

JACKSONVILLE POLICE DEPARTMENT

Policy: 7-8

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CODE OF CONDUCT

PURPOSE: Law enforcement employees, representing government, bear the heavy responsibility of maintaining their own conduct, and the honor and integrity of the government entity that they represent. It is the purpose of this policy to provide additional guidance to the standards of conduct embodied in the law enforcement officer's code of ethics, this Department's mission statement and values, as well as other ethical policies issued by superior governing authorities that may be applicable to this Department so that employees of this Department will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

POLICY: It is the policy of this Department to maintain the highest standard of integrity by working diligently to maintain the community's trust. All departmental employees must recognize that they are held to a higher standard than the private citizen they protect, in addition to representing the Department, they also represent the law enforcement profession. Conduct, on and off duty, must be beyond reproach. Department employees must avoid any conduct that might compromise the integrity, morale, operations or efficiency of the Department. Violation of Federal, State and Local laws, as well as Department policy may result in disciplinary action up to and including termination. All personnel, sworn and non-sworn will be required to review this policy and provide an electronic signature for training. (2.12)

DEFINITIONS:

- I. **ETHICAL CONDUCT:** Means actions that reflect the ethical standards consistent with the rules and values published by this Department.
- II. **PUBLIC SERVANT/PUBLIC EMPLOYEE:** Means an individual who is employed, appointed, or represents this Department.
- III. **SWORN OFFICER:** An employee of this Department who is a probationary or certified officer as defined by the laws, rules and regulations or the state of Arkansas.
- IV. **SEXUAL DISCRIMINATION:** The disparate treatment of an employee with respect to work benefits, conditions, assignments, promotions, etc. based upon the gender of the employees, unless such disparate treatment is necessary based upon some bona-fide occupational qualification (i.e. undercover assignment where a male is necessary due to the nature of the infiltration.)
- V. **DOMESTIC MISCONDUCT:** The Department defines this type of conduct very broadly. This definition may be broader than State law, but it is intended to assure the continuation of positive performance within the Department by the involved employee and other employees of the Department. A domestic relationship involves any employee who is or has been married to the other party; involves any member of the employee's household; who is living or has lived with the other party; has had a child with the other party; or is or has engaged in an intimate relationship with the other party. Misconduct refers to any physical assault or battery, vandalism, stalking, intimidation, coercion, or criminal act against a party within this form of domestic relationship.
- VI. **COLLATERAL MISCONDUCT:** Any conduct by another employee of the police Department to assist another Department employee in the continuation of the act of misconduct. This would also include any actions designed to shield the employee or impair the ability of the Department to be informed of the misconduct.

- VII. SEXUAL MISCONDUCT: Any sexual activity while on-duty, stemming from official duty or violates the law. Sexual misconduct includes, but is not limited to use of official position and official resources to obtain information for purposes of pursuing sexual conduct.
- VIII. HARASSMENT: Considered a form of discrimination and is defined as any conduct directed toward another because of that person’s race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, veteran status or any other basis that is inappropriate or offensive as determined by using a reasonable person standard. The “reasonable person” standard considers whether a reasonable person would find the behavior or conduct in question offensive.
- IX. SEXUAL HARASSMENT: Means unwelcome sexual advances; requests for sexual favors; and other verbal and physical conduct when:
 - A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
 - B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - C. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.
- X. QUID PRO QUO HARASSMENT: A circumstance by which an employee is afforded a favorable employment action in exchange for a sexual favor.
- XI. HOSTILE WORK ENVIRONMENT: A circumstance by which an employee is confronted with an environment involving sexually explicit language, photos, or conduct.

PROCEDURES:

PROHIBITED ACTIVITIES IN ACCORDANCE WITH A.C.A. §21-8-304 (2011)

- A. No public servant shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or his or her spouse, child, parents, or other persons standing in the first degree of relationship, or for those with whom he or she has a substantial financial relationship that are not available to others except as may be otherwise provided by law.
- B. No public servant shall accept employment or engage in any public or professional activity while serving as a public official which he might reasonably expect would require or induce him or her to disclose any information acquired by him by reason of his or her official position that is declared by law or regulation to be confidential.
- C. No public servant shall disclose any such information gained by reason of his or her position, nor shall he otherwise use such information for his personal gain or benefit.

I. REGULATIONS REGARDING CONDUCT

A. Oath of Office

All sworn employees will take and abide by an oath of office upon assuming sworn status with a law enforcement agency. The oath of office will be administered by appropriate legal authority. A copy of this oath will be signed by the officer and maintained in the employee’s personal file.

B. Law Enforcement Code of Ethics

All sworn officers shall abide by the Law Enforcement Code of Ethics as outlined in

CLEST Regulation 1020 Specification S-21. A copy of the Code of Ethics will be signed by the employee and maintained in the employee's personal file.

C. Abuse of Position (2.21)

Employees shall not use their departmental position, identification card, or badge for:

1. Personal or Financial gain;
2. Obtaining privileges not otherwise available except in performance of official duty;
3. Avoiding consequences of illegal acts;
4. The solicitation of any gifts, service, gratuity, discount, or anything of value where there is any direct or indirect connection between the solicitation and their departmental membership, without the expressed written permission of the agency head; or
5. The acceptance of any gift, service, gratuity, discount, or anything of value, the acceptance of which might tend to influence directly or indirectly their actions in any police business; or which might tend to cast an adverse reflection on the Department or any employee thereof.

D. Associating with Criminal Element (2.18)

Officers should not knowingly commence or maintain a relationship with any person who is under criminal investigation; indictment; arrest or incarceration, by this or another law enforcement agency; and/or who has a known criminal reputation in the community (i.e. persons whom they know, should know, or have reason to believe are involved in felonious activity or crimes of moral turpitude), except as necessary for performance of official duties, or where unavoidable because of familial or personal relationships. Officers should disclose to their supervisor any personal relationships with such individuals that may bring discredit to the agency.

E. Informants (2.18)

Employees shall maintain a professional relationship with Department informants and shall not have any social, business or any other relationship beyond that required for purposes of Department business with the informant.

F. Employee Responsibilities

Employees must exercise judgment, initiative, and sound reasoning in all official transactions; strive for efficiency and effectiveness; exercise restraint in difficult situations; seek self-improvement through formal and informal training; and assist fellow officers whenever possible. In situations where no written policy or supervisory guidance is available, employees are expected to analyze the situation and react in accordance with the vision statement and the core values of this Department.

G. Faithful Discharge of Duties

In the performance of their duty, officers are called upon to make difficult decisions and must exercise discretion in situations where rights and liabilities are affected by conduct and judgment. Decisions are not made easily and involve choices which may cause hardship or discomfort. Police Officers must be faithful to their oath of office, the mission statement of this Department, the principles of professional police service, and the objectives of the

Department. In the discharge of duty, they must not allow personal motives to govern decisions and conduct.

H. Unbecoming Conduct (2.17, 2.18)

The conduct of an employee, on and off duty, reflects upon the Department. Employees must avoid conduct which might discredit themselves or adversely affect the morale, operations or efficiency of the Department. This Department will not tolerate any form of illegal harassment, including any behavior on the part of employees, clients, customers, vendors, etc., that impairs an employee's ability to perform his duties. Employees are to respect the rights of individuals and will not engage in discrimination, oppression, or favoritism.

I. Professionalism

Effective law enforcement depends on a high degree of cooperation between the Department and the public. While the urgency of a situation might preclude ordinary social amenities, lack of professionalism will not be tolerated. Employees shall strive to: be courteous and civil to the public, as well as fellow employees; avoid harsh, violent, profane, or insolent language or demeanor and shall maintain objective attitudes regardless of provocation.

J. Attention to Duty

As most police work is performed without close supervision, responsibility for proper performance of duty lies primarily with the employee. An officer has a responsibility for the safety of the community and his fellow officers, and discharges that responsibility by faithful and diligent performance of duty.

K. Financial Obligations

Employees shall knowingly avoid incurring financial obligations which are beyond their ability to satisfy.

L. Domestic Misconduct (7.10)

The Department shall take immediate action when notified of any act of domestic misconduct involving an employee of this Department. If the incident occurs within the jurisdiction of this Department, the decision to arrest an employee involved in domestic misconduct shall be the responsibility of the on-scene supervisor. When probable cause exists, the employee shall be arrested and processed the same as any civilian. If the incident occurs outside the Department's jurisdiction, the involved employee is obligated to inform the Office of the Chief of Police, via his chain of command, as soon as practical after the incident.

M. Sexual Misconduct

Sexual activity of any nature while on duty is prohibited. Any use of official position and

official resources to obtain information for purposes of pursuing sexual conduct is prohibited. Sexual misconduct is prohibited and shall be disciplined up to and including termination.

N. Retaliation

No employee shall be retaliated against for reporting allegations of illegal harassment, sexual harassment or discrimination. Any employee who believes he has been retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the Chief of Police or their designee and/or other applicable authority.

O. Duty to Know and Obey Laws, Policies, Rules and Regulations

It shall be the responsibility of every employee to know and adhere to federal, state and local laws and policies of this Department applicable to their job function and conduct to the extent reasonably possible.

P. Refusal to Work (2.16)

No employee of this Department shall engage in any strike, work stoppage, slow down, or in any way refuse to fulfill their responsibilities.

Q. Compliance with Lawful Orders (1.08)

Employees will respond to and obey the lawful order of a supervisor to the extent reasonably possible in keeping with the rules and regulations of this Department. Failure or deliberate refusal to obey a lawful order given by a supervisor shall be considered insubordination and therefore prohibited.

No employee is required to obey an order that is contrary to the laws of the United States, the State of Arkansas or the ordinances of the City of Jacksonville. An employee, who receives an unlawful order, shall first advise the person issuing the order of the conflict. If the order is not modified or canceled, the employee shall report in writing the full facts of the incident and his action to the Chief of Police through the appropriate chain of command.

If employees receive orders they believe to be unjust or contrary to a Department directive, they shall first advise the person issuing the order of the conflict. If the order is not canceled or modified, then the employee must obey the order to the best of his ability. Employees may later appeal questioned orders to the Chief of Police through the appropriate chain of command.

If an employee is given an order conflicting with a prior order, the employee shall explain the prior order to the superior issuing the latter conflicting order. The employee shall obey the latter conflicting order if so required by the superior.

R. False Statements (2.14)

No employee of this Department shall intentionally or knowingly make a false statement; provide false information; or give false testimony in any official report, judicial proceeding, official hearing, administrative inquiry, or any other matter related to their employment.

S. Duty to Report Bribery

All employees are required to report bribery attempts. Such reports will be made via written memorandum addressed to the Department head forwarded via their chain of command.

T. Incompetence

Employees should execute their duties in a professional and competent manner. Employees should meet and maintain reasonable measures of job performance. Repeated incidents of carelessness or a pattern of errors, neglect, and/or inattentiveness to job performance is considered incompetence.

U. Duty to Report

It is the responsibility of any employee to provide the Department with specific notice whenever he is involved in or aware of any acts of misconduct.

- a. Officers shall intervene to stop any Officer from using excessive force. Intervention may be verbal and/or physical.
- b. Officers must immediately, or as soon as safety allows, notify the on-duty supervisor.

V. Purchasing and/or Drinking Any Type of Intoxicating Beverage (2.19)

At no time shall employees purchase and/or consume alcoholic beverages, or malt beverages that are advertised as being non-alcoholic in nature, while on duty or in uniform, except when doing so in their official capacity and specifically authorized by a superior.

W. Failure to Report a Change in Residence or Telephone

Employees shall have a working telephone and shall register their correct residence address and telephone number with the Office of the Chief of Police. Any change in address or telephone number must be reported within twenty-four (24) hours.

X. Refusing to Provide Name and I.D. Number

While in the performance of their duties, employees shall give their name and employee number to any person reasonably requesting such facts unless doing so would interfere with the successful completion of a police assignment (i.e. undercover work, etc.). Employees shall carry their official identification on their persons at all times, as required for the performance of their duties and provide ID when requested. In addition, employees shall provide verbal identification when answering the telephone.

Y. Inappropriate Use or Handling of Property/Evidence

Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove,

tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures.

Z. Failure to Properly Care For and Use Departmental Equipment

Employees are responsible for protecting and safeguarding Department property or equipment that has come into their possession by reason of their official duties. Employees shall promptly report to their supervisors the need to repair any Department owned property.

Employees shall utilize Department equipment only for its intended purpose, in accordance with established departmental procedures, and shall not abuse, damage or lose Department equipment. All Department equipment issued shall be maintained in proper order. City property will be secured when left unattended.

AA. Faking Illness or Injury to Avoid Duty (2.16)

No employee shall fake an illness or injury, falsely report themselves ill or injured, or otherwise deceive any supervisor of this Department or their designee.

BB. Recommending the Names of Attorneys, Bondsmen, Wreckers, or Physicians

Employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it and requests assistance, employees shall proceed in accordance with established departmental procedures. Exception: Members of officer or employee's family.

CC. Recording of an Employee

The audio and/or visual recording of an employee (without his knowledge) by another employee is prohibited, except with the prior authorization from the Office of the Chief of Police.

ALEAP: 1.08; 2.12; 2.14; 2.16; 2.17; 2.18; 2.19; 2.21; 7.10


Brett C. Hibbs
Chief of Police