

340 CODE OF CONDUCT

340.1 PURPOSE AND SCOPE

This policy provides members of this department with guidelines for their conduct in order that they may participate in meeting the goals of this department in serving the community. This policy shall apply to all members of this department, including volunteer, part-time and reserve members.

340.2 POLICY

The continued employment of every member of this department shall be based on conduct that reasonably conforms to the guidelines of this policy and applicable city ordinances, rules and regulations. . Failure of any member to meet the requirements, whether on- or off-duty, may be cause for disciplinary action.

340.2.1 CONFLICTING ORDERS

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

A member who believes any written or verbal order to be unlawful or in conflict with another order shall:

1. Immediately inform the supervisor issuing the order, the member's immediate supervisor or the Watch Commander of the conflict or error of the order.
2. Provide details explaining the grounds for the belief of the conflict or error of the order.
3. Request clarification, guidance and direction regarding following the order.
4. Request the order in writing, absent exigent circumstances, should the conflict or perceived error be unresolved.
5. Respectfully inform the supervisor if he/she intends to disobey what he/she reasonably believes to be a conflicting or unlawful order.

A member's election to disobey an order he/she believes to be unlawful is not a bar to discipline should the order be determined as lawful.

340.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

Members shall conduct themselves, whether on- or off-duty, in accordance with the Constitution of the United States, the Missouri Constitution and all applicable laws, ordinances and rules.

Members shall familiarize themselves with this manual and be responsible for compliance with each of the policies in this manual and city ordinances, rules and regulations. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

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Discipline may be taken for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct. The following are illustrative of causes for disciplinary action and constitute only a portion of the disciplinary standards of this department.

340.3.3 CONDUCT

Members engaging in one or more of the following are subject to discipline:

1. Failure to abide by the standards of ethical conduct for members, including fraud in securing appointment or hire.
2. Any act on- or off-duty which brings discredit to the Department.
3. Unreasonable and unwarranted force to a person encountered or a person under arrest.
4. Use of derogatory language while on-duty or in uniform.
5. Inappropriate use of obscene or profane language while on-duty or in uniform.
6. Acceptance of fees, gifts or money contrary to the rules of the Department and/or laws of the state.
7. Criminal, dishonest, or disgraceful conduct adversely affecting the member/employer relationship, whether on- or off-duty.
8. Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
9. Offer or acceptance of a bribe or gratuity.
10. Substantiated, active, continuing association on a personal rather than official basis with persons who engage in or are continuing to engage in serious violations of state or federal laws, where the member has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
11. Misappropriation or misuse of public funds, property, personnel or services.
12. Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
13. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
14. Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
15. Engaging in hazardous horseplay which reasonably could result in injury or property damage.
16. Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
17. Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline.
18. Using or disclosing one's status as a member with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
19. The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal use or financial gain or without the express authorization of the Chief of Police or the authorized designee.

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20. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
21. Solicitation of a sexual relationship while on-duty or through the use of one's official capacity.
22. Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
23. Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale or which tends to reflect unfavorably upon the Department or its members.
24. Repeated inability to meet personal financial obligations which the member knew or reasonably should have known he/she would be unable to meet.
25. Failing to report to a supervisor or the Internal Affairs Unit any act of another member that is criminal, dishonest, or can affect his/her integrity.
26. Failing to notify his/her supervisor of any change in residence or telephone/cellular phone number.
27. Making, or causing to be made through inaction, an audio or video recording of any city member without expressed consent except when in conjunction with legitimate police actions or investigations.

340.3.4 PERFORMANCE

Members engaging in one or more of the following are subject to discipline:

1. Neglect of duty.
2. Unauthorized sleeping during on-duty time or assignments.
3. Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments, or instructions of supervisors without a reasonable and bona fide excuse.
4. Concealing, attempting to conceal, removing or destroying defective or incompetent work.
5. The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
6. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department, or that would tend to discredit any member thereof.
7. Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of the Department or members thereof.
8. The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book or paper document.
9. Failure to disclose or misrepresenting material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation.
10. Failing to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
11. The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

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12. The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
13. Attempted or actual theft of department property, misappropriation or misuse of public funds, property, personnel or services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
14. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
15. Unlawful gambling or unlawful betting at any time or any place.
 - a. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
16. Improper political activity including unauthorized attendance while on-duty at official legislative or political sessions. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this department, except as expressly authorized by the City policy, the employment agreement or the Chief of Police.
17. Engaging in political activities or collecting contributions of any kind for any reason during assigned working hours except as expressly authorized by the City policy or the Chief of Police.
18. Failure to maintain required and current licenses (e.g. driver license) and certifications (e.g. first aid).
19. Failure to disclose any close relationship, with a known victim, witness, suspect or defendant of a department case while such case is being investigated or prosecuted.
20. Using the department's address for any purpose not directly related to the member's assigned duties.
21. Maintaining telephone/cellular phone service for off-duty contact and a true and permanent residence within a 30 mile radius of the Columbia Police Department.
22. Failure to cooperate and coordinate efforts with other members, departments and agencies so as to efficiently utilize available resources.
23. Failure to identify oneself while on duty, or off duty as required by law, by displaying their department identification card, badge, and/or business card, upon demand unless doing so is impractical, dangerous, or otherwise authorized by a supervisor.
24. Failure to notify the Chief of Police of any court proceedings involving the member when:
 - a. The member is charged with any crime, ordinance violation, or infraction other than parking violations.
 - b. The member is served with a temporary or full order of protection.
 - c. The member is a party in any civil action that could impact the department or effect the member's ability to perform his/her duties.
25. Taking any police action within personal affairs except for defense of self, others, or property whether on duty or off duty.
26. Making referrals while on duty to an attorney or bondsman without authorization from the Chief of Police.
 - a. Members shall notify the Chief of Police prior to contacting the City Manager about any department matter.
27. Intercession in the criminal justice process except in the course of legitimate duties or with the authorization of the Chief of Police by doing any of the following:
 - a. Posting bond for any person outside the member's immediate family.
 - b. Contacting the court, prosecutor, or law enforcement official to suggest a change in the proceedings of a criminal matter for oneself or another.

340.3.6 SECURITY

Members engaging in one or more of the following are subject to discipline:

1. Unauthorized and inappropriate or intentional release of confidential information, materials, data, forms or reports.
2. Disclosing to any unauthorized person any active investigation information.
3. Loaning, selling, allowing unauthorized use, giving away or appropriating any department badge, uniform, identification card or property for personal use, personal gain or any other improper or unauthorized use or purpose.

340.3.8 SUPERVISOR RESPONSIBILITIES

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

1. Failure to take appropriate action to ensure that members adhere to the policies and procedures of this department and that the actions of all personnel comply with all laws.
2. Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
3. The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.