



# DEPARTMENT RULES

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## **I. POLICY**

This directive identifies the most important standards of conduct expected of Police Department employees and/or the most obvious forms of unacceptable behavior. This list is not intended to be all-encompassing, nor is it intended to prevent the department from disciplining employees for acts or omissions not specifically enumerated within it.

The policy of the department is to ensure that all employees maintain an exemplary standard of personal integrity and ethical conduct in their relationship with other employees and the community. The recognition that our primary responsibility is to the community requires the understanding that police powers are limited and police action, in whatever form, must be accountable to the community.

The rules contained in this directive are designed to serve as a professional standard governing employees' conduct. The department also recognizes that employees possess certain basic individual rights. Protection of employee rights enhances the integrity of the department and further promotes the goal of furnishing to the community the highest quality of police services.

## **II. DEFINITIONS**

- A. Employee - All personnel, sworn and non-sworn
- B. Officer, police officer - A commissioned (sworn) police officer

## **III. DEPARTMENT RULES**

A department rule is designed to cover situations in which no deviation or flexibility is permitted. Except where specifically noted, the following rules apply to all employees. It is the employees' responsibility to familiarize themselves with the following rules:

### **Rule 1 Conformance to Law**

Employees are required to adhere to department rules, department written directives, County personnel regulations, County administrative procedures, executive orders, County Code, and to conform to all laws applicable to the general public.

## **Rule 2 Authority to Suspend**

The Chief of Police or any supervisor may temporarily suspend, with pay, any subordinate employee from duty and/or require the surrender of credentials and/or issued weapons. Emergency suspension without pay as well as subsequent procedures in the case of police officers, will be in accordance with the Law Enforcement Officer's Bill of Rights (MD Code, Public Safety Article, Title 3, Sections 3-101 through 3-113).

## **Rule 3 Compliance with Orders**

- A. Employees will obey a superior's lawful order. Should a superior issue an order which conflicts with a previously issued order or directive, the employee should respectfully call attention to the conflicting order and if not rescinded by the superior, the order will stand. The responsibility for the order will rest with the issuing superior and the employee will not be answerable for disobedience of any previously issued order.
- B. Superiors will not issue any order which they know would require a subordinate to commit any illegal, immoral, or unethical acts.
- C. Employees will not obey any order which they know would require them to commit illegal, immoral, or unethical acts.
- D. Employees will obey a lawful order which has been relayed from a superior by an employee of the same or lesser rank.

## **Rule 4 Abuse of Process**

- A. Employees must not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information, nor make any false accusations or statements for the purpose of influencing the outcome of any investigation, hearing, or trial.
- B. Employees are prohibited from providing confidential information concerning department investigations or operations to any unauthorized person.
- C. Employees are prohibited from providing information obtained from the Criminal Justice Information System (CJIS), Motor Vehicle Administration (MVA), National Crime Information Center (NCIC) or confidential or privileged information obtained from any other source to any unauthorized person, except in the performance of their duties and in accordance with proper police procedure and law.

## **Rule 5 Abuse of Authority**

The lawful authority entrusted to police officers will not be used improperly to interfere with the lawful conduct of anyone. All officers must carry out their duties in a nondiscriminatory manner.

## **Rule 6 Use of Force**

Officers will use force only in accordance with law and department procedures and will not use more force than is reasonably necessary under the circumstances to effect an arrest or protect themselves or citizens from harm. No officer will use force in a discriminatory manner.

## **Rule 7 Integrity of the Reporting System**

Employees will submit all necessary reports in accordance with established department procedures. Reports submitted by employees will be accurate, complete and timely.

**Rule 8 Punctuality**

- A. Employees of the department will be punctual in reporting for duty at the time and place specified by their supervisor.
- B. No employee will be absent from duty without approved leave or without authorization from his supervisor.
- C. No employee will leave the work site prior to the end of the scheduled work day without the approval of a supervisor.
- D. An employee who fails to report for duty as scheduled or who leaves the work site prior to the end of the scheduled work day without the approval of a supervisor may be considered absent without leave and placed in a non-pay status for the period in question, and be subject to disciplinary action.

**Rule 9 Attentiveness to Duty/Use of Alcohol/Drugs**

To ensure each employee's own protection and the protection of citizens and fellow employees, employees will remain awake and alert while on duty.

- A. Employees will not consume alcohol while at work, on County property or on duty, except while acting under the proper and specific orders of a superior officer.
- B. Alcoholic beverages will not be consumed while wearing any part of an official uniform. Further, all employees are prohibited from operating a county vehicle while, or after, consuming alcoholic beverages.
- C. An officer will not exercise any police authority, take any official police action or represent himself as a police officer while impaired by, or under the influence of, alcohol or drugs, except in a life-threatening situation.
- D. Officers will not be armed while impaired by, or under the influence of, alcohol or drugs.
- E. Employees will not take any narcotic or controlled dangerous substance unless prescribed by a physician. Police officers are subject to unannounced, random drug testing according to procedures set by Anne Arundel County Government executive orders.
- F. Employees taking a prescription medication which may impair their performance prior to or while on duty will notify their supervisor of the medication prescribed.

**Rule 10 Telephone Maintenance**

Whenever a Department employee changes his or her telephone number the employee will forward this information on inter-office correspondence to the Police Personnel Section, via the chain of command. Notification must occur within twenty-four (24) hours of the change. Both the old information and the new information should be included in the inter-office memo. Police Personnel will ensure that appropriate notifications are made to Department and County offices. Any sworn member of the Department who does not have a telephone at his/her private residence must provide Communications in writing with a telephone number where he/she can be reached within thirty (30) minutes. This "will call" number will be maintained in Communications in the same manner as a regular residence telephone number. Should the "will call" number change, the sworn member must notify Communications in writing within twenty-four (24) hours of the change.

It is important that Communications has documentation to justify the change of information in the CAD system. Currently address/phone information is changed only after a copy of the interoffice sent to Personnel is received. Changes are not made by phone requests.

### **Rule 11 Carrying of Credentials/Identification**

- A. All employees of the Police Department are issued an identification card that contains their name, photograph, job title, and identification number. All employees must carry their identification card on their person at all times while in uniform, on duty, or while operating a department vehicle.
- B. Officers will carry their department credentials while on duty and while off duty when armed or operating a department vehicle, unless exempted by the Chief of Police.
- C. All employees of the department will identify themselves to any citizen requesting such identification, by supplying their full name and identification number. If requested, identification cards will be displayed, unless exempted by the Chief of Police.

### **Rule 12 Gratuities**

No compensation, reward, gift or other consideration may be solicited or accepted by employees without permission from the Chief of Police.

### **Rule 13 Secondary Employment**

- A. Police officers may not engage in any other employment without the prior written approval of the Chief of Police or his designee.
- B. No employee may engage in any activity related to other employment while on duty.

### **Rule 14 Conduct Unbecoming County Employee or Police Officer**

No employee will commit any act which constitutes conduct unbecoming an employee of the department or the County. Conduct unbecoming includes, but is not limited to, any criminal, dishonest or improper conduct.

Comments:

As County employees, we are constantly being observed and judged by the community we serve. Improper behavior on the part of any employee, on or off duty, tends to reflect unfavorably on all employees and the department.

"Conduct unbecoming" is often viewed as a "catch-all" offense. Although non-specific, "conduct unbecoming" has been upheld in court for certain acts committed by police officers both on and off duty. The following examples have been upheld by various state and federal courts throughout the country as "conduct unbecoming": speeding, placing unauthorized poster in squad room, lying in department investigation, excessive absenteeism, profane language in public, barroom fighting off duty, ticket fixing, assault on a fellow officer, annoying and/or molesting bar patrons off duty, males dressing in women's clothing, illegal possession of marijuana, horseplay with firearms, misuse of a police radio to criticize a superior, and the failure to cooperate with an internal investigation. The following examples of conduct which the courts have found not to be unbecoming include: embarrassing the department by neglecting "discretion" and vigorously enforcing municipal ordinances; disrespectful, but private, language to the Chief of Police while under emotional stress; and filing a libel suit. These lists, although not inclusive, further indicate how courts nationally have viewed police conduct both on and off duty. Although these court cases have involved police officers, no employee will commit any act which would reflect unfavorably on the department or County government.

### **Rule 15 Soliciting/Endorsements**

- A. Employees may not solicit votes or contributions for any prize contest, nor engage in the sale of tickets or the solicitation of advertisements or business of any nature while in uniform or while representing themselves as employees of the department without prior written approval of the Chief.

- B. Employees will not authorize the use of their names, photographs or official titles which identify them as employees of the department in connection with the endorsement of political candidates or causes, testimonials, or endorsements of any product or enterprise.

**Rule 16 Neglect of Duty/Unsatisfactory Performance**

- A. Neglect of Duty - Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
- B. Unsatisfactory Performance - Employees will demonstrate an ability or willingness to perform assigned tasks, take appropriate action in a situation deserving police attention, and conform to work standards established for the employee's rank, grade, or position.

Comments:

Due to the nature of police work, employees must maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Repeated poor evaluations or a documented record of reported infractions of the rules, directives or orders of the department may be considered as evidence of unsatisfactory performance.

**Rule 17 Maintenance of Property**

- A. Employees will be held accountable for the proper care, use and maintenance of all uniforms, vehicles, weapons/firearms and equipment in their charge.
- B. Employees who lose or damage department property, will report in writing such loss or damage to their supervisor. If the employee is incapacitated, the supervisor will file the required report.

**Rule 18 Pay Account Withheld for Unreturned Equipment**

Upon separation from the department, employees will promptly return to the Chief or his designee, all County issued property. The Chief of Police is authorized to withhold certification of the employee's pay account until all County property has been accounted for.

**Rule 19 Wearing the Uniform**

- A. The uniform will be worn by employees only while on duty, when authorized for secondary employment, or when going to or from their place of assignment.
- B. Uniforms will be clean and pressed, and will be worn in their entirety, in the manner intended; shoes and metal objects will be shined.

**Rule 20 Mutual Protection**

An officer will promptly come to the aid of any officer who, when carrying out official duties, is in need of assistance.

**Rule 21 Untruthful Statements**

Employees will not make untruthful statements, either verbal or written, pertaining to official duties.

**Rule 22 Courtesy**

Employees will be courteous and discreet to members of the public, and all members of the law enforcement community including department personnel. Employees will maintain proper decorum and command of temper, and will not use violent, insolent, sarcastic, or obscene language.

### **Rule 23 Property**

Property and/or contraband coming into the possession of an employee in an official capacity will be reported and properly stored or otherwise disposed of in accordance with department procedures and state and local laws.

### **Rule 24 Meal Periods**

Officers are considered on duty while on meal periods during their workday.

### **Rule 25: Recognition of Plainclothes Officers**

No employee of the department will, either visually or verbally, recognize or acknowledge any plain clothes officer until and unless that officer acknowledges them first.

#### **Definition:**

A plainclothes officer is any sworn officer who is not working in uniform. This will include Criminal Investigation Division officers, Intelligence officers, officers assigned to Internal Affairs, and any uniform officers on special assignment.

#### **Comments:**

To provide for the safety of undercover officers and to protect the integrity of investigations it is imperative that all officers comply with this rule. In regard to this issue, the department recognizes that the initial contact or acknowledgment is normally accidental. This, however, does not reduce the potential for serious repercussions. Particular emphasis is placed on the recognition of officers assigned to the Narcotics Section and the Intelligence Section because their activities take place in and out of the county, range 24 hours a day, and take place in unexpected locations. Further, it is an accepted tool of law enforcement for these officers to use different identities and not carry police credentials.

### **Rule 26 Discrimination/Harassment and Use of Derogatory Language**

- A. Employees of the department will not discriminate against, harass, or use derogatory language in referring to any other employee or citizen on the basis of race, color, national origin, religion, sex, or any other basis as prohibited by county, state, and federal law.
- B. Employees will not take nor contribute to any reprisal or adverse action against any individual or group of individuals having opposed discriminatory practices or having participated or assisted in a charge, investigation, or proceeding brought under department policy, or county, state, or federal law.
- C. Supervisors and/or managers of the department will conduct a prompt and thorough inquiry into any instance of alleged discrimination or harassment which comes to their attention. All information regarding such allegations will be documented and forwarded to the Internal Affairs Section.

### **Rule 27 Recommending Attorneys, Bail Bond Services, or Other Services Prohibited**

In the performance of their official duties, employees will not suggest, recommend, advise or otherwise counsel the retention of any specific attorney, bail bond service, towing service or any other specific service to any person coming to their attention as a result of police business.

#### **Comments:**

The intent of this rule is to prohibit employees from making suggestions, recommendations, etc., for any specific attorney, bail bond service, etc., by name. General references such as informing defendants they should retain an attorney or seek legal assistance are acceptable. When employees are the subjects of internal administrative investigations, they should be advised they have the right to representation and to contact union representatives.

Specific representation, i.e., shop steward or attorney, will be determined by the appropriate union in consultation with the employees.

**Rule 28 Insubordination**

Refusal to comply with the proper order of an authorized authority.

**Rule 29 Failure to Perform Required Duties**

No member of the Department shall feign illness, avoid responsibility, or attempt to shirk his or her duties. Failure to stop and perform necessary police duty while off duty or on leave shall be considered neglect of duty.

**Rule 30 Entering Liquor Establishments**

No member of the Department while on duty, or when off duty in uniform, shall enter bars, taverns, or liquor establishments, except in the proper performance of his/her duties.

**Rule 31 Required Notifications**

1. An employee charged with a criminal, traffic or civil offense that carries a penalty/sentence of possible incarceration will immediately report the date, place and nature of the charge to his/her commanding officer for transmission to the Chief of Police via the chain of command. If the employee's commanding officer is not available, notification will be made to the on-duty night commander.
2. An officer who becomes the subject of a protective *or peace* order is required to notify his/her commanding officer immediately upon becoming aware of the issuance of such an order for transmission to the Chief of Police via the chain of command.

**Rule 32 Truthfulness**

No member of the Department shall make any false statement or intentionally misrepresent facts under any circumstance.

**Rule 33 Departmental Investigations (Testifying)**

Members of the Department are required to answer questions or render material reports and relevant statements in a Departmental personnel investigation when so directed.

**Rule 34 Smoking Prohibited**

Members of the Department are prohibited from smoking in all Department vehicles and facilities. (See Executive Regulation 3.2.4)

**Rule 35 Incidents Involving Relatives, Associates, or Neighbors**

Responding officers will answer all calls for service to determine the need for police assistance, regardless of the individuals involved.

Responding officers shall not investigate or make arrests in any dispute involving themselves, their relatives, associates, or neighbors, regardless of duty status except to prevent:

1. Injury or death
2. A felony or other serious crime from occurring.
3. Destruction of Property
4. Escape of a person that the member, under normal circumstances, would have arrested.

When involved in such incidents, other than the exceptions listed above, the officer shall:

1. Request another officer to take action.
2. Be available to serve as a witness or to assist in an arrest.

**IV. EXEMPTIONS**

In certain instances, the Chief of Police may exempt individuals or units from complying with specific rules contained in this directive. Such exemptions will be made on a case-by-case basis in recognition of individual or unit requirements for the performance of their job.

**V. PROPONENT UNIT:** Office of the Chief.

**VI. CANCELLATION:** This directive cancels Index Code 302, dated 04-08-08.