LAW ENFORCEMENT POLICY CENTER

Standards of Conduct

July 2019

IACP®
International Association of Chiefs of Police

The IACP Law Enforcement Policy Center creates four types of documents: Model Policies, Considerations Documents, Concepts & Issues Papers, and Need to Know one-page summaries. Typically, for each topic, either a Model Policy or a Considerations Document is created, supplemented with a Concepts & Issues Paper. This file contains the following documents:

- ***Model Policy****:* Provides police agencies with concrete guidance and directives by describing in sequential format the manner in which actions, tasks, and operations are to be performed.
- ***Concepts & Issues Paper****:* Designed to provide context and background information to support a Model Policy or Considerations Document for a deeper understanding of the topic.

Model Policy

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Standards of Conduct

I. Purpose

It is the purpose of this policy to provide specificity to the standards of conduct embodied in the law enforcement officer's code of ethics[1] and this agency's statement of values and mission, so that officers[2] have a clear understanding of agency expectations pertaining to conduct and activities while on and off duty.[3]

II. Policy

It is the policy of this law enforcement agency that officers shall conduct themselves both on and off duty in a manner that reflects high ethical standards consistent with the values and mission established by this agency and the expectations of the community it serves.

III. Procedures

A. General

The following items shall be reviewed and/or developed.

1. A statement that explicitly states the agency's mission, goals, and values;
2. Code of ethics;
3. Oath of honor.

[1] See the IACP Ethics Toolkit available at https://www.theiacp.org/ projects/iacp-ethics-toolkit.

[2] The term "officer" is used throughout this document. However, agencies should consider whether sworn, civilian, or reserve officers; volunteers; interns; cadets; explorers; or any individual engaged in agency-sponsored mentoring activities should be cognizant of and adhere to the directives set forth herein.

[3] For additional guidance regarding officer conduct, please refer to the IACP Law Enforcement Policy Center documents on Harassment and Discrimination, Employee Drug Policy, Investigation of Employee Misconduct, Firearms, Family and Medical Leave, Grievance Procedures, Grooming and Appearance, Nepotism and Employee Fraternization, Off-Duty Arrests, Secondary Employment, Retaliatory Conduct by Employees, and Social Media available at https://www.theiacp.org/policycenter.

These documents are the result of work performed by the IACP Law Enforcement Policy Center. The views and opinions expressed in these documents are sanctioned by the center's advisory group and do not necessarily represent the official position or policies of the International Association of Chiefs of Police.

B. Conduct

General conduct includes the following:

1. Officers shall follow this agency's mission and values statement, oath of honor, and code of ethics. If an officer experiences an ethical conflict with these items, they should consult a supervisor for further clarification.
2. Officers shall be truthful in all matters and shall not lie, falsify, conceal, purposely distort, diminish, embellish, or fail to fully disclose facts associated with any law enforcement business.[4]
3. Adherence to laws, regulations, and orders:
    a. Officers shall abide by all laws, regulations, agency policies, rules, and procedures.
    b. Officers shall obey all lawful orders.
    c. Officers who are arrested or come under investigation for any offense in any jurisdiction shall immediately report this fact to their supervisor.
    d. A court conviction for a crime that carries a possible sentence of incarceration shall be prima facie evidence of a violation of this policy.
4. Unbecoming conduct – Officers shall not conduct themselves in a manner, on or off duty, that:
    a. Casts doubt on their integrity, honesty, moral judgment, or character;
    b. Brings discredit to this agency; or
    c. Impairs the agency's efficient and effective operation.
5. Neglect of duty:
    a. All officers shall perform their duties faithfully and diligently and shall take responsibility for and exhibit attentiveness, care, and thoroughness in the conduct of assignments and responsibilities.
    b. Officers shall conduct themselves in an expeditious manner to avoid any unreasonable delays to the public in the performance of law enforcement duties and activities.
6. Accountability and responsibility:
    a. Officers are directly accountable for their actions, through the chain of command, to this agency's chief executive officer.
    b. Officers shall report for duty, including court and off-duty assignments, at the time and place required.
    c. Officers have a duty to intervene to prevent or stop wrongdoing by another officer when it is safe and reasonable to do so.
    d. Officers have a duty to report any misconduct of which they become aware and shall notify a supervisor as soon as possible when another member of the agency is violating law or policy.
    e. Officers shall cooperate fully in any internal administrative investigation conducted by this or any other authorized agency and shall not attempt to conceal, divert, or mitigate any culpability of theirs or others by falsehoods or omissions.
    f. Officers shall utilize agency supplies, property, and equipment only for their official purpose and in accordance with established agency rules, policies, and procedures and shall not intentionally abuse, destroy, dispose of, or damage these items.

[4] This policy recognizes the fact that there are legitimate needs for deception and/or non-disclosure of information in furtherance of the law enforcement purpose.

7. Conduct toward fellow officers:
    a. Officers shall conduct themselves in a manner that fosters cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.
    b. Officers shall not use language or engage in acts that demean, harass, or intimidate other officers.[5]
8. Conduct toward the public – Officers shall interact with the public in a civil and professional manner that conveys a service orientation to foster public trust and cooperation and adheres to the concepts associated with procedural justice.
    a. Officers shall treat individuals with courtesy, respect, and dignity.
    b. Officers shall not employ an officious or overbearing attitude or use language that might belittle, ridicule, or intimidate individuals.
    c. Officers shall perform their duties equitably in both the enforcement of laws and the delivery of law enforcement services within the community and shall strive to maintain public trust by conducting all law enforcement business in an unbiased, fair, and impartial manner.[6]
9. Abuse of law enforcement authority or position:
    a. Officers may not accept goods, services, or discounts of value not available to the general public and shall report any unsolicited goods or services they receive and the circumstances of the receipt to a supervisor.[7]
    b. Officers shall not use their authority or position:
        - for financial gain;
        - to obtain or grant privileges or favors;
        - to avoid the consequences of illegal acts for themselves or others; or
        - to barter, solicit, or accept any goods or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others.
    c. Officers shall not purchase, convert to their own use, or have any claim to found, impounded, abandoned, or recovered property or any property held or released as evidence.
    d. Officers shall not permit the use of any agency-issued identification card, badge, or official document by unauthorized persons.
    e. Officers are prohibited from using law enforcement sensitive information gained through their position to advance financial or other private interests of theirs or others.
    f. Officers shall not steal, forge, or tamper with any official law enforcement document. Documents shall not be altered or duplicated unless such actions are approved by a supervisor.
    g. Officers shall not take or release photographs capturing sensitive information or images unless authorized to do so.
    h. Officers shall not undertake any investigation or other official action that is not part of their regular duties without first obtaining permission from their supervisor, unless the exigency of the situation requires immediate law enforcement action.

[5] Please refer to the IACP Policy Center documents on Harassment and Discrimination available at https://www.theiacp.org/resources/ policy-center-resource/harassment-and-discrimination and Retaliatory Conduct by Officers available athttps://www.theiacp.org/resources/poli- cy-center-resource/retaliatory-conduct.

[6] See the IACP Policy Center documents on Unbiased Policing available at https://www.theiacp.org/resources/policy-center-resource/ unbiased-policing.

[7] Agencies should determine whether de minimis items, defined as those that are "so minor as to merit disregard," are included in these prohibitions.

i. Officers involved with any civil action that arises from acts performed under color of authority shall inform their supervisor.

10. Prohibited associations and establishments:
    a. Officers shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another law enforcement or criminal justice agency or who has an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in criminal activity), except as necessary to the performance of official duties or where unavoidable or impractical because of pre-existing familial or marital relationships. In such cases where regular household, physical, or telephone contact is unavoidable, the officer shall inform their supervisor of the relationship.
    b. Officers shall not knowingly engage in social or romantic relationships with confidential informants, victims, or witnesses involved with active investigations.
    c. Officers shall not participate or interfere in investigations involving family members or persons with whom they have a close personal or business relationship.
    d. Except in the performance of official duties, officers shall not enter any establishment in which the law is knowingly violated.
    e. Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.

C. Public Statements, Appearances, and Endorsements

1. Officers shall follow this agency's policy on social media.[8]
2. Officers shall not, when officially acting as a representative of this agency:[9]
    a. make any public statement that could be reasonably interpreted as having an adverse effect upon agency morale, discipline, operations, or public perception;
    b. divulge or willfully permit to have divulged any information gained by reason of their position, for anything other than its official, authorized purpose; or
    c. unless expressly authorized, make any statements, speeches, or public appearances that could reasonably be considered to represent the views of this agency.
3. Officers shall not solicit or accept contributions for this agency or, as a law enforcement officer of this agency, for any other agency, organization, event, or cause without the express consent of the agency chief executive or their designee.
4. Officers may not, as an agent of this agency, endorse, recommend, or facilitate the sale of commercial products or services without the approval of the agency's chief executive officer or their designee. This includes but is not limited to the use of tow services, vehicle repair shops, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to referrals to appropriate governmental, community, or social services.

[8] See the IACP Policy Center documents on Social Media available at https://www.theiacp.org/resources/policy-center-resource/social-media.

[9] For issues concerning limitations on speech while off-duty, please refer to the accompanying Concepts & Issues Paper.

D. Political Activity

Officers shall follow applicable laws regarding their participation and involvement in political activities. Where legal mandates are silent on this issue, officers shall be guided by the following examples of prohibited political activities while on duty, in uniform, or otherwise serving as a representative of this agency. Officers shall not:

1. Place, affix, or display any campaign literature or other paraphernalia in or on government-owned or controlled property, to include offices and vehicles;
2. Solicit political funds from any member of this agency or another governmental agency of this jurisdiction;
3. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures;
4. Use official authority to interfere with any election or with the political actions of other officers or the general public; or
5. Favor or discriminate against any person seeking employment because of political opinions or affiliations.

Every effort has been made by the IACP Law Enforcement Policy Center staff and advisory board to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no model policy can meet all the needs of any given law enforcement agency. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives, and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities, among other factors. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes. Law enforcement administrators should be cautioned that each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements that must be considered and should therefore consult their legal advisor before implementing any policy.

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IACP International Association of Chiefs of Police

IACP Law Enforcement Policy Center

Concepts & Issues Paper

Updated: July 2019

Standards of Conduct

I. INTRODUCTION

A. Purpose of Document

This document was designed to accompany the Model Policy on Standards of Conduct developed by the IACP Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their communities and their law enforcement agencies.

The term "officer" is used throughout this document. However, agencies should consider whether sworn, civilian, or reserve employees; volunteers; interns; cadets; explorers; or any individual engaged in agency-sponsored mentoring activities should be cognizant of and adhere to the directives set forth herein.

B. Background

Law enforcement officers confront many difficult decisions that may involve conflicting notions of what is right and wrong and what is expected from them. From the seemingly benign offer of a free cup of coffee to a substantial financial inducement for an officer to ignore wrongdoing, law enforcement authority can be a source of many temptations that can strain the limits of personal and professional integrity.

Therefore, law enforcement agencies must clearly define what is and is not acceptable conduct. To do their job properly, law enforcement officers must accept and abide by a high ethical and moral standard that is consistent with the rule of law they are sworn to uphold. They must also uphold those beliefs and demonstrate their adherence to those values by consistently employing propriety and discretion in their personal lives that reflect favorably on themselves as professionals and the law enforcement agency that they represent. Without this high standard, agencies cannot expect to gain the trust, respect, and cooperation of community members that are essential to the success of policing.

Personal integrity—a conscious decision to do the right thing even in the face of overwhelming pressure—and acceptance of responsibility for one's actions are indispensable in achieving high levels of professional conduct. Values, codes of conduct, and ethical standards are important guides; however, it is also critical that agencies make clear what is acceptable behavior in specific situations. This is particularly the case in highly sensitive areas of law enforcement operations.

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The rules of conduct set forth in this document are not intended to serve as an exhaustive list of requirements, limitations, or prohibitions on officer conduct and activities. Rather, they are intended to inform officers about some of the more sensitive and often problematic matters involved in law enforcement conduct and ethics; specify, where possible, actions and inactions that are contrary to and conflict with the duties and responsibilities of law enforcement officers; and guide officers in conducting themselves and their affairs in a manner that reflects the high standards of professionalism required of law enforcement officers. Additional guidance on matters of conduct may also be found in specific policies, procedures, and directives disseminated by the agency and in direction provided by officers' immediate supervisors and commanders.[1]

C. Promoting Ethical Policing

Agencies must promote ethical conduct by all officers at all times. While a policy outlining acceptable and unacceptable conduct for employees is necessary, not every situation can or will be covered explicitly. If one does not already exist, agencies should begin by establishing a statement that outlines their mission, goals, and values. In addition, a code of ethics and oath of honor should be utilized.[2] These broad statements should reflect a general underlying principle requiring ethical conduct that will guide the use of discretion in incidents where no specific rule applies.

Officers should be required to follow each of these items in all situations and use these principles as the basis for all decision-making. In cases where officers are asked or directed to behave in a manner or are faced with a situation that is contradictory to these items, they should consult a supervisor for further clarification.

The focus on ethics should begin with the selection and hiring process. A variety of screening tools, such as psychological and polygraph examinations may be utilized to determine if an individual has the behavioral characteristics suited to law enforcement work. Once hired, a training and probationary period may be used to further evaluate how the potential officer demonstrates the ethical standards set forth by the agency. In addition, in an effort to develop independent, rational, ethical decision-making skills, agencies may elect to utilize role-playing exercises designed to simulate possible situations where an officer is confronted with an opportunity to act in a corrupt or unethical manner.

D. Policy Rationale

Standards of conduct often involve personal liberties, including freedom of association and freedom of speech, that are among the more closely guarded individual rights. In virtually all work environments, there are limitations upon an employer's ability to dictate the terms of employment with regard to personal conduct of employees. It is reasonable for employers to require that their personnel conduct themselves with decorum and good taste. However, in matters of a more personal nature, employers must be confident that the restrictions or limitations they wish to impose are legally grounded, reasonable, and justifiable as job-related.

The courts have, in many cases, upheld the notion that law enforcement work has distinctive features that distinguish it from other types of employment. As such, certain types of conduct and employee activities are deemed harmful to the efficient and effective operation of law enforcement agencies and can be limited, curtailed, or modified in some manner.

[1] For additional guidance regarding employee conduct, please refer to the IACP Law Enforcement Policy Center documents on Harassment and Discrimination, Employee Drug Policy, Investigation of Employee Misconduct, Firearms, Family and Medical Leave, Grievance Procedures, Grooming and Appearance, Nepotism and Employee Fraternization, Off-Duty Arrests, Secondary Employment, Retaliatory Conduct by Employees, and Social Media available at https://www.theiacp.org/policycenter.

[2] See the IACP Ethics Toolkit available at https://www.theiacp.org/projects/iacp-ethics-toolkit.

Law enforcement policies generally, and particularly those that have bearing on liberty interests of personnel, must be based on rational, justifiable grounds that can be articulated and relate to the promotion of legitimate law enforcement agency and/or public interests.

E. Prevention of Employee Misconduct – Proactive Measures

As with any other aspect of law enforcement, the best way to solve a problem is to prevent the problem from arising. For this reason, agencies should incorporate proactive, preventive measures for detecting and responding to indications of potential ethical or conduct violations prior to their occurrence.

Pre-Employment Screening and Qualifications. The pre-employment screening stage is an opportune time to ensure that candidates initially selected for a career in law enforcement are the most suitable and most likely to perform in an ethical manner. Agencies should develop and publish pre-employment qualifications and guidelines that specifically outline the desired recruit attributes.[3]

Individual Responsibility and Accountability. Line officers are key stakeholders in efforts to preserve and enhance the reputation of their agency and their personal pride. These officers are on the front line with the community they serve, and their conduct reflects upon the agency as a whole. It is imperative that organizational pride, self-respect, and respect for the law enforcement profession and agency ethics are continuously emphasized. These concepts must be prioritized in agency mission statements, throughout policy and procedure, and in any training.

Therefore, if an agency is to maintain a professional image, officers must ensure that their behavior complies with professional standards of conduct. Every employee of the agency has a responsibility to adhere to agency standards of conduct, policies, rules, and procedures. Employees should be made fully aware of the fact that they will be held strictly accountable for such adherence. Officers should also be required to report actions or patterns of behavior of fellow officers that breach agency standards of conduct, especially when acts or patterns of behavior by fellow officers threaten the rights of community members and/or the well-being and reputation of other officers and the agency as a whole. The agency should also take a strong stance against retaliatory conduct.[4] Again, the emphasis must be on individual and organizational pride and respect for the law enforcement field.

Training, Supervision, and Policy Guidance. The law enforcement agency is responsible for providing each officer with sufficient and proper training, supervision, and policy guidance to ensure that they are fully aware of standards of conduct, policies, rules, and procedures. In this respect, policy and procedure development is not static, but a dynamic function subject to continued refinement as the agency's environment and circumstances change. As modifications are made, steps must be taken to ensure that each officer has actual notice of such matters and fully understands what is required. In addition, it is imperative for the agency to continuously promote ethics, integrity, individual and organizational pride, public trust, transparency, and enhanced partnership with the community throughout the agency's mission statement, policy and procedure, and all training.

Responsibility of Supervisors. Supervisors are a law enforcement agency's most important asset for continually reinforcing evolving policies, procedures, goals, and objectives and ensuring that they are carried out properly. The primary responsibility for maintaining and reinforcing officer conformance with the agency's standards of conduct and operational procedures is lodged with first-line supervisors. Supervisors must closely monitor and evaluate the general conduct and performance of all officers in their unit. Evaluations of officers must be the product of daily observation and close working relationships. Supervisors should remain alert to any indications of behavioral, physical, or other

[3] Certain qualifications have been shown to result in more positive outcomes. These include requiring at least a two-year college degree before hiring; conducting a thorough background investigation that tracks the disciplinary history of candidates; and requiring that candidates go through a competent psychological screening regimen. For more information regarding identifying appropriate pre-employment screening mechanisms and pre-hiring qualifications for law enforcement personnel, see Michael G. Aamodt, *Research in Law Enforcement Selection* (Boca Raton, FL: Brown Walker Press, 2004); and James F. Albrecht, *Police Brutality, Misconduct and Corruption: Criminological Explanations and Policy Implications,* Springer Briefs in Criminology (New York, NY: Springer Publications, 2017).

[4] See the IACP Policy Center documents on Retaliatory Conduct by Employees available at https://www.theiacp.org/resources/policy-center-re- source/retaliatory-conduct.

problems that may affect an officer's job performance as well as any behaviors that may suggest conduct that is inconsistent with agency policy, procedures, and rules. Where observed, any information of this type that is deemed relevant should be documented immediately. When problems are detected, a supervisor may recommend additional training, counseling, or other corrective action.

However, the agency cannot assume that an officer who is promoted to supervisory status necessarily possesses the requisite supervisory or leadership abilities. All supervisory personnel require training in first-line supervision skills if they are to be effective and serve the interests of the agency and the community. This training should encourage supervisors to act as role models for both subordinates and peers, with an emphasis on ethics and professionalism.

Early Identification Systems. Effective early identification systems (EIS) assist supervisors and managers in identifying employees whose performance warrants review and, where appropriate, outlining intervention procedures in circumstances where the employee's behavior may have negative consequences for the employee, coworkers, the agency, and/or the general public.[5] An EIS allows for identified officers to receive enhanced supervisory attention and more frequent performance evaluation. Mentoring and guidance at this preemptive stage may lead to improved performance and prevention of misconduct.

II. PROCEDURES

A. General Conduct

Obedience to Laws. Officers are responsible for observance of all laws, regulations, and orders. Law enforcement officers are as subject to the law as any other person. This element of the policy is intended to stress the importance of the rule of law for all officers and to hold each officer accountable for any legal wrongdoing.

It is imperative that officers also abide by agency policies, rules, and procedures and obey all lawful orders. The term lawful is included to acknowledge the potential situation in which an order may be given that is unlawful or is in violation of agency policy. In situations where an unlawful order is given, officers should inform the individual giving the order that it cannot be followed because it would violate a law or agency policy.

Truthfulness is also a key component of officer integrity. Failure to be truthful in all situations, to include when conducting law enforcement business and in the course of filing reports or making statements, can render an officer unfit for duty and provide the grounds for termination of employment.[6] However, agencies should recognize that there are legitimate needs for deception and/or nondisclosure of information in furtherance of the law enforcement purpose.

Finally, officers should be required to immediately notify their supervisor whenever they are arrested or come under investigation for any offense in any jurisdiction. Agencies may also elect to include a requirement for notification if the officer is charged with a misdemeanor or felony. This information—either as a single incident or in the context of repeated problems—can have a bearing upon an officer's ability to serve as a law enforcement officer generally or in specific assignments within the agency. Additionally, a court conviction for a crime that carries a possible sentence of incarceration shall be prima facie evidence of a violation of this policy.

Conduct Unbecoming an Officer. Officers, whether on- or off-duty, should act in a manner that is above reproach. This includes avoiding behavior that may cast doubt on their integrity, honesty, moral judgment, or character; tends to bring discredit to the agency; or impairs the agency's efficient and effective operation. These actions are sometimes referred to as conduct unbecoming an officer (CUBO). Unbecoming conduct incorporates those acts that might not be specifically identified by policy but that could reasonably be regarded as so improper or inappropriate by their nature and in their context that they are harmful to the agency's and officers' reputations.

[5] See the IACP Policy Center documents on Early Identification Systems available at https://www.theiacp.org/resources/policy-center-resource/early-identification-system.

[6] See the IACP Policy Center documents on *Brady* Disclosure Requirements available at https://www.theiacp.org/resources/policy-center-resource/brady-disclosure-requirements.

One of the problems in defining prohibited conduct is that it is impossible to reasonably itemize all forms of conduct that may be considered damaging to officers or their agency. Attempts by an agency to list all prohibited acts become excessively tedious and invariably overlook certain types of behavior that would be considered unacceptable. Under these circumstances, it is more difficult to hold an officer accountable for improper behavior if it is not included in the defined list of prohibited actions. Therefore, CUBO incorporates the array of improper acts not specifically identified in a standards of conduct policy. But, to do this effectively, CUBO should show a nexus between the conduct and the efficiency of service and be linked effectively to an agency's code of conduct and values.

Some agency executives may hesitate to incorporate CUBO into their standards of conduct because it does not identify specific prohibited acts and presents the possibility that charges brought under this umbrella could more easily be challenged as being arbitrary. While this possibility exists, it is also true that most disciplinary measures relating to conduct violations are subject to similar challenges based on the alleged transgression's relevance to the officer's job and the efficient and effective operation of the agency. In all cases of conduct violations, the agency must be prepared to defend its position based on the connection of the behavior to negative outcomes on the agency's officers and mission. Charges of CUBO should be brought only when there is an articulable reason and rational justification for enforcing the standard.

Additionally, agencies should be particularly cognizant of the need to enforce CUBO on a consistent and equitable basis.

The agency should recognize that it may be setting precedent in some cases when disciplining officers for conduct that is not specified in the agency's policy and procedure manual. To avoid charges of disparate treatment, the agency should make every effort to ensure that similar acts of offending conduct by officers are dealt with through similar disciplinary measures. Also, to provide officers with the information necessary to make informed decisions on such matters, the agency should provide in-service training on an initial basis upon introduction of the policy and on a periodic basis thereafter.

Neglect of Duty. Officers must not neglect their duties. This includes the willful failure to perform such actions as required of a law enforcement officer. Failure to act, outside the strict legal context, can also involve failure to take law enforcement action; failure to perform a law enforcement function due to inattentiveness or lack of diligence; or failure to perform a function fully and responsibly as prescribed by the duty assignment, operation, or expectations of the agency.

Officers must remain alert and ready to quickly respond to any situation requiring action. Therefore, agencies should prohibit employees from sleeping, conducting personal business, or engaging in any other activities that would cause them to neglect or be inattentive to their duties.

In addition, officers should work efficiently and effectively. They should perform their duties in such a way that avoids any unnecessary delays, whether this be when responding to a call or completing a traffic stop. This policy statement also aids in the prevention of claims of unlawful detentions.

Accountability and Responsibility. Officers should be reminded that they are directly accountable for their actions through the chain of command to the agency's chief executive officer. They are expected to report for duty, including any court or off-duty assignments, at the time and place required. Should an officer be unable to meet this requirement, they should notify their supervisor as soon as possible.

While officers have a duty to follow all laws and policies themselves, they also have a duty to intervene, to prevent, or to stop wrongdoing by another employee when it is safe and reasonable to do so. This should include notification of a supervisor as soon as possible when another member of the agency is violating law or policy.

Further, officers must cooperate fully in any administrative investigation conducted by the agency, or another authorized agency, and must not attempt to conceal, divert, or mitigate any culpability by falsehoods or omissions.

Officers are also responsible for maintaining agency- or government-owned or controlled property and equipment in a manner consistent with policy and training. Any intentional abuse, destruction, disposal, or damage of such items should be considered a violation of policy.

Conduct Toward Fellow Officers. Establishment of a working environment that is respectful, constructive, and supportive develops a fellowship among officers and motivates them toward maximum personal and agency achievement. All working environments experience some degree of discord and friction between personalities can be expected. However, an officer can reasonably expect, and indeed should require, a workplace free from harassment and discrimination.[7]

Workplace harassment and discrimination not only expose the organization and offending personnel to civil liability, as well as possible prosecution under the law, but also have other destructive effects. Harassment has serious debilitating effects on its victims and creates disruptions to productivity. Agencies should address these issues in a separate comprehensive policy on this matter and remain cognizant of the broader applicability of workplace harassment and discrimination law.

Therefore, officers are expected to conduct themselves in a respectful, courteous, and professional manner at all times, especially when interacting with other members of the agency. Any language or acts that demean, harass, or intimidate another officer should not be tolerated.

Conduct Toward the Public. A positive community-police relationship is essential for gaining the public's confidence and securing their support in crime prevention and criminal apprehension. Public support and cooperation are built primarily upon a relationship that is the result of fair treatment by law enforcement. The law enforcement image among members of the public is generally the product of a single or a few brief personal encounters with law enforcement or is based on what are perceived as reliable stories passed on by friends or acquaintances who have had such experiences. As highlighted by social media, even a single negative public encounter can have a ripple effect. These incidents can often undo or seriously damage long-standing positive law enforcement–community relationships.[8]

There are several general rules of conduct that, if followed by officers on a consistent basis, should assist in building and maintaining public support. Specifically, officers should always have a civil and professional manner when interacting with the public. In addition, officers should treat all individuals with courtesy, respect, and dignity. Overbearing attitudes and language that can belittle, ridicule, or intimidate individuals should be avoided.

Treating persons in an unbiased, fair, and impartial manner is also key to gaining public trust, support, and cooperation. This is the case when dealing with the public in enforcement encounters as well as in providing services to the community, such as preventive patrol and crime prevention initiatives.[9]

Officers should also uphold the tenets of procedural justice, which refers to the idea that individuals judge the fairness of the justice system on how fair they perceive the process, as opposed to how fair they perceive the outcome. Therefore, the framework surrounding procedural justice in law enforcement consists of several approaches that aim to foster trust and confidence in law enforcement. These include providing the public with (1) voice: that their side of the story has been heard; (2) respect: that law enforcement treats them with dignity and respect; (3) neutrality: that an officer's decision-making is unbiased and trustworthy; (4) understanding: provision of basic information on why and how officers made decisions in a given matter; and (5) helpfulness: that an officer is interested in the individual's personal situation to the extent reasonable and allowable.[10] By incorporating these items into their daily interactions with the public, officers can help establish the legitimacy necessary to build community trust and confidence in law enforcement.

[7] See the IACP Policy Center documents on Harassment, Discrimination, and Unprofessional Conduct available at https://www.theiacp.org/resourc- es/policy-center-resource/harassment-and-discrimination.

[8] See the IACP National Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion and Community Trust report, https://www.theiacp.org/resources/iacp-national-policy-summit-on-community-police-relations-advancing-a-culture-of-cohesion.

[9] See the IACP Policy Center documents on Unbiased Policing available at https://www.theiacp.org/resources/policy-center-resource/unbiased-po- licing.

[10] President's Task Force on 21st Century Policing. *Final Report of the President's Task Force on 21st Century Policing* (Washington, DC: Office of Community Oriented Policing Services, 2015), 10.

B. Abuse of Law Enforcement Authority and Position

The fact that law enforcement officers hold an elevated position within the criminal justice hierarchy confers upon them a greater responsibility of office. A law enforcement officer is entrusted to protect the safety and rights of the public. Abuse of authority by law enforcement officers can take many forms, including the use of excessive force and violation of civil rights. However, the present discussion deals primarily with those acts or inactions committed by officers for purposes of personal or financial gain, privilege, or advantage not otherwise available to them as private citizens. This may also be referred to as corruption. Personal gain may take the form of services rendered, status, political influence, or prestige. Such violations range in severity from acceptance of nominal tokens of appreciation to the systematic exploitation of persons or organizations for gain. Small, seemingly benign acts that take advantage of law enforcement authority or position may foster an environment of tolerance within agencies, sometimes leading to more frequent and egregious transgressions. Agencies should, therefore, assume a position of zero tolerance on this matter.

In particular, officers should not be allowed to accept goods, services, or discounts of value that are not available to the general public. Even though officers are prohibited from receiving gifts, gratuities, and similar items, such items might nevertheless be received through the mail or by other means on an unsolicited basis. Reporting these items helps to ensure that their receipt receives official notice, thus protecting the officer from allegations of misconduct and providing the agency with oversight ability. In their policies, agencies should consider prohibiting officers from using their authority or position (1) for financial gain; (2) to obtain or grant privileges or favors; (3) to avoid the consequences of illegal acts for themselves or others; or (4) to barter, solicit, or accept any goods or services, whether for themselves or others. The latter includes gratuities, gifts, discounts, rewards, loans, and fees.

This restriction addresses the majority of concerns law enforcement executives have regarding an officer's use of authority for financial gain. It prohibits situations such as accepting special access to and treatment at public events or gatherings; negotiating with officers from the same or another jurisdiction to overlook violations of the law for themselves, their friends, or members of their family; or asking for, bartering for, or accepting outright any goods, services, or similar gains. These are only examples of possible scenarios covered by this directive, which is designed to address a broad spectrum of situations in which officers could willfully or inadvertently benefit from their position or authority.

Some will argue that a complete ban on the acceptance of goods, services, and favors is too far reaching and fails to recognize that gestures, such as providing items of de minimis value, are sometimes made by community members as tokens of appreciation without any expectation of special treatment. Each agency must make its own decision regarding what it will tolerate in this area. But as a matter of principle, it should be made clear to officers that they are in a high-profile position within the community as a representative of local government and are given a special level of trust and authority not available to others. As such, they may be faced with situations in which persons or groups may, intentionally or unintentionally, attempt to abuse their authority and influence them for unauthorized purposes. The simple cup of coffee or a discounted meal from a friendly restaurateur might be nothing more than a courteous gesture or token of appreciation. However, it might also incorporate subtle manipulation intended to extract favors from officers, such as spending more time in and around the establishment than would normally be necessary or permitted. Some agencies may wish to impose additional restrictions to address this issue, such as limits on the number of officers who are allowed to congregate at locations such as businesses when there is no legitimate law enforcement need for their presence.

Members of the public who witness or learn of officers receiving special treatment or gratuities may feel a degree of resentment toward not only the officers involved but the law enforcement agency as a whole. They may question the degree to which favoritism influences the decision-making process of officers in general, whether law enforcement resources are provided equitably and fairly within the community, and even whether the apparently simple gesture reflects a more pervasive degree of corruption within the agency.

Officers should also be prohibited from taking ownership of found, impounded, abandoned, or recovered property—or any property held or released as evidence by the agency. Here again, the issue is one primarily of appearances. In these

situations, charges could be made that officers are engaged in subterfuge by procuring property unnecessarily or inappropriately with personal intentions for its use or acquisition. However, this does not preclude the agency from selling at public auction or in other acceptable ways dispensing of abandoned, recovered, or related property after a reasonable amount of time and following legitimate and earnest attempts to locate owners. Agencies should have established policies dictating these practices.

Officers should also be limited in the manner in which they can solicit funds as part of, or on behalf of, the law enforcement organization without the express consent of the agency chief executive or their designee. This directive is intended to impose controls over all fundraising activities so that legitimate activities can be sanctioned and managed by the agency.

Another issue regarding abuse of authority concerns the unauthorized use of law enforcement sensitive information to advance an officer's or someone else's financial or private interests. For example, officers or other employees working in sensitive areas of the agency might sell criminal history records or other restricted information to commercial operations as part of background investigations. Officers working in part-time jobs for security firms, process servers, or others might use confidential or other sensitive information developed by the agency to promote their interests and those of unauthorized outside parties. Similarly, officers should be prohibited from stealing, forging, or tampering with any official law enforcement document or record. Any changes and duplications of these documents or records must be approved by a supervisor. Officers should also be instructed not to take or release photographs capturing sensitive information or images unless authorized to do so. Express prohibitions on the unauthorized use of agency-issued identification cards, badges, or official documents should also be included in policies governing officer conduct.

Officers are often involved in several cases at any given time. While adding an additional case to their workload might not seem like a cause for concern, these officers should obtain permission from their supervisors before undertaking any investigation or other official action that is outside their regular duties. The goal of this directive is to prevent any possible accusations of impropriety that might result from officers becoming involved in cases outside their normal purview. However, this does not apply to exigent situations that require immediate law enforcement action.

Finally, officers should immediately notify their commanding officer whenever they are involved in a civil action directly linked to their job-related duties. Officers may initiate civil lawsuits or otherwise become party to civil actions against persons with whom they have had dealings in the course of their employment and from which they could receive monetary compensation. This will allow the agency to become aware of cases in which officers appear to be abusing this right or conspiring to use this legal avenue solely for personal gain or punishment of others.

C. Prohibited Associations and Establishments

Many agencies seek to prevent employees from knowingly associating with "undesirable" persons, other than in official capacities—that is, those who have a notorious criminal reputation or history that could present a potential threat to the agency's reputation and effectiveness or that could compromise the officer. Where restrictions or prohibitions on such relationships exist within law enforcement organizations, questions often arise as to whether the rule serves a legitimate governmental interest, whether it impinges upon an employee's right to freedom of association, and where the balance falls between the two competing interests.

First, restrictions of this nature should not be overly broad. A policy that fails to provide specific guidance as to the types of associations that are prohibited may be held void for reason of vagueness. The agency should be prepared to give specific, articulable reasons why association with a named class of individuals will damage the agency's reputation or otherwise interfere with the agency's mission. Second, the policy should provide an exception for family relationships or other associations that are similarly unavoidable. Most courts would not uphold a policy, for example, that prevents an officer from associating with his or her spouse or parents. Finally, the policy should provide an exception for contacts legitimately made in the line of duty.

Policies may address these issues by outlining precisely when officers may not enter into a social or romantic

relationship with different individuals. Specifically, knowingly commencing or maintaining such relationships with individuals who are under criminal investigation, indictment, arrest, or incarceration by the agency or another law enforcement or criminal justice agency, or who have an open and notorious criminal reputation in the community should be avoided whenever possible. This directive is designed to remove the appearance of impropriety involving officers involved in such cases. Such associations might also give rise to other speculation to include the pre-arrest relationship of the officer to the person in question and the possible interplay of the relationship to the arrest. In cases where regular household, physical, or telephone contact is unavoidable, the officer should inform their supervisor of the relationship.

Additional prohibitions in a policy should not necessarily preclude officers from associating with individuals in their private lives solely because they have a criminal record. However, as this is not advisable for law enforcement officers, many agencies may wish to discourage it. But association with persons who have served their sentence, reentered society, and are otherwise pursuing legitimate occupations may be considered acceptable. On the other hand, should the individual's past criminal history be so notorious and infamous as to cast doubt on that person's reputation after having reentered society, or there is question concerning the individual's continued connection to criminal enterprises, there would be legitimate grounds for the agency to prohibit such association. In short, whenever questions arise concerning the reputation of persons with whom officers associate, officers are well advised to restrict or eliminate their interactions with such individuals and to discuss the matter with an appropriate supervisor.

Agencies should also consider restrictions regarding officers' knowingly engaging in social or romantic relationships with confidential informants, victims, or witnesses. In cases where these individuals are involved in active investigations, the relationship should be prohibited. However, once the investigation has concluded, agencies must decide whether officers should be allowed to engage in such relationships. When making this decision, agencies must weigh the infringement upon an officer's personal affairs against the possible perception of impropriety.

Officers should also not participate in any investigations involving family members or individuals with whom they have a close personal or business relationship. If an officer is actively investigating a case and information develops indicating that such person or persons are involved, the officer should advise their supervisor of the involvement and the details of the case so that the supervisor can determine if the case needs to be reassigned.

In regard to associations involving business establishments, officers should not enter any establishment in which the law is knowingly violated except when conducting a legitimate law enforcement purpose. Again, the issue involved here is the protection of the image and reputation of officers and their agencies. Some agencies choose to establish a list of "off-limits" locations officers are not allowed to visit unless for a legitimate law enforcement purpose. This list may include locations where illegal activity is known to occur but can also extend to locations where there is suspected wrongdoing that has not yet been proven.

Finally, officers should be prohibited from knowingly joining or participating in any organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination. This includes not only organizations that support criminal acts or conspiracies, but also any that advocate such acts. Affiliation with so-called "hate groups" that espouse or support criminal acts or criminal conspiracies are among those that run counter to the core values of law enforcement. Any affiliation of officers with such groups has a significant debilitating effect on the reputation of officers and their law enforcement agency.

D. Public Statements, Appearances, and Endorsements

Agency policy should address several concerns with respect to public statements made by officers. This may include prohibiting officers, when acting as a representative of the agency, from making any public statement that could be reasonably interpreted as having an adverse effect upon agency morale, discipline, operations, or public perception.[11]

[11] See the Appendix for a discussion of public employees' rights related to free speech in the United States.

Another aspect of this issue relates to the release or sharing of law enforcement sensitive information for anything other than an official, authorized purpose. Prohibitions on such behavior are clearly intended to protect confidential information from being released without authorization or to be used by officers for any purposes other than those for which they were intended.

Officers should also be prohibited from making unauthorized statements, speeches, or appearances that might be considered to represent the views of the agency. Normally, all policy and position statements are provided to the media and others through the chief executive officer, the public information officer, or another designated spokesperson. Other officers who may appear in public either in uniform or as clearly designated members of the law enforcement agency must ensure that their comments regarding their work and the agency are within the parameters of policy established by the agency for the release of information.[12]

The promotion of products or services by any personnel who are clearly identified as a law enforcement officer without the approval of the agency's chief executive officer or their designee should be prohibited. It is inappropriate for a governmental agent to do so in most roles as it can imply governmental sanctioning of and support for specific products and services. This is both misleading and might provide an unfair trade advantage to competing product manufacturers or service providers. It can also give the impression that the officer or the agency is receiving compensation for such endorsements or that they vouch for and stand behind product or service quality and customer satisfaction. Finally, it could be argued by some that recommendation of products and services directly to individual consumers by a law enforcement officer carries a degree of coercion that is improper even if unintended.

This prohibition does not apply to recommendations concerning governmental services when authorized by the law enforcement agency. For example, this can include recommendations regarding the use of family counseling or crisis intervention services, health clinics, social welfare or housing assistance services, or similar municipal, county or state services.

E. Political Activity

Political activity may be regarded as a matter of free speech. As such, there are limitations on what law enforcement executives can do to restrict their officers' political activity. The demarcation line in limiting such activity is based generally upon whether the activity in question is being performed by the officer during working hours, while in uniform, or while otherwise serving as a representative of the law enforcement agency. However, agencies should be familiar with applicable law in their jurisdictions when crafting their policies on this topic.[13]

Thus, during working hours, while officers are in uniform or otherwise serving as representatives of their law enforcement agency, agencies should consider prohibitions against engaging in certain political activities, including, but not limited to the following:

- Placing, affixing, or displaying any campaign literature or other paraphernalia on government-owned or controlled property, to include offices and vehicles.
- Soliciting political funds from any member of the law enforcement agency or another governmental agency of the employing jurisdiction.
- Soliciting contributions, signatures, or other forms of support for political candidates, parties, or ballot measures.

[12] For more information on this and guidelines on media relations by officers and others see, for example, the IACP Policy Center documents on Police-Media Relations available at https://www.theiacp.org/resources/policy-center-resource/police-media-relations.

[13] In the United States, the First Amendment prohibits officials from discharging or threatening to discharge public employees solely for not sup- porting the political party in power, unless the party affiliation is an appropriate requirement for the position involved. See *Elrod* v. *Burns*, 427 U.S. 347 (1976); and *Branti* v. *Finkel*, 445 U.S. 507 (1980). While such patronage has been considered appropriate for high-level, policy-making personnel within agencies, it has been considered inappropriate for actions against lower-level, non-policy-making personnel. See *Rutan* v. *Republican Par- ty of Illinois*, 497 U.S. 62 (1990). Note that this does not apply to policy-making employees, nor does it apply to employees who hold "confidential" positions. See, for example, *Soderstrum* v. *Town of Grand Isle*, 925 F.2nd 135 (5th Cir. 1991) where a new chief discharged the confidential secretary of the old chief.

- Using agency email or phones for political purposes.
- Using official authority to interfere with any election or interfere with the political actions of other employees or the general public.
- Favoring or discriminating against any person seeking employment because of political opinions or affiliations.

III. CONCLUSION

The preceding discussion is designed to address the overarching topics that must be considered when an agency drafts its policy related to ethical policing and the standards of conduct upon which the actions of its officers will be based. As previously noted, no policy on the topic of appropriate conduct can specifically identify every action, or inaction, that is a violation. Rather, broad statements must be included outlining the ethical ideal to which officers must strive, to include an agency mission and values statement and code of ethics. Once stated, this ideal must be upheld and promoted every day through the actions of supervisors and the chief executive. In those instances when officers do not meet these standards, discipline must follow. However, this discipline must be fairly and equitably distributed. Through this consistent treatment, an agency can help to ensure that its vision and mission are reflected in the daily actions of its officers.

Appendix A: United States Public Employee First Amendment Rights

With the increased popularity of social media, law enforcement personnel have more opportunities to make public statements regarding their agencies.[14] While law enforcement agencies may wish to limit or control such statements, they must also uphold the constitutionally guaranteed right to free speech.[15] Public employees do not forfeit First Amendment rights simply because they are employed by the government. The First Amendment protection afforded to public employee speech depends on a careful balancing of the interests of the employee as a citizen and the interests of the government employer in promoting efficient and effective operation.

The extent to which an agency may regulate speech by its personnel depends on many factors and is a complex point of law to which only limited guidance has been given by the courts. In general, however, the basis for any discussion of the subject must distinguish between speech of a "personal" versus a "public" nature. For example, if an employee makes statements detrimental to the agency, including those made on social media platforms, the agency may be able to take disciplinary action as long as the statements are of "personal interest" only. If, however, the statements deal with matters of "public concern," then the agency may take action against the employee only if the public concern is outweighed by the interest of the public employer "in promoting the efficiency of the public services it performs."[16]

Something is a matter of public concern if it relates to "any matter of political, social, or other concern to the community."[17] Unfortunately, the deciding line between that which is of only "personal interest" and that which is a matter of "public concern" is very vague, and, as with other free-speech issues, the outcome depends largely on the court considering the question. In general, however, personal insults directed at superiors and complaints regarding the individual treatment of the complaining employee are often considered matters of "personal interest" for which action may be taken[18]—whereas complaints about, for example, the alleged misuse of public funds or similar acts of official misconduct by superiors are likely to be regarded as matters of "public concern." Ultimately, whether the matter is one of "personal interest" or "public concern" is a question of law to be decided in the courtroom.[19]

[14] See IACP Policy Center documents on Social Media available at https://www.theiacp.org/resources/policy-center-resource/social-media.

[15] For the purposes of this discussion, speech is defined as statements or conduct intended to communicate or convey a message, belief, or idea.

[16] *Pickering* v. *Board of Education*, 391 U.S. 563, 568 (1968). Also see *Garcetti* v. *Ceballos*, 547 U.S. 410 (2006); *Connick* v. *Myers*, 461 U.S. 138, 146 (1984).

[17] *Connick* v. *Myers*, 461 U.S. 138, 146 (1984).

[18] See, e.g., *Pickering* v. *Board of Education*, 391 U.S. 563 (1968); *Ohse* v. *Hughes*, 816 F.2d. 1144 (7th Cir. 1987).

[19] For a more detailed discussion of this topic, see, for example, IACP Policy Center documents on Social Media at https://www.theiacp.org/resources/policy-center-resource/social-media.

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