

## Code of Conduct - Standards

### 1001.1 PURPOSE AND SCOPE

This policy establishes standards and rules of conduct that are consistent with the Mission, Vision, and Values of the Sahuarita Police Department (SPD) and are expected of all its officers and members. The standards and rules contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the matters concerning member conduct. Members are also subject to provisions contained throughout the SPD Policy Manual, any Town personnel manual, as well as any additional written or verbal directive, instruction or guidance on conduct, actions, or prohibitions that may be disseminated by the Town or the SPD. This policy may refer to verbal and or written terms such as "rule, regulation, order, instruction, directive, policy, or procedure [henceforth General Order (GO) or directive(s)]. All these terms are synonymous with a mandatory required action, expectation, or prohibition associated with member duties, expectations, conduct and work performance. This policy applies to all SPD members. The term "member" applies to and refers to all employees (full and part-time, sworn or civilian, with or without rank), temporary employees, auxiliaries, volunteers, reserves, those participating in internships, training programs or courses, persons assigned independent contractor work or tasks, and all other persons specifically included by Town ordinance or rule.

### 1001.2 LAWFUL DIRECTIVES AND ORDERS

- A. Members shall comply with all lawful GOs and directives issued, relayed or provided from any supervisor (civilian or sworn), superior officer, or person in a position of authority absent a reasonable and bona fide excuse to disobey such GO or directive. A person in a position of authority is a person whose job or assignment has them in a position such as, but not limited to, instruction, teaching, management or supervision of people, projects, programs, or an assigned task or duty.
- B. A manager, supervisor, or person in a position of authority is responsible to assure members adhere to all GOs and directives.
- C. Managers, supervisors, or persons in positions of authority will issue clear, concise and definite directives. A manager, supervisor, or person in a position of authority, is responsible for the proper execution of GOs and directives by subordinates.
- D. A supervisor or superior officer will take reasonable measures to assure that orders are followed. The fact that an order has been given is not an acceptable excuse when the order is not carried out by a subordinate.
- E. A supervisor or superior officer will be held responsible if they issue improper, vague, or unlawful orders, or orders in violation of GOs or directives that are not justifiable (meaning the GO or directive was not applicable or appropriate for given circumstances).
- F. Members will not obey any order which they know or should reasonably know would require them to commit any illegal act or not complete a required legal act. If in doubt as to the legality of a GO or directive, members will request the issuing authority to

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clarify the directive or request to confer with a higher SPD rank. Following any GO or directive that a member knows or should reasonably know is illegal, or would cause them to fail to act as legally required is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline.

- G. In any case where a member is asked or ordered to perform an illegal act or not perform an act required by law, the incident will be reported by the member to the Chief of Police through the chain of command. If there is a reasonable belief that the use of the chain of command is not appropriate or will create a hazard or further hazard, the member may go directly to a division commander or the Chief of Police to make the notification. The member may also be required to explain their belief to the division commander or the Chief of Police why the regular chain of command process could not be utilized.
- H. A member who believes any written or verbal GO or directive is in conflict with another GO or directive shall:
1. Immediately inform the member enforcing, issuing or relaying the GO or directive of the conflict.
  2. Provide details explaining the grounds for their belief of the conflict or error of the GO or directive, to the person enforcing, issuing or relaying it.
  3. Request clarification, guidance, and direction regarding following the GO or directive.
  4. If such supervisor or superior officer does not alter or retract the conflicting GO or directive, and time does not permit the following steps to occur, the most recent GO or directive will stand. Under these circumstances, the responsibility for the conflict and results will be upon the supervisor or superior officer. Members will obey the most recent conflicting GO or directive issued and will not be held responsible for disobedience of the original or initial GO or directive.
  5. If the member still believes a GO or directive is still conflicting or unlawful, he/she shall promptly notify a higher ranking SPD member about the issue.
  6. If the member cannot contact a higher ranking member within the SPD, or the issue is not resolved, they shall respectfully inform the supervisor or superior officer that they intend to disobey what they reasonably believe to be an unlawful GO or directive.
  7. In situations where the issue is not promptly resolved by the immediate involved parties and time allows, the conflict shall be forwarded through the chain of command to make a final decision.
  8. A member's election to disobey a GO or directive they believe to be unlawful or in violation of a GO or directive, doesn't prevent possible discipline should the GO or directive be determined to have been clear, lawful or in accordance with SPD or Town policy.

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#### **1001.3 RULES OF CONDUCT**

The continued employment or membership of every employee (member) of this department shall be based on conduct that reasonably conforms to the guidelines set forth in this policy and the GOs in the SPD Policy Manual, any SPD directive or the Town's personnel manual(s). Failure of any member to meet the guidelines set forth in this policy and the GOs in the SPD Policy Manual, any SPD directive or the Town's personnel manual(s), whether on-duty or off-duty, may be cause for disciplinary action up to and including termination from employment or termination of membership.

The following rules constitute a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude disciplinary action for specific action or inaction that is detrimental to providing efficient, professional, appropriate, and ethical SPD or Town service.

#### **Rule 1: Applicability of Rules and Regulations and Definitions**

- A. SPD GOs and directives, as well as Town rules and regulations are binding upon all members.

#### **Rule 2: Residence and Mailing Address(es) and Telephone at Residence**

- A. All members shall keep on file with the police department their current primary residential and mailing address(es) and shall notify, in writing, to the Chief of Police via the Executive Assistant to the Chief of Police of any change in a residence or mailing address within five (5) calendar days of such a change. The Executive Assistant shall cause the information to be promptly forwarded to the Human Resources Department and to be entered into the employee's police department confidential personnel file.
- B. All members will maintain a landline or cellular telephone at their primary residence. All members shall keep on file with the police department their current primary landline and/or cellular telephone number(s). All members shall notify, in writing, to the Chief of Police via the Executive Assistant to the Chief of Police of any change in their telephone number(s) within five (5) calendar days. The Executive Assistant shall cause the information to be promptly forwarded to the Human Resources Department and to be entered into the member's police department confidential personnel file.

#### **Rule 3: Jurisdiction**

- A. A member's law enforcement authority and jurisdiction is the state of Arizona.
- B. A member (officer) will exercise sound, appropriate, and professional policing discretion and decision making and adhere to SPD GOs and directives when utilizing police powers inside and outside the Town of Sahuarita's jurisdiction, whether on-duty, off-duty, or while assisting another person, organization, entity or law enforcement agency.
- C. Traffic/Pedestrian Related Incidents: On-duty members may respond from SPD jurisdiction to assist (back-up) other law enforcement agencies in traffic related matters such as traffic/pedestrian stops or traffic collisions within three miles of the Town's jurisdiction. However, they shall promptly notify the on-duty patrol supervisor and Dispatch via the PCWIN radio when they go to, become aware of, happen upon, or are requested to assist with such an incident. A primary goal will be to have the

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jurisdictional agency respond to assist the law enforcement officer who was initially in need of assistance so that the SPD officer can be relieved and return to SPD jurisdiction.

1. Members returning to SPD jurisdiction from another assignment or task may stop and assist an allied law enforcement officer on a traffic/pedestrian stop, a traffic collision or an emergency; however, they shall promptly notify the on-duty patrol supervisor and Dispatch via the PCWIN radio of their actions.
- D. Non-Traffic Related Incidents: On-duty members may respond to assist another law enforcement agency with a non-traffic related, non-emergency incident with approval from a SPD supervisor if the incident is within three miles of the Town's jurisdiction. If such approval is granted, the approving SPD supervisor shall assure that the Town is not left without adequate law enforcement protection. A primary goal will be to have the jurisdictional agency respond to assist the law enforcement officer who was initially in need of assistance so that the SPD members can be relieved and return to SPD jurisdiction.
- E. If an out of jurisdiction police incident is a significant emergency (such as an officer involved shooting, officer in a physical fight or struggle, police foot/vehicle pursuit, or an officer is in peril) a SPD supervisor may approve a SPD member to respond within a distance of 10 miles from the Town's jurisdiction; however, the approving supervisor shall assure that the Town is not left without adequate law enforcement protection. Distances greater than 10 miles require lieutenant or higher rank approval, which may be granted by telephone. A primary goal will be to have the jurisdictional agency respond to assist the law enforcement officer initially in need of assistance so that the SPD member can be relieved and return to SPD jurisdiction.
- F. A member assigned to a law enforcement task force may have their jurisdiction and law enforcement authority expanded via being appointed as a deputy, agent, or other law enforcement official of another law enforcement agency (i.e. DEA, FBI, etc.).

#### Rule 4: Conformance to Laws

- A. All members will obey the Constitution and laws of the United States and of the State of Arizona, ordinances of the Town of Sahuarita, and laws of any state and local jurisdiction in which they are present.
- B. A conviction for a violation of any law by a member in a criminal court with jurisdiction to try the offense will be prima facie evidence of a violation of law and will justify formal discipline up to and including termination if such remedy is approved by the Chief of Police.
- C. Acquittal or dismissal in a criminal prosecution will not preclude the SPD from independently investigating and determining possible disciplinary action against a member for a violation of any law.

#### Rule 5: Knowledge and Violation of Rules and Regulations

- A. Members will read (when applicable), understand and comply with all GOs and directives. This includes any GO or directive relayed to a member from a supervisor or superior officer or relayed to a member by a member of the same or lesser rank.

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- B. All GOs and directives, verbal or written, are applicable upon issuance by the Department (or staff member) unless a different date is specified. Actual knowledge is conclusively presumed by all SPD members, by proof of issuance of a GO or directive.
- C. Members will not commit any acts or omit any required acts which constitute a violation of any SPD GO or directive or Town's directives, orders, rules, or regulations whether stated in this policy manual or elsewhere.
- D. Supervisors and superior officers should not order or instruct a subordinate to violate any GO or directive contained in SPD or Town manuals. If they do, they will have to explain why such order or instruction was necessary and justified for the known circumstances at the time of the order or instruction.

#### Rule 6: Devolution of Command

- A. During the temporary absence of a supervisor or superior officer (higher ranking SPD member), when no other provision is made by, a competent authority, the command automatically devolves upon the subordinate present who is next in rank to the absent supervisor or superior officer, or, if more than one person is present in such rank, then to the senior person, according to their hire date, badge or SP number, in such rank. If the senior non-supervisory officer among a group of officers is senior only because of their SPD hire date, they may defer command to an officer with more law enforcement experience (years of service, that may not necessarily be limited to SPD).
  - 1. I.E., An SPD officer with only four years of SPD experience could defer to another SPD officer with 2 years of SPD experience, but who has a total of 10 years of law enforcement experience-the additional 8 years coming through employment with another law enforcement agency.

#### Rule 7: Duty of supervisor or superior officer

- A. A supervisor or superior officer is to diligently work to assure subordinates adhere to SPD GOs, directives, procedures, and best practices.
- B. A supervisor or superior officer will sustain subordinate personnel when they are acting properly and within their rights.
- C. A supervisor or superior officer will not ridicule GOs or directives, nor will they permit subordinates to do so.
- D. A supervisor or superior officer will exercise their authority impartially and will treat all subordinates with respect and dignity.
- E. A supervisor or superior officer will provide coaching, training, and mentoring to subordinates and peers.
- F. A supervisor or a superior officer will issue clear, concise, and definite orders and instruction(s) to subordinates.
- G. A supervisor or a superior officer will promptly address and if necessary appropriately document and report to a higher rank any known misconduct of a member as required by policy.
  - 1. Minor misconduct may be addressed by a supervisor or superior officer through verbal counseling (coaching, training, mentoring).

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2. In cases of more significant misconduct, supervisors and superior officers are reminded to utilize DEENS notes when applicable to address misconduct in an effort to coach, train and mentor toward better conduct.
3. A Documented Counseling Memorandum (DCM) requires a lieutenant or higher rank approval and should only be used when a DEENS note is not realistically appropriate to address the misconduct or when such misconduct has been repetitive.

#### Rule 8: Failure to Supervise

- A. Supervisors are responsible for ensuring discipline, enforcement, and adherence of SPD GOs, directives and Town rules and regulations.
- B. Members designated as supervisors by their rank, job description, or position are required to supervise all personnel under their command or control in such a manner as to reasonably detect quality performance so that it may be properly documented when appropriate.
- C. Supervisors shall utilize Department Electronic Evaluation Note System (DEENS) notes and Recognitions of Excellence (ROE) and Commendations to document quality performance of their subordinates. Supervisors are to provide members with prompt copies of all DEENS notes, ROEs and Commendations associated with their quality performance. Promptly is defined as within 10 days of the issuing supervisor becoming aware of the quality performance and knowing that it should be addressed via a DEENS note, ROE or Commendation.
- D. Members designated as supervisors by their rank, job description, or position are required to supervise all personnel under their command or control in such a manner as to reasonably detect, avoid or correct errors, or incidents of improper or unsatisfactory performance or neglect of duty by subordinates so that it may be properly documented when appropriate.
- E. Supervisors who become aware of unsatisfactory performance by a member whom they do not directly supervise will promptly report the incident to the member's appropriate supervisor or document such performance in a DEENS note..
- F. In the case of subordinates who perform in an unsatisfactory manner, supervisors may discharge their obligation to supervise by on-the-spot corrections for minor incidents, via verbal counseling or written documentation such as a DEENS note.  
For repeated or more serious matters, but for matters that do not rise to the level of a formal Administrative Investigation, a supervisor will confer with the next higher level of supervision to determine if documentation via a Documented Counseling Memorandum (DCM) should be utilized.
- G. DEENS notes and DCMs are not considered discipline, but rather tools or documentation that are designed to record and help correct poor performance. Supervisors are to provide employees with prompt copies of DEENS notes or DCMs associated with their poor performance. Promptly is defined as within 10 days of the issuing supervisor becoming aware of the poor performance and knowing that it will be addressed via a DEENS note or DCM.

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#### Rule 9: Duty Status

- A. A sworn officer is vested with the powers of a peace officer by law, at all times, whether on or off duty, except during periods, as determined by the Chief of Police, of disciplinary suspension, limited light duty assignments, disability pension status, leaves of absence, or if such powers are temporarily suspended as determined by the Chief of Police for good cause in the protection of the Town, Department, or an employee.
- B. A member is subject to and may be recalled for routine administrative or emergency duty at different times, and is subject to orders of supervisors or superior officers.
- C. Members (officers) who may experience a limited light duty assignment will not automatically lose or have their peace officer powers suspended, nor their ability to carry a firearm or other police weapon as a police officer, nor attend to administrative matters (such as court or other SPD or legal processes). Each case of limited light duty will be evaluated by the Chief of Police or his/her designee to determine if a temporary suspension of peace officer powers, authorities, or duties will be put into effect. The suspension of peace officer powers and other limitations will be clearly communicated to the officer.
  - 1. Officers who are on modified duty and who are not prevented from carrying a firearm as a police officer may elect to carry the firearm concealed or in plain view.
    - (a) Officers are to utilize appropriate discretion while outside the SPD and in the general public as a member of the public could recognize them as an officer and insist on immediate police assistance/action.
- D. When a member (officer) is not on duty, the decision to undertake law enforcement action rests in the discretion of the officer and their evaluation of the facts and circumstances surrounding the incident, including danger to the officer, family, friends, the public, accessibility to law enforcement communication (dispatch center/police radio/telephone) and support, as well as clarity of the situation. When it is ill-advised for an off duty officer to become involved in an incident requiring police attention, the officer will contact the law enforcement agency of the appropriate jurisdiction, and report the incident as soon as reasonably possible, by calling 911 or another appropriate law enforcement telephone number.
- E. Members will report for duty at the time and place required or report their inability to do so by promptly notifying an on-duty supervisor, or an on or off-duty command staff member (rank of lieutenant or higher). Judicial subpoenas for members constitute an order to report for duty under this rule.
- F. Members will not leave their assigned duty areas except when authorized by proper authority.
- G. Members will not relieve themselves from duty unless they have been dismissed by a supervisor. Members are expected to check in with a supervisor prior to going off duty.
- H. Members will be physically and mentally fit to perform their duties while on duty.

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- I. Members will remain awake while on duty to include off-duty jobs and assignments within or outside the Town limits.
- J. Members will not attend to personal matters or non-official business during their tour of duty without authorization from a supervisor or superior officer. No supervisor or superior officer will permit subordinates to attend to personal matters or non-official business if such matters will, or are likely to, interrupt the operations of the workforce for periods longer than fifteen (15) minutes.
- K. Members will not feign illness or injury, falsely report themselves or family members ill or injured, or otherwise deceive or attempt to deceive any supervisor, superior officer, the SPD, the Town, or any individual authorized to conduct an inquiry as to the condition of their health.
- L. Unless determined otherwise by the Chief of Police, when a member is on an approved leave of absence without pay for more than eighty (80) hours, or on a suspension of more than eighty (80) hours, the following item(s) will be turned in to the member's supervisor or other assigned manager:
  - 1. Sahuarita Police Identification Card(s)
  - 2. Sahuarita Police Badges, if applicable
  - 3. Department issued weapon(s) with ammunition, if applicable
  - 4. Personally assigned work vehicle, if applicable
  - 5. Hard or electronic keys to the SPD or Town facilities, equipment, etc.
- M. The member's supervisor, or other assigned manager, will ensure that the above items are turned over to the appropriate individuals within the SPD in order to secure such items. Upon the member's return to duty, they will report to their supervisor or other assigned member for instructions regarding the return of equipment, etc.

#### Rule 10: Neglect of Duty

- A. All members are required and expected to give suitable attention to the performance of duty.
- B. Examples of such failure for all members include, but are not necessarily limited to:
  - 1. Absence without leave or failure to report to duty at the time and place designated.
  - 2. Unexcused or unauthorized absence or tardiness
  - 3. Excessive absenteeism or abuse of leave privileges
  - 4. Failure to perform assigned duties or comply with any GO or directive.
  - 5. Failure to work diligently or with a bearing not consistent with the professional image of the SPD.
  - 6. Failure to care for and accurately account for SPD equipment or property entrusted into their care or to promptly report damaged, lost (misplaced) or improperly working equipment.

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7. Failure to take reasonable action while on duty and when required by law, statute, resolution or a GO or directive.
8. Failure to respond promptly and appropriately to an assigned duty or a request for service.
9. Failure to return promptly to service after completing a call for service or other duty or task.
10. Failure to complete required reports, or failure to complete reports in a timely manner or to complete a report in such a manner that it is materially and substantially incorrect, misleading or unfit for the purpose for which the report is intended. Completing reports includes the completion of forms associated with certain types of police incidents or actions, such as but not limited to, booking, DUI, DVSQ, MRP, OPSG, GOHS, Evidence forms, memorandums, citations, etc.
11. Failure to care for, or place into safekeeping or evidence when appropriate, property or evidence that a member comes into contact with or control of.
12. Failure to maintain minimum AZPOST standards.
13. Suspension of AZPOST certification may lead to termination. Failure to maintain AZPOST certification will be grounds for termination. Revocation of peace officer certification shall be grounds for termination.

#### Rule 11: Insubordination

- A. Members will promptly obey any verbal or written lawful directive issued by a supervisor or superior officer. This will include any GOs or directives relayed from a supervisor or superior officer by a member of the same or lesser rank or position.
- B. Insubordination will include, but not be necessarily limited to; any willful failure to obey or deliberate refusal to obey a lawful directive given by a supervisor or superior officer, lying to or purposely misleading a supervisor or superior officer regarding a material fact, action, incident or issue, or any disrespectful, mutinous, insolent or abusive language or action toward a supervisor or superior officer, whether in or out of their presence.
- C. The offense of insubordination is complete when the member fails to immediately perform the required action, expressly refuses to perform an action they are directed, ordered or instructed to do, or performs any act that encompasses insubordination. Refusal to complete a task, resulting in the reassignment of the task to another member also constitutes insubordination, as well as neglect of duty.

#### Rule 12: Unsatisfactory Performance

- A. Members will maintain sufficient competency to properly perform their duties and assume the responsibility of their positions and will perform their duties in a manner that maintains a high standard of efficiency in carrying out the functions and objectives of the SPD.
- B. Unsatisfactory performance includes, but is not necessarily limited to: a lack of knowledge of the application of laws to be enforced; lack of knowledge and application

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of SPD or Town directives, or GOs; an unwillingness to or inability to properly perform assigned tasks or procedures; improper/incorrect decision making for the information known at the time of the decision, the failure to conform to work standards established for the member's rank, grade, or position; or absence without leave.

- C. Unsatisfactory performance also includes failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, SPD or Town report or form, or during the course of any work-related investigation, to include briefings with members of the SPD or Town or other agency, entity or person assisting with a work-related investigation, inquiry or process.
- D. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations, or a written record of repeated infractions of GOs or directives.
- E. Any member who conceals, attempts to conceal, removes or destroys defective, incomplete or incompetent work.

#### Rule 13: Arrests and Due Process

- A. Arrests will be affected in accordance with the standards and procedures provided by law as amplified by GOs and directives. Members (officers) will take particular care to follow provisions applicable to the arrest of persons considered juveniles by law. Officers will treat all persons who are in their custody in accordance with the law, GOs and directives, as well as with courtesy and respect.
- B. Members will not make accusations of a criminal offense, civil violation, ordinance violation, traffic charge, or a SPD or Town GO, directive or administrative offense (toward any SPD member, member of the public or Town employee), which is reasonably known to them to be false.
- C. Members will not make arrests or detentions in cases arising out of personal disputes or quarrels involving friends, family, or neighbors unless such action is warranted because of an immediate threat of significant danger or serious bodily harm or serious property damage that exists at the time of the arrest or detention. In any such case, the involved member will turn the matter over to the appropriate jurisdictional law enforcement agency personnel as soon as practical.
- D. Members will not become involved in or part of any promise, agreement or arrangement between an individual and the dismissal of or a continuance of or any form of leniency, nor a reduction or non-reporting of possible violations of law associated with a law enforcement action in which the member played a law enforcement part except, with the knowledge and consent of the Chief of Police. (This rule does not pertain to Confidential Informants or agreements binding the SPD to the informant or when officially coordinated via the appropriate prosecuting authority).
- E. Members are prohibited from posting or furnishing or taking any action that provides bonds for any person(s) for a case in which they are or have been involved in as a law enforcement officer.

#### Rule 14: Use of Force

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- A. Members will not use more force in any situation than is reasonably necessary under the circumstances. Members will only use objectively reasonable force in accordance with established law, GOs and directives.
- B. In any case where force is used to subdue or control a subject, all members using such force will submit complete and accurate written reports by the end of their duty shift. If the member is injured or fatigued to a such a degree that they can't produce such a report withing 24 hours, then another member may be assigned to interview the member and complete a report as soon as reasonably possible. If such incident occurs while off-duty, but the officer uses force as a police member, the report is still required to be completed within 24 hours. If the member is injured to such a degree that prevents the member from completing the report, another member may be assigned to interview the member and complete a report as soon as possible.
  - 1. In a case of an officer involved shooting or other incident where death or serious injury or liability exists, the Chief of Police may assign the incident to be investigated by a SPD detective(s), or an allied law enforcement agency or regional law enforcement investigative resource. If the Chief of Police assigns one or more of these investigative resources, the member will not submit a written report as the details of the incident will be documented by those law enforcement resources addressing the incident.
- C. Supervisors and superior officers will complete the necessary use of force form(s) and cause the information to be placed in the use of force tracking system no later than 24 hours after the report(s) is completed (48 hours from the incident).

#### Rule 15: Use and Display of Weapons

- A. Members will handle firearms and other dangerous weapons in a safe manner and store them in a safe manner.
- B. Members will adhere to all SPD GOs and directives associated with firearms and weapons handling and storage.

#### Rule 16: Investigative Functions

- A. Members will, within legal parameters, thoroughly search for, collect, preserve, and identify evidence of persons, property and locations in any arrest or investigation.

Investigative responsibility is limited by the scope of one's duties, and where such action is practical under the circumstances of the case. In no instance will a member allow the destruction or loss of evidence before the applicable departmental section personnel is able to process the scene or assume responsibility for the evidence or scene.
- B. A member called to or happening upon the scene of a suspected crime will take immediate steps to care for the injured, investigate the circumstances, obtain the names, dates of births, addresses and other reasonable identifying information of the victims, suspects, witnesses and any involved others, protect the crime scene from entry by unauthorized persons, prevent the destruction, mutilation, concealment or contamination of evidence, detain any person(s) reasonably suspected of committing or being involved in the crime until further establishing probable cause to make a formal arrest or an appropriate release from the detention, and work toward the goal

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that those involved do not share or contaminate their statements or knowledge of the incident(s) with others.

- C. A member coming upon the scene of a death or imminent death, not reasonably evident to have occurred from natural causes, will assume that such death or incident is associated with a criminal or grossly negligent act and will proceed in accordance with established procedures to assure the scene is preserved and that the incident is properly investigated.
- D. Property or evidence that has been discovered, gathered or received in connection with departmental responsibilities, will be processed in accordance with established procedures.
- E. Members will not (nor cause another to) convert, transfer, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold property or evidence in connection with an investigation or other police action, to another person, organization, or entity, unless approved by SPD policy and then only in accordance with established GOs, directives, procedures, and law.
- F. Members will thoroughly and effectively search all persons at the time they assume custody of such persons to discover weapons and/or contraband.
- G. In the event a member is unable to perform a thorough and effective search of a subject due to circumstances beyond his/her control, such a search must be arranged by the member and any member receiving the subject will be told of the need for a thorough search.
- H. Separate from assigned or appropriate followup, members will not interfere with cases being handled by other members of the SPD, or by any other governmental agency unless:
  - 1. Ordered to intervene by a superior officer, or
  - 2. The intervening member believes beyond a reasonable doubt that a manifest (clear) injustice or violation of the law would result from a failure to take immediate action. When such intervention occurs, a report of such intervention will be made to a supervisor or superior officer as soon as possible, and in all cases, by the end of the member's work shift.
  - 3. Such intervention is within a member's role, or as a supervisor or superior officer.
- I. Members will not undertake any investigation or other official action, not part of their regular duties (i.e., incidents they are dispatched to, on view, are assigned to, etc.), without obtaining permission from their supervisor or superior officer unless the exigency of the situation requires immediate police action. In such a case, the member will report the details of the investigation to his/her supervisor or superior officer as soon as possible, but in all cases within eight (8) hours of such an investigation.
- J. Members will submit all applicable reports on time and in accordance with established GOs and directives. Reports submitted by members will be truthful and complete, and no member will knowingly enter or cause to be entered any inaccurate, false, or improper information.

#### Rule 17: Courtesy and Image

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- A. Members shall treat all persons with respect, dignity and courtesy at all times and will not express nor use any prejudice concerning race, religion, politics, age, national origin, lifestyle, gender or disabilities for the purpose of enforcing any law, arrest, or detention.
  - 1. A violation of section A (above) is considered bias-based policing and will be addressed via an administrative investigation or inquiry in accordance with policy 1010 (Personnel Complaints and Administrative Investigations).
  - 2. If a violation of bias-based policing is sustained it will result in corrective action which could result in training or formal discipline. Formal discipline associated with a violation of bias-based policing can result in termination.
- B. Members shall assist other employees (SPD and other Town employees) when asked and when appropriate to do so. Such assistance shall include the utilization of any special skills or talents that a member may have. Any questions as to whether the assistance is appropriate may be referred to a supervisor or superior officer.
- C. Members will be tactful in the performance of their duties, controlling their tempers and exercising the utmost patience and discretion and will not engage in argumentative or derogatory discussions even in the face of extreme provocation. In the performance of their duties, members will not use coarse, violent, profane or insolent language, communication, or gestures.
- D. When any person requests assistance or advice, or makes complaints or reports about policing issues, to include poor performance by members, either in person or by other means, pertinent information will be obtained in an official and courteous manner and will be promptly forwarded to the lieutenant in charge of the Office of Professional Standards and the commander in charge of the Special Services Division.
- E. Members will not solicit nor accept from any person, business or organization any gift or gratuity (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the benefit of the member or the SPD, if it may be reasonably inferred that the person, business or organization:
  - 1. Seeks to influence action of an official nature, or seeks to affect the performance or nonperformance of an official duty, or
  - 2. Has an interest, which may be substantially affected, directly or indirectly, by the performance or nonperformance of an official duty.
- F. Members will report any offers of such gifts or gratuities from any person, business or organization or acceptances of such gifts by other members through established internal procedures and minimally advise a supervisor or superior officer via email.
- G. Any solicitation of anyone to intercede with the Chief of Police, Town Council or its members, a legislative body, or any other elected/appointed official in relation to promotions, departmental assignments, disposition of pending charges or findings of a disciplinary proceeding is prohibited. Nothing in this rule shall be construed to be applicable to licensed attorneys at law when representing a member of the SPD or to a member exercising any right or procedure provided for by these rules, GOs or directives.

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- H. Members who are on duty will carry their identification cards (as applicable: badge and duty firearm), on their person at all times, except when impractical or dangerous to their safety or to an investigation (i.e., undercover investigation or operation).
- I. Members will furnish the initial to their first name along with their full last name, badge number or their SPD identification number, to any person requesting that information when they are on duty or while identifying themselves as a law enforcement officer, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.
- J. Members will make every effort to ensure the security and safekeeping of their badges and identification cards at all times.

#### Rule 18: Personal Appearance

- A. Members will comply with established departmental dress and grooming standards as defined in the SPD Uniform Manual, any Department Directive, or instruction provided by the Chief of Police.
- B. Members will not smoke, vape or use tobacco products when they are:
  - 1. In a formation, briefing or meeting
  - 2. Inside any SPD or Town facility
  - 3. Engaged in traffic direction or investigation
  - 4. In direct contact with the public
  - 5. In any Municipal, County, Tribal, or Federal Court Building or proceedings
  - 6. In a SPD or Town Vehicle. Members may chew tobacco in their regularly assigned vehicle (however, not a pool vehicle or temporarily assigned vehicle) when they are alone (solo in a vehicle) and as long as such activity does not create mess, stain or damage the vehicle
  - 7. Attending any SPD training or department assigned training (separate from an official break during such training and then only in an area or facility appropriate for use of such products)
  - 8. Members will have to leave or be excused from their current assignment or post to a reasonable location or area to smoke, vape, or use tobacco products (i.e., break or meal break)
- C. Members who choose to use chewing tobacco shall ensure of sanitary disposal of the product (spit, etc.), such as a separate sealed receptacle prior to it being placed in a trash can. Members should not spit into water fountains, sinks or other areas of public use.

#### Rule 19: Abuse of Position

- A. Members will not use or disclose one's status as a member of the SPD in any way that could reasonably be perceived as an attempt/reason to gain influence or authority for/with a non-department business or activity

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- B. Members will not recommend or suggest in any manner, except in the transaction of personal off-duty business, the employment or procurement of a particular product, professional service or commercial service (such as an attorney, ambulance service, tow service, safety equipment, law enforcement equipment, etc.).
- C. In the case of ambulance or towing services, when such service is necessary and the person needing the service is unable or unwilling to procure, select or requests such assistance, members will act in accordance with established GOs and directives.
- D. Members will not use their official positions, official identification cards, uniform, or badges for:
  - 1. Personal or financial gain for themselves or others;
  - 2. Obtaining privileges, advantages, or items or services of value not otherwise available to them except in the performance of duty, or
  - 3. Avoiding the consequences of illegal acts of violations of GOs and directives.
- E. Members will not lend to another person their badges or identification cards or permit their badge or identification card to be copied or reproduced without the authorization of the Chief of Police.
- F. Members will not authorize nor allow the use of their names, photographs, or official titles, which identify them as a member of the SPD in connection with testimonials or advertisements of any commodity, political purpose or commercial or non-profit enterprise without the prior written authorization from the Chief of Police.
- G. Members will not use their position as a member of SPD to establish or maintain an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, other involved party, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- H. Members will not use their position with or within the SPD to solicit a personal, romantic or sexual relationship.

#### Rule 20: Unbecoming Conduct and Associations

- A. Members will conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the SPD and the law enforcement profession. Conduct unbecoming will include, but not necessarily be limited to, that which brings the SPD or the law enforcement profession into disrepute or reflects discredit upon the SPD or the law enforcement profession, the individual as a member of the SPD or law enforcement profession, or that which impairs the operation or efficiency of the SPD. Unbecoming conduct may include any disrespectful, mutinous, insolent or abusive language or action toward a member of the public, a group, an organization, an entity, or a Town employee whether in or out of their presence.
- B. Members will avoid associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment or who have a reputation in the community or the SPD for involvement in criminal behavior, except when necessary in the performance of official duties or where unavoidable because of personal family relationships.

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- C. Members will refrain from associating with, supporting or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Chief of Police (i.e., undercover operation, etc.).
- D. Members will not knowingly visit, enter or frequent a house/premises of prostitution, a prostitute(s), an illegal gambling house/premises, or establishment/premises wherein the laws of the United States, the State of Arizona, or the Town of Sahuarita are violated except in the performance of duty or while acting under proper and specific orders from a supervisor or superior officer.
- E. Members will not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor or superior officer.
- F. Members will not engage in sexual activity including, but not limited to, sexual intercourse, sexual acts or sexual conduct, nor excessive displays of affection while on duty or while at or in a SPD or Town facility, vehicle or property.
- G. Members will maintain a level of moral conduct in their personal and business affairs, which is in keeping with the highest standards of the law enforcement profession.  
Members will not participate in any activity or incident, which impairs their ability to perform or causes the SPD or law enforcement profession to be brought into disrepute and ridicule.
- H. Members will resolve all personal disputes in a peaceful and lawful manner by resorting only to legal processes, civil or criminal.
- I. Members will refrain from engaging in or perpetuating rumors or gossip about SPD or Town employees (i.e., personnel matters, work status, etc.) whether the information is accurate or not. All personnel matters will be handled with due regard to protecting the confidentiality of members/employees.
- J. Absent recording an incident directly connected to a criminal investigation or inquiry, members shall not knowingly surreptitiously audio or video record any other SPD member or Town employee without clear open acknowledgment that the interaction is being recorded. Violation of this section is subject to significant discipline up to and including termination.

#### Rule 21: Public Statements and Appearances

- A. Members, while on duty or while representing or identifying themselves as a police officer, will not publicly criticize or ridicule or speak or communicate about the SPD, its policies or other members by speech, writing or other expression, or communication where such speech, writing or other expression, or communication is defamatory, obscene, demeaning, not respectful, unlawful, undermines the effectiveness of the SPD, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
- B. Members will not address public gatherings or events, appear or have them or their statements or communication(s) presented on radio, television, World Wide Web (internet) or other media, nor shall they prepare any articles or statements for

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publication, act as correspondents to a newspaper, media group, periodical, business, or any organization, that release or divulge information, evidence or any other matters of the department while holding themselves as representing the SPD in such matters without authorization via a GO, directive or authorization of the Chief of Police or his/her designee.

#### **Rule 22: Dissemination of Information**

- A. Members will treat the official business (work product, evidence, documents, data, communications, recordings, and photographs) associated with the SPD as confidential. Information regarding official business will only be disseminated via officially approved processes, which must include an official and recorded chain of custody or process in which the official business is release, and then only to those for whom it is intended.
- B. Members may only remove or copy official records, data, evidence, reports, documents, recordings or information from police facilities or systems for purposes of official law enforcement business and in accordance with established procedures which must include an official and recorded chain of custody or process in which the official records, data, evidence, reports, documents, recordings or information is disseminated, and then only to those for whom it is intended.
- C. Members will not divulge the identity of persons, or a method or manner associated with those giving confidential information, nor any confidential information except as authorized by proper authority.
- D. Members shall not release items of evidence, property, documents, information, data, communications, recordings, photographs, etc., to members of the news media, media organizations, the public, or other persons or organizations outside the criminal justice system without the express authorization of the Chief of Police or the Chiefs' designee.
- E. Members will not discuss operations of the SPD or official business of the SPD, which is of a confidential nature, with anyone outside of the organization or without a need to know, without the permission of a supervisor or superior officer.
- F. Taking, stealing, transferring, copying, altering, forging or tampering in an unauthorized manner with any kind of police or Town property, record, information, document, computer, report or citation, communication, data, recording, or computer program is prohibited.
- G. The removal of any police or Town property, record, document, computer, report or citation, communication, data, recording, or computer program or other official file from the SPD or Town, except by process of law, or as authorized by a GO or directive or as authorized by the Chief of Police or by his/her designee is prohibited.
- H. Obtaining/duplicating or attempting to obtain/duplicate any information from SPD files, data, communications, recordings, sources, or reports other than that which one is properly entitled to in accordance with one's duties/assignment is prohibited.

#### **Rule 23: Payment of Debts**

- A. Members will not undertake any financial obligations which they know or should know they will be unable to meet and will pay all just debts when due. An isolated instance

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of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action.

- B. Members will not co-sign a note for any supervisor or superior officer nor will a supervisor or superior officer co-sign a note for a subordinate.
- C. In addition to any financial disclosure required by law for Town employees, members will, upon order of the Chief of Police or his/her designee, submit financial disclosure statements in accordance with law and established procedures in connection with a complaint in which this information is material to an administrative investigation. Such an order will specifically list the information requested and the reason it is needed.

#### Rule 24: Vehicles and Equipment

- A. Members will operate and/or use SPD or Town vehicles and equipment in a careful and prudent manner and will obey all laws and SPD GOs and directives or Town procedures and policies pertaining to such operation or use.
- B. Members will not loan, sell or convert for personal use any funds, property or equipment provided by the SPD.
- C. Members will not allow unauthorized individuals to use or operate SPD or Town issued equipment.
- D. Members shall notify their supervisor (sergeant or higher rank) when they receive notice of a revocation or suspension of their driver's license.
- E. Demonstrated inability or unwillingness to operate vehicles in a careful manner will constitute grounds for discipline up to and possibly including termination.
- F. Members will only utilize SPD or Town equipment and vehicles for its intended departmental purpose in accordance with established procedures and will not alter or change such equipment or vehicle nor abuse or negligently, carelessly or maliciously damage such equipment or vehicle.
- G. Members will use reasonable care to avoid loss of SPD equipment and all equipment will be maintained in proper order and condition.
- H. Members, when responding to an emergency call or other incident for service in a SPD/Town vehicle, will operate such vehicle in accordance with the law, GOs and directives.
- I. Members will notify their supervisor in writing via a memorandum, of any civil traffic violation they receive, whether received on duty or off duty within 48 hours unless extenuating circumstances exist. The supervisor will forward the memorandum of the circumstances through the chain of command to the Chief of Police. The member who received the civil traffic violation, shall submit a follow-up memorandum to the Chief of Police regarding any disposition of the civil traffic violation within five calendar days of the disposition.
- J. Members will immediately report, in writing via a memorandum, all known or discovered damage to a SPD or Town vehicle or equipment. The memorandum will contain all known facts surrounding the cause or nature of the damage. Reports

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to a supervisor or superior officer of any damage at the time the property is issued discharges this responsibility of the member accepting the property. The member will attach a copy of any applicable "Vehicle Inspection" form to the completed memorandum. The supervisor acknowledging the damage will assure photographs of the damage are taken and placed in a secure system for later review as well as complete and submit any required Town or risk management forms.

- K. Members will return all equipment owned by the SPD/Town when they retire, resign or otherwise leave the department in accordance with established procedures including but not limited to: a police Canine or Comfort Dog, vehicles, weapons, issued gear, policy manuals, badges, keys and identification cards.
1. As a matter of policy, SPD badge numbers shall be sequential to the hiring of a particular employee. No badge number is to be repeated for any one rank or position.
  2. The Chief of Police may authorize a member to be granted their police badge(s) or other acceptable type of law enforcement work memento when the employee has provided a minimum of 10 honorable years of service for the SPD, and separates in good standing. If the employee moves from the SPD to another law enforcement agency short of 10-years of honorable service, and they then complete a total of at least 10-years of honorable law enforcement service between the SPD and another law enforcement agency, the Chief may authorize the member to be granted their original police badge(s).
  3. If a former SPD member does not qualify to be granted their police badge(s) as outlined in K2, but it can be documented that they have provided 10-years or more of significant and well above average service to community good, separate from their work with the SPD, the Chief of Police may authorize the member to be granted their original police badge(s) without having to meet the above minimum requirements.
  4. The Chief of Police may grant a member their police badge(s) who have had to retire via a law enforcement medical retirement who may not qualify to receive such badge(s) as outlined above.

#### Rule 25: Duty to Report

- A. All members have an affirmative duty to prevent and report violations of GOs or directives. Failure to prevent or report violations may be as serious as performing or not performing actions as outlined in GOs and directives. It is the responsibility of members to protect the public to the furthest extent possible and report violations, even if they could not be prevented.
- B. All members are required to report a fellow member's violation of a law, SPD GO or directive. All such violations will be reported verbally by the witnessing member, or member with such knowledge of the violation, to his/her respective supervisor or superior officer within twenty-four (24) hours, or completion of their assigned duty shift, whichever is a shorter period of time. The supervisor or superior officer shall make a prompt determination, dependent upon the severity of the violation, on if the reporting member should provide such information in a written memorandum.

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- C. If any member of the SPD has a lawsuit filed against them by reason of an act allegedly performed in the line of duty, or for an alleged criminal act, they will immediately deliver a copy of the complaint to the Chief of Police through their respective division commander. The member may be directed to complete an accurate written report pertaining to the incident in question.
- D. All members will promptly notify a division commander or the Chief of Police, if they are arrested for any misdemeanor or felony, whether or not a charge or charges have been dropped or that they were released by citation or booked at a custodial facility.
  - 1. Members shall promptly report when they become aware that they are the subject of any criminal investigation by any law enforcement agency. Promptly is defined as within 24 hours unless circumstances outside the member's control prevents such notification; however, notification must be completed within 96 hours and prior to the members' return to work.
  - 2. If a fellow member becomes aware of another member being arrested for any misdemeanor or felony, or that a fellow member is a subject of a criminal investigation by a law enforcement agency, they shall promptly report this information to a division commander or the Chief of Police.
- E. Members are to advise their supervisor (sergeant or higher rank) when they have been served, or are subject to service of any court order associated in any way with a criminal charge or violation such as but limited to orders of protection and injunctions against harassment.
- F. Members will report any on-the-job or work-related injury to their supervisor (sergeant or higher rank), as soon as practicable, but no later than 24 hours after the injury to ensure proper reporting and care. Any supervisor or superior officer becoming aware of such injury shall promptly complete any injury paperwork and make appropriate notifications to any care system the SPD/Town utilizes for such injuries. Promptly is defined as within 24 hours of knowledge of the injury.
- G. Members are to notify the Town of Sahuarita Human Resources Department (HR) when they have a medical condition that might inhibit job performance. HR will notify the Chief of Police in cases where there is a need for the Chief of Police to know about the medical condition or treatment or that may require action by the SPD.

#### Rule 26: Administrative Investigations

- A. Members shall fully, truthfully and honestly answer all questions which may be asked of them in the course of an Administrative Investigation (AI) and shall not obstruct an AI via any means.
- B. Members shall adhere to all elements and requirements of an AI outlined or promulgated in Arizona Revised Statutes (Peace Officer Bill of Rights POBR) as well as any GO or directive.

#### Rule 27: Duty Schedules and Court and Judicial Appearances

- A. Members will appear on time and be fully prepared to go into service for all scheduled assigned duty shifts/tours of duty (regularly assigned shifts, OT, Off-Duty, etc. special events, etc.).

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- B. Members will appear on time and be fully prepared for all scheduled court or other legal process appearances unless expressly excused by the prosecuting attorney, the court, or the attorney scheduling the appearance.
- C. In any criminal, traffic, or other prosecution where a member is requested to appear as a defense witness, the Chief of Police will be promptly notified, in writing, through the member's respective commander. The member will not be excused from their regular duty or other pre-assigned OT shift(s) without informing the Chief of Police and without a written copy of the service of a subpoena. The member is free to appear as a defense witness in any prosecution when advance proof of subpoena service and notice is given. Such notice will contain the general subject matter of the expected testimony.
- D. No member will appear on duty as a witness in a civil case without the service of a subpoena; a copy of which will be given to the officer's respective commander.

#### Rule 28: Alcohol and Drug Possession and Use

- A. Members will not consume intoxicating beverages while on duty except in the performance of duty, and in those instances, never to the extent that the member's ability to perform an official assignment or function is impaired.
- B. Members will not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath or person.
- C. Members who are on-duty or arriving or reporting for work with an odor of intoxicants on their breath or person or who may exhibit other signs or evidence of drug/medication impairment may be requested to submit to a breathalyzer/intoxilyzer or other test to determine intoxicant, drug or medication use or impairment. Refusal to submit to a breathalyzer/intoxilyzer or other test can result in discipline, up to and including termination.
- D. Members, while off duty, will refrain from consuming intoxicating beverages or other legal drugs or medication in a public venue to the extent that it results in impairment, intoxication, or obnoxious or offensive or improper behavior which discredits them or the SPD or the law enforcement profession, or renders the member unfit to report for their next regular tour of duty.
- E. Members will not possess any controlled substances except when prescribed by law by a physician or dentist. When controlled substances are prescribed or other medication is being used, members will notify their division commander if the use will affect their job performance.
- F. Members will not store or bring into any police facility or vehicle alcoholic beverages, controlled substances meant for or capable of human ingestion; except alcoholic beverages and controlled substances which are held as evidence, used for training or another official capacity or are a medication prescribed by their physician or dentist for the member's health.
  - 1. Members who are authorized to use police or Town vehicles while off duty for their personal use may transport alcoholic beverages in their sealed, original containers only if they are kept in the trunk or a rear storage area of the vehicle.

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2. Members who are authorized to use a police or Town vehicle while off duty for their personal use may not transport controlled substances, cannabis or its derivatives unless such actions are to transport evidence associated with a crime that is currently under investigation by a law enforcement agency.

#### Rule 29: Secondary Employment

- A. Members may only engage in secondary employment or volunteer work in accordance with GOs and directives, as well as the Town's Personnel Policy manual.

#### Rule 30: Political Activity

- A. The SPD will not prohibit a member from nor discriminate against them for engaging in political activities while off duty, or for expressing political beliefs off duty, provided that the member, as applicable, does not:
  1. Wear a uniform or any part thereof, which could identify the individual as a SPD member or use any property of the SPD/Town during, for or in the furtherance of such political activity.
  2. Display or otherwise lead others to believe they are carrying a police firearm or SPD badge or identification.
  3. Hold themselves out as, or cause them to be recognized as, a police officer or SPD member.
- B. Members may not participate in political activity while on duty without the express permission of the Chief of Police.
- C. Political activity includes:
  1. Attendance at legislative or political sessions, meetings or events.
  2. Solicitations, speeches or distribution of campaign literature for or against a political party, candidate, proposition or position.
- D. A member may vote while on duty after notifying their supervisor of the need to vote. A supervisor shall let members exercise their right to vote to include having to call in other personnel to cover for a member while they vote.

#### Rule 31: Notices and Bulletin Boards

- A. Notices dealing with labor groups and activities or organizations may be posted only on bulletin boards designated by the Chief of Police. Groups or persons desiring to post or circulate non-official notices in SPD facilities must have the authorization of the Chief of Police or his/her designee. The bulletin boards designated for labor group postings are located on the first floor in the hallway just south of the patrol sergeant office door and on the first floor in the hallway just south of the south exit to the investigations bureau. Both these bulletin boards have a "FOP/POA" sign affixed to them designating them as bulletin boards allowed to have FOP/POA labor group postings on them.
- B. Destroying, defacing, removing, replacing, editing, or writing/drawing upon any department property, written notice, document or photograph relating to police business or dispersal of information is prohibited.

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1. The posting or circulating of any notice, information, pictures, cartoons, flyers, drawings, memorandums, notes or communications of a non-official or of a derogatory manner relating to any person, group, politician or political cause, issue or incident or police activity, function, or GO or directive, or other information or communication is prohibited whether posted on a bulletin board or left or placed in another location.

#### **1001.4 POLICY ISSUANCE OR REVIEW**

02/15/2024 - Reviewed by Chief John Noland - SP002