



# Ocean City Police Department

## General Order

<b>Subject:</b> General Conduct & Compliance with Rules & Regulations		<b>No.</b> G.O. 200 B-1	
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## I. Purpose

The purpose of this Policy is to establish a Code of Conduct for Department employees, sworn and non-sworn. In addition, the Department has established rules and regulations through other General Orders, Standard Operating Procedures, Divisional Memoranda, Chief of Police Memoranda, and Special Orders. These documents along with this Order and in particular, General Order 200 A-1, establish the guiding principles of this Department.

## II. Policy

The Department will ensure that all personnel maintain the highest standards of integrity and professional police conduct in their relationships with citizens and co-workers. The rules of conduct contained in this order are designed to serve as a professional standard for conduct as well as to protect certain basic individual rights of employees. These rules are founded on the proposition that police have been given a special trust by the people and have an equally special obligation to account for the exercise of that trust.

## III. Rules & Regulations

### A. Adherence to Law and Policy

1. **Follow Rules:** Employees are expected to faithfully follow the law, the policies of the Town of Ocean City, and Department's rules, policies, procedures, and the lawful verbal or written orders of supervisors.
2. **Proper Departure from Policy:** In the event that an employee reasonably and honestly believes that to follow a rule or policy would cause an illegal, unjust or significantly inappropriate outcome, the employee may be excused from adherence to the rule or policy in question.

In such circumstances, the employee shall seek supervisory guidance, if reasonably available, and, if unavailable, shall inform his or her supervisor of any deviation from rules or policy verbally and in writing as soon as possible after the action. In the event of such deviation, the burden will be on the employee to prove that the circumstances he or she faced made it unreasonable to follow the rule or policy.

If the employee can establish that such was the case, the employee's deviation from the policy or rule will be excused. If the deviation is determined to have been improper, the employee will be held accountable for the rule or policy violation. If upon review, the supervisor and command determine the employee's decision was prudent and warranted they shall review the relevant policy and make recommendation(s) for any needed policy modification or supplementation.

3. **Improper Departure from Policy:** If a departure from policy is determined to be unreasonable or unnecessary; appropriate remedial, corrective, or punitive actions shall be taken.

4. **Criminal Violations:** Employees shall obey all laws of the United States and of any state, local or foreign jurisdiction in which they are present.
  - a. A conviction for a violation of any law shall be prima facie evidence of violation of this section.
  - b. Neither the placement of criminal charges nor the entering of a criminal conviction shall be required prior to the commencement of departmental action under this section against an employee.
  - c. The suspension, revocation, cancellation or refusal of an employee's driver's license shall be immediately reported by the employee to his/her immediate supervisor and shall be prima facie evidence of a violation of this section.
  - d. All personnel shall report to their immediate supervisor the fact that they have been arrested and/or cited for any criminal and/or traffic violation immediately upon return to duty.
5. **Officer Involved Summons:** Employees summoned, through a subpoena or court order, to appear before any court concerning a matter in which the employee or any other employee of the Department is named as a defendant or is the subject of the order, shall immediately notify the Chief of Police through official channels.
6. **Insubordination:** Employees shall follow lawful orders and shall not be insubordinate or disrespectful to superiors or persons designated to command.
7. **Conflicting Orders:** Employees who are given an order which conflicts with a previous order shall respectfully inform the superior of the conflict. If the superior issuing the conflicting order does not alter or retract the order, the order shall stand. The responsibility for the order will rest with the issuing superior and the employee will not be answerable for disobedience of any previously issued order. The superior who issues an overriding order shall notify the person whose previous order was overridden as soon as possible.
8. **Improper Orders:** A superior will not issue any order which he/she knows would require a subordinate to commit any illegal, immoral, unethical or unconstitutional acts.
9. **Disobedience of Illegal Order:** Employees shall not obey any order which they know would require them to commit illegal, immoral, unethical or unconstitutional acts. If there is any doubt as to the legality of an order, employees shall request the superior to clarify the order or to confer with higher authority.

10. **Off-duty Action and Response to Orders:** Sworn employees are always subject to orders from superiors and even when they are technically off-duty, this shall not relieve them from the responsibility for taking police action as outlined in General Order 200 B-2 entitled Off-duty Action. All sworn employees are subject to be called in for duty at any time.
11. **Police Action Outside of Jurisdiction:** Sworn personnel shall abide by Criminal Procedure §2-102 of the Maryland Code when taking police action outside the corporate limits of Ocean City. When sworn personnel assume his/her official role as a police officer and takes direct police action outside of Ocean City, he/she is governed by all policies, procedures, rules and regulations applicable to an on duty member.

**B. General Conduct:**

1. **Conduct Unbecoming:** No employee will engage in any behavior which is unbecoming a member of the Department. Unbecoming conduct includes, but is not limited to, any breach of the peace, neglect of duty, any criminal act and/or any dishonest/improper action which tend to bring the Department in disrepute and/or undermine the good order, efficiency, or discipline of the Agency. This rule applies to employees on-duty or off-duty, whether inside or outside the Town of Ocean City.
2. **Chain of Command:** Employees shall not depart from established chain of command processes.
3. **Criticize or Ridicule:** Employees shall not publicly criticize or ridicule the Department, its policies or employees, by speech, writing, or other expression, when such action can undermine the effectiveness of the Agency, interfere with discipline, or be taken with disregard for the truth.
4. **Public Appearances:** Employees shall not address public gatherings, appear on radio or television, prepare articles for publication, act as correspondents to a publisher, or otherwise appear in public as representatives of the Department without the approval of the Chief of Police or his/her designee.
5. **Commercial Endorsements:** Employees shall not authorize the use of their names, photographs, or official titles that identify them as employees of the Department in connection with testimonials or endorsements of any product or particular commercial enterprise.
6. **Service Recommendation:** Employees shall not recommend or suggest, except in transacting personal business, use of a particular product, professional service, or commercial service to include attorneys, bondsmen, towing services and lock and alarm companies.

7. **Act as an Agent:** Employees shall not solicit votes or contributions for any prize contest nor circulate, distribute, sell or solicit tickets, handbills, posters, literature or other materials while on duty or as a representative of the Department, without the permission of the Chief of Police.
8. **Political Activity:** Employees shall not engage in political activities on duty, or when acting in an official capacity, or when in uniform, except to vote.
9. **Suggestive Behavior:** Employees shall not publicly or while on-duty engage in behavior that is sexually offensive or suggestive to others.
10. **Garnishment:** Employees shall not undertake any financial obligations which they know or should know they are unable to meet, and shall pay all just debts when due.
11. **Tobacco and Food:** Employees shall not use tobacco products within any Town facilities/vehicle or in view of the general public. Employees shall use the utmost discretion when consuming food and beverages in view of the public and ensure their actions shall not distract from the professional image of the Department.

C. **Truthfulness and Integrity:**

1. **Lying:** Employees shall not make untruthful, misleading, inaccurate or incomplete statements, either verbal or written, pertaining to their official duties. Employees shall answer truthfully and fully all questions directed to them by other members of the Department in an official capacity. Unless truthfulness and honesty would place others or an investigation in jeopardy, or reveal confidential information, employees shall be truthful and honest in their dealings with others.
2. **False Data Entry:** Employees shall not knowingly enter or cause to be entered in any report or data base any false, inaccurate, or improper information.
3. **Threaten False Charge:** Employees shall not threaten to file or actually file a false criminal or traffic charge.
4. **Brady Material:** Employees shall adhere to procedures concerning Brady Material and their constitutional obligations to disclose exculpatory evidence in criminal prosecutions, including information that would bear negatively on the credibility of material witnesses for the government - including police witnesses.

5. **Feigning Personal or Family Sick:** Employees shall not feign illness or injury, misrepresent a family member's condition in order to use leave, or falsely report an illness or injury to deceive the Department about their health. All employees are required to report to their supervisors, in writing, any condition of physical or mental health, which may affect the ability to perform official duties. This shall include the consumption of any prescription or non-prescription medication which might adversely affect their ability to perform their duties.

**D. Inattention and Neglect of Duty**

1. **Neglect of Duty and Unsatisfactory Performance—General:** Employees shall properly perform their duties, maintain sufficient professional competency to perform their duties, and assume the responsibilities of their positions. Prima facie evidence of unsatisfactory performance includes: repeated poor evaluations; written records of repeated infractions of rules, regulations, directives or orders; or repeated inability to perform duties due to physical incapacitation resulting from excessive alcohol use.
2. **Certifications:** Employees shall maintain all appropriate professional certifications unless specifically authorized in writing by their Division Commander to allow them to lapse.
3. **Aid to Others:** Sworn employees shall promptly come to the aid of any employee who, when carrying out official duties, is in need of assistance.
4. **Inattention to Duty:** Employees shall not read, play games, watch television or movies, use digital devices or otherwise engage in entertainment while on duty, except as required or allowed in the performance of their duties. Employees shall not frequent police facilities, except as duty requires or upon orders. Employees shall remain awake and alert while on duty. If one is unable to do so, he/she shall report this condition to his/her supervisor.
5. **Personal Business:** Employees shall not engage in activities of personal business on duty that causes them to be negligent or inattentive to their official duties.
6. **Frequenting Business:** Employees shall not frequent any business establishment, except in the performance of official duties, for prolonged periods of time.
7. **Leaving Assignment:** Employees shall not leave their assignments during a tour of duty or leave their assignment prior to the end of a tour of duty without authorization from a supervisor.

**E. Professional Demeanor**

1. **General Demeanor:** Personnel shall be courteous and respectful in performing their duties. Personnel shall exercise emotional control, employ patience and tactical communication techniques, and shall not engage in argumentative discussions even with extreme provocation.
2. **Providing Identification:** Sworn employees shall furnish their name, their rank and their identification number to all persons who request same when the employee is acting in an official capacity. Sworn employees working in an official undercover capacity are exempt from this section.
3. **Prohibited Language:** Employees shall not use coarse, violent, profane or insolent language or gestures on-duty or in public contacts. Employees shall not express any prejudice toward, or use derogatory language in referring to, any other employee or citizen concerning race, religion, ethnic origin, politics, lifestyle, or other personal characteristics.
4. **Assaultive Behavior:** Employees shall not threaten, strike, or assault any other employee. Employees who aid, abet, or incite any altercation between other employees shall be held responsible along with those actually involved, as shall those who fail to intervene as appropriate.
5. **Response to Public:** When a person requests assistance, advice, or makes a complaint or report, either by telephone or in person, all pertinent information will be obtained in a professional, courteous manner and will be properly acted upon consistent with departmental procedures.
6. **Receiving Complaints:** Employees shall courteously and promptly record in writing any complaint made by a citizen concerning any employee of the Department or of the Department itself in keeping with departmental procedures.
7. **Discrimination and Harassment:** Employees shall not discriminate against, nor harass, any citizen or co-worker for any reason, including race, color, national origin, religion, or sex, as prohibited by the Town of Ocean City, State or Federal law. Employees shall not take nor contribute to any reprisal against any individual or group of individuals who have opposed discriminatory practices, or have participated or assisted in an investigation or proceeding brought under Agency policy, or Town, State or Federal law.
8. **Relationship Disclosures:** Employees who become involved in intimate relationships with fellow employees must disclose said relationship in writing to the Department's Professional Standards Section.

**F. Preparedness for Duty:**

1. **Reporting for Duty:** Employees shall report for duty at the time and place required by assignment or order physically and mentally fit to perform their duties. Judicial summonses and other writs shall constitute orders to report for duty.
2. **Appearance and Equipment:** Employees shall report properly attired and with all required equipment. Appearance shall be neat and well kept.
3. **Absent without Leave:** Employees shall not be absent from duty without leave or authorization from his or her supervisor.
4. **Use of Controlled Dangerous Substances:** Employees shall not possess or use any controlled dangerous substances (C.D.S.) except as prescribed by a physician or dentist. When a C.D.S. is prescribed, personnel shall notify their immediate supervisor and file all required Agency documents on the C.D.S. use and effects.
5. **Alcohol:** Sworn employees will not exercise any police authority, take any official police action or represent himself or herself as a police officer while under the influence/impaired by alcoholic beverages or drugs (including medically prescribed drugs), while consuming alcoholic beverages or within eight (8) hours after the consumption of alcoholic beverages. Employees shall not purchase nor consume alcoholic beverages while at work or on duty, except while acting under the proper and specific orders of a superior officer. Alcoholic beverages will not be purchased or consumed by employees while wearing any part of the Department's uniform or driving/riding in a departmental vehicle.
6. **Return to Duty:** Employees shall be familiar with all issued directives and notices, and obtain all necessary copies thereof, after being away on leave.

**G. Confidential Information:**

1. **Investigations or Operations:** Employees are prohibited from providing confidential information concerning departmental investigations or operations to any unauthorized person. This includes all internal investigations conducted by the department.
2. **Data Base:** Employees shall not provide confidential information obtained from the Criminal Justice Information System (C.J.I.S.), Motor Vehicle Administration (M.V.A.), National Crime Information Center (N.C.I.C.), or any other source to any unauthorized person, except in the performance of their duties and in accordance with Agency policy and N.C.I.C./C.J.I.S. regulations.



3. **Official Business:** Employees 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, in accordance with Department policies and procedures. Employees shall not divulge the identities of confidential informants, except as specifically authorized by a superior authority.
4. **Employee Information:** Employees shall not divulge information concerning present or past personnel employment status without being specifically authorized and assuring that a waiver agreement has been granted for the release of said information.
5. **Contact Information:** Employee telephone numbers and residential addresses will be treated as confidential and shall not be given to the general public.

#### H. **Investigative Protocol and Reports**

1. **Investigation Interference:** Employees shall not interfere with investigations being handled by other personnel or other governmental agencies unless:
  - a. Ordered to intervene by a superior; or
  - b. The intervening employee believes it highly likely that injustice would result from failure to take action; or
  - c. Such intervention is required by supervisory or command responsibilities.
    - i. In the event of such intervention, detailed documentation shall be completed.
    - ii. Off-duty personnel shall not undertake any investigation or other official action without obtaining permission from their supervisor. Except where the situation requires immediate police action.
2. **Evidence and Property:** Employees who discover, gather, or receive property and/or evidence in connection with departmental responsibilities shall process these items in accordance with the law and departmental policy and procedure prior to ending their tour of duty. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with departmental procedures.

3. **Reports:** Employees shall complete all police incident reports in a timely manner as prescribed through divisional standard operating procedures. Initial incident report information shall be produced and available for review prior to the conclusion of each employee's tour of duty. All other reports and required departmental correspondence shall be submitted within the specific time frames set within policy. All reports and correspondence submitted by employees of the department will be accurate, complete and timely.
4. **Treatment of Persons and Property:** Employees shall not mistreat persons, animals, or property in the custody of the department and shall handle them in accordance with the law and departmental policies and procedures.
5. **Civil Matters:** Employees shall not act officially without authority in any civil matter, except when action is required to prevent a breach of the peace, or to assist in quelling a disturbance.

#### I. **Use of Force and Weapons**

1. **Use of Force:** Sworn employees shall use force only in accordance with law and departmental policies and procedures and will not use more force than is reasonable under the circumstances to effect an arrest or protect themselves or citizens from harm. Excessive or punitive force is prohibited.
2. **Weapons:** Weapons policy, training, and orders shall be closely monitored by all employees, especially supervisors, to insure compliance.
  - a. **Authorized:** All weapons, ammunition, force tools, or restraint equipment carried while on-duty, or off-duty under the employee's authority as a sworn officer, shall be those issued by the Department or approved for carry by the Chief of Police or his/her designee.
  - b. **Modification:** No issued or approved equipment or weapon shall be altered or modified unless specifically authorized by the Chief of Police or his/her designee.
  - c. **Maintenance:** All weapons, tools, and equipment shall be maintained in good working order and any defect shall be reported to appropriate authority and resolved expeditiously.
  - d. **Carry and Use:** All weapons and equipment shall be carried and used in a manner consistent with Department training.
  - e. **Discharge:** All discharges of a Department firearm, whether intentional or accidental, shall be immediately reported by the involved employee to his/her supervisor.

- f. **Negligence:** Employees will not engage in careless or negligent handling of any weapon.
- g. **Reporting:** Following a use of force incident or weapon use, all required reporting by involved employees, supervision, and command shall be completed and reviewed consistent with policy.
- h. **Security:** Weapons shall be properly secured.
- i. **Periodic Training:** Sworn employees shall attend training as mandated by the Department regarding the use of force policy, firearms training/qualification, and non-deadly weapons systems to include weaponless control techniques.

#### J. **Prisoner Issues**

- 1. **Medical Attention:** Employees shall promptly provide necessary medical attention to prisoners in accordance with policy and procedure.
- 2. **Uniform Precautions:** Employees shall use available uniform precautions and equipment when there is an apparent risk of communicable disease infection.
- 3. **Disease Exposure:** Personnel shall follow Department policy regarding reporting, disinfection and follow-up procedures when exposed to communicable disease or the known threat thereof.

#### K. **Appearance, Uniforms, Equipment & Supplies**

- 1. **General:** Employees shall wear uniforms or otherwise be dressed in accordance with established Department standards. All Department uniforms and equipment issued to employees shall be worn in the approved manner, and maintained in proper order including: cleaned, pressed, polished and shined.
  - a. **Repair:** Personnel shall not attempt to alter or repair Department equipment including vehicles, uniforms, weapons, or electronic equipment unless specifically authorized or in accordance with Agency procedures.
  - b. **Abuse or Loss:** Employees shall use Department equipment only for its intended use and shall not abuse, damage or lose said equipment.
  - c. **Reporting:** Employees shall report damage or loss of any Department equipment according to department or city policy.

2. **Appearance:** Employees shall maintain a neat, well-groomed appearance as prescribed in G.O. 800 A-1.
3. **Badge and Identification:** Sworn employees shall carry their badges and identification cards while on duty. This requirement while off-duty shall be in conformance with G.O. 200 B-2.

#### L. **Secondary Employment**

General Secondary Employment and Police-related Secondary Employment is permitted only in accordance with Department policy as prescribed in General Order 200 S-1. Employees are required to be aware of and follow this policy prior to engaging in General Secondary Employment or Police-related Secondary Employment.

#### M. **Supervisory Responsibility**

1. **Briefing:** A briefing or "roll call" will be conducted at the beginning of each tour of duty by supervisors. The ultimate responsibility for this task rests with the Shift Commander who may delegate the responsibility to first line supervisors. Roll call shall include a short training module that can be conducted within the time frame set for roll call activities.
2. **Counseling:** Supervisors shall provide appropriate and timely counseling to their subordinates. The counseling shall give specific recommendations for improvement or recognition for a job well done. All counseling shall be documented. After an employee is counseled, the subject employee shall be given an opportunity to review, sign, receive a copy of, and comment on the record.
3. **Evaluations:** Supervisors shall refer to the counseling records of their subordinates when completing respective performance evaluations for the appropriate evaluation periods. Evaluations shall be completed as required by the Department.
4. **Transfer:** Supervisors shall forward their copy of any current counseling records to the appropriate supervisor upon the transfer of a subordinate.
5. **Pursuits:** Supervisors shall monitor and take command of on-going vehicle and non-vehicle pursuits as prescribed in G.O. 400 E-1.
6. **Harassment:** Supervisors shall take all actions reasonably within their authority to: assure subordinate employees are aware of prohibited behavior defined as Harassment in relevant General Orders, stop any such behavior he or she observes and assist any employee in the completion and forwarding of associated documentation.

7. **Investigations and Documentation:** All supervisors and commanders are expected to document on an internal memorandum (Form 95) policy violations that come to their attention. Policy violations, to include improper departures from policy as outlined in Section III of this policy that warrant punitive measures shall be investigated in accordance with the L.E.O.B.R., Department policy and/or guidelines set by the Town's Department of Human Resources. Policy violations that do not warrant punitive measures shall be documented through counseling records for inclusion in performance evaluations. Any supervisor aware of a violation of policy and who does not address the violation as outlined in this paragraph will be in violation of this general order.
8. **Fraternization by Supervisors:** Supervisors shall not date or engage in intimate relationships with subordinate employees.

#### N. **Vehicle Operation**

1. **Operation General:** At all times and regardless of circumstances, employees shall operate police vehicles reasonably and with due regard for the rights and safety of others. The need to apprehend a law violator or to respond to a location or situation does not normally justify creation of new or additional risks of injury or death to police officers or to others. Police vehicle operation shall be within the law, take reasonable account of all facets of public safety, and reasonably balance all competing risks. Irresponsible, careless and reckless driving is prohibited.
2. **Policy:** Employees shall abide by General Order 400 E-1 entitled Routine and Non-routine Vehicle Operation, as well as training and orders, when operating a vehicle for the Department.

#### O. **Miscellaneous**

1. **Contact Information:** Employees shall maintain working telephone service (a personal cell phone or a hard-line phone within their residence) and shall provide their phone number(s) and address to the Department. Pagers and messenger services are not an appropriate substitute for having an accessible telephone and telephone number. Employees are required to report any change of their address or phone number(s) to their supervisor and the Office of the Chief of Police within 24 hours. This information will be treated as confidential and shall not be released outside the Department except if required by law or court order.
2. **Associations:** Employees shall avoid off-duty association with persons whom they know, or should know, are under criminal investigation, or who have a reputation for involvement in criminal behavior, except as necessary in official departmental duties or when unavoidable due to personal relationships; i.e. marriage, immediate family, already established significant other.

3. **Sedition:** Employees who have knowledge of any mutinous, seditious, rebellious, or extreme reactionary movement within the department shall do their utmost to suppress it and shall promptly report the activity without delay to a supervisor who shall report the information through the chain of command.
  
4. **Gratuities:** No compensation, reward, gift or other consideration for the performance of duties shall be solicited or accepted by any officer without special permission of the Chief of Police. This includes, but is not limited to: money, tangible or intangible property, food, beverage, loan or promise of loan or any service. This does not preclude accepting unsolicited items which are given to or available to the general public (and not just to police officers) or fund raising activities which have been approved by the Chief of Police.