

GENERAL ORDER 26.1.1

Code of Conduct

GENERAL ORDER CROSS-REFERENCE: 1.5.1, 26.3.1

SUMMARY

Describes the Department's Code of Conduct.

DISCUSSION

The "Law Enforcement Code of Ethics" is adopted as a general standard of conduct for the members of the Springfield Police Department. Members shall obey all rules and regulations, directives or orders of the Department.

Each member of the Springfield Police Department shall strive toward the highest professional standard of conduct. Members are required to obey the lawful orders of superiors, to discharge their duties and maintain their relations with the public and other members of the Department so as to promote and enhance Department efficiency and effectiveness.

POLICY

**I
DISCRETION**

Members are often called upon to make difficult decisions. They must exercise discretion within the law to protect lives and property. Officers must be faithful to their oath of office, the standards set by DPSST, and the objectives of the Department. Members shall not allow personal motives to govern their decisions and conduct.

**II
CONDUCT UNBECOMING AN OFFICER**

The conduct of an officer, on or off duty, reflects directly upon the Department. Officers must at all times conduct themselves in a manner which does not bring discredit to themselves, the Department or the City, or impair the operational efficiency of the Department or employee.

**III
RESPECT FOR CONSTITUTIONAL RIGHTS**

No person has a Constitutional right to violate the law; neither may any person be deprived of his Constitutional rights merely because he is suspected of having committed a crime. An officer may enforce any Federal, State or local statute which is valid on its face without fear of abrogating the Constitutional rights of any person violating that statute.

**IV
USE OF FORCE**

Members shall use force only in accordance with G.O. 1.5.1.

**V
INTEGRITY**

Members shall avoid any conduct which might compromise the integrity of themselves, other members, or the Department.

**VI
MEMBER'S RELATIONS WITH VENDORS AND CONTRACTORS**

When representing the Department to business organizations which are, or which are likely to become, vendors or contracting parties with the Department, members must conduct themselves in an ethical manner taking care to avoid conflicts of interest. Information of a confidential nature, or confided in an official capacity, shall be kept as such unless disclosure is necessitated in the furtherance of Department objectives.

**VII
ENDORSEMENT OF PRODUCTS AND SERVICES**

The Department's position of providing fair and impartial service dictates that each member must scrupulously avoid using his official capacity, title, or position to endorse any organization, program, product, or service unless such endorsement is approved by the Chief of Police.

**VIII
COMPLIANCE WITH LAWFUL ORDERS**

The Department is an organization with a clearly defined authority structure. Members shall comply with all lawful orders of a superior. The burden of proof that an order is not lawful is on the member not the Department.

**IX
ATTENTION TO DUTY**

As most police work is necessarily performed without close supervision, the responsibility for the proper performance of a member's duty lies primarily with the member. Each employee has a general obligation to protect the community and other members; and a specific responsibility to carry out the member's assigned duties.

**X
DUTY TO INTERVENE AND REPORT**

Officers or reserve officers present and observing another officer or reserve officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall intervene to prevent the unreasonable use of force, unless the intervening officer cannot

intervene safely. Intervention may be verbal and/or physical. An officer who observes another employee use force that is clearly beyond that which is objectively reasonable under the circumstances shall promptly report these observations to a supervisor as soon as practicable, but no later than 72 hours after witnessing the misconduct.

The Courts have established a two-pronged test in such incidents by ruling, "...a police officer who fails to act to prevent the use of excessive force by another officer may only be held liable when (1) the officer observed or had reason to know that excessive force would be or was being used, and (2) the officer had both the opportunity and the means to prevent the harm from occurring.

Oregon House Bill (HB) 4205 (effective June 30, 2020) requires officers and reserve officers to intervene to prevent or stop another police officer or reserve officer engaged in any act the intervening officer knows or reasonably should know is misconduct, unless the intervening officer cannot intervene safely.

HB 4205 defines "misconduct" as:

- (a) Unjustified or excessive force that is objectively unreasonable under the circumstances or in violation of the use of force policy for the law enforcement unit employing the offending officer;
- (b) Sexual harassment or sexual misconduct;
- (c) Discrimination against a person based on race, color, religion, sex, sexual orientation, national origin, disability or age;
- (d) A crime; or
- (e) A violation of the minimum standards for physical, emotional, intellectual and moral fitness for public safety personnel established under ORS 181A410.

Members, without regard to rank or assignment, who witness another officer or reserve officer engaging in misconduct shall report the misconduct to a supervisor as soon as practicable, but no later than 72 hours after witnessing the misconduct.

Failure to intervene or report as required by state law is grounds for disciplinary action by the Department. It is also grounds for the Department of Public Safety Standards and Training to suspend or revoke the officer's certification as provided in ORS 181A.630, 181A640 and 181A650.

The Department may not discharge, demote, suspend or in any manner discriminate or retaliate against a police officer, reserve officer or member with regard to promotion, compensation, or other terms, conditions or privileges of employment for the reason that the officer or member intervened or reported as required by statute.

XI REFUSAL TO WORK/STRIKE

Oregon law prohibits police officers from engaging in any strike, work stoppage, or slow down. All members of the Springfield Police Association and non-represented sworn personnel are subject to this legal provision. Members of the SEIU/OPEU and AFSCME have contract and

State law defined rights to strike. It is the policy of this Department to take disciplinary action against any member who plans or engages in any strike, work stoppage or slowdown in violation of law, City policy, or contract.

XII GENERAL CONDUCT

1. Violation of Rules: Members shall not commit or omit acts which constitute a violation of any of the rules, regulations, directives or orders of the Department.
2. Violation of Law: Members shall obey all laws of the United States, including any state or local jurisdiction in which you are present. A conviction or a violation of any law will be *prima facie* evidence of a violation of this section.

The Department will not take administrative action against employees for parking violations and minor traffic infractions unless they are flagrant or repeated.

3. Unbecoming Conduct: Members shall conduct themselves at all times, both on and off duty, in such a manner as not to bring discredit on the Department. Conduct unbecoming a member shall include that conduct which brings the Department into disrepute or reflects discredit upon the employee as a member of the Department, or that which impairs the operation or efficiency of the Department or employee.
4. Neglect of Duty: Members shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.
5. Fictitious Illness or Injury Reports: Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any supervisor of the Department as to the condition of their health.
6. Sleeping on Duty: Members shall remain awake while on duty. If unable to do so, they shall report to their supervisor, who shall determine the proper course of action.
7. Leaving Duty Post: Members shall not leave an assigned duty post during a tour of duty except when authorized by proper authority.
8. Unsatisfactory Performance: Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Examples of unsatisfactory performance include: a lack of the skills, knowledge and abilities for the employee's position; an unwillingness or inability to perform assigned tasks; failure to conform to work standards established for the member's rank, grade or position; a repeated lack of punctuality in reporting for work; failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention. Repeated 'needs improvement' evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department, may be considered unsatisfactory performance.

9. Absence without Leave: No employee may be absent from duty without permission of a supervisor. An employee absent for 3 consecutive days without authorization, except for an unavoidable situation, shall be considered to have abandoned his job as of the last day of active employment.
10. Truthfulness: Refer to General Order 26.1.3

XIII

ALCOHOLIC BEVERAGES AND DRUGS IN POLICE INSTALLATIONS

Members shall not store or bring into any police facility or vehicle alcoholic beverages, controlled substances, narcotics or hallucinogens except for a police purpose, or prescribed by a physician for the member's use.

1. Possession and Use of Drugs: Members shall not possess or use any controlled substances, narcotics, or hallucinogens, except when prescribed by a physician or dentist. The use of marijuana is prohibited. When controlled substances, narcotics, or hallucinogens are prescribed, members shall notify their supervisor.
2. Use of Alcohol:
 - a. Members shall not consume intoxicating beverages while in uniform.
 - b. Members shall not consume intoxicating beverages while on duty except in the performance of duty and with the approval of a supervisor.
 - c. Members shall not appear for duty, or be on duty, while impaired by intoxicants, or with an odor of intoxicants on their breath, except as specified in B above.
 - d. Members shall not consume intoxicating beverages off-duty which results in behavior which brings discredit to the Department or the member as an employee of the Department.

XIV

CONFLICTING OR ILLEGAL ORDERS

Members given an order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be on the supervisor. Members shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.

Members shall not obey any order which they know or reasonably should know would

require them to commit any illegal act. If in doubt as to the legality of an order, members shall request the supervisor to clarify the order if time permits. The burden of proof that an order is not legal rests on the employee receiving the order.

XV GIFTS, GRATUITIES, BRIBES OR REWARDS

Members shall not solicit or accept from any person, business or organization any gift (including money, personal property, food, beverages, loans, promises, services, or entertainment) for the benefit of the member or the Department, if it may reasonably be inferred that the person, business or organization:

1. Seeks to influence action of an official nature or seeks to affect the performance or non-performance on an official duty, or
2. Has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

XVI ABUSE OF POSITION

Use of Official Position or Identification: Members shall not use their official position, official identification cards or badges:

1. For personal or financial gain.
2. For obtaining privileges not otherwise available to them, except in the performance of duty, or
3. For avoiding consequences of illegal acts.

Members shall not lend to another person their identification cards or badges or permit them to be reproduced without the approval of the Chief.

XVII IDENTIFICATION

Officers shall carry their badges and identification cards on their person at all times while on duty except when impractical or dangerous to their safety or to an investigation.

Officers and staff are required to provide their name and/or badge number if requested by a member of the public. Members are not required to provide their name and/or badge number/report writing number if doing so would: compromise the member's safety, impair the performance of official duties at the scene, and/or supervisor has relieved the member of the identification mandate.

BUSINESS CARDS

1. Prior to the conclusion of a vehicle stop or call for service, officers will offer their business card to the driver of the vehicle stopped or the person contacted.
2. Officers must provide their agency business card to any person that requests one, regardless of the person's reason for making the request.
3. Exceptions to these listed requirements are members who are conducting undercover operations or during temporary circumstances that may prevent offering or providing a business card, including situations that could impair safety or compromise or delay an investigation; or if a supervisor has relieved the member of the Department's business card mandate.

XVII COURTESY

Members shall be courteous to the public. Members shall make every effort to be tactful, control their tempers, exercise patience and discretion, and shall avoid engaging in argumentative discussions. Members shall avoid unnecessary use of coarse, violent, profane or insolent language or gestures. Members shall not express any negative bias concerning age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or disability

XVIII ASSOCIATIONS

Members shall avoid regular or continuous associations or dealings with persons whom they know, are persons under criminal investigation or indictment, or who have a reputation in the community or the Department for recent involvement in felonious or criminal behavior, except as necessary to the performance of official duties.

Members finding themselves in unavoidable violation of this section shall report the conflict to a command officer as soon as it becomes known to the member.

XIX PUBLIC STATEMENTS AND APPEARANCES

Members shall not publicly criticize or ridicule the Department, its policies, or other members that negatively impacts the Department's ability to serve the public. Members may address public gatherings, appear on radio or television, prepare articles for publication, or act as correspondents to a newspaper or a periodical, when such is beneficial to the image of the Department. Members shall conscientiously avoid the release of any confidential information or information which compromises any investigation. Nothing in the policy prohibits a member from reporting misconduct by public officials to the appropriate agencies.

XXI POLITICAL ACTIVITY

Members shall be permitted to participate fully in public affairs and political activities except as provided by law and City policy.

Members are prohibited from:

- a. Using their official capacity to influence, interfere with, or affect the results of an election.
- b. Otherwise engaging in prohibited partisan activities on the Federal, State, County or Municipal level.

XXII PAYMENT OF DEBTS

Members shall not undertake any financial obligations which they know or should know they will be unable to meet, and shall pay all just debts when due. Repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be the cause of discipline, provided that a good faith effort to settle all accounts is being undertaken. Members who are in a superior/subordinate relationship (other than immediate family members) shall not co-sign notes.

XXIII RESIDENCE

Members shall be able to respond to the Department within 60 minutes of notification.

XXIV TELEPHONE

Members shall have a cell phone/telephone and shall immediately report any changes of telephone numbers or addresses in writing to the Office of the Chief.

XXV DISSEMINATION OF INFORMATION

Members must exercise care in determining which Department information is confidential and which is public information. Confidential information shall be disseminated only to those with a need to know in accordance with Department procedures. Members may remove or copy official records or reports only in accordance with Department procedures. Members shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

XXVI
DEPARTMENT REPORTS

Members shall submit reports in a timely manner in accordance with Department procedures. Reports shall be truthful and complete, and no member shall knowingly make any inaccurate, false or improper report.

XXVII
PROCESSING PROPERTY AND EVIDENCE

Property or evidence shall be processed in accordance with Department procedures. Members shall not manufacture, conceal, falsify, destroy, remove, tamper with, withhold or convert to their own use, any property or evidence, except in accordance with Department procedures.

XXVIII
DEPARTMENT RESOURCES

Department resources shall not be used except for the purpose for which they are intended. Members shall use these resources in the most effective and efficient manner. Members are responsible to properly safeguard and maintain individual equipment issued to them by the Department.



Andrew Shearer
Chief of Police