

Annapolis Police Department



GENERAL ORDER

Number: M.1

**Issue Date: September
2015**

TO: All Personnel

SUBJECT: Rules of Conduct

PURPOSE

The purpose of this General Order is to state and reaffirm the rules and regulations instituted and enforced by the Annapolis Police Department in a codified form.

POLICY

All members, both sworn and civilian, shall be thoroughly familiar with the rules promulgated in this Order and adhere resolutely to their requirements. Although these rules cannot and do not cover every specific act of conduct or specific situation which a member may face, their fundamental aim is to ensure optimum orderliness, and shall be the prevailing guideline for all behavior. The exercise of good judgment and the application of common sense, together with the highest degree of cooperation by those entrusted with law enforcement, is essential to effective police work. The development of a well-disciplined and efficient Police Department, which has the confidence and respect of the public, can only be accomplished when each member realizes that every action whether it is a part of one's official duty or private life, is closely observed by the public. Acts of misconduct or inefficiency not only reflect on the member as an individual, but on the Department as a whole. It is therefore, essential that all members familiarize themselves with the rules, regulations and procedures and adhere to them as rigidly as possible.

RULES AND REGULATIONS

RULE 1: CONDUCT

Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member of the Department, either within or outside the City of Annapolis, which tends to undermine the good order, efficiency or discipline of the Department, or which reflects discredit upon the Department or any member thereof, or which is prejudicial to the efficiency and discipline of the Department, even though these offenses may not be specifically enumerated or laid down, shall be considered conduct unbecoming a member of the Annapolis Police Department, and subject to disciplinary action by the Police Chief.

Section 1

All members of the Department shall be quiet, civil and orderly at all times, and shall refrain from coarse, profane or insolent language.

Section 1(a)

No member shall engage in any conduct, whether verbal, written, by gesture, or any other means, relating to a person's race, religion, ethnicity, national origin, sexual orientation, disability, or gender, which is inappropriate. (Contained in old GO under II 3)

Section 1(b)

No member shall discriminate against any person based on race, religion, ethnicity, national origin, sexual orientation, gender, or disability. In addition, no member shall retaliate against any other member who exercises their right to complain of acts of discrimination. (similar language as to current GO II 5 and II B 4)

Section 2

Members shall address all citizens and departmental members with courtesy and consideration, identifying themselves by name in person and when answering the phone. Questions must be answered civilly and courteously.

Section 3

It shall be the duty of every member of the Department to promote good public relations by providing citizens assistance when needed.

Section 4

Sworn members of the Department shall carry their badge of authority at all times and shall furnish their name and identification number to any person upon request.

Section 5

Except as necessary in the performance of official duties members of the department shall avoid regular or continuous associations or dealings with persons whom they know or should know are persons under investigation in a criminal matter or indictment, or who are convicted felons, or persons actively involved in criminal activity.

Section 6

Every member of the Department is prohibited from using unnecessary force or violence, and shall not strike a prisoner or any other person, except in self-defense. However, members must be firm and resolute, and if they are resisted, they may repel force with force, using only such force as is necessary to take a prisoner into custody.

Section 7

Members shall not attempt to bear influence upon a supervisor, the Police Chief or other government official for the purpose of securing a promotion or transfer, or to avoid disciplinary action. Likewise, each supervisor shall avoid such influence and shall report it immediately to the Chief of Police.

Section 8

Members of the Department, while on duty, shall not participate in political activity other than as may be provided for by law.

Section 9

No member of the Department, while on duty, shall publicly criticize or ridicule the official action of any member of the Department, public official, or judge.

Section 10

No member of the Department shall at any time be insubordinate or disrespectful to a superior.

Section 11

All members shall obey all lawful orders, either written or oral, of any superior or other member designated to command. Members shall make commanding officers aware of conflicting orders. If the supervisor does not retract or alter the conflicting order, the order shall stand and the member shall obey it. The responsibility for the conflict shall rest with the supervisor and not the member who disobeyed the previously issued order; however, members shall not obey an order which they reasonably believe would require them to commit any illegal act. If in doubt as to the legality of an order the member shall request the issuing member clarify the order or confer with a member of higher rank than that issuing the order.

Section 12

No member of the Department shall maliciously threaten or assault any other member of the Department. Members who aid, abet or incite any altercation between members of the Department shall be held responsible along with those actually involved.

Section 13

All members of the Department shall treat as confidential the official communications and business of the Department.

Section 14

No member of the Department shall knowingly make any false statement or misrepresentation of any material fact, oral or written, under any circumstances, with the intent to mislead any person or tribunal.

Section 15

No member of the Department shall violate any Federal or State law or City ordinance.

Section 16

Members of the Department shall be held strictly responsible for the proper performance of their duties. Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. 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 member's rank, grade and/or position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; absence without leave; or unnecessary absence from the assigned patrol during a tour of duty. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated less than satisfactory evaluations or a written record of repeated infractions of the rules, regulations, directives or orders. Repeated inability to perform assigned duties in a satisfactory manner as delineated in example by the ability to make a forcible arrest, drive a vehicle under emergency conditions, and qualify with a weapon, due to physical, mental or emotional incapacitation including, but not limited to, that

brought about by a member's use of alcohol shall also be considered unsatisfactory performance. Additionally, repeated inability to perform assigned duties in a satisfactory manner due to physical infirmity or mental/emotional incapacitation shall be considered unsatisfactory performance. (similar to the dereliction of duty found on page 8 of the old GO)

Section 17

Members of the Department shall not frequent the police building except as duty requires or upon order. Members may use the gym and range but shall not interfere with the normal operations and work of others.

Section 18

Members shall ensure their punctual attendance for all tours of duty; all roll calls; all service calls; all training seminars; all court appointments; and for all other official department activities and assignments.

Section 19

Members of the Department shall not feign illness, avoid responsibility, or attempt to shirk their duties.

Section 20

Sworn personnel while on duty and within the territorial jurisdiction of the City of Annapolis shall take all necessary action to reasonably resolve reported or on view criminal activity in accordance with Departmental policy and recognized standards of police procedures.

Section 20(a)

Sworn members on duty and outside the territorial jurisdiction of the City of Annapolis shall take any action necessary to protect and preserve human life and shall standby until the arrival of local authorities. **Refer to General Order C.14 Extra jurisdictional Police Powers.**

Section 20(b)

Sworn personnel encountering a crime while off duty and within the territorial jurisdiction of the City of Annapolis shall take all reasonably appropriate action. If, however, the officer is on medical leave, under the influence of alcohol or otherwise incapacitated, the officer shall report the incident to this Department and stand by until the arrival of other officers.

Section 20(c)

Sworn members encountering a crime while off duty and outside the territorial jurisdiction of the City of Annapolis shall report the incident to the local authorities. **Refer to General Order C.14 Extra jurisdictional Police Powers,**

Section 20(d)

Civilian personnel shall report any incidence of criminal activity that comes to their attention to the local police authorities.

Section 21

Members of the Department in uniform on patrol duty, or at any public gathering, shall not smoke or chew tobacco. Smoking is prohibited in departmental vehicles. Members are permitted to smoke at other times when it is done out of the public's view or at the station in an authorized location.

Section 22

Members of the Department while off-duty and in uniform shall not enter bars, taverns, or liquor establishments.

Section 23

All members of the Department are prohibited from indulgence in intoxicating liquors while on-duty, or while off-duty in uniform or partial uniform. Only in cases requiring such action to carry out a duty assignment shall authority be granted to violate this rule. This authority must be given to the officer by that officer's Lieutenant or designee who will document the approval. Officers who receive approval will not consume alcohol to the point of impairment. Habitual overindulgence is forbidden. Members, while off-duty, shall refrain from consuming intoxicating beverages to the extent that it results in obnoxious or offensive behavior which would discredit them or the Department, or to such extent that at the time of the member's next regular tour of duty they are impaired or intoxicated and thereby unfit for duty.

Section 24

Members of this Department shall not bring any intoxicating liquor into the police building, boat, or vehicle, nor shall they permit same to be brought therein, except as required in the performance of police duty.

Section 25

The use of gambling paraphernalia in the Police Department building is strictly forbidden except as required in the performance of police duty.

Section 26

No member of the Police Department is permitted to take any employment, either full or part time, outside of the Police Department without special permission of the Police Chief, or consistent with the guidelines contained in **General Order M.3, entitled, Secondary Employment.**

Section 27

No compensation, reward, gift, or other consideration, shall be solicited or accepted by members without permission of the Police Chief.

Section 28

Members of the Department, while on duty, shall not circulate, distribute, sell, or solicit the sale of tickets, handbills, posters, literature, or any other matter, or permit their names to be used by any person or organization for the purpose of selling tickets or promoting any contest, gift, or enterprise, without special permission of the Police Chief.

Section 29

Members of the Department, in their private business transactions, shall not place themselves in a position which could interfere or compromise the proper discharge of their police duties.

Section 30

Members shall protect and not intentionally disclose the identity of undercover officers or the location or existence of covert operations.

RULE 2: RECOVERED PROPERTY

Rule 2 General

All members of the Department who recover or come into the possession, custody, or control of any lost, stolen, seized, or abandoned property, including money, shall be held responsible to properly secure, protect and handle such property or money. Property and money will be submitted in conformity with the established procedures of the Department. **Exception:** Officers do not have to recover property that is not evidence, if the officer reasonably believes the property is junk, trash or has no value and is abandoned.

RULE 3: FIREARMS

Rule 3 General

Members of the Department who are authorized by law to carry firearms shall exercise the utmost care and precaution in the preservation and use of such weapons. Police Officer Trainees, when off-duty, shall not wear, carry or transport a firearm until the successful completion of all Entrance Level Training.

Section 1:

All sworn members of the Department shall be suitably armed at all times when on-duty. Sworn members, off-duty may be suitably armed, except at such times, or under such circumstances, or when engaged in such activities as a prudent person would reasonably conclude the wearing of a firearm to be inappropriate.

Section 2

All members must comply with General Order C.3, "Use of Force," whenever a firearm is discharged, regardless of duty status, by any member of the Department, except when it is used on the range or at a departmentally sanctioned activity.

Section 3

When not in use, firearms shall be kept in a secure place inaccessible to persons who are not members of the Department. Riot equipment shall be kept under lock and key, in an inconspicuous but available place, and shall not be displayed to the general public.

Section 4

All Departmental firearms shall be taken to the Armory Unit for any repairs and adjustments, however slight. This rule applies to the off-duty use of firearms issued or approved for off-duty wear by the Department.

RULE 4: UNIFORMS AND EQUIPMENT

Rule 4 General

Members of the Department shall wear such uniforms, badges, insignia of rank, and equipment as prescribed in Departmental procedure. Uniforms and service equipment as covered under this rule are applicable to members having police powers only, and the wearing of any portion of the uniform or the use of police service equipment by civilian employees is a violation of this rule unless covered

by orders specifically applicable to the individual or group. No uniform or equipment shall be worn or used by members of this Department unless they conform to the prescribed specifications.

Section 1

Members of the Department are required at all times to be neat, clean and well-groomed; uniforms and civilian clothes shall be clean and pressed; shoes, boots, leather and metal equipment shall be regularly polished; and side arms shall be clean and serviceable.

Section 2

Members of the Department while on-duty shall wear the prescribed uniform and be properly armed and equipped, unless otherwise directed.

Section 3

Members of the Department shall wear only such uniforms, badges, insignia of rank and equipment as prescribed in Departmental procedure.

Section 4

No member of the Department shall allow any other person to use his/her badge or other means of personal identification.

Section 5

Members of the Department shall not sell, give, exchange, lend, or borrow any part of their prescribed uniform and equipment, nor shall they wear their uniforms and equipment or any part thereof in any private performance, exhibition, or parade without permission of the Police Chief.

Section 6

A member shall not, without the permission of the Chief of Police, wear the uniform or any part thereof or utilize equipment in any private or public performance, exhibition or parade. This shall not preclude officers from utilizing their equipment while off duty as to prevent imminent injury or death.

Section 7

Members of the Department who lose any equipment issued to them shall report the facts at once, in writing to the Police Chief, via official channels.

Section 8

Members of the Department shall be held responsible for all equipment issued to them and where it is established that any part thereof is lost or damaged through negligence, the officer(s) concerned shall be obligated to replace it at their own expense. All members of this Department shall assume personal responsibility for all Departmental property issued to them or placed in service for their use or convenience, and shall notify their Commanding Officer immediately when such property or equipment requires repair or replacement.

Section 9

Member of the Department under suspension from duty, or under suspension of police powers, are required to turn over to their Commanding Officer their equipment as outlined in **G.3, Suspension From Duty/Suspension of Police Powers.**

RULE 5: LEAVE, SICKNESS, AND INJURY

Rule 5 General

Members of the Department shall, except when on authorized or medical leave, perform their prescribed tour of duty.

Section 1

Members of this Department shall not absent themselves from duty without proper authority. Members, while on duty, shall remain within the City limits unless approved by the immediate supervisor.

Section 2

All applications from members of the Department for leave of absence shall be made on a form provided for that purpose, and shall be approved or disapproved by the supervisor of the squad to which the member is assigned. **Refer to General Order B.1 Use of Leave.**

Section 3

While off-duty, members on authorized leave of absence are subject to recall in the event of any emergency. While on leave of absence, members will notify their Commanding Officers to how they may be contacted.

Section 4

All members of the Department who are unable to report for duty for any reason shall promptly notify or cause to be notified their supervisor stating the reason for such failure to report. Members who sustain an injury in the line of duty shall promptly notify or cause to be notified their Commanding Officer. **Refer to General Order B.6 Use of Leave.**

Section 5

Members of the Department on medical leave, for 3 days or more, shall upon their return to duty, furnish their Commanding Officer with a release certificate from their Physician. This applies to both non line of duty and line of duty medical leave. Members on line of duty medical leave may also be evaluated by a City appointed physician. **City Rules and Regulations, Section 6.2.D Employee Benefits Program,**

Section 6

While on medical leave, members of the Department shall not engage in any extra-duty or secondary employment.

RULE 6: REPORTS AND COMMUNICATIONS

Rule 6 General

In the transaction of departmental business, all reports and communications shall be prepared and handled in accordance with the procedures of the Department.

Section 1

Information concerning the business of the Department shall be released only by the Police Chief or persons authorized by the rules, regulations, or procedures.

Section 2

Members of the Department are required to report through official channels any change in their address, telephone number or marital status within 24 hours.

Section 3

Such reports as may be required to properly administer the affairs of the Department, or to furnish information, shall be submitted in accordance with departmental procedure.

Section 4

Members shall not mark, mar, alter or deface any printed or written notices placed upon departmental bulletin boards. Members shall not post, attach or otherwise affix to any bulletin board or any other area any item that would intimidate, humiliate, insult or subject another person to offensive physical or verbal abuse, including any discriminatory actions of a sexual, ethnic, racial or religious nature.

RULE 7: DEPARTMENTAL RECORDS

Rule 7 General

All members of the Department whose duties require them to maintain departmental records shall do so in accordance with provisions of the law and the established procedures of the Department.

Section 1

No member of the Department will provide records or a copy of a record to anyone outside of the agency except where permitted by Departmental procedure, or unless so directed by the Police Chief.

Section 2

No member of the Department shall remove any official book, document, or file belonging to the Department without authority of the Police Chief or under due process of law.

Section 3

No member shall access, or cause to be accessed, any criminal history records or files except in the performance of their duties.

Section 3(a)

No member shall disseminate or otherwise release, or cause to be disseminated or released, to any person or entity, any criminal history information or criminal records to any person or entity except in the performance of their duties and as provided by law.

RULE 8: MISCELLANEOUS

Section 1

No member of the Department shall be permitted to reside in any building where intoxicating liquors are sold.

Section 2

Members of the Department are required to notify in writing, the Commander of the Administrative Division via official channels, when joining, re-enlisting in, or transferring to a new branch of any Federal or State military organization. Include the following information:

- i. Branch of military service.
- ii. Effective date.
- iii. Unit's name and location.
- iv. Your military rank.
- v. End of enlistment date.

Section 3

Any member of the Department summonsed by the State's Attorney or any other prosecutor, or before any court concerning any matter in which that member or any other member of the Department may become a defendant, must immediately report the facts in writing to the Police Chief through official channels.

Section 3(a)

Any member of the Department summonsed to testify for the defense and who has not already been summonsed by the State or has received a subpoena duces tecum from the defense for any material or documentation whatsoever and has not already delivered the same material to the State, or who is appearing voluntarily as a witness for the defense, in any criminal proceeding, must immediately notify the State's Attorney's Office. Additionally, written notification of the member's Summons to Appear must be forwarded to the Commander of the Administrative Support Division. The above notifications are to be made at the earliest possible time and prior to the date of the trial. When a member's appearance at a criminal proceeding is not resulting from their official duties in the case, the member may not wear their uniform.

Section 4

Members of the Department shall not recommend or suggest to prisoners or persons suspected of violating the law, or persons involved in accidents, the name of any person, firm, or corporation, as attorney, counsel, or bondsman; nor shall any member be directly or indirectly concerned with making any arrangements, agreements, or compromises between a person charged with a criminal offense and the victim/complainant and/or any other party/person thereto; nor become involved in any matter for the purpose of allowing the criminal to escape punishment as provided by law or in any other way interfere with the criminal justice process, in a manner which is inconsistent with legal and ethical standards.

Section 5

Members of the Department shall not, without proper authority, release any prisoner in their charge or through neglect or design, allow any prisoners in their charge to escape.

Section 6

Members of the Department shall not accept a witness fee or reimbursement for expenses incurred in connection with their official duties without reporting same, through official channels, to the Police Chief, and obtaining authorization.

Section 7

Infractions of Departmental rules and regulations resulting in punishment or reprimand shall be recorded as provided in established procedures of the Department.

RULE 9: INTERNAL INVESTIGATION AND REPORTING OF MISCONDUCT

Rule 9 General

Members are required to adhere to all rules, regulations, directives, procedures, policies, guidelines, orders, or any other form of directive regarding internal investigations.

Section 1

Members are required to cooperate fully with the Internal Affairs Section, the Equal Employment Opportunity Compliance Section, or any other person or entity conducting any authorized investigation within the Department.

Section 2

Members are required to report any acts of misconduct including, but not limited to, discrimination, harassment, criminal conduct, or any other misconduct or activity detrimental to the operation of the Department, in accordance with established procedures.

Section 3

No member shall interfere with, obstruct or hinder, nor advise any other person to interfere with, obstruct or hinder, in any manner, any internal investigation, equal employment opportunity investigation, or any other form of internal investigation.

Michael Pristoop
Chief of Police

References
<ol style="list-style-type: none"> 1. Accreditation Standards 12.1.3, 22.2.7, 26.1.1 2. General Orders General Order B.1 Use of Leave, C.3 Use of Force C.14 Extra Jurisdictional Police Powers, G.3, Suspension From Duty/Suspension of Police Powers, M.3 Secondary Employment 3. City of Annapolis Rules and Regulations City Rules and Regulations, Section 6.2.D Employee Benefits Program

Revision: This General Order replaces General Order M.1 Rules of Conduct dated January 2014