

SOUTH PORTLAND POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Subject:	Professional Conduct, Rules & Standards	Policy #	1-5
Effective Date:	March 3, 2017	Review	Annually
Distribution:	All Personnel	# of pages:	8

I. PURPOSE:

To establish rules and regulations consistent with the department's high expectations of professional conduct and behavior by its employees, with the intention of enhancing the public's trust and confidence in the department's ability and integrity.

II. POLICY:

It is the policy of the South Portland Police Department to maintain standards of professional conduct that apply equally to all employees. These standards are consistent with the proper functioning of a professional law enforcement organization.

III. RULES / STANDARDS OF CONDUCT:

A. General Conduct:

- Truthfulness:** All employees of the department are required and will be relied upon to be truthful at all times, in speech and in writing, under oath or not. Employees are prohibited from intentionally making any materially false statement(s) in connection with their performance of official duties or with their fitness for duty. Employees are prohibited from failing to disclose material information in connection with the performance of their duties. Except for the correction of grammatical errors, no official report, record, or communication being sent through the proper channels will be altered or withdrawn, without authorization from the appropriate supervisor. Additions or corrections to reports already submitted will be done through the submission of supplemental reports. No employee will knowingly make or submit any type of official communication or enter (or cause to be entered) in an official record any false, inaccurate, or improper information. No officer will take police action based on information known to be false or inaccurate.
- Personal Behavior / Conduct Unbecoming:** Employees shall conduct themselves at all times, both on and off duty, and in all venues and mediums, in a manner keeping with the highest ethical standards of the law enforcement profession. Conduct unbecoming an officer shall include that which brings the department into a state of disrepute or discredit, reflects unfavorably upon the officer as a member of the department, embarrasses, damages or affects the reputation of the department, or impairs the operation of the department or any of its personnel. Employees will arrange their personal financial affairs in such a manner that creditors or collection agencies will not have to make use of the office of the Chief of Police for the purpose of making collections. Employees shall be accountable for their speech, writings and conduct, including those in electronic and web-based communications, when they conflict with the department's policies and procedures manual; per current case law a balance of interest standard will be applied.
- Associations:** Employees will avoid regular association with people they know or should know are under criminal investigation or indictment or have the reputation within the community or within the department for present involvement in criminal activity, except as necessary in the performance of official duties or where unavoidable due to immediate family relationship. Unless part of a pre-existing, ongoing relationship, employees shall not engage in a social relationship, sexual act, or sexual contact with any victim or defendant associated with any crime against a person being investigated by this agency for a period of at least sixty (60) days from the date of the last official contact related to the matter. Employees shall not engage in a social relationship, sexual act, or sexual contact with any

cooperating individual or minor over whom they exercise some supervisory or other authority during the course of their employment or affiliation with the department (e.g., student, intern, volunteer, etc.).

4. **Rumor:** Employees of the department will refrain from participating in the spreading of groundless rumors of a personal, sensational or intimate nature.
5. **Compensation:** No employee will seek, solicit, bring suit for or accept from any person or agency, money or other compensation for damages and / or expenses incurred in the line of duty or for which compensation has already been received, without prior written notification to the Chief of Police.
6. **Divulging Police Information:** No employee who receives information as a result of official duty will divulge such information to members of the public except as permitted by law or competent authority. No employee will reveal any information, however obtained, which may enable someone to destroy evidence or unlawfully obtain, destroy, or hide stolen property. Information on criminal activity received in confidence will remain confidential unless there is a compelling reason to reveal the source. Employees will not reveal police information or take any action which would compromise confidential information, obstruct the legal process, or aid any person who has been arrested, summonsed, is suspected or is known to have engaged in or is planning illegal conduct.
7. **Memberships and Organizations:** No employee will join or continue membership in any organization whose object or purpose is or becomes, directly or indirectly, unfavorable towards observance of or respect for the law. No employee will knowingly affiliate with a subversive organization except in the line of duty and with the knowledge and consent of the Chief of Police.
8. **Correspondence, Letterhead, and Business Cards:** Employees may use department letterhead and mail services only for official correspondence. Department business cards will be used by officers only in connection with official business. The department's mailing address will not be used for private purposes.
9. **Expenditure of Department Funds:** No employee will make any expenditure or incur any obligation on behalf of the department without the knowledge and permission of competent authority. This pertains to articles or supplies which may be purchased and work which may be ordered in the name of the department or the city.
10. **Telephone Calls / Identification:** Employees are not permitted to make long-distance phone calls or accept collect phone calls on the department's equipment, unless the calls are work-related. Departmental cellular phones are intended for official use. Limited personal use may be authorized, but such use may be monitored and should not be excessive or exceed the department's monthly plans. Employees may be held financially responsible for costs incurred by the city for personal use of phones. Except as it would otherwise compromise an investigation, when making or receiving a telephone call, the employee will identify themselves as a member of the agency by providing their name and rank, and by providing an explanation for the contact. If the validity of the phone call is called into question, the person should be directed to call the police department in order to verify their employment and position within the agency.
11. **Character / Employment Reference:** When requested, employees are authorized to provide a character / employment reference as long as that reference would not require the disclosure of unfavorable information. Requests involving current or former employees that may involve negative disclosures shall be promptly referred to the Chief of Police or the City's Human Resources Office. These restrictions do not apply to internal uses by the South Portland Police Department, to include background checks of police department applicants, and requests for references for internal specialty or other assignments.
12. **Department Property and Equipment:** Each employee will be held responsible for the proper care and use of department-owned equipment. Any employee finding damaged property or equipment shall promptly report it to the on-duty Shift Commander. In the event of property or equipment found bearing

damage that has not been reported, unless investigation indicates otherwise, the presumption may be made that the last person using it was responsible for the damage. No employee may alter, mark, deface or tamper with any city-owned property or equipment without a supervisor's approval. Department property will not be sold, disposed of, given, or loaned to anyone, without the approval of the department's Administration. Any damage to or loss of department property will be immediately reported to a supervisor. Officers' lockers are subject to inspection by any member of the command staff in the presence of the officer or a union representative. Officers will return all department-issued equipment and police identification(s), upon separation from the department or when ordered by the Chief of Police or designee.

13. **Availability:** Off-duty officers are expected to perform necessary police services within the City of South Portland whenever they are aware of a serious crime or a present threat to life. Off-duty officers will report for duty immediately upon notification from the Chief of Police or designee. Off-duty officers will be available for response to emergency conditions unless on vacation, on non-discretionary leave, or unless they have notified the department of their unavailability for duty and the reason why.
14. **Driver's License Status:** Officers are required to maintain a current and valid Maine Operator's license. Employees are required to report any action that results in suspension or revocation of the employee's operator's license to the Chief of Police within 24 hours of such action. On an annual basis, the Deputy Chief of Police will have the license status of all sworn personnel checked through BMV.
15. **Employee Residence Notification Requirements / Prohibitions:** Officers must report any changes in address, phone number(s), and / or dependent or marital status within three (3) days of the change becoming effective. No employee may divulge the address, phone number and / or other personal information of another employee to anyone outside the department, without that employee's or the Administration's permission.
16. **Anti-Nepotism:** For organizational health, as well as officer and public safety, unless emergency circumstances dictate otherwise, the department prohibits immediate family members from being or remaining in a supervisor – subordinate relationship (i.e., working in a direct line of supervision from each other). Immediate family shall include: spouse, parent, child, sibling, grandparent and grandchild.
17. **Badge or Credentials:** Officers will not use another officer's credentials without permission from the Chief of Police or designee. Officers will not knowingly allow a person who is not appointed to this department to use a South Portland Police Department badge or credentials. Unless acting in a covert capacity, on-duty officers will have a badge and credentials available for display at all times. Employees on official business will, upon request, identify themselves by giving their name and rank, and displaying their badge and official credentials, to include a photograph, unless such action is likely to jeopardize the employee's safety or a covert assignment. Credentials shall be turned in to the Administration upon separation from the department.
18. **Department Keys:** A key inventory will be maintained by the department's Administration. A key inventory form will be filled out by each employee and will be updated whenever a new key is issued or turned in. No employee is to possess, without authorization from the department's administration, a key that opens a department lock or, except as required for daily duty, operates a department vehicle. Employees will obtain permission from the Chief of Police or the Deputy Chief before duplicating any department keys and before revealing any door lock combination or access code to anyone who is not employed by the department.
19. **Conformance to Laws / Reporting Requirements:** Employees shall obey all federal and state laws, and the laws in any local jurisdiction in which they may be present. Although Maine law may allow the use, possession or cultivation of marijuana for medical or other purposes, such acts remain crimes under superseding federal law; users of the drug are also prohibited from purchasing or possessing a firearm or ammunition. Therefore, all personnel are prohibited from using, possessing, growing, selling, administering or manufacturing marijuana or marijuana containing products outside of their official

duties. Consistent with SOP #2-12, DIRECTION, employees shall not obey any order which they know, or should know, requires them to commit an illegal or unconstitutional act. Any employee arrested, charged and / or convicted of **any criminal offense**, or required to appear as a defendant in any criminal or civil proceeding, must so notify the Chief of Police in writing within 24 hours of said notice or event. Employees shall similarly notify the Chief of Police if served with any restraining-type order (e.g., Protection from Abuse, Protection from Harassment, etc.). Employees do not have to report parking tickets or minor traffic offenses, unless department vehicles are involved. Employees must report second or subsequent violations for speeding or any other traffic offenses. Failure to notify the Administration may be cause for discipline.

20. **Liquor / Marijuana Establishments:** Officers are prohibited from owning, operating, having a financial interest in, or being in any way connected with, the management of any place of business or services in which alcoholic beverages or marijuana products are sold or served for on-site consumption where such sales are the primary purpose of the business or would bring discredit or criticism to the officer or the department. This may include but is not limited to bars, marijuana dispensaries, social clubs or other similar retail establishments.

B. Conduct on Duty / Neglect of Duty:

1. **General Responsibilities / Response:** While on-duty, employees on duty will devote their time and energies to the duties and responsibilities of the rank, grade, or position to which they have been assigned, as specified by laws, ordinances, policies, or instructions from superior officers (e.g., conducting investigations and related activity; preparing and submitting appropriate reports and documentation; responding to emergencies, calls for service, or any other circumstances indicating a need for police involvement). Employees will respond without delay upon notice from proper authority that their services are needed. An employee who is in doubt as to the nature of or details concerning an assignment will seek clarification from the appropriate supervisor through the chain of command. Assignment to a special detail or specific unit does not relieve an officer from taking necessary and proper police action even though such action may be outside the scope of the officer's assignment. An exception to this may be when the officer is performing an undercover assignment and revealing the officer's official position would jeopardize the assignment and outweighs the severity of the need for a response. However, each situation must be evaluated and police action taken when necessary. Officers are prohibited from engaging in covert investigations or undercover activities without prior approval from the appropriate supervisor.
2. **Reporting for Duty / Absence from Duty:** Employees shall report for all duty assignments, including regular duty assignments, Court, Grand Jury and training, at the time and place required by assignment or orders, and shall be physically and mentally prepared and properly dressed and equipped to perform their duties. If a supervisor believes that an employee is unfit for duty, that supervisor may relieve that employee from duty, consistent with SOP #3-26, DISCIPLINE. Officers should report to the on-duty Shift Commander at the beginning and end of each tour of duty. Employees who are unable to report for duty shall notify the on-duty Shift Commander prior to the beginning of their scheduled duty tour. In such cases, the notification must be as far in advance of the scheduled tour as possible. Employees shall not feign illness or injury, falsely report themselves sick, ill or injured, or otherwise deceive or attempt to deceive any proper authority of the Department as to the condition of their health or that of their families. Employees will complete the number of hours on duty required by the assignment unless relieved early by an employee of comparable rank (and after completing all required tasks), unless approved for comp time off, or unless relieved from duty by competent authority. Employees unable to report for duty or remain on duty as scheduled must notify the department as required by current practices.
3. **Required Conduct / Obedience to Laws & Regulations:** Employees are required to obey all federal, state and local laws. Employees are expected to maintain knowledge of, observe and obey the requirements of all current rules, regulations, policies and procedures pertaining to their position and the performance of their duties. Sworn members of this department are subject to the authority of the Civil Service Commission to the extent granted by ordinance. All personnel shall comply with the terms of

their respective collective bargaining agreements. Employees are subject to the appropriate exercise of command authority as provided for in the rank structure, chain of command and operating procedures. Insubordination will be cause for disciplinary action. Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their position. Unsatisfactory performance may be demonstrated by a lack of knowledge of applicable laws to be enforced; an unwillingness or inability to perform assigned tasks; a failure to conform to work standards established for the employee's rank or position; and the failure to take appropriate action at a crime or other situation deserving action.

4. **Cooperation and Coordination:** All officers are required to take appropriate police action, consistent with departmental policies and procedures, whenever another law enforcement officer is in need of assistance within the City of South Portland. Employees will maintain a high degree of cooperation, both with one another and with other agencies, and will seek to coordinate their activities to maintain a continuity of purpose and to achieve success through teamwork.
5. **Area of Assignment:** Officers will not leave their assigned duty post or geographical area of assignment, unless dispatched, authorized by a supervisor, or in the performance of a legitimate police action. On-duty officers will not leave the city limits except when engaged in official business, when authorized by a supervisor, or in the performance of a legitimate police action.
6. **Courtesy: Conduct Towards the Public / Co-Workers:** Employees will be courteous, civil and tactful with the public and with each other. They will perform their duties and respond professionally and in a non-hostile manner, regardless of the provocation, by avoiding intentionally profane, violent or insulting language. Whenever possible, employees will comply with requests for public information, by supplying the information¹ or making the necessary referral. Employees shall promptly and courteously return phone calls, emails, or other inquiries from citizens, co-workers or others. Employees will supply prompt access to emergency medical attention, emergency shelter, or other emergency social services for those in legitimate need of assistance. Incapacitated people will be given the appropriate standard of care required by policy.
7. **Impartiality:** Employees will treat others with dignity and respect. They will not exhibit or express any partiality or prejudice for or against another person because of race, religion, national origin, gender, sexual orientation, position in the community, political orientation, socio-economic status or other personal characteristics. Officers will enforce laws in a fair and impartial manner and will not unnecessarily interfere with the lawful business of another.
8. **Conduct Toward Supervisors, Subordinates and Associates:** Employees will treat supervisors, subordinates, associates and civilian employees with respect, courtesy and civility. When on duty, and particularly in the presence of the public, officers will be referred to by rank. Employees are required to obey the lawful orders and directives of a superior officer in a timely and professional manner. No employee shall intentionally subject any fellow employee to harassment with respect to his or her race, sex, age, national origin, religion, disability, or sexual preference.
9. **Availability On-Duty:** On-duty officers will be readily available to the public and will not conceal themselves except to perform a specific police purpose. Officers will immediately respond to all assigned calls for service, unless reasonable circumstances make the response impossible. Officers are required to inform the dispatcher of their location and activity, in accordance with SOP # 8-81, COMMUNICATIONS.
10. **Loitering On-Duty:** Officers on duty will not remain in the station, in any public establishment, or in any private place beyond allowable break time or beyond the time reasonably needed for the performance of police business.

¹ SOP #8-82-C, PUBLIC INFORMATION AND RECORDS

11. **Sleeping / Sex On-Duty:** Employees will remain awake and shall not sleep while on duty. Inability to remain awake must be reported to the Shift Commander, who will determine the proper course of action. Employees shall not engage in any sexual act or sexual contact while on duty.
12. **Department Reports:** Employees shall submit all necessary reports on time and in accordance with established procedure² and / or supervisory directives. Reports submitted by employees shall be accurate, complete, truthful and timely.
13. **Possession / Purchase / Use of Alcohol:** Employees shall not purchase or consume intoxicating beverages while in uniform or in any part thereof. Employees shall not purchase or consume intoxicating beverages while on-duty, except in the performance of official duties (e.g., approved covert operation to acquire evidence or contraband), and with the approval of their direct on-duty supervisor. Employees shall not possess intoxicating beverages while on-duty, except in the performance of official duties (e.g., seizure or transport as evidence, contraband or found property). Off-duty officers shall not consume intoxicants to the extent that its consumption is detectable when reporting for duty, or to the extent that it results in an act that might bring discredit to the department. Employees shall not appear for duty, or be on duty, while under the influence of intoxicants, or with the odor of intoxicants on their breath. An officer who has been consuming intoxicants who is ordered in for duty must advise the supervisor of the prior consumption of intoxicants.
14. **Possession / Use of Drugs / Medications:** Employees shall not store, possess or use any drug, medication or controlled substances, except when such materials have been lawfully seized or are being held as evidence, contraband or property, consistent with SOP #8-84, PROPERTY MANAGEMENT / EVIDENCE CONTROL. This does not apply to an employee's possession or use of any non-illicit pharmaceutical drug that has been lawfully prescribed to that employee. The use of any drug or medication, prescribed or non-prescribed, which may result in impairment, altered mental or physical capabilities, or otherwise affect the employee's ability to perform required duties, will be immediately reported to a supervisor. Any employee who is rendered incapable of performing required duties due to the effects of such medication will be removed from duty, consistent with SOP #3-26, DISCIPLINE.
15. **Use of Tobacco / Nicotine Products:** Employees are prohibited from chewing tobacco or using cigarettes, pipes, or similar electronic smoking devices while on duty and in view of the general public or while conducting official business. Smoking in the station, the garage, in any department vehicle, or anywhere else that is prohibited by law, is prohibited.
16. **Use of Force:** Employees shall only use objectively reasonable force, consistent with SOP #1-1-A, USE OF FORCE & CONTROL.
17. **Personal Business:** Employees will not conduct private or personal business while on duty. Shopping or carrying quantities of merchandise is prohibited, without authorization. Devoting duty time to the pursuit of a recreational activity, personal business, or private enterprise is prohibited.
18. **Gambling:** Gambling on duty or while attired in any recognizable part of a department uniform is prohibited, except as part of an approved police investigation.
19. **Reading:** Reading non-police related material in public view is prohibited except in connection with official duty or during break periods as allowed by the supervisor. Non-police related reading material is not permitted in patrol vehicles.
20. **Political Activity:** Employees will not engage in political activities while on duty. City funds, supplies, property, or equipment will not be used in performing any service of a political nature.
21. **National Colors / Anthem:** Uniformed officers will render a hand salute to the national colors and for the duration of the national anthem. Officers should face the flag, if a flag is being displayed, or face the

² SOP #8-82, REPORTING, DATA ENTRY, RECORDS MANAGEMENT

band if no flag is being displayed. Non-uniformed personnel will place their right hand over their heart in lieu of the hand salute.

22. **Potential Liability:** In instances where a person is injured or property is damaged in conjunction with the actions of an on-duty employee or any off-duty police actions, a supervisor will be notified as soon as practicable and all necessary reports completed.
23. **Legal Process:** Employees are expected to make every effort to promptly serve any and all warrants, summonses, orders or other documents assigned to them or within their assigned area of responsibility.

C. Use of Official Position:

1. **Use of ID, Badge or Position for Personal Gain:** Employees are prohibited from using or attempting to use their official position, badge, credentials, or identification to obtain a personal or financial gain or advantage, or to avoid the consequences of illegal acts, for themselves or another. Use of official position, badge, credentials, or identification to obtain admission to a location (unless necessary in the performance of official duty) or to obtain discounts on purchases, except as authorized in the following paragraph, is prohibited.
2. **Bribes / Gifts / Gratuities / Rewards:** Employees are prohibited from soliciting, accepting, or agreeing to accept any pecuniary benefit from another when the other's purpose may be to influence the action decision, official duties, opinion, recommendation or discretion of authority, or as a reward for any job related action, all of which may be considered Bribery or other Corrupt Practices under 17-A M.R.S.A. Chapter 25. Unless otherwise expressly authorized below, or by the Chief of Police, employees are prohibited from soliciting or accepting, on behalf of themselves or another, any gift, gratuity, contribution, reward, discount, service, loan, fee, payment, meal, or other item(s) of value, while on or off-duty, that is not otherwise available to them as a private citizen, or the public or segment of the public at large (including the entire department or other public safety employees and agencies), or that may reasonably be perceived as being directly or indirectly related to their official capacity, association with the department, or service rendered in the line of duty. Officers shall immediately report, in writing, receipt of any such unsolicited gifts, gratuities, or other items or services of value to the Chief of Police through the chain of command. Such items may include those offered by any person as a genuine display or gratitude, or items provided by a law enforcement vendor for consideration of their product(s). Using intent and value as criteria, the Chief of Police shall determine the appropriate disposition, which may include retention by the officer, return to the provider, or use or retention by the agency.
3. **Intervention:** Employees are prohibited from interceding, interfering with, or taking action on any case being handled by this or any other police or governmental agency, including the courts, to make arrangements for a person who has been cited, summonsed or arrested to escape penalties, prosecution, or administrative hearing, unless authorized by the Chief of Police or designee.
4. **Commercial Testimonials / Public Appearances:** Participation in an advertising scheme or enterprise related to or based upon employment with the police department requires prior approval from the Chief of Police. This includes the use of photographs or names and testimonials or endorsements of any product or service based upon employment with the department. Requests for officers for routine public speeches or other routine public activities can be approved by a supervisor. Other requests must be approved by the Chief of Police or Deputy Chief. Media relations are governed by SOP # 5-54, MEDIA POLICY.
5. **Other Transactions:** Officers are prohibited from buying or selling anything of value from or to a complainant, witness, suspect, defendant, prisoner, or other person involved in a matter that has come to their attention or which arose from their employment without authorization from the Chief of Police. Employees will not convert to their use or have any claim to any found property, recovered property, or property held as evidence. Officers will not accept money for bail or in payment of a fine. Officers will not vouch for or post bail for a person under arrest, except for a family member.

6. **Conflict of Interest:** Employees are prohibited from engaging in any business or personal financial activities with people or businesses which benefit financially from their relationship with the department, provided the employee has the ability to directly or indirectly influence transactions between the person or business and the department.
7. **Recommendation of Private Enterprise:** Employees will not, in their official capacity, recommend the use or non-use of any private business, product, or service to the public, except as may be required to direct someone to the type of business, product, or service they are seeking. This does not apply to employees or to their families.
8. **Recommendation of Legal Counsel:** Employees will not solicit, suggest, recommend, or advise on engaging, retaining, or discharging a specific attorney or law firm for the purpose of providing legal aid to a person seeking counsel as a result of a police matter. This does not apply to employees or to their families.
9. **Political Activity:** Employees are to refrain from seeking or accepting nomination or election to any public office in the City of South Portland. Employees should refrain from using their influence publicly for or against any candidate for municipal elected office. Employees are not to work at the polls, circulate campaign literature for elected city officials, or be in any way involved in receiving subscriptions, contributions, or political services from any person on behalf of a candidate for municipal office.
10. **Civil Matters / Civil Actions:** Employees will not use their position with the department to assist or influence the pursuit of a matter that is private and civil in nature. Exceptions to this are when in the performance of assigned duties or when a breach of the peace has occurred or is imminent. Officers will notify the Chief of Police or the Deputy Chief when they have been subpoenaed or requested to testify in civil cases when the testimony results from the officer's association with the department. Officers will confer with the Chief of Police or the Chief's designee before giving interviews, depositions, or affidavits in civil cases resulting from the officer's association with the department.
11. **Personal Preferment or Advantage:** Employees are prohibited from seeking the influence or intervention of any person for purposes of personal preferment, advantage, transfer, or advancement. Employees are prohibited from using information gained as a result of official position to obtain personal benefit or advantage.

By Order Of:

Timothy B. Sheehan
Chief of Police