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Approval: Chief of Police	Manual: Policy and Procedure			

I. PURPOSE

The purpose of this policy is to establish guidelines to Standards of Conduct for all employees of the Kinston Police Department. It shall be the policy of the Kinston Police Department that sworn officers and civilian employees shall be subject to all Standards of Conduct and all directives, orders and procedures of the Kinston Police Department at all times, whether on or off duty, including all periods of absence, whether authorized or unauthorized.

II. DEFINITIONS

- A. Rules of conduct: The set of rules outlining the social norms and rules and responsibilities of, or proper practices for the members of the Kinston Police Department.

III. RESPONSIBILITIES

- A. Police Chief – The Chief of Police reserves the right and authority to alter, amend, revoke, or repeal these Standards of Conduct provided such action is consistent with State Laws, County Ordinances, and the City of Kinston policy. The Chief of Police may, during any emergency, suspend temporarily or for a specific time any of the Standards of Conduct.
- B. Sworn Personnel – All sworn personnel shall be subject to the Standards of Conduct described in this policy.
- C. Nonsworn Personnel – All nonsworn employees of the department shall be subject to the Standards of Conduct described in this policy.

IV. POLICY

- A. Guide for Disciplinary Action
1. Existence of facts established by a test of evidence sufficient to convince a reasonable mind of guilt.
 2. Final disciplinary action for violations contained in this Policy shall be determined by the Chief of Police.
 3. Disciplinary action for violations contained in this Policy shall follow the City of Kinston Disciplinary Process (HR #1).
- B. Professional Conduct and Responsibilities
1. Standard of conduct – Officers and employees shall conduct their lives in such a manner as to avoid bringing themselves or the department into disrepute.

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2. Performance of duty – Officers and employees shall perform their duties as required or directed by law, departmental procedures, policies or orders, or by order of a command or supervisory officer. All lawful duties shall be performed promptly notwithstanding the general assignment of duties and responsibilities.
3. Obedience to laws, written orders, policies, etc. – Officers and employees of the department shall observe and obey all Federal and State Laws, Ordinances of the County of Lenoir, City of Kinston and all orders, policies, directives, regulations, etc., of the Kinston Police Department.
4. Commission of any criminal act – Officers and employees shall not commit any criminal act. For the purpose of this section, it is not required that the member be convicted of a crime. The administrative determination of a violation of this section may be made independent of any criminal proceedings.
5. Falsification of records – Officers and employees shall not knowingly or intentionally falsify records or enter or cause to be entered any inaccurate, false, or improper information on any record or records of the department.
6. Loyalty – Officers and employees shall maintain loyalty to the department and their associates as is consistent with the law and the law enforcement code of ethics.
7. Cooperation – All officers and employees are charged with establishing and maintaining a high level of cooperation between other members and units of the department to ensure effective law enforcement.
8. Assistance – Officers shall take appropriate police action toward aiding a fellow police officer exposed to danger or in a situation where danger may be impending.
9. General responsibilities – Officers shall, at all times, take appropriate action to:
 - a. Identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings.
 - b. Reduce the opportunities for the commission of crimes through preventive patrol and other techniques.
 - c. Aid individuals in danger of physical harm.
 - d. Protect constitutional guarantees.
 - e. Facilitate the movement of people and vehicles.
 - f. Assist those who cannot care for themselves.
 - g. Resolve conflicts.

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- h. Identify potentially serious law enforcement and government problems.
 - i. Create and maintain a feeling of security in the community.
 - j. Promote and preserve civil order.
 - k. Provide emergency service.
 - l. Enforce state and local laws and ordinances coming within the jurisdiction of the department.
10. Duty responsibilities – Although certain hours are allotted for the performance of duty, officers are always subject to duty. The fact that they may be technically off duty shall not relieve them from the responsibility of taking appropriate action in significant matters coming to their attention.
 11. Knowledge of laws, orders, policies, etc. – Officers are expected to establish and maintain a working knowledge of those ordinances of the City of Kinston, Statutes of the State of North Carolina, orders, policies, and directives of the department and divisions thereof which are applicable to their functions as police officers. In the event of improper actions or breaches of discipline, it will be presumed that the officers were familiar with the law, order or policy in question.
 12. Orders of command or supervisory officers – Officers and employees shall obey all lawful orders and directives given by command or supervisory officers, including any order relayed from a superior by an employee of the same or lesser rank.
 14. Manner of issuing orders – Orders from command or supervisory officers to subordinates shall be in clear, understandable language, civil in tone and issued in pursuit of departmental business.
 14. Unlawful orders – Command or supervisory officers shall not knowingly issue any order, which is in violation of any law or ordinance, departmental orders or policies and/or in conflict with a collective bargaining contract.
 15. Non-compliance with unlawful orders – No officer or employee is required to obey an order which is contrary to federal and state law, local ordinances of the City of Kinston, or regulations, orders, policies, or directives of the department. Should an unlawful order be given, the member affected will advise the person issuing the order of this fact. Responsibility for refusal to obey rests with individual officer and employee. They justify their actions at the risk of being insubordinate.
 16. Obedience to unjust orders – Upon receipt of an order that is felt to be unjust, the affected officer or employee will advise the person issuing the order of this fact.

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If compliance of the order is insisted upon, the order must be obeyed to the best of the officer's or employee's ability and the affected member may then proceed to appeal a provided herein.

17. Conflicting orders – Upon receipt of an order conflicting with any previous order or instruction, the member affected shall advise the person issuing the order of this fact. Responsibility for countermanding the original order or instruction then rests with the individual issuing the order. If so directed, the latter order shall be obeyed. Orders will be countermanded or conflicting orders issued only when reasonably necessary for the good of the department.
18. Reports and appeals – unlawful, unjust, conflicting orders – Officers and employees receiving unlawful, unjust or conflicting orders shall, at the first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Disposition of such an appeal will be made through the office of the Chief of Police.
19. Personal preferment – Officers and employees shall not seek to influence or intervene in departmental matters for purposes of personal preferment, advantage, transfer, or advancement except as provided for by departmental orders, and policies.

C. Rules of Conduct

1. Intoxication – Officers and employees shall not be intoxicated while on duty.
2. Use of drugs and narcotics – The illegal or unauthorized possession or use by officers or employees of any tranquilizer, narcotic, depressant and/or stimulating drug or compound is expressly prohibited.
3. Malicious use of physical force – The malicious use of physical force by officers which results in bodily injury or that causes physical pain, illness or any impairment of physical condition of another person is prohibited.
4. Misuse of position or office – Members shall not use their official positions with the department to gain personal favors or to conduct non-police activities.
5. Mistreatment of a person in police custody – Officers or employees shall not mistreat any person in police custody.
6. Gambling – Officers and employees are prohibited from engaging in any unlawful gambling activity, unless in performance of any assigned duty.
7. Drinking intoxicating beverages on duty – Officers and employees shall not drink intoxicating beverages while on duty, including meal hours, except in performance of a police duty and never while in uniform.

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8. Security of departmental business – Officers and employees shall not reveal police information outside the department or remove or cause to be removed, any official records except as provided elsewhere in this manual or as required by law or competent authority. For the most part, information contained in police records is considered confidential.
9. Soliciting of gifts, gratuities, fees, rewards, loans, etc. – Officers and employees shall not solicit any gifts, gratuities, loans or fees where there are any direct or indirect connections between solicitations and their departmental membership or employment.
10. Use of intimidation in legal proceedings – Members shall not use their official positions as a means of forcing or intimidating persons as witnesses or complainants in any legal proceeding.
11. Truthfulness – Officers and employees are required to be truthful at all times whether under oath or not. Untruthfulness of any police statement, written or orally, is prohibited with the exception of investigative duties.
12. Departmental investigations – Testifying – Officers and employees are required to respond truthfully to questions by, or render any and all materials and relevant statements to, a competent authority in a departmental administrative investigation when so directed.
13. Compensation for damages sustained on duty – Officers and employees shall not seek in any way, or accept from any person, money or other compensation for damages sustained or expenses incurred in the line of duty except as authorized by the Chief of Police.
14. Acceptance of gifts, gratuities, fees, loans, records, etc. – Officers and employees shall not accept directly or indirectly any gifts, gratuities, loans, fees, rewards, or any other things of value arising from or offered because of police employment or activities connected with said employment.
15. Firearms – display and discharge – Officers shall not display, draw or discharge firearms except for official use in accordance with departmental policies.
16. Impartial attitude – Officers and employees shall remain impartial to all persons coming to the attention of the department. They shall not exhibit partiality for or against any person.
17. Excessive use of physical force – Officers shall not use any more physical force than is necessary to accomplish the immediate police purpose.
18. Overbearing conduct – Overbearing or oppressive conduct shall not be practiced under color of police authority.

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19. Physical abuse – Officers and employees shall not physically abuse other officers and employees, superior or subordinate, while on duty, in a job-related situation or as a result of an incident arising from employment.
20. Consumption of intoxicants – Officers and employees shall not consume intoxicants to the extent that evidence of such consumption is apparent when reporting for duty, or to the extent that the ability to perform duty is impaired.
21. Firearms – discharge – Officers are required to report any discharge of firearms (except routine target practice). Such reports are to be made according to current departmental procedures.
22. Purchase of liquor – Officers in uniform shall not enter any place where intoxicating liquors are kept or offered for sale for the purpose of purchasing same.
23. Commercial testimonials – Officers and employees shall not permit their names or photographs to be used to endorse any product or service which is in any way connected with law enforcement, allow their names or photographs to be used in any commercial testimonial which alludes to their official position or employment without the permission of the Police Chief.
24. Recommending attorneys, bail bond brokers, tow services, etc. – Officers and employees shall not suggest, recommend, advise or otherwise counsel any person who comes to their attention as a result of police business, in the retention of any attorney, bail bond broker, tow service, alarm service, private investigator, or security service except in the case of relatives seeking such services or advice.
25. Sleeping on duty – Officers and employees shall not sleep on duty.
26. Conduct toward the public – Officers and employees shall be courteous when dealing with the public. They shall avoid speaking toward citizens in a harsh, violent, profane, or insolent language at all reasonable costs. Upon request, they shall furnish their name and badge number in a courteous manner.
27. Transportation of public – The public may be transported in a police vehicle, to include subsidized vehicles, only when necessary to accomplish a police purpose. Such transportation may be done in conformance with departmental policy or at the direction of a command officer, immediate supervisor or communications center.
28. Traffic regulations – Officers and employees shall comply with traffic regulations and signals except when operating emergency vehicles under the exemptions granted by law. In any event, caution shall be exercised to safeguard lives and property.
29. Arrest in personal quarrels – Officers shall not make arrests in their own quarrels or those of their families except under grave circumstances such as would justify them in using measures of self-defense.

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30. Exchanged/use of badge prohibited – The badge shall not be altered, exchanged or transferred except by order of the Chief of Police. Members shall not use another member’s badge or official police credentials without permission of the Chief of Police; nor shall they permit any person not appointed a member of the department to use the official badge or credentials at any time.
31. Absence from duty – Members shall appear for duty at the date, time and place specified unless excused by competent authority.
32. Conduct toward superior and subordinate officers & associates – Officers and employees shall treat superior officers, subordinates and associates with respect. Officers and employees shall not be insubordinate to superior officers and/or supervisors.
33. Disposition of unauthorized gifts, gratuities, etc. – Any unauthorized gifts, gratuities, loans, fees, rewards or other things which come into the possession of officers or employees shall be forwarded to the office of the Chief of Police together with a written report of the circumstances which led to such possession.
34. Good order and discipline – Officers and employees shall not commit any act or commission which is contrary to and/or detrimental to the good order and discipline of the department.
35. Intoxicants on departmental premises – Officers and employees shall not bring into or keep any intoxicating liquor on departmental premises except that which is confiscated, held for evidence, or prescribed by a physician.
36. Radio discipline – Officers and employees operating police radio equipment shall observe regulations for such operation as set forth in departmental orders and by the Federal Communications Commission.
37. Relief – Officers and employees are to remain at their assignment and on duty until properly relieved.
38. Reports – Officers and employees shall promptly submit such reports as are required in performance of their duties.
39. Court attendance – Officers and employees shall be punctual in court attendance and be clean and neat in appearance.
40. Police identification – Replicas, regardless of size, of the official badge, identification card of cap shield of the Kinston Police Department shall not be purchased, acquired, or possessed by any officer or employee nor presented to any person without the prior approval of the Chief of Police.

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41. Ticket sales, etc. by police associated groups – Associations, clubs, auxiliaries, fraternities or other groups of officers or employees acting under the auspices or sanction of the department shall not sell tickets, solicit sales of any kind, or offer performances of any nature toward raising funds for special purposes without the prior approval of the Chief of Police. Approval will not be given when the seller may be identified as a member of the department.
42. Criticism of orders – Officers and employees shall not publicly criticize any instruction or order received from competent authority.
43. Conducting personal business – Officers and employees are prohibited from conducting personal business while on duty.
44. Military courtesy – Officers shall conform to normal standards of military courtesy and refer to each other by rank.
45. National colors and anthem – Uniformed officers will render full military honors to the national colors and anthem at appropriate times.
 - a. When the National Anthem is played and an officer is in uniform, officers shall stand at attention. If an officer is wearing a hat, he or she shall salute, utilizing the hat.
46. Reporting for duty – Unless otherwise directed, officers and employees shall report for duty at the time and place specified, properly uniformed and equipped.
47. Wearing the uniform – Uniforms shall be kept clean, neat and well-pressed at all times. Unless otherwise directed, uniforms shall be worn complete. Uniformed employees shall maintain a professional bearing.
48. Equipment – All equipment must be clean, in good working order and conform to department specification.
49. Department property and equipment – Employees shall not use any departmental equipment unless authorized by competent authority. Employees are responsible for the proper care of departmental property and equipment assigned to them.
50. Reporting accidents – Accidents involving officers and employees, city property and/or equipment must be reported in accordance with adopted procedures.
51. Clarifying instructions – Members who are in doubt as to the nature of detail of their assignment/instruction shall seek such information from person(s) issuing the assignment(s) or instructions.

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52. Duty to act promptly and decisively – Members shall act promptly at the scenes of crimes, disorders, accidents, disasters or other situations that require police attention, and in dealing with suspects and in disposing of their assignments. When the police purpose might be jeopardized by delay, immediate action shall be taken even though the incident would ordinarily be dealt with by some other officer or bureau. Members shall not give evidence of indecision or lack of confidence by their actions.
53. Maintaining communication – Members on duty shall be directly available by normal communication or shall keep their office, headquarters or superior officer informed of the means by which they may be reached when not immediately available. Members sent on call, shall immediately upon the completion of the task, notify the dispatcher or their superior officer of the nature of the call and of the action taken.
54. Assisting in civil cases – Unless carrying out a duty assignment, members on duty shall not participate in civil cases except to prevent or abate a breach of the peace or any other crime.
55. Instituting civil action – Members shall not institute any civil action arising out of their official duties without prior written notification to the Chief of Police.
56. Public statements – Members shall not address public gatherings or release any material or photographs concerning the operation, policies or administration of the department unless authorized by the Chief of Police.
57. Subversive acts prohibited – Members shall not perform any acts or make any statements oral or written or otherwise which tend to bring the department or its officers into disrepute or ridicule, or which destructively criticize the department or its administrative officers in the performance of their official duties, or which tend to disrupt or impair the performance of official duties and obligations of officers of the department; or which tend to interfere with or subvert the reasonable supervision or proper discipline of members of the department.
58. Availability of weapons – Members shall not place weapons or objects adaptable for use as weapons and capable of inflicting serious bodily injury, or permit such weapons or objects to remain unattended, in any location or place in a police building normally accessible to a prisoner, suspect, or other non-police person.
59. Traffic arrests, officer not in uniform – When members are not in uniform, they shall refrain from conducting traffic investigations unless exigent circumstances arise.
60. Instituting external administrative complaints – Members shall not institute any External Administrative Complaint without prior written notification to the Chief of Police.
61. Officers shall not knowingly join or participate in any organization that advocates, incites or supports criminal acts or criminal conspiracies.

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62. In accordance with law, certain basic information from departmental records may be provided to a defense attorney; however, officers should not engage in idle conversations with defense attorneys when it deals with a case. If a defense attorney wishes to discuss a case with an officer, refer him/her to the District Attorney.
63. No command or supervisors officer shall knowingly issue an order which is in violation of any law or ordinance or departmental rule.
64. Orders from superior to subordinate shall be in clear, understandable language, civil in tone, and issued in pursuit of departmental business.
65. Obedience to an unlawful order is never a defense for an unlawful action; therefore, no member or employee is required to obey any order which is contrary to federal or state law or local ordinance. Responsibility for refusal to obey rests with the member. He/she shall be strictly required to justify his action.
66. Members shall promptly obey all lawful orders issued by a superior officer, including any order relayed from a superior by an employee of the same or lesser rank. Should any order conflict with a previous order from any other superior officer, or with any memorandum, policy and procedure of the Kinston Police Department Manual, the member to whom such order is given shall respectfully call attention to the conflicting order.

If the officer giving the order does not change the order so as to eliminate the conflict, the last order shall stand and responsibility shall rest with the superior officer. The member obeying the order will not be held responsible for disobedience of any order previously issued.
67. A member or employee receiving an unlawful, unjust or improper order shall, at the first opportunity, report in writing to the Chief of Police through official channels.
68. No member, while off duty, shall consume any alcoholic beverage to the extent which would result in the commission of any obnoxious or offensive behavior which might tend to bring discredit upon himself or the Department or conduct himself in a manner unbecoming an officer, or use intoxicating liquors to the extent which renders him/her unfit to report for his next tour of duty.
69. When appearing in court, officers assigned to patrol functions will wear the official uniform or dress clothes. Officers assigned to investigative functions may wear clothing conforming to established standards. Male members shall wear a sport coat, dress shirt and tie for court and Grand Jury. Female members shall wear appropriate dress for court and Grand Jury.
70. When appearing in court, members will at all times conduct themselves as officers of law and will maintain an attitude of dignity, reserve, respect, and helpful cooperation with the court, its officers, and the District Attorney.