

OGDEN CITY POLICE

Office of the Chief

Policy No: 01

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| Subject | Effective Date |
| Personnel Conduct | May 22, 2020 |
| Department | Replaces Policy Dated |
| Police | February 1, 2018 |
| Division | Review Date |
| All Police Personnel | May 2022 |
| Authorized Signature | |
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NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this policy is to outline standards of conduct and personnel regulations. These regulations are in addition to Utah State and federal law, Ogden City Code, and Ogden City Policy, as well as regulations stated elsewhere in this manual.

II. POLICY

- A. It is the policy of the Ogden Police Department that the Law Enforcement Code of Ethics and the Law Enforcement Code of Conduct are the general standards of conduct for officers of the Ogden Police Department. The Ogden Police Vision, Mission, Values and Leadership Principles are also adopted as the philosophy of this department. All employees are expected to adhere to these statements.
- B. This policy and all others in this manual have been written primarily for the work of full-time, sworn officers. However, it is recognized many of the listed policies are also standards of conduct for Community Service Officers (CSO), Reserve Officers, Animal Services Officers and civilian employees. Common sense should dictate which policies may or may not apply to any specific category of employee. For example, unarmed

employees are not affected by the firearm policies and CSO or Reserve officers would not be concerned with the car-per-officer policy, although they are governed under the vehicular pursuit policy.

- C. All employees (full-time, part-time or volunteer) are governed by applicable Ogden City personnel policies. It is the employee's responsibility to review policies and if a question arises to contact his Division Commander for clarification of applicable policies.

III. PROCEDURE

A. Responsibility of Patrolling Officer

1. Officers of this department will proceed without delay to their assigned areas immediately after briefing. They will remain in their assigned areas during this tour of duty and will not leave them except by direction or permission.
2. Reports are to be written in the field as soon as possible after the report is taken and turned in to the officer's supervisor before the end of shift unless otherwise directed.
3. Officers will patrol their areas constantly while on duty unless on specific assignment or engaged in an investigation. Officers will respond to all assigned radio calls without unnecessary delay and obey all traffic laws. Officers will utilize uncommitted patrol time for self-initiated policing activities.

B. Responsibilities of Off-Duty Officers

1. Under Utah law, both on and off-duty officers have peace officer authority when a public offense is being committed or when there is probable cause to believe one has been committed. An officer, whether on or off duty, has the responsibility to answer a request for help or assistance as well as initiating action on his own when he observes a crime or has reasonable cause to believe a crime has occurred.
2. Action should not be initiated by off-duty officers in cases that could initially be handled by an on-duty officer and which do not present an immediate threat to the safety and/or property of others. Off-duty officers should avoid becoming involved in family or neighborhood disputes either as a participant or as a mediator. If such a situation arises, the off-duty officer should contact the dispatcher and request an on-duty officer to handle the problem.

3. All officers, whether on duty or off duty, should remember that they represent the department at all times and are subject to the same laws, ordinances, and statutes as the citizens they protect. Officers should keep in mind that they are constantly in the public eye and should not take or expect special privileges because of their position.
4. Off-duty officers will act in such a manner as to avoid bringing discredit to the department.

C. Constitutional Law

Officers of the Ogden Police Department will adhere to all applicable federal and state laws for which they have enforcement authority.

1. It is the policy of this Department that officers respect and obey the law, most particularly laws involving constitutionally protected rights.
2. Investigative procedures and associate uses of police authority often implicate individual rights protected by the U.S. Constitution, the Constitution of the State of Utah, and various other laws or ordinances. In order to investigate effectively and lawfully, OPD Officers must understand the relationship between police authority and individual rights, particularly in certain critical situations.
3. While this policy is written in terms of the U.S. Constitution, state laws may impose greater restrictions on police authority. It is the responsibility of the Department to ensure its Officers and employees receive up to date training on applicable laws, and it is the responsibility of the Officers and employees to know the law and apply it appropriately. Where a difference exists between State and Federal law, the Utah State law will be obeyed by Ogden Police Department Officers and employees.

D. Compliance with Orders

The department is an organization with a clearly defined hierarchy of authority. This is necessary because unquestioned obedience of a supervisor's lawful command is essential for the safe and prompt performance of law enforcement operations. The most desirable methods of obtaining compliance are recognition and regard for proper performance and the positive encouragement of a willingness to serve. All police department employees are required to obey any lawful order given by a superior. This includes any order relayed from a superior, by an

employee of the same or lesser rank. If there is a willful disregard of lawful orders, commands, directives or policies, retraining of personnel and/or disciplinary action may be necessary. Willful disregard of lawful orders, directives, or policies will not be tolerated and will result in termination of employment.

E. Conflict of Orders

In the event of a conflict of orders, the employee will respectfully call the attention of the supervising officer giving the last order to such conflict. Should the supervising officer not change his order, it will be obeyed and the employee will not be held responsible for disobedience of the former order(s).

F. Conduct Unbecoming a Police Department Employee

Police employees are the most conspicuous representatives of local government, and to the majority of the people they are symbols of stability and authority upon which the public can rely. A department employee's conduct is closely scrutinized and when his actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of an officer or civilian employee, on or off duty, may reflect directly upon the department, employees must at all times conduct themselves in a manner which does not bring discredit to them, the department, or the City.

G. Reporting and Enforcement of Applicable Criminal Code Provisions, as well as other Statutes and Ordinances.

1. A police officer's ability to perform his or her duties is dependent upon the respect and confidence the community has for the officer and law enforcement officers in general. When reporting and enforcing laws over which Ogden Police Department Officers have jurisdiction, Officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.
2. Disparate treatment of any person due to their position, status, family connections, political connections, or due to favors given or accepted, is a violation of this policy and will not be tolerated. "Fixing" of tickets, summonses, cases, prosecutions, or other prosecutorial processes is a violation of policy and may be a violation of State or Federal law. Such "fixing" will not be tolerated and will result in termination of employment. Likewise, failure to properly and appropriately document policing activities sufficient to enable testifying in any legal proceeding,

is a policy violation and will be treated as dereliction of duty under this policy.

3. Any police department employee while on or off-duty who has been arrested, charged or issued a criminal citation for a violation of local, state, or federal laws must report the incident, in writing, to the Chief's Office within 24 hours of the occurrence. This requirement to report includes any employee who is the subject of an outstanding criminal investigation.
4. Examples include, but are not limited to, issuance of a protective order, stalking injunction, burglary, public intoxication, traffic violations, DUI etc. Failure to report such incidents in accordance with this requirement may result in disciplinary action, up to and including termination of employment.
5. Employees found to have committed or concealed a criminal act will be subject to disciplinary action, up to and including termination, depending upon the severity of the offense and the nexus to the employee's job responsibilities. For the purposes of this policy, criminal activity is defined as a finding of responsibility for a crime by a court of law or a juvenile court, including, but not limited to, any finding of "guilty except by reason of insanity," "not guilty by reason of insanity," or similarly worded findings. A plea of "guilty," "no contest" or "plea in abeyance" is also considered a conviction for the purpose of this rule unless a subsequent court decision has dismissed the charges.
6. Concealment is an act of omission and is defined as the act of refraining from disclosure; especially an act by which one prevents or hinders the discovery of something.
7. All other Ogden Police Department Policies and Ogden City Employee Policies, including the drug and alcohol and fitness for duty policy apply, and may result in additional disciplinary action, up to and including termination of employment.

H. Lying

No employee will knowingly make an untrue statement about a fact, either orally or in writing, in connection with an investigation, assignment or inquiry. No employee will knowingly sign a false official statement or report, commit perjury, give false testimony before any court, grand jury, board, commission, judicial or administrative hearing, or department hearing, whether or not under oath. Employees are required to report

completely, honestly, and accurately all facts and information pertaining to any investigation, whether criminal or administrative, or other matter of concern to the department. This rule does not apply to an officer's questioning or interrogation of a person involved in a criminal investigation or where the officer is engaged in an approved undercover role where such misrepresentation is not inconsistent with law or accepted professional practice. **Officers found to have lied under any of the above situations or circumstances will be terminated from employment.**

I. Discipline

The department has the responsibility to seek out and discipline those employees whose conduct discredits the department or impairs its effective operation.

J. Incompetence

Employees may be deemed incompetent and subject to suspension, reduction in rank, or dismissal when they:

1. Display reluctance to properly perform their assigned duties.
2. Are derelict in their duties. Dereliction of duty is the deliberate or conscious neglect of, abandonment of, or failure to fulfill, assignments or activities necessary for the successful accomplishment of the Department's goals and objectives.
3. Act in a manner tending to bring discredit to themselves or to the department.
4. Fail to assume responsibility or exercise diligence, intelligence, or interest in the pursuit of their duties.
5. Fail to obey and follow the rules and regulations and personnel policies of the Ogden City Police Department.

K. Breaks

1. Each officer is allowed two 15-minute breaks and one 45-minute lunch break during his assigned work shift. (Time limit begins when cleared for break.) Each officer will sign off the air, giving the location of the break, when the break begins and back on when the break is over. Officers are subject to calls at all times during

these breaks and are required to monitor their police radios throughout the break period.

2. Breaks will not be combined and taken at the same time.
3. Under no circumstances are more than two marked police vehicles to be at the same location while officers are on break or at lunch.
4. Under no circumstances, without the permission of the appropriate Division Commander, will more than two Uniformed and/or clearly identifiable officers be at the same location while on break or at lunch.

L. Punctuality

A member will be punctual in reporting for duty at the time and place designated by his supervisor or division commander. Failure to report promptly at the specified time or place will be deemed incompetence/neglect of duty.

M. Absence

An employee will be absent from duty only with proper leave or permission.

N. Emergency Leave

1. Personal emergencies may occasionally require an employee's absence from duty without advance notice. In such cases, the employee will contact the Watch Commander to request sick leave, vacation or compensatory time off and, when possible, give at least two-hours notice prior to the start of the employee's shift.
2. The criteria for granting emergency leave are left to the discretion of the Division Commanders and Watch Commanders.

O. Use of Alcohol

1. Except in the authorized performance of duty, an officer will not drink any kind of intoxicating liquor when on duty. No member will report for duty or be unfit for duty because of its use. All employees will comply with the Ogden City Fit for Duty Policy.

2. Officers will not consume intoxicating liquor while on premises occupied by any offices of this department. Whether on or off duty, members found intoxicated in a public place will be subject to disciplinary action as well as arrest.

P. Use of Drugs, Narcotics and Marijuana

1. An employee will only use habit-forming drugs or narcotics when they are properly prescribed by a licensed physician. Members will not report for duty or be on duty while under the influence of any drugs or narcotics that would in any way impair their judgment, balance, reasoning ability, or coordination; or in any other way inhibit, alter or affect their normal performance. All employees will comply with the Ogden City Fit for Duty Policy. In keeping with the Ogden City Fit for Duty Policy, employees will report to their supervisor anytime they are on prescription medications or over-the-counter medications which may impair their performance as indicated by the product's labeling. Supervisors will then make a decision as to whether or not the employee should remain at work. Employees will follow the direction of their supervisor, but may contact the Division Commander for clarification of their work availability while on the medication.
2. An employee wishing to display or use marijuana or other controlled or illegal drugs in a presentation or demonstration must first obtain permission from the Chief of Police.

Q. Tobacco

1. Members of this department will not use tobacco products while conducting interviews, while conversing or transacting business in person with the public, or while in city-owned vehicles.
2. Employees will not smoke in unauthorized areas.

R. Sleeping on Duty

Restorative Rest is authorized under this policy.

Officers requesting a Restorative Resting Period will comply with the following procedures:

1. The Officer requesting a Restorative Resting Period will contact their immediate Supervisor and request the Period in lieu of their lunch break, not to exceed 30 minutes.

2. If approved, the Officer will proceed to one of the approved locations **inside** the Francom Public Safety Building.
3. After notifying the Dispatch Center they are unavailable for calls (10-6), the Officer is authorized to turn off their radio.
4. Officers may remove their duty belt, but must remain sufficiently clothed so as to be at a reasonable level of readiness.
5. Officers will verify their cell phone ringer is set to a volume sufficient to wake them from sleep and will set an alarm for the intended period of rest.
6. Officers will return to full duty at the end of the Restorative Rest Period and will notify the Dispatch Center they have returned to service (10-8).
7. No more than one officer per squad, or two at any time multiple squads are on duty, will be allowed a Restorative Rest Period at the same time.
8. Officers sleeping on duty outside the parameters of this policy will be disciplined.

S. Loitering

On-duty employees will not loiter in public places.

T. Derogatory Language

Employees will not use coarse, profane, vulgar, or insulting language, nor will they use any threatening or derogatory terms of speech that defame or demean the nationality, culture, or social status of any individual.

U. Gratuities

1. Officers and employees of the Ogden Police Department are expected to adhere to the Ogden City Policy on gratuities and gifts.

V. Financial Obligations

Public employees have stable incomes upon which they may forecast future earnings. For this reason and because of public confidence in their

responsibility, it is relatively easy for department employees to contract financial obligations which, if not controlled, may impair the individual's effectiveness and tends to bring discredit upon the department. For these reasons, an officer should avoid incurring financial obligations, which are beyond his ability to reasonably satisfy from his anticipated department earnings. Discredit brought to the department due to an inability to manage finances may result in disciplinary action, including termination of employment.

W. Telephone

1. All Ogden City Police Department personnel will have a telephone in their homes or places of residence so that they may be contacted in case of emergency. Employees receiving a cell phone under the guise of their employment at Ogden City will also report their cell phone number. The individual employee has the responsibility of making sure a current phone number(s) is on file with the Administrative Assistant to the Chief of Police. The Administrative Assistant will distribute the current information to department supervisors and dispatch.
2. When awaiting the installation of a phone or during a temporary phone disorder, the employee will furnish the department with a telephone number through which he may be reached.
3. No personal long distance calls will be made from department telephones.
4. Use of cellular phones and pagers should be for official use while on duty. Personal use should be held to a minimum. Each Division Commander is responsible for appropriate use of all phones within their Division. The employee is responsible for meeting all city regulations and requirements for use of cell phones received under agreements between Ogden City and the cell phone vendors.
5. To avoid tying up emergency lines, employees will not be permitted to access the dispatch center by dialing 911 on their cellular phones unless they truly have an emergency condition. Supervisors are instructed to strictly enforce this policy.
6. Dispatch will deliver telephone messages to officers in the field and it will be the responsibility of officers to return those calls. Messages that the caller states are an emergency will be assigned first priority and will be delivered immediately. Non-emergency messages will be delivered as workload permits. Officers should

advise family and friends to call dispatch only in emergencies or for situations requiring contact with the officer before the end of shift. Dispatch is not an answering service and will not be expected to pass on personal messages.

X. Passengers in Police Vehicles

Passengers will be permitted in Ogden Police Department Vehicles in accordance with the Car Per Officer Policy and on ride alongs approved by the Chief of Police.

Y. Misappropriation of Property

No employee of this department, on duty or off duty, will fabricate, withhold, interchange, knowingly destroy, or appropriate to his own use any evidence or confiscated, found, stolen, recovered, or City-owned property, nor will any employee dispose of any evidence, confiscated, found, stolen, recovered or City-owned property in any other manner than that which is prescribed. All items to be destroyed will go through the OPD evidence disposal process, thus creating a "paper trail" protecting the officer and the department from allegations of impropriety or misconduct.