not be fired at any time.

L. Reporting Use of Force

Officers shall report any use of force to their superior as soon as possible.

1. Any use of force caused by police action and resulting in apparent injury shall be reported to the officer's superior as soon as practicable, followed by a written report.
2. All other use of force by police shall be reported in a written report of the incident.

M. Reporting Vehicular Pursuits

Officers shall make a written report of all vehicular pursuits. The officer's immediate supervisor shall critique the pursuit and countersign the report, indicating whether or not in the supervisor's opinion departmental pursuit policies were followed.

N. Medical Assistance

Officers shall render, or cause to be rendered, medical assistance to any injured person, within the limits of the officer's skill and knowledge.

**VII. GENERAL CONDUCT:**

A. Ranks and titles

Employees of the department shall display appropriate respect for their superior officers, subordinates, and associates. When on duty and in the presence of the public, superior officers shall be addressed or referred to by their appropriate rank.

B. Courtesy and Respect

1. Politeness

Employees shall address their subordinates, associates, supervisors, or members of the public, including complainants and arrested persons courteously, and shall avoid using abusive, violent, insulting or provoking language which could be deemed offensive to a reasonable person or group

by reason of their racial, ethnic or religious background or sexual orientation.

2. Calmness Under Provocation

Employees shall at all times be civil and courteous. They shall maintain an even disposition and remain calm in the face of provocation in executing their duties.

3. Malicious Gossip

The department recognizes the rights of all employees under the First Amendment to the U.S. Constitution to free speech. However, to be protected under federal constitutional standards, an employee's speech must relate to a matter of public concern, and the employee's interest in the matter must not be outweighed by any injury the speech could cause to the interest of the Town as an employer, in promoting the efficiency of the public services it performs through its employees. Therefore, employees shall not engage in malicious gossip or speak rumors detrimental to the department or another employee.

C. Honesty

Employees shall always display absolute honesty.

D. Cooperation

Employees shall cooperate and coordinate their efforts with other employees to insure maximum effectiveness. This high degree of cooperation and coordination shall extend to other law enforcement organizations and government agencies.

E. Attention to Duty

Employees shall not conduct personal business while on duty, and shall restrict social visits, conversations and other activities during on-duty time to those which are consistent with the objectives of community policing and do not interfere with their performance of duty.

F. Reporting Public Defects

Officers shall observe and promptly report to the communications center or a supervisor any defect, nuisance or obstruction of the streets, sidewalks or other public areas which may cause a hazard to the general public or create a civil liability upon the town. The dispatcher or supervisor receiving notice of such defect, nuisance or obstruction shall make and document timely referral to the appropriate town or state department or party to remedy it.

G. Cowardice

No officer shall display cowardice in the line of duty or in any situation where the public or another police officer might be subjected to physical danger. Unless actually incapacitated themselves, every officer, regardless of rank or assignment shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might reasonably be impending.

H. Use of Department Logo or Stationery

Employees of the department shall not at any time use or attempt to use their official position, badge or credentials or departmental name, stationery or logo for commercial or political advertising, or for personal or financial gain or advantage.

I. Gifts, Gratuities and Rewards

1. No employee shall solicit or accept gifts, food, admissions to entertainment or sporting events, cash, loans or fees, or any thing of value that is not available to the general public, and which is or could be interpreted to have been offered because of their status as a police department employee.
  - a. Any member who is offered such gifts, food, or admissions, shall report the same to the Chief if it appears to have been offered in violation of State law.
2. Employees shall not accept any gift, gratuity or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of the employee or any other employee in any manner of official business; or which might tend to cause any adverse reflection on the department or any employee thereof.
3. No employee of the department shall receive any gift or gratuity from other employees junior in rank, without the express permission of the Chief of Police.
4. Employees shall not accept any gift, gratuity or reward in money or other considerations for services in the line of duty to the community, or to any person, business or agency, except the employee's lawful salary, unless specifically authorized by vote of the Town Council.

J. Town Personnel Policies

Employees shall adhere to all applicable town personnel policies.

K. Applicability of Rules to Chief of Police

All rules incumbent upon officers and other employees of the department, unless by their context indicate otherwise, shall apply equally to the Chief of Police. If any employee at any time has knowledge of possible criminal conduct by the Chief of Police, that employee shall bring such information to the attention of the Town Administrator or the Attorney General.

L. Simulated Training

No officer or employee shall participate in nor allow simulated responding to police calls or training exercises unless specifically approved by the Chief of Police.

M. Care of Departmental Buildings

Employees shall not mar, mark or deface any surface in a departmental building. No material shall be affixed in any way to any wall of a departmental building without specific authorization from a commanding officer.

N. Official Notices

No employee shall alter, deface, simulate or remove any posted notice of the department. No notice shall be posted on a departmental bulletin board without the permission of the officer in charge.

O. Keys to Private Buildings

No officer shall possess keys to businesses or dwellings in the town not belonging to the officer, his or her immediate family, without permission of the Chief of Police.

P. Disagreement with Policies

Employees who disagree with the policies and operation of the department are expected to follow the proper chain of command and take them up with the Chief of Police, whose decision will normally be final, except as otherwise provided in town personnel policies and the provisions of the collective bargaining agreement.

**VIII. DUTY:**

A. Reporting For and Completion of Duty

Employees shall report for duty at the time and place specified by their assignment or orders, and complete the number of hours on duty required by their assignment.

B. Attentiveness

Employees, while on duty, shall remain alert and awake, unencumbered by alcohol, drugs, or conflicts arising from off-duty employment or personal business.

C. Giving Identification upon Citizen's Request

Officers and employees, while on duty (except officers operating in an undercover role at the time), shall identify themselves to any person requesting the officers or employees name, rank or title and badge or identification number.

D. Required Reporting

All employees shall, in a timely and absolutely truthful fashion, complete and submit all forms and reports required by law or by the department.

E. License and Record Checks for the Public Prohibited

Employees shall not provide information from computer-based driver license, motor vehicle registration or criminal record checks to citizens. Citizens requesting such a check for any other purpose shall be directed to put their request in writing to the appropriate division or governmental agency.

F. Injured on Duty

If injured, employees shall promptly notify their supervisor of the injury and the circumstances of it, and the supervisor shall be responsible for the filing of any required reports to the Town's insurance carrier or the Rhode Island Department of Labor

G. Radio Protocols

1. Officers, while on duty or ordered standby, shall keep the communications center appropriately informed of their whereabouts and any changes in duty status or availability. Officers shall keep their portable radios charged, turned on, and in their immediate possession at all times while on duty.
2. Officers who are issued a cell phone shall keep the cell phone with them and turned on, at all times.
4. Officers and dispatchers shall maintain a professional attitude and manner when communicating by radio. Officers and dispatchers shall communicate in plain language or approved codes, abiding by Federal Communications Commission requirements and the policies of the department.

H. Loitering at Headquarters

Employees shall not loiter at headquarters, but shall use headquarters for official purposes only. Officers or employees who are out on injury leave shall come to headquarters only on official business.

I. Care of Uniforms, Vehicles, and Equipment

Each employee shall take responsibility for the cleanliness and upkeep of the office and any assigned police vehicles, uniforms and equipment. Employees shall report promptly to their immediate superior any damage to or loss of town owned vehicles or equipment, and may be held financially liable for any damage caused through their own negligence.

J. Monetary Gain

No employee shall use his or her position with the department for personal or monetary gain.

K. Long Distance Telephone Calls

Employees may make long distance telephone calls or use e-mail or internet access when necessary for official purposes. If the call is personal, the employee shall use his or her personal telephone credit card or shall subsequently reimburse the department for the cost of the call. Employees shall not use departmental equipment to send personal e-mail or access the internet for personal enjoyment or personal business.

L. Carrying Identification

Officers shall carry police identification card, badge and a valid driver's license whenever carrying a firearm.

M. Civil Suits or Claims by Employees

1. Any claims for damage to clothing or other personal property belonging to an employee caused by the performance of duty shall be made in writing to the Chief of Police.
2. Employees shall not seek nor accept from any person's money or compensation for damages sustained or expenses incurred in the line of duty without first notifying the Chief of Police in writing.
3. Employees who have received town salaries for illness or personal injuries sustained on or off duty shall notify the Chief of Police in writing of any intent to sue, solicit or accept compensation for such illness or injury.

4. Notice shall be filed before action is taken. Notice shall include the facts of the claims and names of the defendants. The employee shall keep the Chief of Police updated on the status of the case and any final court determination.
5. The above provisions shall not apply to private insurance policies held by employees for whom premiums are not paid in whole or in part by the town.

**IX. LEAVE:**

A. Permission

Employees shall not be absent from duty without first notifying their superior and/or contacting headquarters via the duty dispatcher.

B. Notification

Employees shall, in situations requiring emergency leave or sick leave, notify their supervisor of the circumstances as soon as possible.

C. Advance Notification Required

Employees shall give as much advance notice as practicable when requesting leave.

D. Granting of Leave

Leave shall be granted by the Chief of Police or his/her designee.

**X. OFF-DUTY OBLIGATIONS:**

A. Emergency Recall

In case of an emergency recall, each officer or employee must determine fitness for duty if intoxicants have been consumed. A supervisor shall be consulted and asked to confirm or deny, as appropriate, the employee's judgment in the matter. No adverse actions shall be taken if, in the case of an unanticipated recall, the employee believes himself or herself to be incapacitated for duty and declines to be recalled, or does so on the advice of a supervisor.

B. Carrying of Weapons

1. Officers or employees shall not carry weapons when off-duty in a situation where it would be socially inappropriate, particularly where an officer expects to consume liquor or alcoholic beverages.

2. An officer who is authorized to carry an off-duty weapon shall be required to qualify with it prior to receiving said approval, and to re-qualify with it every calendar year. Backup weapons shall not be carried.
3. All such weapons shall be inspected annually by the Firearms Training Officer, and the ammunition shall be commercially available and approved by the Firearms Training Officer.

## **XI. DRUG AND ALCOHOL TESTING:**

### **A. Notification of Drug Use**

Employees using any prescribed drug or narcotic or any patent medicines that could possibly induce impairment of their performance shall notify, in writing, the Chief of Police. Such notifications shall remain confidential, and shall be sealed in an envelope by the Chief and kept in the employees personnel file.

### **B. Testing Upon Reasonable Suspicion**

Officers and employees shall at any time if requested by a supervisor having reasonable suspicion that they may be in violation of departmental drug or alcohol policies, submit to a chemical test or tests of their blood, breath, or urine, for the purpose of determining the presence of alcohol or of any narcotic, stimulant, controlled substance or metabolite thereof, or other dangerous drugs, or for abuse of prescription drugs.

## **XII. OPERATION OF POLICE VEHICLES:**

### **A. Manner of Operation**

Employees shall operate department vehicles and other equipment lawfully in such a manner as to avoid injury to persons or damage to property.

### **B. Personal Use of Police Vehicles**

Officers shall not use police vehicles for personal errands nor for the transportation of unauthorized persons, except in emergencies, or with approval of a superior.

1. Authorized persons include arrested persons, detained juveniles, victims, official citizen ride-alongs, other law enforcement officers, and witnesses.

### **C. Upkeep of Vehicles**

Officers shall keep the interiors of their assigned police vehicles clean and neat. Officers shall have their assigned police vehicles washed no less than once every week, in accordance with departmental provisions for washing.

D. Unattended Police Vehicles

The driver of a police vehicle shall lock the ignition and remove the key when leaving the vehicle except momentarily during a traffic stop on when it is necessary to leave the engine running in order to use the emergency lights at a traffic problem. When a police vehicle is left unattended for more than a brief period, the doors shall be locked and the windows closed. Radar antennas shall not be left on the outside of an unattended police vehicle.

E. Accident Involvement

Whenever a police vehicle is involved in an accident, the driver shall notify a supervisor immediately.

F. Accident Investigation

Under no circumstances shall an officer investigate his or her own traffic accident. Wherever feasible, the accident shall be investigated by an outside agency, and if no outside agency is available, the accident shall be investigated by a supervisor from within the department.

G. Pre-Trip Inspection

At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisor(s).

1. Unless damage or defects are reported, it shall be presumed that the employee inspected the vehicle and found no damage or defects.
2. The employee, in such case, may be held responsible for the damage.

**XIII. CARE OF UNIFORMS AND PERSONAL GEAR; GROOMING:**

A. Care of Uniforms

Officers and employees (if issued uniforms) shall keep their uniforms clean and pressed, their shoes and other leather equipment polished and shined, and badges and name plates clean and bright, and shall promptly replace any threadbare items.

B. Civilian Attire

Employees wearing civilian clothing on duty shall present a neat and clean, businesslike appearance.

1. Employees shall wear clothing which is appropriate to the type of duties and citizen contact expected, e.g., coat and tie for men and equivalent skirt, blouse or pants outfit for women are appropriate for business contacts; more informal sports clothing might be appropriate for late hours of work.
2. Civilian dress shall not be such as to constitute a source of negative comment from the community.

C. Authorized Uniforms and Equipment

While on duty, an officer shall carry only such equipment as is issued by the department or authorized by the Chief of Police, and shall not modify such equipment without permission of the Chief.

D. Grooming

1. Employees shall maintain a smart, conservative, well-groomed appearance.
  - a. Men's hair shall be neatly combed and styled. Sideburns may extend to the middle of the ear, and hair in the back of the head shall not extend below the top of the collar. Neatly trimmed mustaches are permitted provided they do not obscure the upper lip more than one-half inch beyond the corner of the mouth. Goatees, handlebar mustaches and beards are prohibited.
  - b. Women's hair shall be arranged in such a way that it can be contained easily within the hat, so that it presents no safety hazard to a female officer.
2. The Chief may give permission to officers on undercover assignments to deviate from these requirements.
3. The Chief, upon receipt of credible medical evidence, may give permission for any employee suffering from pseudofolliculitis barbae (P.F.B.) to deviate from the facial hair requirements of this policy.
4. Neither male nor female officers shall wear earrings while on duty in other than an undercover capacity.

**XIV. PERSONAL USE OF EQUIPMENT:**

A. Unauthorized Use

Employees shall not temporarily or permanently convert any department property, found property or evidence to their own personal use, or to the use of any other person.

B. Return of Equipment

When an employee terminates employment, all issued equipment shall be returned to the Chief or the Chief's designee on the day the termination is effective. Failure to return all items of Town-owned property shall result in withholding final pay or taking legal action.

**XV. OWNERSHIP AND UPKEEP OF DUTY MANUALS, RULES AND REGULATIONS, GENERAL ORDERS, PERSONNEL ORDERS, SPECIAL ORDERS:**

A copy of the rules and regulations as well as all general orders, personnel orders, and special orders shall be available to all employees either in electronic or paper format.

A. Manuals Property of the Department

Duty manuals, rules and regulations, general orders, personnel orders and special orders are the property of the department. Any copies of these, either in electronic or written format, shall be returned by the employee upon termination.

B. Unauthorized Use

Anyone not a member of the department requesting copies of the duty manuals, rules and regulations, general orders, personnel orders and/or special orders or any portion thereof shall be told to make their request to the Chief in writing.

C. Inspection of Manuals

On an annual basis, the department may require each employee to present their copies of duty manuals, rules and regulations, general orders, personnel orders and/or special orders for inspection, to insure compliance with this regulation.

**XVI. OFFICIAL UNIFORM:**

A. Description

All uniforms shall be an approved color with black leather gear. Uniform shirts and coats shall display the department patch on the left shoulder and Town seal on the right shoulder. Badge numbers shall be worn over the right breast pocket of the duty uniform.

B. Proper Attire For Court Appearances

Uniforms or coat and tie for men and equivalent skirt, blouse or pants outfit for women, shall be worn for all court appearances.

C. Uniform Replacement

When uniform items are worn out or threadbare and need replacement, officers shall utilize their uniform allowance to replace them.

**XVII. OBLIGATION TO REPORT ARRESTS, COURT ACTION, TORTS:**

A. Report of Court Action

Employees of the department shall immediately report to their supervisor any arrests or court action instituted against them.

B. Reporting Personal Accidents or Altercations

Any employee of the department who becomes involved in any accident or altercation, or any problem which may be reasonably expected to come to the public's attention, in this or another community, shall give oral notification as soon as possible, and within twenty-four hours in writing, to his/her supervisor.

1. Supervisors shall forward relevant information through the chain of command as rapidly as possible.

**XVIII. AVOIDANCE OF CONFLICT OF INTEREST:**

A. Involvement of Relatives, Neighbors, Etc.

Employees shall wherever possible avoid involvement in any civil disputes between their own relatives, neighbors or acquaintances.

1. Officers shall not remove children from parental custody, or property from citizens without court order, except in accordance with existing State laws. Further guidance shall be found in the General Order on this topic.

B. Officers as Complainants

Whenever an officer or their immediate family member is the complainant on a call for service, the officer if possible shall request that another officer handle the case.

**XIX. PROHIBITED MEMBERSHIPS:**

No employee of the department shall be a member of, or recruiter for an organization which advocates the violent overthrow of the government of the United States, the State of

Rhode Island and Providence Plantations, or any unit of local government, or participate in any organization which has as a purpose, aim, objective, or any practices that are contrary to the obligations of a law enforcement employee under these rules and regulations.

**XX. INCURRING FINANCIAL OBLIGATIONS:**

A. Permission Required

There will be no expenditures of money or financial obligations incurred in the name of the department by any employee without permission from the Chief of Police.

B. Accepting Liability for the Town

No employee shall imply or accept financial liability for loss or damage on behalf of the municipality. Any inquiries concerning financial liability shall be referred to the Chief of Police.

**XXI. RESIGNATIONS:**

Whenever possible, employees are requested to provide at least two (2) weeks' written notice of his or her intent to resign from the department.

**XXII. COURTROOM APPEARANCES:**

A. Importance Noted

All employees shall treat courtroom and motor vehicle hearing appearances with the utmost importance.

1. Timely Arrival. As a rule, employees shall arrive at the court early enough to check the docket, or if necessary, to confer with the prosecutor. Employees shall observe the following additional rules:

- a. If an officer receives subpoenas requiring appearance at different courts at the same time, s/he shall honor the first subpoena received. If, however, one of the subpoenas was issued for appearance in a Superior or higher court, it shall receive precedence over one issued for appearance in a District Court. The officer shall be responsible to inform the appropriate parties of the conflict.
- b. A subpoena receives precedence over an order issued by a Supervisor. In any event, the employee shall notify his/her supervisor of any court appearance.

B. Attire

If on duty, sworn employees shall appear in court in uniform. If off duty, they shall appear attired in civilian clothes or uniform. Civilian attire for court or a motor vehicle hearing means a suit or sport jacket and a tie for males, and equivalent business attire for females.

C. Conduct

When testifying, employees shall remain attentive, face the jury when giving testimony, and speak in a clear, audible tone. They shall respond to questions asked by the judge or attorneys and shall not argue, interject, or offer a rude or sarcastic response to any remark or question.

1. Employees shall tell the truth at all times when testifying in court or at administrative hearings, and in reports, documents and affidavits.
2. No officer shall claim a witness fee to which he or she is not entitled, or sign an attendance docket for another officer.

D. Maintaining Competence

Each officer shall remain familiar with the rules of evidence.

**XXIII. CONSTITUTIONAL VIOLATIONS:**

A. Responsibility of Individual Officers

The department recognizes that all officers have an absolute responsibility to take immediate action or to otherwise intervene and subsequently report any constitutional violations being committed by police officers, regardless of rank, status, or professional standing.

B. Duty to Intervene

Officers are expected to intervene and take steps to deter or otherwise stop the violation from taking place or continuing. A failure to do anything, even though not actually participating in the illegal action, will subject an officer to disciplinary procedures.

C. Applies to All Ranks

No special exemption exists for some officers because of rank, social or departmental status or experience, that gives them special permission to commit constitutional violations upon persons, whether under the color of law or otherwise.

D. Reason for Duty

All officers have a duty imposed by their office and position to take steps to deter or intervene or to otherwise stop constitutional violations from taking place, due to their obligation to protect and uphold the State and Federal Constitutions.

E. Duty to Report and Testify

No code of silence exists, and officers are expected to honestly come forward with information regarding misconduct of other officers.

F. Brutality Prohibited

We recognize that physical confrontations present themselves because of the nature of police work. Nevertheless, in unison with physical conditioning, defensive tactics training, communications skills and defusing techniques, within the confines of the law we must ensure that when confrontations take place, we are required to use only that force which is reasonably necessary to accomplish our objectives.

G. Special Obligation of Supervisors

All supervisors shall set an example for subordinates to follow that is consistent with this policy. In cases where a supervisor witnesses a constitutional violation, s/he shall take steps to intervene or prevent it from taking place, and shall report the facts and circumstances in writing, using the formal chain of command, to the Chief of Police.

H. Duty of Line Personnel

Non-supervisory personnel have a similar duty to report, and are not insulated because the violation was committed by a superior or an officer from another agency. Any officer witnessing a constitutional violation shall take appropriate steps to intervene or deter the violation, and shall report the facts and circumstances to the Chief through the next highest-ranking supervisor not associated with the violation.

I. Reporting Parties Protected from Reprisal

No officer shall be penalized or reprimanded for the legitimate reporting of what he/she perceives is a violation of the spirit and intent of this policy.

**XXIV. DISCIPLINARY ACTIONS:**

A. Disciplinary Actions

Disciplinary actions may include an oral or written warning or reprimand, suspension with or without pay, reduction in pay, demotion or termination,

probation, counseling, training, close supervision, performance evaluation, transfer, and termination.

B. Causes for Disciplinary Actions

The following are examples of circumstances where disciplinary action may be taken and shall apply to civilian as well as sworn employees of the department:

1. Incompetent or inefficient performance of duty, or inattention to or dereliction of duty.
2. Insubordination, discourteous treatment of the public, a superior, or a fellow employee, or any act of omission or commission of similar nature tending to discredit or injure the public service; or any act jeopardizing the effective functioning of the police service.
3. Violation of any written or posted regulation or directive of the department, or portion thereof.
4. Mental or physical unfitness for the position which the employee holds.
5. Conviction of a felony, misdemeanor, petty misdemeanor, or commission of a series of offenses that demonstrates a pattern of misconduct or disregard for the law.
6. Examples of behavior specifically prohibited include:
  - a. Alcohol  

Use of alcoholic beverages by an employee on-duty or while on ordered standby, or reporting for duty after having consumed liquor or alcoholic beverages so that there is the odor of alcoholic beverage on the breath or impairment to any degree.
  - b. Alcohol or Drug Test Refusal  

Refusing to submit to a test to determine the alcoholic content of the blood, breath or urine upon request of a supervisor having reasonable suspicion that the employee has any alcohol or drugs in their system in violation of this rule.
  - c. Drugs  

Possession or consumption of illegal drugs or narcotics by an employee, or being impaired by drugs or narcotics while on duty or on subject to call.

d. Purchase or Consumption of Alcohol

An employee purchasing or consuming liquor or alcoholic beverages while on-duty, except the purchase or consumption of limited amounts as may be necessary to the carrying out of an assignment while operating in an undercover capacity, with the permission of a superior officer.

e. Posting Bail for Prisoners

An employee posting bail for anyone other than a family member.

f. Release of Confidential Information

An employee releasing any information to a suspect or convicted person that would enable an escape from custody or hamper an investigation.

g. Illegal Gambling

An employee engaging in any illegal gambling.

h. Recommending Counsel, Bondsman or Towing Service

An employee recommending a specific legal counsel, towing service, or bondsman to any person.

i. Ridiculing the Department Publicly

An employee publicly ridiculing in an insulting manner any member of the Department, members of other law enforcement agencies, any manager or supervisor, or any town official. Statements of an employee shall not hinder the efficient operation of the department, disrupt its operations, adversely affect the discipline or morale of the workplace, interfere with working relationships, or foster disharmony or otherwise interfere with the department's successful accomplishment of its mission. This section is not intended to prevent an employee from expressing constructive criticism in a proper manner.

j. Unbecoming Language

Use of harsh, profane, abusive, or obscene language by an employee to any member of the department or to the public.

k. Sleeping on Duty

An employee sleeping while on duty, or engaging in personal business or pleasure pursuits to the neglect of duty.

l. Sexual Activities

An employee engaging in any sexual or romantic activities while on duty.

m. Absence without Cause

Being absent from an assigned patrol area while on duty and without cause.

7. Nothing in these rules and regulations shall limit the charges against employees because the alleged act or omission does not specifically appear in this manual, orders of the department, or in the laws or ordinances which the department is responsible to enforce.

**XXV. MUTUAL AID:**

Officers shall not be detailed to perform duty beyond the limits of Tiverton except to suppress disorder or preserve the peace under the direction of the Commanding Officer or a requesting city or town and with authorization from a superior officer from this department. Officers when responding to mutual aid requests shall have only as much authority as is provided by State law in such situations, and shall have the same immunities, privileges and obligations as when acting in the Town of Tiverton. (Refer to R.I. General Law 45-42-2)

**XXVI. SUGGESTIONS OR GRIEVANCES:**

- A. Employees wishing to make suggestions for the improvement of the department, or employees or non-union members who feel injured or offended by the treatment, orders, or neglect of duty of a superior, and do not wish or are not entitled to go through the formal grievance process, may communicate informally either orally or in writing, through proper channels such suggestion or complaint to the Chief of Police. Certain matters such as those of a personal or confidential nature may be brought directly to the Chief of Police rather than through the chain of command.
1. If the Chief deems appropriate, s/he may refer the employee through the chain of command to insure its proper and efficient functioning.
  2. Employees who otherwise feel that their rights have been violated under the terms and conditions of the collective bargaining agreement may file grievances in accordance with the terms of the collective bargaining agreement.