

St. Joseph, Missouri Police Department



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SUBJECT: Member Conduct		
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I. Policy

Police Officers are the most conspicuous representatives of government and, to most people; they are a symbol of stability and authority upon which they can rely. Unbecoming conduct on the part of police officers adversely affects the operations of the Department and ultimately destroys public confidence in it. Conduct unbecoming includes, but is not limited to, habitual violations of departmental rules, regulations, policies, and procedures. Department members should always conduct themselves in such a manner as to reflect most favorably on the Department. Department members shall not impair the operations of the Department by ridiculing the Department's practices, its employees, or public officials.

II. Procedure

A. Adherence to Laws and/or Supervisor Directives

1. Department members shall observe, obey, and refrain from committing any acts or omitting any acts that violate Federal Law, State Law, Local Law, the Written Directives of the St. Joseph Police Department, or any lawful order of any Superior Officer, including any order relayed by a member of equal or lesser rank.
2. Department members shall not obey any order from a supervisor that they know would require them to commit an illegal act.
3. Members of the St. Joseph Police Department shall adhere to direct orders from any Department supervisor, regardless of what assignment they may currently be performing.
4. If a member is performing a function ordered by a superior officer and receives a conflicting lawful order, that member shall report the conflict to the supervisor issuing the conflicting order. If the second order stands, officers in this situation shall obey the order. The conflict will be reported to the Superior Officer who made the initial assignment as soon as is practical.

B. Violations Of Law

Members charged with violation of a law may be subject to disciplinary action. The lack of conviction does not necessarily relieve the member of the possibility of department discipline.

C. Compliance With the Personnel Manual

Members shall comply with the Personnel Code of the City of St. Joseph.

D. Taxes and Licenses

Members shall keep all personal taxes and vehicle licenses current.

E. Personal Information

For contact purposes, commissioned members shall have and maintain either a telephone or cellular phone. Members shall immediately advise the appropriate Commander and the office of the Chief of Police upon any change of address, telephone number, or marital status.

F. Truthfulness/Falsifications

Members shall not willfully depart from the truth in making any verbal report, written report, court document, and/or providing testimony. Members having knowledge of such violations and failing to report them will be held accountable in a disciplinary action.

G. Courtesy

Members shall treat the public, co-workers, members of other criminal justice agencies, City employees, superior officers and the command staff with due respect, courtesy, and consideration. Members shall not be overbearing or oppressive in the conduct of their duties. Members shall not express any prejudice concerning sex, race, religion, or politics.

H. Language

Members shall refrain from the use of insolent or profane language in the routine course of their duties. However, it is understood that during some highly charged situations, the possibility exists that statements or comments could be made which would otherwise be deemed unacceptable in different circumstances. Also, since there are factions within our society for whom such language is considered part of the vernacular, members may find it necessary to use such language to successfully communicate. Complaints regarding the use of such language are equivocal and will be evaluated as such.

I. Bribery and Gratuities

Bribery is a statutory offense. Section 576.020 RSMO. states as follows: An officer commits the crime of Public Servant Acceding to corruption if they knowingly solicit, accept, or agree to accept any direct or indirect benefit in return for their opinion, recommendation, judgment, decision, or their violation of a known legal duty as a public servant. Officers having knowledge of and failing to report a violation of this section shall be subject to disciplinary action. Officers shall not solicit or actively encourage anyone (on or off duty) to provide free or reduced priced food, drink, or any other goods. Section 2.3 of the City of St. Joseph Personnel Code directs members reference the acceptance of gifts/gratuities.

J. Neglect of Duty

Neglect of duty includes but is not limited to: Acts of cowardice where a member fails to execute the moral or legal obligations expected of a police officer due to fear, or failure to arrest for the commission of a crime in which all the elements necessary

for a lawful arrest are present (exceptions—see GO0012 Arrest/Notice to Appear, Section III. G. Alternatives to Custodial Arrest/Use of Discretion); failure to notify a Superior Officer of criminal activity known by the officer to be occurring; sleeping on duty; excessive tardiness and/or absenteeism of an unexcused nature; desertion of an assigned post; failure to respond to radio calls; and failure to come to the aid of another officer who is threatened with physical injury and/or death. Members shall render aid or assistance to all persons who request the same as may be consistent with their duty. Members will not devote any of their on-duty time to any activity which does not relate to a police function.

K. Duty Of Assignment

1. Members shall not be excused from their “tour of duty” without the permission of a Superior Officer.
2. Members shall not be absent from duty without authorization or permission (injury, sickness, etc.).
3. Members shall not make false requests for medical leave. Medical requests shall be made one hour prior to an assigned reporting time unless there is a dire emergency.
4. Members shall remain in their assigned area unless their duties require them to leave such area, or they have obtained the permission of a supervisor to do so. Members shall not leave the City of St. Joseph while on duty, without the permission of a supervisor, unless extenuating circumstances exist; and
5. Members shall, upon return to duty from absence, carefully read all Written Directives issued during their absence. It is a member’s responsibility to ensure that they have not missed any Written Directives after returning from such an absence, if they have been gone for more than 10 days from the date a directive was issued.

L. Emergency Situations

In the event of an emergency, members shall make themselves available for duty as soon as they become aware that such a situation exists. However, it shall be at the discretion of the Chief of Police or their designated representative to determine what constitutes such an emergency.

M. Alcohol

Members shall not report for duty with the odor of an alcoholic beverage on their person, or in an intoxicated condition. Members shall not consume alcohol while on duty, except as may be required under extenuating circumstances in the performance of their duties, and only with the knowledge and permission of their supervisor (such as an undercover officer in a bar or at a private residence). Members shall not consume intoxicants while in uniform and off duty in a public place. Members will not operate a motor vehicle while on duty in an intoxicated condition. Any alcohol testing of employees will be in accordance with the City Personnel Code (See Section 10.16).

N. Medications

Members shall not use any narcotic, stimulant, or depressant drug while on or off duty, unless the member’s physician prescribes such a drug (See also Section O “Marijuana”). Members who are taking medication under these prescribed conditions and are reporting for duty, shall notify their supervisors of such use at the beginning

of the member's shift. Members are also responsible for notifying their supervisor of any safety and/or behavioral concern(s) that may exist while in the performance of their duties, due to the type of medication they are taking. After receiving such notification, supervisors of members taking such medications shall monitor their performance for any deviations from department standards of conduct. Members will not operate a motor vehicle while on duty if their driving ability is impaired due to the influence of any prescribed drug. Any drug testing of employees will be in accordance with the City Personnel Code (See Section 10.16).

O. Marijuana

Despite the passage of State medical marijuana legislation marijuana remains a Schedule I Controlled Substance and its use is illegal under Federal law. Therefore, the manufacture, possession, use and distribution of all marijuana or THC products, recreational or medical, on or off-duty, is prohibited for both Commissioned and Non-Commissioned Police Personnel. This prohibition will stand regardless of medical prescription or any Municipal or State license a member holds to possess, use, manufacture or dispense medical marijuana.

P. Use of Tobacco Products

The use of all tobacco products is prohibited in all City-owned and operated buildings, vehicles, and facilities. Members may use tobacco products in designated areas. Citizens may deem such use as either offensive or unprofessional. Therefore, members shall refrain from such usage while in direct contact with the public or in situations where they are likely to encounter the public.

Q. Seat Belts

Members shall wear seatbelts while operating or riding in a City owned or leased vehicle, if so equipped.

R. Identification

Members shall give their name, rank, and position in a respectful manner to any person who may request it. When taking enforcement action, members not in uniform, on or off duty, must identify themselves and show proper identification unless doing so would create a hazard to themselves or others, or when working in an undercover capacity. All full-time employees shall receive a department-issued identification card. Sworn members will also receive a department-issued badge for identification purposes.

S. Political Activities

Members may not engage in political activities that conflict with the Department's mission or objective. Members may not use their official capacity to influence, interfere with, or affect the results of any election, while on duty and in uniform. This stipulation will not affect the operations of Fraternal Order of Police members, while they are performing official duties with any City, State, or Federal representative, with the knowledge and permission of the Chief of Police or their designee. Members shall not be affiliated with any organization that advocates the disruption of the orderly process of government, or the overthrow of the government of the United States of America through unlawful means.

T. Fund Raising Activities

Members shall not engage in any fund-raising activity on behalf of the department or allow their official position/name to be used in connection with any fund-raising activity, for any cause without prior approval of the Chief of Police.

U. Department Owned Property

All purchases made chargeable to the Department for any goods/services must be made with proper authorization. Members shall be responsible for the good care of all departmental owned property assigned to their use, and shall promptly report to their supervisor the loss, damage, or unusable condition of such property. Members shall not convert any Department property, evidence, or found property for their own use. Members may be assigned lockers, desks, vehicles, and other containers for the mutual convenience of the Department and its personnel. Members are warned that the storage of personal items in such areas is at their own risk, and the Department will not be responsible for any losses. Members may be required to provide entry to such places for inspection. The use of Department/City owned computer or electronic equipment for general private use is discouraged. Members may only use City owned computer equipment at their personal residence for official City business and only with the permission of the Chief of Police. All City owned computer equipment is subject to audit. Members shall not make personal long-distance phone calls on Department telephones.

V. Legal Proceedings

When representing the Department, members will not render assistance in civil court cases, except when the City of St. Joseph is a party, or they have been subpoenaed in the proper manner. In all cases, a supervisor shall be notified. Any member involved in a lawsuit relating to performance of duty, arrested, summoned, or charged with a crime, shall submit a written report to the Chief of Police within ten days of the occurrence. Members who refuse to testify or cooperate with any legally qualified proceeding, Internal Affairs investigation, or the Chief of Police on the ground of self-incrimination, shall be subject to disciplinary action. This action shall not apply in cases wherein the member is a defendant in a criminal proceeding. Members shall not take part in negotiating any legal compromise, whatsoever, that affects or interferes with the course of justice.

W. Prohibited Information

Members shall not divulge the contents of classified police records to anyone, except while conducting police business in accordance with the law. Members will not recommend any specific attorney, bonding company, or tow truck contractor in the course of their duty.

X. Recording Within the Department

Members shall not record (in any way) other department members without the authorization of the Chief of Police. This will not apply to official police investigations, or the use of such devices on vehicle traffic stops or other calls for service.

Y. Social Network- Personal Web Page

Employees who maintain a personal web page or participate in a social network such as “Facebook”, “LinkedIn”, “Instagram”, “Twitter” etc. may not use that affiliation to publish information that discredits, disgraces, and/or causes harm to the St. Joseph

Police Department or its members. This would include comments about all police-related investigations or department personnel. Employees may make public their affiliation with law enforcement in general but not specific to the Department to the extent that either photos or comments (including such personal opinions on race, sex, etc.) would cause public embarrassment to the Department. Any depiction of an employee in a uniform, badge, patch, or vehicle in affiliation with the Department must have written approval by the Chief of Police before such images are posted. Those employees who wish to post such depictions will contact the Chief of Police in writing, preferably by email, prior to doing so. No postings shall occur while on duty.

Z. Reporting Acts of Negligence

Investigations of any negligent acts shall be completed prior to clearing the scene. The investigative process should include photographs of any damage or affected area, and written reports by all members/witnesses present during the incident. Reports shall be completed by all members involved, and approved by a supervisor, before the end of their shift.

Paul Luster, Chief of Police

Date