

300.08	May 1, 1991	May 1, 1991	Annually
Code of Conduct and Ethics		All Others	Feb 22, 2019

PURPOSE:

All employees of the Johnson City Police Department are members of a team working together with a primary objective of serving the community. Employees who fail to follow the necessary Rules and Regulations governing conduct not only penalize themselves, but do a disservice to all other employees of the Department. The Code of Conduct and the Rules and Regulations are not intended to in any way limit the authority of the Chief of Police or his designate to impose disciplinary sanctions that are deemed most appropriate to the totality of circumstances of personnel behavior.

POLICY:

It is the policy of the Department that discipline should be characterized as corrective rather than punitive, and that disciplinary actions be utilized as an element of an overall program to educate employees and members of the Department and promote proper conduct. When circumstances permit, supervisors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented through the chain of command.

Although internal consistency in administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed at each successive step. Some of the factors involved include, but are not limited to, length of service, time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve, overall work performance, job attitude, and disciplinary actions previously administered to other members or employees for similar offenses. A repetition of the same offense or other serious offense indicates that more severe disciplinary measures should be administered. Nothing contained herein shall limit the right, power and authority of the Chief of Police to take whatever disciplinary action is deemed appropriate under given circumstances. It is further provided that certain offenses are of such serious nature that immediate dismissal upon the first offense is applicable.

DEFINITIONS:

Administrative Authority - Authority delegated by the Chief of Police to supervisors to monitor, advise or report the activities of subordinate personnel.

As Soon as Possible - The phrase "as soon as possible" shall be construed to mean "immediately and as soon as practical."

Department - The Johnson City Police Department.

Chain of Command - The direct line of delegated authority and communications between the Chief of Police and Department personnel in descendant and ascendant procedure of rank or position within the Department.

Code of Conduct - Rules and regulations - organizational information, code of ethics and rules, which govern conduct and specify disciplinary sanctions for violations.

Commander/Commanding Officer - Officers who hold the rank of Captain or above.

Competent Authority - One who holds a position that legally qualifies them and vests their position with the power to influence or command.

Cowardice - One who shows disgraceful fear or lack of courage.

Disorderly Fashion - Engaging in conduct offensive to the public order.

General Order - A written directive issued by the Chief of Police used to describe permanent directives concerning methodology and/or procedures.

General Orders Manual - A book or binder containing policies, operational procedures and job related information.

Immediately - The term "immediately" shall be construed to mean "as soon as possible and practical."

Indecent - An action offensive to manners or morals.

Lewd - Actions found obscene.

May and Should - "May" is permissive "should" is advisory. "Should" is used to describe action that is in the best interest of the Department.

Officer/Member - Certified law enforcement personnel as defined in T.C.A. Volume 7, Title 38, Chapter 8.

On Duty - On duty hours - the period of time during which personnel are actively engaged in the performance of regularly scheduled assigned duties and assignments.

Penalty Statement - The statement of punitive action which follows a rule found in the Code of Conduct.

Personnel/Employees - All salaried and non-salaried persons employed by the Johnson City Police Department.

Personnel Rights - As related to the conditions of employment, the term "rights" shall designate those conditions, which are specifically defined by state or federal law, charter, city ordinance or civil service rules.

Plurality - The singular includes the plural and the plural includes the singular.

Precedence of Rank/Position - For the purposes of establishing chain of command, precedence of ranks and positions within the Johnson City Police Department are listed in descending order as follows:

- a. Chief of Police.
- b. Major.
- c. Captain.
- d. Lieutenant.
- e. Sergeant.
- f. Police Officer.

Privileges - Employment conditions which are not rights but are granted at the discretion of the Chief of Police.

Police Officer - A member of the Police Department whose duties require him or her to function in a law enforcement capacity.

Shall - Will - Must - The words "shall", "will" and "must" are used to indicate mandatory action.

Superior Officer - An officer of higher rank.

Supervisor - An employee who has the authority to direct and inspect the work of others.

Tense - Words used in the present tense shall include the future tense.

Zone - A geographic area delineated by specific boundaries and administratively designated for purposes of patrol, investigation or supervision.

DEPARTMENT MISSION AND VALUES STATEMENTS

The Department strives continuously to maintain and improve its services to the public and community. A Mission Statement and Values Statement serve a vital role in providing guidance in the services and the level of professionalism presented by its personnel.

Mission Statement

In partnership with the community, we strive to provide service based on excellence to ensure a safe and secure environment.

The Johnson City Police Department strives to identify criminal offenders and criminal activity and when appropriate, to apprehend offenders, and participate in subsequent court proceedings; to prevent the commission of crimes through proactive techniques by reducing the opportunities for such crimes; to create and maintain a feeling of security in the community; to ensure safe and expeditious movement of vehicle traffic on public roadways; to reduce traffic deaths through engineering, education, and enforcement; to provide citizens with educational information regarding the police function and crime prevention.

Values Statement

The members of the Johnson City Police Department, of all ranks and assignments, hold the firm conviction that we are obligated to supply the citizens of our community with superior public safety service. In keeping with this conviction, we recognize the need to daily dedicate ourselves to this task – that the demands of peacekeeping, maintaining order, and enforcing the law require a diligent, concerted, and responsible effort. We are committed to values which promote our mission of providing the community with “service based on excellence”, including those which follow:

- We believe that solving, preventing, and reducing crime and criminal activity requires a community effort, and that police and citizens must partner together to effectively address concerns of safety, security, and quality of life.
- We believe that each citizen deserves to be treated with respect and dignity without regard to race, ethnicity, culture, or socioeconomic status.
- We believe that integrity and ethical behavior are essential qualities of each officer entrusted with enforcing the law and protecting the public.
- We believe that police officers have a responsibility to work toward the prevention of crime and to hinder criminal activity whenever and wherever possible.
- We believe in the inherent value of the police officer and in the respect the vocation deserves. We believe in the officer’s empowerment to exercise initiative to address community concerns, identify problems, and propose solutions. We believe that the police officer’s ultimate value to the community rests upon his/her efforts to maintain and improve upon its safety and security.

APPLICATION OF DISCIPLINARY MEASURES:

Members and employees of the Department are expected to abide by, and may be disciplined for violation of the Rules and Regulations of the Department.

In recognition of the fact that each instance of misconduct differs from somewhat similar actions in many respects, the Chief of Police retains the right to treat each occurrence on an individual basis without creating a precedent for other cases which may arise in the future. Examples given in the rules do not limit the generality of the rule. The following Rules and Regulations are not to be construed as a limitation upon the retained rights of the Chief of Police, but are to be used as a guide.

The Rules and Regulations provide recommended progressive penalties that apply to specific offenses; however, the recommended penalties may be modified by the Chief of Police and/or his designate, including a lesser or more severe penalty only **when extenuating circumstances are found**.

CODE OF ETHICS FOR POLICE OFFICERS

As a Police Officer, my fundamental duty is to serve mankind; as a police officer, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all persons to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others, honest in thought and deed in both my personal and official life. I will be exemplary in observing the laws of the land and the regulations of my agency. Whatever I see or hear of a confidential nature, or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without unnecessary force or violence and will never accept gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to these objectives and ideals, dedicating and affirming myself to my chosen profession.

Enforcement Courtesy

1. Law enforcement courtesy is definitely a science of the highest degree. Law enforcement courtesy consists of quiet, unassuming behavior based on a sincere consideration for the feelings of others. Race, religion, gender, color or creed do not influence the practice of courtesy. Courtesy presupposes an attitude of desiring to please or desire to serve. One can be firm and conscientious in carrying out law enforcement duties and still be courteous.

Approach

1. Courtesy is most frequently expressed in the initial approach to the citizen. Facial expression, tone of voice, the manner in which one walks is all indications of one's attitude of mind.
2. To approach a citizen with a scowl and a threatening gesture is to immediately antagonize. The response will be resentment and a desire to argue and "fight it out". However, a friendly, cheerful approach, not at all apologetic, but interested and pleasant, is usually far more disarming. It is the manner in which one says or does something that discloses character, especially if one is an officer of the law. It is the expression given to an officer's thoughts and feelings by looks, tones and gestures rather than by deeds or words that determine judgment of an officer.
3. There are times when patience may become frayed after long hours of work. This does not excuse sarcasm or discourtesy. Courtesy does not preclude an officer from becoming indignant or aggravated, but it does require an officer to express such indignation in a professional manner.
4. Every employee of the Johnson City Police Department should bear in mind that an act of discourtesy or offensive conduct reflects on all members of the Department, and tends to destroy public confidence, which all are working so hard to gain. Department personnel should watch carefully their approach and note particularly the affect of various kinds of approaches upon different people. A uniform and badge, or being an employee of the Johnson City Police Department, does not give one any right to indulge in abusive oratory or display personal vindictiveness. Overbearing methods should be replaced by courtesy and politeness. An employee can be courteous to everyone without exception and still be firm and sincere in efforts to get the job done.
5. It is necessary to be courteous to the successful businessperson; however, it is equally important to be courteous to the foreign-speaking, the "down and out", the less fortunate. The officer to them represents this country, the law and the attitude of the government. The officer can be an influence in helping such people understand what is required of them, and to gain their cooperation in law enforcement efforts. Most people feel better after having handled a situation courteously than they do after being rude or abrupt. There is a feeling of pride in knowing that a person contacted goes away with a feeling of warmth and friendliness to us, rather resentment and indignation. **There is no such thing as a small enemy.**

Attitude

1. Attitude and conduct must be in line with the position assumed. Uniform and badge do not give anyone the right to act in an officious, sarcastic or tough manner. An efficient police officer does not need to be abusive to show authority. Officers should never let their line of associations with criminals warp their own personality and attitude toward the public that they are serving.

Causes of Discourtesy

1. Officers in uniform are always seen by great many more people than they see. Curious crowds

watch them. In other words, officers live in a "glass house." A feeling of self-importance sometimes follows the donning of a uniform. This feeling of self-importance may make the officer take each violation of the law as a personal offense, as if the offender were purposely doing something to annoy the particular officer. Reaction, then, is one of "getting even" rather than impartial enforcement of the law.

2. With the strain of duty and the many responsibilities which an officer has, there may be a loss of sleep. Fatigue may make one irritable and easily upset. The officer should be on guard to see that physical condition is not an excuse for "taking it out" on the public.
3. An officer may not be discourteous because an individual being dealt with has been discourteous. Offenders are usually on the defensive when approached by an officer, and may open an attack with abusive language and discourteous behavior. Officers who can maintain self-control under such a situation and deal both firmly and courteously with the offender show themselves to be superior, and are far more effective. **In other words, do not lower yourself to their level.**
4. Discourtesy is sometimes due to lack of knowledge and understanding. Courtesy is something which is acquired through continuous practice, imitation and thoughtfulness based on a sincere consideration for the feelings of others. It becomes a more intimate part of the personality and captures goodwill wherever the person possessing it goes.

Bearing

1. There is strength in calmness; therefore, officers should maintain composure despite trying conditions. In a time of stress and disaster, there are those who may become distracted and excited. Officers can best execute their responsibilities when they can take charge of situations with calmness and an appearance of knowing what should be done. An officer with good bearing stimulates confidence.
2. An attitude of blustering, cross-grained officiousness gains nothing except the ill will of those whom the officer should be serving. Cultivate the ability to meet people easily and remember that tact and consideration will be helpful in any task that is performed.
3. Law enforcement courtesy is built on the ability to show respect to others in both trivial and important contacts. Thus, respect is invited in return. By making a sincere effort to understand the other person's point of view, the key to understanding and good judgment is acquired in law enforcement contacts.

CANONS OF OFFICER'S CODE OF ETHICS

ARTICLE 1. Primary Responsibility of Job

The primary responsibility of the law enforcement and fire service, and of the individual Police Officer, is the protection of the people and property of the United States through the upholding of their laws.

ARTICLE 2. Limitation of Authority

The first duty of a Police Officer, as upholder of the law, is to know the bounds the law establishes for its enforcement. The Police Officer represents the legal will of the community, be it local, state, or federal. The Police Officer must, therefore, be aware of the limitations and proscriptions which the people, through law, have imposed as a primary responsibility. Police Officers must recognize the genius of the American system of government which gives no person, group, or institution, absolute power. Police Officers must ensure that they, as prime defenders of that system, do not pervert its character.

ARTICLE 3. Duty to be Familiar with the Laws and with Responsibilities of Self and Other Public Officials

Police Officers shall assiduously apply themselves to the study of the principles of the laws which they are sworn to uphold. Police Officers will ascertain their responsibilities in the particulars of their enforcement, seeking aid from superiors in technical matters or principles when such are not understood. They will make special effort to fully understand their relationship to other public officials, particularly in matters of jurisdiction, both geographically and substantively.

ARTICLE 4. Utilization of Proper Means to Gain Proper Ends

Police Officers shall be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

ARTICLE 5. Private Conduct

Police Officers shall be mindful of their special identification by the public as upholders of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, will certainly reflect upon the Department and the individual officer. The community and the service require that law enforcement officers lead decent and honorable lives.

Following a law enforcement career gives no one special perquisites; however, it does give the satisfaction and pride of following and furthering an unbroken tradition of service. Officers who reflect upon this tradition will not degrade it. Rather, they will so conduct their private lives that the public will regard them as examples of stability, fidelity, and morality.

ARTICLE 6. Conduct Toward the Public

Police Officers, mindful of their responsibilities to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. Police Officers shall conduct their official lives in a manner that inspires confidence and trust. Thus, they will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of them nor a right to command them. Officers will give service where

they can, and require compliance with the law. They will do so neither from personal preference or prejudice but rather as duly appointed officers of the law discharging a sworn obligation.

ARTICLE 7. Conduct in Arresting and Dealing with Law Violators

Police Officers shall use powers of arrest strictly in accordance with the law and with due regard for the rights of the citizen concerned. Their office gives them no right to judge the violator nor to mete out punishment for the offense. They shall at all times, have a clear appreciation of responsibilities and limitations regarding detention of the violator.

They shall conduct themselves in such a manner as will minimize the possibility of having to use force. To this end they shall cultivate a dedication to the service of the people and the equitable upholding of the law, whether in the handling of the law-violators or in dealing with the law-abiding.

ARTICLE 8. Gifts and Favors

Police Officers, representing government, bear the heavy responsibility of maintaining, in their own conduct, the honor and integrity of all government institutions. They shall therefore, guard against placing themselves in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, they should be firm in refusing gifts, favors or gratuities, large or small, which can, in the public's mind, be interpreted as capable of influencing their judgment in the discharge of duties.

ARTICLE 9. Presentation of Evidence

Police Officers shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. They shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, they will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word.

Police Officers shall take special pains to increase perception and skill of observation, mindful that in many situations theirs is the sole impartial testimony to the facts of a case.

ARTICLE 10. Attitude Toward Profession

Police Officers shall regard the discharge of their duties as a public trust and recognize their responsibilities as a public servant. By diligent study and sincere attention to self-improvement, they shall strive to make the best possible application of science to the solution of crime and in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. They shall appreciate the importance and responsibility of their office and shall hold police work to be an honorable profession which renders valuable service to their community and country.

CODE OF CONDUCT OVERVIEW

1. REQUIRED COMPLIANCE

Department personnel are required to comply with all General Orders, policy, laws and management requests that are applicable to their job function. It must be thoroughly understood that good conduct and professionalism is **mandatory rather than optional**.

2. UNSPECIFIED VIOLATIONS

No code of conduct can be all inclusive. Under circumstances involving acts of misconduct or violations of General Orders or policies which are not enumerated in this code of conduct, the Chief of Police shall retain the right to classify violations and administer discipline as necessary.

3. SUPERVISORY RESPONSIBILITY

It shall be the responsibility and duty of all supervisory personnel of the Johnson City Police Department to enforce General Orders, the Code of Conduct, and administrative requests.

4. TRAINING

Upon employment and at least biennially (2 years), all employees shall receive instruction on the Department's Mission and Values Statements and Code of Ethics as adopted by the agency.

NEGLECT OF DUTY OFFENSES PERSONAL REQUIREMENTS

1.1.1 PERSONAL APPEARANCE

Personnel shall maintain a neat and clean appearance and shall conform with established grooming and dress requirements.
(Violation subject to written reprimand or 1 day suspension.)

1.1.2 IDENTIFICATION TO BE CARRIED

All on duty officers shall carry their badge and commission (ID card) on their person at all times except when impractical or during hazardous covert assignments. All non-sworn employees and volunteers are required to keep their identification cards with them when performing any agency function.
(Violation subject to written reprimand or 1 day suspension.)

1.1.3 OFFICERS TO CARRY FIREARMS

Certified law enforcement officers shall carry on or about their person an approved firearm when on duty, except when otherwise ordered by competent authority.

Certified law enforcement officers may carry on or about their person an approved firearm when off duty providing that they are in full compliance with the Department's requirements and Tennessee state law regarding off duty weapons.
(Violation subject to written reprimand or 1 day suspension.)

1.1.4 CARE AND MAINTENANCE OF FIREARMS

Certified law enforcement officers who are required to carry firearms in the performance of official duties shall maintain such firearms in a clean and serviceable condition while on duty.
(Violation subject to written reprimand or 1 day suspension.)

1.1.5 NOTIFICATION OF CORRECT ADDRESS AND TELEPHONE NUMBER

Personnel shall keep the Department informed of their correct residential address and telephone number. Sworn personnel are required to have telephone service to their residences, and shall make notification to the office of the Chief of Police within 24 hours after any change is made in their residential telephone number or address.
(Violation subject to written reprimand or 1 day suspension.)

REPORTING FOR DUTY

2.1.1 ABSENCE FROM DUTY WITHOUT PROPER NOTIFICATION

Department personnel shall report for duty in accordance with their assigned work schedules and shall not be absent from duty without authorization or having made proper notification. **All violations of this policy shall constitute a classification of Absent Without Leave (AWOL).**

(Violation subject to written reprimand or 1 day suspension, with each day of unauthorized absence constituting an independent and continued violation.
In addition, personnel will not be compensated for days not worked.)

2.1.2 FAILURE TO REPORT FOR DUTY DUE TO IMPROPER CONDUCT

Personnel shall be circumspect in their private activities, and shall not subject themselves to circumstances such that they are unfit or unable to report for duty at the designated time because of illegal, or improper conduct.
(Violation subject to 1 to 5 day suspension.)

2.1.3 TARDINESS

Personnel shall promptly report for duty, properly prepared at the time and place required time due to unforeseen and unexpected circumstances (not to include sick leave) shall make notice to their supervisor as soon as possible. Repeated tardiness due to unforeseen and unexpected circumstances may be viewed as a pattern and would, therefore, be a violation of this paragraph.
(Violation subject to written reprimand or 1 day suspension.)

2.1.4 FAILURE TO RESPOND TO A SUBPOENA

Personnel shall promptly report to the specified location at the time and date as required by subpoena. Personnel who are unable to respond to a subpoena because of sickness, injury, or other such causes, or because of conflict with another subpoena will take the following action: In writing, notification will be given to their supervisor identifying the conflict and in addition be required to notify the appropriate authority issuing the subpoena for purposes of obtaining excuse from the subpoena. Upon excuse from an issuing authority, personnel maintaining the Subpoena Log shall be immediately notified of the excuse.

(Violation subject to 1 or 2 day suspension.)

NOTE: Definition of issuing authority - any judge that presides over the case for which the subpoena was issued only.

2.1.5 FAILURE OR REFUSAL TO WORK OVERTIME, SPECIAL HOURS OR SPECIAL EVENTS

Personnel shall promptly report for duty or remain on duty when assigned to work overtime, special hours, special events, special shifts, or any scheduled assignment.

(Violation subject to written reprimand or 1 to 5 day suspension.)

INJURY OR LOSS

3.1.1 FAILURE TO REPORT PERSONAL INJURY

Personnel sustaining any personal injury on duty, shall promptly report the injury to their supervisor and shall complete an "Employee Injury Report".

(Violation subject to written reprimand or 1 day suspension.)

3.1.2 FAILURE TO REPORT LOSS OF EQUIPMENT, BADGE, OR ID CARD

Personnel shall immediately report the damage or loss of badge, ID card, or other equipment to a supervisor.

(Violation subject to written reprimand or 1 to 5 day suspension.)

3.1.3 FAILURE TO REPORT A MOTOR VEHICLE ACCIDENT

Personnel shall immediately report motor vehicle accidents in which they are involved while driving a city vehicle.

(Violation subject to 2 to 5 day suspension.)

DUTY REQUIREMENTS

4.1.1 HORSEPLAY, DISTRACTIONS

Personnel shall perform their duties in a conscientious manner and shall not engage in "horseplay" while on duty or at a Department facility or work station and shall not

distract others who are performing assigned duties.
(Violation subject to written reprimand or 1 day suspension.)

4.1.2 ABUSE OF MEAL AND REST PERIODS

Personnel shall take only the specified amount of time for meal or rest periods.
Personnel shall not take meal periods within 1 hour of reporting to duty or within the last hour of duty.
(Violation subject to written reprimand or 1 day suspension.)

4.1.3 LOITERING

On duty personnel shall not loiter in public places, residences, fire halls or Police Department facilities.
(Violation subject to written reprimand or 1 day suspension.)

4.1.4 SLEEPING WHILE ON DUTY

Personnel shall not sleep while on duty.
(Violation subject to 1 to 10 day suspension.)

4.1.5 UNBECOMING CONDUCT

Personnel shall not conduct themselves in an indecent, lewd, or disorderly fashion. They shall not be guilty of conduct unbecoming their position and shall not commit acts which would discredit the Department even though such conduct is not specifically set forth in this code of conduct.
(Violation subject to written reprimand, 1 to 15 day suspension, demotion or termination.)

4.1.6 SUBMISSION OF REPORTS AND DOCUMENTS

Personnel shall originate, complete, and submit all reports and documents required in the execution of their duties prior to completing a tour of duty except as authorized by a supervisor.
(Violation subject to written reprimand or 1 day suspension.)

4.1.7 CITIZEN COMPLAINTS TO BE RECORDED

Officers with the rank of Sergeant or above, shall courteously and promptly accept and document all citizen's complaints of misconduct made in person, by writing, by telephone or anonymously. The complaint shall be documented on Department form #1001, titled "Complaint and Inquiry Form" and shall be immediately forwarded to the Chief of Police and the Internal Investigation Unit. Non-sworn personnel and officers below the rank of Sergeant shall courteously and promptly refer citizen complainants to officers with rank of Sergeant or above.
(Violation subject to 1 to 5 day suspension.)

4.1.8 MONITOR RADIO

Personnel shall, by voice, promptly and clearly respond to radio transmissions on the designated Department frequency when logged or listed in service with the Communications Center.

(Violation subject to written reprimand or 1 day suspension.)

4.1.9 RESPOND TO RADIO CALLS

Personnel shall promptly proceed to destinations when dispatched by the Communications Center or supervisory personnel. Personnel shall promptly and clearly notify the Communications Center of their arrival to and departure from the dispatched destination.

(Violation subject to written reprimand or 1 day suspension.)

4.1.10 DEPARTURE FROM ZONE

Officers who are assigned to zone patrol may not leave their assigned zones until the Communications Center is made aware of their departure. This rule excludes the necessary zone changes during end of shift transfer time.

(Violation subject to written reprimand or 1 day suspension.)

4.1.11 RENDER ASSISTANCE-ON DUTY

Officers shall respond to requests for assistance from citizens and from other personnel and shall take appropriate action in emergencies or criminal occurrences while on duty.

(Violation subject to written reprimand or 1 to 5 day suspension.)

4.1.12 RENDER ASSISTANCE-OFF DUTY

Officers are considered on duty at all times, although periodically relieved from the routine performance of it. They are always subject to orders from superior officers and calls from private persons. The fact that they may be technically off duty shall not relieve them of the responsibility for taking proper action in any emergency matter coming to their attention. They should, however, immediately request the Department or the Communications Center to turn the matter over to officers on duty in the vicinity, but shall take such action as may be necessary prior to the arrival of the dispatched officers.

(Violation subject to written reprimand or 1 to 5 day suspension.)

4.1.13 SUPERVISORY MANAGEMENT RESPONSIBILITY

Supervisory personnel will comply with all general orders and policies in addition to the administrative task that are applicable to their job. Supervisors shall also require subordinate personnel to comply with all general orders, policies and administrative requests that are applicable to their job function.

(Violation subject to written reprimand. Recurring violations subject to demotion and/or 1 to 5 days suspension.)

4.1.14 OFFICER LOCATION

An officer shall not deceive or attempt to deceive any supervisor or the Communications Center by falsely communicating his or her location.
(Violation subject to written reprimand or 1 to 5 day suspension.)

4.1.15 MISUSE OF CHEMICAL AGENTS

Personnel shall not use chemical agents for any purpose for which they are not intended. The intended use of chemical agents is to subdue persons during lawful police enforcement. Officers shall not use chemical agents in horseplay, practical joking, or other activity not in keeping with the intended use of chemical agents.
(Violation subject to written reprimand to 1 day suspension.)

SAFETY REQUIREMENTS

5.1.1 ENDANGERING OTHERS THROUGH NEGLIGENCE

Officers shall take appropriate action in response to emergency situations where there is a known danger to the lives of others, and in response to serious crimes, particularly those of violent nature, which come to their attention while on or off duty.
(Violation subject to 10 to 15 days suspension or termination.)

5.1.2 SEARCH OF ARRESTED PERSONS

Officers shall exercise proper care in the arrest, transportation, and detention of prisoners to prevent escape, injury to self or others, or damage to property. Upon arrest, prisoners shall be searched carefully by the arresting officer and all weapons, contraband, or evidence shall be immediately confiscated. When a prisoner cannot be thoroughly searched before being turned over to a receiving officer, the arresting officer shall, without fail, notify the officer receiving the prisoner that the prisoner has not been thoroughly searched.
(Violation subject to written reprimand or 1 to 5 day suspension.)

5.1.3 PRISONER INTRODUCTION OF FIREARMS INTO A JAIL OR DETENTION FACILITY

Officers shall exercise proper care in the search of any prisoner before the prisoner enters a jail or detention facility to ensure that prisoners do not introduce any firearm (loaded or unloaded) or any dangerously explosive material into a jail or detention facility.
(Violation subject to 5 day suspension.)

5.1.4 PRISONER INTRODUCTION OF A NON-FIREARM WEAPON INTO A JAIL OR DETENTION FACILITY

Officers shall exercise proper care in the search of any prisoner before the prisoner enters a jail or detention facility to ensure that prisoners are not in possession of any knife or

dangerously sharp instrument, club or similar instrument or any other item which could inflict injury on Department or other agency personnel.
(Violation subject to written reprimand or 1 to 5 day suspension.)

NOTE: A written reprimand will be the minimal disciplinary action conducted for a violation of this code of conduct. Progressive disciplinary steps as described in General Order 300.10 (Disciplinary Procedures) Section I. 2. will not apply.

5.1.5 COWARDICE

Officers shall not avoid duties because of fear or cowardice. Sworn personnel are not expected or required to enter imminently hazardous situations without assistance; however, they shall not fail to come to the aid of another member of the Department who is already engaged in an imminently hazardous situation. Officers shall respond to the aid of all persons in danger unless the probability of losing their own life exceeds the probability of successful rescue.

(Violation subject to 6 to 15 day suspension and/or demotion.)

5.1.6 USE OF BODY ARMOR

In accordance with General Order 300.14 K. Armored Vest, personnel who fail to wear their vest while on duty, during uniformed extra-duty employment or during any firearms training will be subject to the following disciplinary action.

(Violation subject to written reprimand or 1 day suspension.)

5.1.7 INTRODUCTION OF FIREARMS INTO A JAIL OR DETENTION FACILITY BY OFFICERS, EMPLOYEES AND OTHERS WHO ARE NOT PRISONERS

Officers and employees must be aware that firearms or explosives in a jail or detention facility cause great hazards to the lives of others. No officer or employee shall wear, carry or introduce any firearm (loaded or unloaded) or any dangerously explosive material into a jail or detention facility. Officers and employees are also considered to be in violation of this rule if they admit non-employees, visitors or officers from other agencies into a jail or detention facility while those persons are in possession of firearms or any dangerously explosive material. Any employee or officer who introduces any package, parcel or container into a jail or detention facility is responsible for searching the item to ensure that it is free of any dangerous contraband. This rule is not intended to prohibit the use of firearms when officers are participating in an emergency operational function in a jail or detention facility.

(Violation subject to 1 to 5 day suspension.)

5.1.8 INTRODUCTION OF KNIVES INTO A JAIL OR DETENTION FACILITY BY OFFICERS, EMPLOYEES, AND OTHERS WHO ARE NOT PRISONERS

No officer or employee of the Department shall wear, carry, or introduce any personal knife into a jail or detention facility. This includes any personal knife typically clipped on the officer's pants pocket. Any knives on the officer's person shall be secured in the lockbox with the officer's firearm prior to entering a jail or detention facility. Officers and employees are also considered to be in violation of this rule if they admit non-employees, visitors, or officers from other agencies into a jail or detention facility while those persons are in possession of a personal knife or knives.
(Violation subject to 1 to 5 day suspension.)

IMPROPER CONDUCT OFFENSES
PERSONAL CONDUCT

6.1.1 PERSONAL BEARING

Personnel shall maintain a professional, businesslike appearance while on duty and/or in uniform. No slouching, leaning against structures or standing with hands in pockets will be permitted in public view. Smoking, or chewing gum or tobacco will not be permitted while conducting official business with the public.
(Violation subject to written reprimand or 1 day suspension.)

6.1.2 COURTESY

Personnel shall be polite and courteous in contacts with the public and with other Department personnel.
(Violation subject to written reprimand or 1 day suspension.)

6.1.3 USE OF PROFANITY

Department personnel shall not use profanity or vulgarity in speech or gestures in public or while representing the Department to the public in any manner.
(Violation subject to written reprimand or 1 day suspension.)

6.1.4 GOSSIP

Personnel shall not engage in or convey gossip with malice detrimental to other personnel, the general public, or the Department.
(Violation subject to written reprimand or 1 day suspension.)

6.1.5 NEIGHBORHOOD, DOMESTIC DISPUTES

Personnel shall avoid personal (as opposed to duty related) involvement in neighborhood controversies, domestic or family disputes of a non-emergency nature. Such disputes

shall be investigated by impartial on-duty officers.
(Violation subject to written reprimand or 1 day suspension.)

6.1.6 ASSOCIATION WITH CRIMINALS

Personnel shall avoid regular or continuous association or dealings with persons, other than immediate family, who they know or should know are persons under criminal investigation or indictments, or persons who have a criminal or immoral reputation in the community, except as necessary in the performance of official duties.
(Violation subject to written reprimand or 1 to 5 day suspension.)

6.1.7 ASSOCIATION WITH DISSIDENT GROUPS

Personnel shall not knowingly associate with any person or organization which advocates or is instrumental in fostering hatred or persecution of any person or group of persons, nor shall they knowingly associate with any person or group which advocates the overthrow of the United States Government.
(Violation subject to written reprimand to termination.)

PROFESSIONAL CONDUCT

7.1.1 NAME TO BE GIVEN UPON REQUEST

Personnel, while on duty or in uniform, or when otherwise recognized as a member of the Department, shall give their name, rank or position in a respectful and courteous manner to any person requesting such identification unless engaged in covert duties. Personnel shall not willfully give someone else's name or create a false name.
(Violation subject to written reprimand or 1 day suspension.)

7.1.2 CORRESPONDENCE

Johnson City Police Department and/or City of Johnson City letterhead materials, logos, business mailing address or Department phone numbers shall not be used for personal or business communications not related to the Department. Department personnel are prohibited from the use of their title for the purpose of advertising or endorsing persons, associations, training activities, products, sales, or promotions of any event without the prior permission of the Chief of Police.
(Violation subject to written reprimand or 1 day suspension.)

7.1.3 CHAIN OF COMMAND

Personnel shall adhere to the organizational chain of command in the course of regular duties except when necessary for maintaining the morale and/or the integrity of the Department, or in cases of justifiable personal need. Supervisors may contact subordinate personnel as necessary.
(Violation subject to written reprimand or 1 day suspension.)

7.1.4 CONSPICUOUS DISPLAY OF HANDGUNS

Handguns carried by non-uniform officers shall be concealed from the public view except while within a Department facility or during training exercises. Handguns shall be kept secure and in a holster or carried in a secure covering except when in lawful firearms competition, firearms training, inspection, or while in legal use in the course of duty.

(Violation subject to written reprimand or 1 day suspension.)

7.1.5 WEARING UNIFORM WHILE UNDER DISCIPLINARY SUSPENSION

Personnel shall not wear the official uniform of the Department while under disciplinary suspension except when authorized by the Chief of Police.

(Violation subject to 2 to 5 day suspension.)

7.1.6 SECURITY OF OFFICIAL IDENTIFICATIONS AND EQUIPMENT

Personnel shall maintain the security of official Department identification, insignia patches, uniform shirts, trousers, hats, badges and any other Department equipment and shall not lend, give away, or sell such equipment, clothing or insignia items to any individual without express authorization of the Chief of Police.

(Violation subject to 1 to 5 day suspension.)

7.1.7 DEROGATORY ETHNIC REMARKS

Personnel shall not make derogatory public remarks concerning the race, sex, religion, age, sexual orientation, or national origin of any person.

(Violation subject to written reprimand, 1 to 15 day suspension or termination.)

7.1.8 HARASSMENT

Personnel shall not use their official position to illegally harass, threaten or coerce any person.

(Violation subject to 2 to 5 day suspension.)

7.1.9 SEXUAL HARASSMENT

Personnel shall not engage in conduct which would be considered sexual harassment.

(Violation subject to written reprimand, 1 to 15 day suspension, demotion or termination.)

7.1.10 ABUSE OF SUBORDINATES

Personnel of superior rank or position shall not use profanity or abusive language or gestures toward subordinates.

(Violation subject to written reprimand or 1 to 5 day suspension or demotion.)

7.1.11 EXPOSING OTHERS TO COMMUNICABLE DISEASE

Personnel shall not knowingly harbor a serious communicable disease which may endanger others or knowingly expose others to a serious communicable disease. (Violation subject to 2 to 5 day suspension.)

7.1.12 OFF-DUTY/EXTRA DUTY EMPLOYMENT

Officers shall be required to obtain written permission from the Chief of Police prior to engaging in extra duty work assignments which may require officers to act under the color of law or off-duty employment not requiring the use of law enforcement powers. Officers shall be required to comply with all off-duty/extra duty employment regulations established by the Department, City of Johnson City and the Chief of Police. (Violation subject to 1 to 5 day suspension and/or loss of off-duty/extra duty employment privileges.)

7.1.13 MISCONDUCT OF THE PROMOTIONAL PROCESS

All employees are prohibited from taping or communicating, in any method or manner, any part of the Department's promotional process, or from using any information received from such communications to gain advantage in the Department's promotional process. This shall include the Civil Service oral or written academic testing, all phases of the Assessment Center, and shall also include all interviews. It shall be the policy of the Johnson City Police Department to maintain the integrity of all Department promotional processes. (Violation termination.)

7.1.14 MISCONDUCT OF COVERT TAPING ACTIVITIES

All employees are prohibited from the recording, by voice or video, of any conversation involving personnel of this Department unless all parties involved in the conversation are aware of the taping. This shall include but not be limited to casual conversations, business conversations and counseling or disciplinary procedures. Recordings of such conversations in the course of criminal or internal investigations, when approved by the Chief of Police, shall not be subject to this rule. (Violation subject to 3 to 6 days suspension.)

7.1.15 ONLINE/INTERNET SOCIAL NETWORKING

Employees shall not use any form of social communication media or social, online forums, message boards, bulletin boards, blogs, and other similarly developed forums, in any way as to tarnish the Department's or a member's reputation, and/or create doubt as to their own credibility as an impartial officer. Any online actions that detract from the stated mission of the Department, or reflect negatively on the position of police officer, will be viewed as a direct violation of this policy. (Violation subject to 1 to 15 days suspension and/or demotion)

7.1.16 Cellular Telephone/Texting

In compliance with the City of Johnson City Cellular Devices Policy, the use of cell phones while the officer/employee is operating an assigned police vehicle or city owned vehicle, is explicitly prohibited, except as noted immediately below. This is due to the potential for distraction and subsequent traffic collisions that is posed when combining driving and talking on a cell phone, dialing a number, receiving an incoming call, etc. Operational exceptions are made when a supervisor is receiving information of immediate officer safety, receiving information of a sensitive nature, or an investigator or undercover officer is working a specialized assignment as described in General Order 800.02. Texting communication shall be on an as-needed basis and used only when in the discharge of official duties. All other texting activities shall conform to the same regulations as use of cellular telephones.

(Violation subject to 1 to 5 days suspension)

MISDIRECTED ACTION

8.1.1 MISDIRECTED ACTION IN OFFICIAL INVESTIGATION

Personnel shall not interfere with cases being processed by other officers of the Department or other governmental agencies, nor undertake any investigation or other official action not part of their regular duties.

(Violation subject written reprimand or 1 to 5 day suspension.)

8.1.2 MISDIRECTED ACTION OF PERSONNEL UNDER INVESTIGATION

Personnel against whom a citizen's complaint has been made shall not attempt directly or indirectly, by threat, personal appeal, personal persuasion, payment of money or other consideration, to secure the abandonment or withdrawal of the complaint, charges, or allegations.

(Violation subject to 6 to 15 day suspension, demotion or termination.)

CONFIDENTIAL

9.1.1 HOME ADDRESS AND HOME TELEPHONE NUMBER CONFIDENTIAL

Personnel shall treat the home address and telephone numbers of Department personnel as confidential information. Such information shall be released only when authorized by competent authority, or with consent of the officers concerned. This information may be released to Department personnel who would normally have access to such information in the course of Department business.

(Violation subject to 1 day suspension.)

9.1.2 DISSEMINATION OF INFORMATION

Personnel shall treat the official business of the Department as confidential. Information

regarding official business shall be disseminated only to those for whom it is intended and in accordance with established procedures. Personnel may remove or copy official records or reports only in accordance with established procedures.
(Violation subject to 1 to 15 day suspension, and/or demotion.)

9.1.3 COMMUNICATING CRIMINAL INFORMATION

Personnel shall maintain the security of confidential information, and shall not intentionally communicate or give law enforcement information to another which may aid a person to escape arrest, delay the apprehension of a criminal suspect, secure the removal of stolen or embezzled goods, money, or other property. Personnel shall not intentionally divulge the identity of criminal informants except as required by law or authorized by competent authority.
(Violation subject to termination.)

9.1.4 EXPOSURE OF UNDERCOVER OFFICERS

Personnel shall protect the identity of officers engaged in covert operations, and shall not intentionally expose the identity or occupation of officers engaged in covert operations.
(Violation subject to termination.)

POLITICAL CONDUCT

10.1.1 POLITICAL ACTIVITY

Personnel shall not engage in political campaign activities while on-duty.
(Violation subject to written reprimand or 1 day suspension.)

10.1.2 MISREPRESENTATION/CONTROVERSIAL OPINIONS

Personnel shall not express opinions to the public on religious, political, or other questions of controversial nature while on duty and/or while representing the Department without prior knowledge and approval of the Chief of Police.
(Violation subject to written reprimand or 1 day suspension.)

10.1.3 MISREPRESENTATION/SPEECHES WITH ADVERSE EFFECT

Department personnel shall secure the consent of the Chief of Police prior to making any formal public appearance or publishing any article, or releasing any official information which is not within their official duties when such speech, appearance, or publication has, or is likely to have, an adverse effect upon the Department.
(Violation subject to 6 to 15 day suspension and/or demotion.)

10.1.4 TESTIMONIALS

Department personnel shall obtain the approval of the Chief of Police before authorizing

use of their names, photos, or official titles which identify them as personnel of the Department in testimonials, endorsements, advertisements of any commodity, or commercial enterprises.
(Violation subject to 2 to 5 day suspension.)

ALCOHOL/DRUG USE

11.1.1 **ALCOHOLIC BEVERAGES IN DEPARTMENT'S FACILITIES**

Alcoholic beverages shall not be brought into or kept in any city buildings or vehicles except as evidence or property when officially seized and reported, or in urgent necessity upon the advice of a physician and with approval of a commanding officer.
(Violation subject to 2 to 5 day suspension.)

11.1.2 **MISUSE OF IDENTIFICATION WHILE DRINKING**

Department personnel, while off-duty and partaking of alcoholic beverages and/or frequenting premises established primarily for consumption or sale of alcoholic beverages shall do so only as private individuals, and shall not voluntarily display Department identification unless necessary to perform official duties.
(Violation subject to 2 to 5 day suspension.)

11.1.3 **ENGAGING IN SALE OF ALCOHOLIC BEVERAGE**

Personnel shall not engage in the sale of alcoholic beverages as a private enterprise or while employed by another.
(Violation subject to 1 to 5 day suspension.)

11.1.4 **USE OF PRESCRIBED DRUGS WHILE ON DUTY OR DURING TRAINING**

Personnel shall ascertain the likely effect of prescribed drugs from the prescribing physician before reporting for duty or training. Department personnel shall obtain the approval of their commanding officer before reporting for duty or training while taking lawfully prescribed medications or any medication likely to impair normal physical and mental faculties.
(Violation subject to written reprimand or 1 day suspension.)

11.1.5 **USE OR ODOR OF ALCOHOLIC BEVERAGE WHILE ON DUTY OR DURING TRAINING**

Personnel shall not consume, ingest, or partake of intoxicating liquors or alcoholic beverages of any kind while on-duty or during training except as authorized in the performance of official duties. Medically prescribed or over the counter drugs with alcohol base shall not be used on-duty or during training unless approved by a

commanding officer. Department personnel shall not report for duty or training, or be on-duty or in training with the odor of alcoholic beverages upon their breath (except when necessary in performance of covert duties) or while under the influence of alcohol or other drugs.

(Violation subject to 1 to 5 day suspension.)

11.1.6 REPORTING FOR DUTY OR ON DUTY WHILE IMPAIRED

Personnel shall not report for duty or training or be on-duty or in training while under the influence of intoxicating liquors or drugs or alcoholic beverages to the extent that normal faculties are impaired.

(Violation subject to termination.)

11.1.7 UNFITNESS FOR DUTY DUE TO ALCOHOL OR DRUGS

Department personnel shall keep themselves fit for duty and shall not become unfit for regularly scheduled duty because of excessive use of intoxicating or alcoholic beverages or drugs to the extent normal faculties are impaired. Lawfully prescribed medicines taken in conjunction with legitimate sick leave shall be excepted.

(Violation subject to 6 to 15 day suspension and/or demotion.)

11.1.8 USE, POSSESSION AND/OR DISTRIBUTION OF PRESCRIBED MEDICATIONS, ILLEGAL DRUGS, PERFORMANCE ENHANSING DRUGS

The non-medical use and/or associated abuse of prescribed Medications and performance enhancing drugs, as well as the use, possession and/or distribution of illegal drugs are unacceptable and prohibited, as is the use of masking agents or diuretics taken to conceal or obscure the use of prohibited drugs.

(Violation subject to termination)

11.1.9 REFUSAL TO CONSENT TO A DRUG OR ALCOHOL TEST

Employees refusing to consent to a drug or alcohol test when reasonable suspicion, random testing, post accident, return to duty or other test mandated by Department or city policy will be removed from their position subject to disciplinary action. The reason(s) for refusal shall be considered in determining appropriate disciplinary action.

(Violation subject to termination)

USE AND CARE OF EQUIPMENT AND FACILITIES

12.1.1 DEFACING OR MARRING BULLETIN BOARDS

Personnel shall not intentionally mark, mar, alter, deface or wrongfully remove any printed or written notices placed upon official Department bulletin boards.

(Violation subject to written reprimand or 1 day suspension.)

12.1.2 DEFACING OR MARRING FACILITIES

Personnel shall not intentionally mark, mar, alter or deface surfaces of Department or city office buildings or facilities.
(Violation subject to 1 to 15 day suspension.)

12.1.3 LITTERING OF FACILITIES

Personnel shall not litter the safety building, fire halls, or other city facilities with trash or tobacco products.
(Violation subject to written reprimand or 1 day suspension.)

12.1.4 RESTRICTED AREAS/EQUIPMENT

Personnel shall obtain authorization from competent authority before using Department office equipment not regularly assigned, or before entering any locked or restricted area or facilities.
(Violation subject to written reprimand or 1 day suspension.)

12.1.5 USE OF COMMUNICATIONS FACILITIES

Personnel shall not use Department or Communications Center communications equipment for unofficial purposes.
(Violation subject to written reprimand or 1 day suspension.)

12.1.6 RADIO TRANSMISSIONS

Personnel shall use official radio channels in accordance with established policy.
Personnel shall not use any official radio channel to transmit sarcasm, disrespectful or humorous remarks, personal non-business comments, profanity, or any other improper radio transmission.
(Violation subject to written reprimand to 1 day suspension.)

12.1.7 USE AND HANDLING OF WEAPONS

Officers shall use or handle weapons in a careful, safe and prudent matter on and off-duty. Weapons shall be used in accordance with the law and established Department policy.
(Violation subject to 2 to 5 day suspension.)

12.1.8 HANDLING MONIES AND PROPERTY

Money or other property coming into the possession of Department personnel which does not belong to such personnel shall be delivered to the proper custodian, and a report shall be made of the transaction.
(Violation subject to 1 to 5 day suspension.)

12.1.9 PROCESSING PROPERTY AND EVIDENCE

Property and evidence which has been received in connection with official duties will be processed in accordance with established policy. Personnel shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established policy.

(Violation subject to written reprimand, 1 to 15 day suspension or termination.)

12.1.10 CARELESS HANDLING OF EQUIPMENT - NOT RESULTING IN DAMAGE/LOSS

All persons shall utilize the Department's equipment for its intended purpose in accordance with established policy, and shall not use the Department's equipment in a careless manner.

(Violation subject to written reprimand or 1 day suspension and/or loss or suspension of the related equipment privileges.)

12.1.11 CARELESS HANDLING OF EQUIPMENT - RESULTING IN DAMAGE/LOSS

All personnel shall utilize the Department's equipment for its intended purpose in accordance with established procedure, and shall not subject such equipment to loss or damage through careless handling.

(Violation subject to 1 to 5 day suspension and/or loss or suspension of the related equipment privileges.)

12.1.12 DAMAGE TO OR LOSS OF MOTOR VEHICLE FROM AN AVOIDABLE ACCIDENT

All personnel shall operate Department motor vehicles in a careful and prudent manner in order to avoid involvement in traffic accidents resulting in the loss of, or damage to motor vehicles or other property. The severity of disciplinary action will be determined after review of the following factors: Department driving history over the past three years, factors of negligence, and amount of damage to the vehicle. (Weather conditions will not be considered as a factor). Progressive discipline exists in four steps. Supervisors may by-pass steps in the discipline process due to the severity of the offense and factors involved in the accident.

(Violation subject to Letter of Review, Written Reprimand, Suspension to Termination.)

12.1.13 VEHICLE PREPAREDNESS

Personnel shall see that vehicles assigned to them are ready for immediate service at all times with tires inflated, oil and fuel at proper levels, and all special equipment and supplies present for efficient performance of duties.

(Violation subject to written reprimand or 1 day suspension.)

12.1.14 UNATTENDED VEHICLES

Officers shall, upon leaving their vehicles unattended, see that the vehicle is locked. Shotguns left unattended shall be locked and secured. Vehicles containing K-9 dogs may be allowed to idle unattended but doors of the vehicle must be locked and windows secured so as to prevent entry by unauthorized individuals.
(Violation subject to written reprimand or 1 to 5 day suspension.)

12.1.15 INTENTIONAL ABUSE OF DEPARTMENT'S EQUIPMENT/VEHICLES

Personnel shall utilize Department equipment for its intended purpose in accordance with established procedure, and shall not intentionally abuse, misuse, or damage equipment or vehicles.
(Violation subject to 6 to 15 day suspension and/or loss of vehicle take home privileges.)

12.1.16 PASSENGER TRANSPORT AUTHORIZATION

When patrol officers passenger transport non arrested persons in a city vehicle it must be duty related and approved by the employee's supervisor. Supervisors, investigators and administrative personnel may also transport but they must be able to prove a duty related purpose. In the event of an emergency transport, where it is not practical to comply with this rule, the transporting employee shall make immediate notification of the circumstances to his or her supervisor.
(Violation subject to written reprimand or 1 to 15 day suspension.)

12.1.17 MODIFICATIONS OF FIREARMS

Personnel shall not make any modifications, alterations, or replace any parts of any Department firearm nor allow the weapon to be serviced, modified, or repaired by anyone other than a Department armorer. The only exceptions shall be approved by the Chief of Police.
(Violation subject to suspension, demotion, or termination)

USE OF FORCE

13.1.1 EXCESSIVE OR UNNECESSARY FORCE NOT RESULTING IN INJURY

Officers shall use only that degree of force necessary to perform official duties and shall not strike or use physical force on any person except when necessary in self-defense, in defense of another, to overcome actual physical resistance to arrest, or to prevent escape.
(Violation subject to suspension of 1 to 5 day.)

13.1.2 EXCESSIVE FORCE RESULTING IN INJURY

Officers shall use only that degree of force which is necessary to perform official duties,

and shall not strike or use physical force on any person to the extent that injuries are inflicted except when necessary in self-defense, in the defense of another, to overcome actual physical resistance to arrest, or to prevent escape.
(Violation subject to 6 to 15 day suspension and/or reduction of rank or termination.)

13.1.3 REPORTING USE OF FORCE

Any use of force resulting in personal injury shall be immediately reported to a supervisor and shall be documented on a "Suspect Resistance" form.
(Violation subject to written reprimand or 1 to 5 day suspension.)

13.1.4 USE OF DEADLY FORCE CONTRARY TO LAW AND/OR DEPARTMENT POLICY NOT RESULTING IN INJURY - WARNING SHOTS PROHIBITED

Officers shall use deadly force only in accordance with law and Department policy and procedures and shall not violate the law or Department policy and procedures in the use of deadly force even when such force does not and is not likely to result in injury or death.
Officers shall not fire warning shots.
(Violation subject to 2 to 5 day suspension.)

13.1.5 USE OF DEADLY FORCE CONTRARY TO THE LAW AND/OR DEPARTMENT POLICY RESULTING IN INJURY OR DEATH

Officers shall use deadly force only in accordance with law and Department policy and procedures and shall not violate the law or Department policy and procedures in the use of deadly force to the extent that injury or death results or is likely to result.
(Violation subject to 6 to 15 day suspension and/or demotion or termination.)

13.1.6 REPORTING DISCHARGE OF FIREARM

Officers who discharge a firearm while in the line of duty, while acting under the color of law or discharge a firearm directed at any person or vehicle shall immediately report the matter to their immediate supervisor who shall complete a Suspect Resistance form. If the discharge of the firearm occurs while the officer is off duty, the incident must be reported to the Watch Commander of the platoon who is on duty at the time of the incident.
(Violation subject to 2 to 15 day suspension or termination.)

VERACITY

14.1.1 UNTRUTHFULNESS IN AN OFFICIAL PROCEEDING (NOT UNDER OATH)

Personnel shall not knowingly make false statements to a supervisor or to any official of a government agency during an official proceeding even though such statements are not made under oath.

(Violation subject to 2 to 15 day suspension, reduction in rank or termination.)

14.1.2 PERJURY IN AN OFFICIAL PROCEEDING

Personnel shall not knowingly make false statements while under oath in an official proceeding.

(Violation subject to termination.)

14.1.3 INTEGRITY OF OFFICIAL DOCUMENTS

Personnel shall not corruptly alter, destroy or conceal any official report, warrant, affidavit, citation, docket or any other official document.

(Violation subject to 6 to 15 day suspension to termination.)

14.1.4 FALSIFICATION OF OFFICIAL DOCUMENTS

Personnel shall not knowingly falsify or knowingly cause another to falsify any official record or document.

(Violation subject to termination.)

14.1.5 FICTITIOUS ILLNESS OR INJURY CLAIMS

Personnel shall not feign illness or injury or falsely report themselves ill or injured or otherwise deceive or attempt to deceive any supervisor of the Department as to the condition of their health for purposes of making a fraudulent claim for insurance, workers compensation, disability retirement, or avoiding normal duties through use of accumulated sick leave. Department personnel who are on sick leave or are being compensated through worker's compensation are expected to remain at their place of residence during their normally scheduled tour of duty or to cause prompt notification of a supervisor with a location at which they may be reached. Department personnel may, however, leave the place of residence for short durations as necessary for obtaining medical aids or assistance, food or sustenance, for performing necessary domestic errands, or exercise of civil rights to vote, travel to, or engage in religious pursuits. The performance of physical, income producing or recreational activities while on sick leave shall be considered as evidence of sick leave abuse. Personnel are prohibited from participating in any off duty/extra duty employment while on extended sick leave or

workman's compensation. Furthermore, no officer will work any off duty/extra duty employment within a workday cycle when the officer has implemented the sick leave policy due to illness or injury. A work day cycle will be defined as the 24 hour period beginning with the officer's assigned tour of duty that was missed due to the usage of sick time and concluding 24 hours later.

EXAMPLE: An officer is assigned to work Friday 1835 hrs. to Saturday 0700 hrs. and calls in sick. The 24-hour time limit begins at 1835 hrs. on Friday and ends 1835 hrs. on Saturday. The officer may assume other employment after 1835 hrs. on Saturday. (Violation subject to 15 days suspension to termination.)

14.1.6 IMPROPER SUBMISSION OR TRANSMITTAL OF DOCUMENTS FOR OFFICIAL USE:

Personnel shall not submit or transmit documents for official purposes, unless they have been properly approved either by procedures outlined in general orders or by direction of the Chief of Police. The responsibility to clarify procedure and authority for the submission or transmittal of documents shall rest with the officer originating the document. Documents referred to in this section include both internal and external submissions and transmittals.

(Violation subject to 15 days suspension to termination.)

14.1.7 OVERTIME/LEAVE AUTHORIZATION:

Personnel shall not submit any request for compensation for overtime or request for leave that is a misrepresentation of the time earned or taken during a specific period of time. It is the responsibility of the reporting Department member to assure the time earned through work activities or time taken off is accurate and verifiable. The deliberate rounding up (for time earned) or rounding down (for time taken) shall not be conducted. Personnel will document their activities by use of the Department radio, advising E-911 when they are in-service and out-of-service on a specific activity. Personnel will report ALL time worked or time taken off to their supervisor to insure proper documentation. The submission of overtime/leave authorization on Department Form #1196 shall be a true reflection of time earned or taken.

Examples: An officer is released 3 hours early from an in-service class. The officer is responsible to report for duty to complete the shift or to report the 3 hours to their supervisor and compensate the Department for those 3 hours. An officer taking 2 hours of time for a personal visit to their physician during duty hours would be required to compensate the Department for that time. (Violation of this policy may also be a violation of state law.)

(Violation subject to 15 days suspension to termination.)

14.1.8 SOLICITATION OR ALTERATION OF AN OFFICIAL DOCUMENT OR CITATION:

Personnel shall not alter, reduce or revise in any manner any official report, warrant/affidavit, citation, docket or any other official document for the purpose to falsify, reduce a penalty, avoid court action or present a misrepresentation. Nor shall personnel solicit in any manner the revision or reduction of any official report, warrant/affidavit, citation, docket, or any other official document for the purpose to falsify, reduce a penalty, avoid court action or present a misrepresentation. The mere act of asking an officer to change or alter an official document or citation is a violation of this code.

The change, correction, or alteration to reports for accuracy of information are permitted. (Violation subject to 5 days suspension to termination.)

OFFICIAL CONDUCT

15.1.1 IMPROPER USE OF OFFICIAL POSITION

Personnel shall not use their official position to solicit free admission to any public event or place of amusement, or to solicit any other monetary benefit except in the course of official duties or as approved of by the Chief of Police. (Violation subject to written reprimand or 1 day suspension.)

15.1.2 STATEMENT OF RESPONSIBILITY

Personnel who become involved in personal injury or property damage accidents while on duty or while operating a Department vehicle shall avoid making public statements of liability, and shall not make statements concerning the responsibility for such accidents, or inform parties that the City or Department will pay for damages even though Department personnel may be at fault. Persons involved should be referred to their own insurance companies, or to the City of Johnson City's Risk Management Office. (Violation subject to written reprimand or 1 day suspension.)

15.1.3 RECOMMENDING ATTORNEYS OR BAIL BONDSMEN

Personnel shall not recommend or suggest to any arrested person, prisoner, or any other person concerned with a prisoner in custody, the employment or hire of any specific attorney or bail bondsmen. (Violation subject to 1 to 5 day suspension.)

15.1.4 UTILIZATION OF WRECKER SERVICES

Personnel shall use the Department's wrecker "rotation" list when there is the need for wrecker service unless the owner or the driver of the vehicle makes a request for a specific

local and available wrecker service. This does not preclude making a request for a wrecker company which may provide a unique service, i.e., the capability to move or tow tractor trailer trucks. Personnel shall not recommend particular wrecker services. (Violation subject to 1 to 5 day suspension.)

15.1.5 UNLAWFUL COMPENSATION, BRIBERY

Personnel shall not corruptly request, solicit, accept, or agree to accept, any pecuniary or other benefit not authorized by law for past, present, future performance, non-performance, or for any act or omissions believed to have been either within the official discretion of Department personnel, or in violation of Tennessee law. (Violation subject to termination.)

INSUBORDINATION OFFENSES
TOWARD SUPERIORS

16.1.1 COURTESY TO RANK AND POSITION

In order to maintain professional bearing, personnel, while in the course of business or in public, shall adhere to the practice of addressing co-workers and superior officers by professional title. (Violation subject to written reprimand or 1 day suspension.)

16.1.2 ABUSIVENESS

Personnel shall not use profanity, abusive language or gestures toward superior officers or supervisory personnel of the Police Department, Fire Department or the City of Johnson City. (Violation subject to written reprimand or 1 to 5 day suspension.)

16.1.3 PROMPT COMPLIANCE WITH LAWFUL ORDER

Personnel shall promptly execute the lawful orders and/or proper instructions of a superior officer of the Police Department and shall not delay or fail to carry out such orders or instructions. (Violation subject to 1 to 5 day suspension.)

16.1.4 COMPLIANCE WITH DIRECT ORDER OF A SUPERIOR

Personnel shall comply with the direct orders or instructions given by a superior officer and shall not refuse to comply when such orders or instructions are lawful and proper. (Violation subject to 1 to 15 day suspension and/or demotion.)

16.1.5 COMPLIANCE WITH DIRECT ORDER OF SUPERIOR OR
INTERNAL INVESTIGATION OFFICER

Personnel shall obey lawful and proper orders of internal affairs investigators or superior officers to answer questions related to the internal investigation of misconduct. Personnel who are suspected of illegal use of drugs and/or violation of rules or procedures concerning use of alcohol shall obey lawful and proper orders from internal affairs investigators or superior officers to take chemical tests for alcohol and/or drugs. Personnel may be ordered to submit to a lineup, breath test, blood test, voice print identification, handwriting exemplars, or other such tests or examinations. (Violation subject to termination.)

16.1.6 COMPLIANCE WITH INSTRUCTIONS FROM RANGEMASTER

During firearms training, all personnel are required to follow training and safety instructions from the Rangemaster. (Violation subject to written reprimand or 1 to 5 day suspension.)

**TOWARD THE POLICE DEPARTMENT AND
THE CITY OF JOHNSON CITY**

17.1.1 CRITICISM OF ORDERS OF POLICIES

Personnel shall support the policies, orders, and procedures of the Police Department and City of Johnson City, and shall not criticize or ridicule its policies, orders, or personnel in speech, writing, or by other expression where such interferes with the maintenance of discipline or otherwise undermines their effectiveness. (Violation subject to written reprimand or 1 to 5 day suspension.)

17.1.2 CONCERTED JOB ACTIONS

Personnel shall not engage in concerted job actions such as curtailment or restriction of work output, or interfere with work in or about other work stations including, but not limited to, instigating, leading, or participating in any walk-out, strike, sit-down, slow-down, or refusal to return to duty at the scheduled time. (Violation subject to 15 day suspension, reduction of rank or termination.)

UNLAWFUL CONDUCT OFFENSES

Disciplinary measures resulting from unlawful conduct may be imposed independently of, and concurrent with, civil and criminal prosecutions, or internal disciplinary measures may be waived pending civil or criminal disposition in accordance with civil service rules and governing administrative suspensions. The administration of internal disciplinary measures from unlawful conduct must necessarily depend upon individual case circumstances, and will be determined by the Chief of Police.

18.1.1 COMMISSION OF MISDEMEANOR

Personnel shall adhere to all federal, state, and local laws, and shall not commit any act or crime defined as a misdemeanor, whether chargeable or not, which brings discredit upon the Department or otherwise impairs the operation and efficiency of the Department, and/or which is likely to impair the ability of personnel concerned to perform assigned duties.

(Violation subject to written reprimand to termination. Possible decertification of officers.)

18.1.2 COMMISSION OF FELONY

Personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not.

(Violation subject to termination. Possible decertification of officers.)

JOB KNOWLEDGE AND PERFORMANCE

19.1.1 GENERAL PROFICIENCY

Personnel are required to maintain job knowledge, skills, and certifications required for the performance of official duties. Personnel shall maintain and demonstrate proficiency in required interpersonal skills and in the care and use of Department equipment. Officers shall maintain and demonstrate their knowledge of the law and criminal procedure and shall maintain proficiency in the care and use of firearms, demonstrating proficiency in accordance with established standards and qualification requirements. Failure to maintain job skills and demonstrate proficiency shall result in counseling, instruction or training. Repeated failure to maintain job skills and demonstrate proficiency after counseling, training, or instruction shall result in disciplinary action which may include suspension, reduction of rank or termination.

19.1.2 P.O.S.T. CERTIFICATION REQUIREMENTS AND CRITERIA

Sworn personnel are required to maintain all certifications required by the Tennessee's Police Officer Standards and Training Commission as outlined in T.C.A. 38-8-101, 38-8-104 as amended. Failure to maintain P.O.S.T. certifications shall result in termination.

19.1.3 DEPARTMENT TRAINING ATTENDANCE

All sworn personnel will be required to attend all scheduled Department training activities. Personnel who are unable to attend a schedule training session must meet the criteria outlined in General Order 500.13 (Training: Organization and Administration) page 5, number 6.

(Violation subject to letter of counseling, written reprimand or 1 to 3 days suspension.)

19.1.4 KNOWLEDGE OF GENERAL ORDERS AND PROCEDURES

Repetitious violation of official Department General Orders by Department personnel shall be indicative of careless disregard. Three suspensions of unrelated but minor nature within a 6 month period shall constitute a continued failure to maintain and demonstrate knowledge of General Orders and procedures and shall result in counseling and 6 to 15 day suspension and/or demotion. **Subsequent** violations and recurrent failure to maintain and demonstrate knowledge of General Orders and procedures shall be cause for termination.

19.1.5 GENERAL ORDERS AND PROCEDURES MANUALS

It is the responsibility of employees assigned general order manuals to maintain in order and up-to-date status these issued manuals. Failure to maintain these manuals shall result in a letter of counseling, written reprimand or 1 day suspension.

19.1.6 INFECTIOUS DISEASE EXPOSURE

Personnel shall comply with the use of all safety equipment and Department guidelines concerning blood borne pathogens.

Personnel shall not engage in unsafe measures when potentially exposed to blood/air borne pathogens (HIV, hepatitis, viruses).

(Violation subject to written reprimand or 1 to 3 day suspension.)

VIOLATIONS OF DEPARTMENT COMPUTER OPERATIONS

20.1.1 MISUSE OF COMPUTERS/COMPUTER FILES/COMPUTER MAIL

Any employees whoever knowingly, directly, or indirectly access, causes to be accessed, or attempts to access any computer software, computer program, data, computer, computer system, computer network, or any part thereof, for the purpose of obtaining money, property, or services for themselves or another by means of false or fraudulent pretenses, representations or promises will be found in violation of Tennessee law regarding misuse of computer information.

(Violation subject to termination.)

20.1.2 ENTRY OF UNAUTHORIZED SOFTWARE

Personnel shall enter no software without authorization of the Systems Administrator or designated representative. Unauthorized software includes all software not required for job related duties.

(Violation subject to suspension or termination)

20.1.3 LOADING/DOWNLOADING OF UNAUTHORIZED INFORMATION
(VIOLATION OF CONFIDENTIALITY)

The nature of the information used by the Department requires strict confidentiality. Any personnel loading or downloading unauthorized information is a violation of confidentiality.
(Violation subject to suspension or termination)

20.1.4 ALLOWING UNAUTHORIZED PERSON TO USE THEIR PASSWORD

All personnel shall be responsible for ensuring confidentiality of his/her private password.
(Violation subject to suspension or termination)

20.1.5 ALLOWING UNAUTHORIZED PERSON TO MAKE ENTRY INTO THE SYSTEM

Due to the confidential nature of Department records, personnel shall not allow unauthorized person(s) to make entry into the system.
(Violation subject to suspension or termination)

20.1.6 LEAVING A COMPUTER UNATTENDED, ALLOWING UNAUTHORIZED
PERSON ACCESS TO THE SYSTEM

Personnel shall not leave a terminal unattended in the logged-on state of operation which would allow an unauthorized person to access the system.
(Violation subject to written reprimand to suspension)

20.1.7 FAILURE TO NOTIFY A SUPERVISOR OF EQUIPMENT DAMAGE, THEFT, OR
KNOWLEDGE/BELIEF OF UNAUTHORIZED ACCESS OR ATTEMPTED ACCESS

It is the employee's responsibility to ensure equipment under their control is secure and operational. Upon the discovery of equipment damage or theft, it is the employee's responsibility to report such information immediately to their supervisor. If an employee has knowledge or belief that unauthorized access or attempted access has occurred, it is to be reported immediately.
(Violation subject to written reprimand to termination, depending on the facts)

20.1.8 USING COMPUTER RESOURCES TO CREATE, STORE, TRANSMIT, OR COPY
INFORMATION THAT IS OBSCENE, THREATENING, OR HARASSING

Personnel are not to use computer resources to create, store, transmit, or copy information that is obscene, threatening, or harassing.
(Violation subject to suspension or termination)

20.1.9 KNOWINGLY ACCESS INTERNET SITES WHICH ARE OBSCENE OR PORNOGRAPHIC IN NATURE AND TO PRINT OR DOWNLOAD SUCH DATE

It is specifically forbidden to knowingly access Internet sites which are obscene or pornographic in nature and to print or download such material. This does not preclude the research of such material for investigative purposes by designated personnel.
(Violation subject to suspension or termination)

20.1.10 KNOWINGLY OR CARELESSLY PERFORM AN ACT THAT WILL INTERFERE WITH THE NORMAL OPERATION OF COMPUTERS, TERMINALS, PERIPHERALS OR NETWORKS

Due to the delicate and operational nature of computers, personnel will be knowledgeable and exercise great care in any act that may effect the computers, terminals, peripherals or networks.
(Violation subject to suspension or termination)

20.1.11 ATTEMPT TO GAIN UNAUTHORIZED ACCESS TO TERMINAL, COMPUTERS, MODEMS, NETWORKS, OR STORED DATA

The job or task assignment of personnel will determine the areas of access/permitted to that person. No employee shall attempt to gain unauthorized access to terminals, computers, modems, networks, or stored data.
(Violation subject to suspension or termination)

20.1.12 KNOWINGLY OR CARELESSLY RUN OR INSTALL ON ANY COMPUTER SYSTEM OR NETWORK, OR PROVIDE TO ANOTHER USER ANY CONTAMINANT INTENDED TO DISRUPT OR DAMAGE A SYSTEM OR NETWORK. {TCA 39-14-602 ESTABLISHES A CLASS B MISDEMEANOR FOR THE INTRODUCTION OF ANY SUCH CONTAMINANT (VIRUS) INTO ANY COMPUTER OR SYSTEM.}

A computer contaminant is any set of computer instructions that is designed to modify or in any way alter, damage, destroy, or disrupt the proper operation of a computer program, system, or network without the intent or permission of the owner of the information. This includes, but is not limited to, a group of computer instructions commonly known as **viruses**, which are self-replicating or self-propagating and are designed to contaminate other computer program's data. Viruses may consume computer resources, modify, destroy, record or transmit data, or in some other fashion usurp the normal operation of the computer, computer system, or computer network.
(Violation subject to suspension or termination)

20.1.13 DELIBERATELY OR KNOWINGLY WASTE OR OVERLOAD ANY COMPUTER RESOURCE, SUCH AS PRINTING UNNECESSARY COPIES OF A DOCUMENT OR REPORT

The unnecessary printing of a document or report places a monetary drain on the Department that could be used in other areas. Additionally, the wasteful printing of material limits the speed at which needed data can be acquired.

(Violation subject to suspension or termination)

20.1.14 ATTEMPT TO MONITOR OR TAMPER WITH ANOTHER'S FILES BY READING, COPING, CHANGING, OR DELETING SUCH WITHOUT THE EXPLICIT CONSENT OF THE OWNER

Employees often spend a great amount of time and energy developing reports, files, and the compiling of data. To view or disturb these files in any way without the explicit consent of the owner is a violation of policy and infringes on the privacy and authorship of the material.

(Violation subject to suspension or termination)

20.1.15 FAILURE TO BE RESPONSIBLE FOR CONFIRMING THE VALIDITY AND INTEGRITY OF THE DATA INPUT INTO THE SYSTEM

It is the responsibility of all personnel to ascertain to the best of their ability that information recorded on reports, forms, and documents of the Department is valid.

(Violation subject to written reprimand to suspension)

20.1.16 VIOLATION OF THE CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS) SECURITY POLICY

NCIC/TCIC, Tennessee Department of Investigation, and the Federal Department of Investigation have specific rules regarding the use and dissemination of the information available through the system. This system will only be used for authorized purposes. Computer security violations may include the disclosure of sensitive or classified information to unauthorized individuals, the accessing of CJIS information inappropriately and/or for unauthorized purposes, any activity that results in unauthorized modification or destruction of system data, loss of computer system processing capability, or loss by theft of any computer media including: memory, optical or magnetic storage medium, hard copy printouts, etc.

(Violation subject to written reprimand to termination; misuse of the system may result in criminal charges by federal, state, or local agencies in addition to administrative discipline.)

REVIEW PROCESS:

The Chief of Police shall conduct an annual review of this general order and shall make necessary revisions.

CANCELLATION:

This general order shall remain in force until revoked or revised by competent authority.