

**NEW HAVEN
DEPARTMENT OF POLICE SERVICE****GENERAL ORDERS**

GENERAL ORDER 1.03

EFFECTIVE DATE: January 13, 2016

RULES OF CONDUCT**1.03.01 PURPOSE**

The purpose of this General Order is to set forth rules of personal conduct for members of the New Haven Department of Police Service. These 'Professional Standards' when combined with General Orders, Rules and Regulations, Training Bulletins and City of New Haven policies comprise the governing policies of the Department.

1.03.02 APPLICABILITY

This General Order has applicability to all members of the Department. Whenever a rule or standard begins with the words "police officers" the rule or standard is applicable to ALL sworn members of the Department. Whenever a rule or standard begins with the word "Employees", the rule or standard is applicable to all Department employees regardless of job classification.

1.03.03 ORGANIZATION

This General Order is organized into two sections. The first section has applicability to all sworn personnel regardless of rank. Section One identifies general principles of personal and professional conduct under the general heading "Principles" and has applicability to all sworn members of the Department. Section Two has applicability to

both sworn and civilian personnel depending on the introductory term used (see Section Two - Applicability).

1.03.04 SECTION ONE – PRINCIPLES

The following principles of personal and professional conduct have their basis in the general proposition that police officers hold their office *in the public trust*. Whenever a police officer's actions, whether on or off duty, have a provable adverse relationship on the officer's performance, *or* have a tendency to destroy confidence or respect for the profession, such action(s) form the basis for a charge of "*Conduct Unbecoming an Officer*".

This Section contains seven principles governing the conduct of officers. Each principle is followed by the rationale explaining the principle and a set of rules describing that principle.

Section One of this General Order is linked in principle to General Order 1.01 (Department Mission and Values).

It is illusionary to believe that any organization can adopt a General Order, no matter how carefully crafted, that will encompass every rule relating to the conduct of its employees. This is especially true when that group of employees are police officers. Police officers hold their office in the public trust and therefore can and must be held to a higher standard. Police officers will normally be able to determine what kind of conduct indicates unfitness to perform the functions of a police officer. Therefore, following the seven principles outlined in Section One, officers will find a general statement regarding specific rules of conduct. Violations of these rules are considered "*Conduct Unbecoming an Officer*".

1.03.05 PRINCIPLE ONE – LAW ABIDING

Police officers shall conduct themselves, whether on duty or when applicable, in accordance with the Constitution of the United States, the Constitution of the State of Connecticut, and all applicable laws, ordinances and rules enacted or established by legal authority.

RATIONALE

Police officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, officers must understand the laws defining the scope of their enforcement powers. Police officers may only act in accordance with the powers granted to them. (Refer to the General Order on Department Role and Authority)

RULES

- 1.1 Police officers shall not knowingly exceed their authority in the enforcement of the law.
- 1.2 Police officers shall not knowingly disobey the law or rules in such areas as interrogation, arrest, detention, searches, seizures, use of informants, and preservation of evidence.
- 1.3 Police officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Connecticut.
- 1.4 Police officers whether on or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction in which the officer is present, except where permitted in the performance of duty under proper authority.
- 1.5 Police officers are permitted to use force, to include deadly force, in the performance of their lawful duties. Refer to General Order on Use of Force. No officer has authority to abuse his/her lawful authority to use force and shall use only that force necessary to overcome resistance to affect a lawful arrest, or protect himself/herself or a third person from injury.

1.03.06 PRINCIPLE TWO – INTEGRITY

Police officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

RATIONALE

Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The police officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

RULES

- 2.1 Police officers shall carry out their duties with integrity, fairness, and impartiality.
- 2.2 Police officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
- 2.3 Police officers shall truthfully, completely and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.

- 2.4 Police officers shall take no action knowing it will violate the constitutional rights of any person.
- 2.5 Police officers must obey lawful orders but must refuse to obey any orders the officer knows would require him/her to commit an illegal act. If in doubt as to the clarity of an order, the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his/her actions.
- 2.6 Police officers learning of conduct or observing conduct which is in violation of any law or policy of this Department shall take necessary action and report the incident to the officer's immediate supervisor, who shall forward the information to the Chief of Police or designee. If the misconduct is committed by the officer's immediate supervisor, the officer shall report the incident to the next higher level of supervision.

1.03.07 PRINCIPLE THREE – WITHOUT PREJUDICE OR DISCRIMINATION

Police officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

RATIONALE

Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Police officers must refrain from fostering disharmony in their communities based upon diversity and perform their duties without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, gender identity or age.

RULES

- 3.1 Police officers shall provide every person in our society with professional, effective and efficient law enforcement services.
- 3.2 Police officers shall not express, whether by act, omission or statement, prejudice concerning race, color, creed, religion, national origin, sex, marital status, and status with regard to public assistance, disability, sexual orientation, gender identity, or age.

1.03.08 PRINCIPLE FOUR – TRUSTWORTHY

Police officers shall not, whether on or off duty, exhibit any conduct which discredits themselves, or the Department, or otherwise impairs their ability, or that of other officers, or the Department to provide law enforcement services to the community.

RATIONALE

A police officer's ability to perform his/her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Police officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

RULES

- 4.1 Police officers shall not consume alcoholic beverages or chemical substances, while on duty, except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in 4.3.
- 4.2 Police officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for his/her next scheduled shift. A police officer shall not report for work with the odor of an alcoholic beverage on his/her breath.
- 4.3 Police officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. Where the employee has been informed that the use of a prescribed drug may pose a risk to the employee or others, the employee shall so advise the shift supervisor.
- 4.4 No employee of the Department shall smoke (including the use of electronic cigarettes and vaporizers) or use other tobacco products while in uniform and involved in a complaint, at a crime scene, performing traffic control, on foot patrol or otherwise in contact with the public. Police headquarters has designated smoking areas for use by all employees.
- 4.5 No games of chance or gambling of any kind shall be permitted in any police building. Card games, billiards and like games social in nature in which a skill is involved and in which no money is exchanged, shall not be subject to the provision of this item.
- 4.6 Except in the line of duty, employees of the Department shall not visit or loiter near any bar, nightclub, lounge or other establishment suspected by police of being a place which has documented law violations and/or violence associated with it.
- 4.7 During their tour of duty, employees of the Department shall not loiter in cafes, saloons, restaurants, drive-in theaters, service stations or other public places, except for the purpose of police business. Persons other than those transacting police business shall not be permitted to loiter in or about the police buildings.
- 4.8 Police officers shall not commit any acts which, as defined under Connecticut law, constitute sexual assault or indecent exposure. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.

- 4.9 Police officers shall not commit any acts which, as defined under Connecticut law, constitute:
- 1) Domestic abuse.
 - 2) The violation of a court order restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the police officer from the petitioner's home or workplace.
- 4.10 Police officers shall avoid regular personal associations with persons who are known to the officer to engage in criminal activity or those that are subject to an active police investigation where such associations will undermine the public trust and confidence in the officer or Department. This rule does not prohibit those associations that are necessary to the performance of official duties, or where such associations are unavoidable because of the officer's family relationships.

1.03.09 PRINCIPLE FIVE – COURTESY AND RESPECT

Police officers shall treat all members of the public with courtesy and respect.

RATIONALE

Police officers are the most visible form of the community they represent. Therefore, police officers must act in a courteous and professional manner when interacting with the public and each other.

RULES

- 5.1 Police officers shall exercise reasonable courtesy in their dealings with the public, fellow officers, superiors and subordinates, and non-sworn members of the Department.
- 5.2 No police officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
- 5.3 Police officers shall promptly advise any inquiring citizen of the Department's complaint procedure and shall follow the established Department policy for processing complaints. (Refer to General Order 2.08, Civilian Complaints)
- 5.4 If requested, a member of the Department shall give their name and badge number in a courteous manner to any person whom requests.
- 5.5 All employees of this Department shall answer questions from citizens in a courteous manner and if unable to supply an answer, shall make every effort to obtain the answer for the citizen, avoiding argument and unprofessional conversation.

1.03.10 PRINCIPLE SIX – IMPARTIALITY

Police officers shall not compromise their integrity, or that of the Department or profession, by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments, or by using their status as a police officer for personal, commercial, or political gain. Officers should also avoid all situations involving conflicts of interest, whether in fact or appearance.

RATIONALE

For a community to have faith in its police officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the Department.

RULES

- 6.1 Police officers shall not use their official position, identification cards or badges:
 - 1) For personal or financial gain, for themselves or another person, without express permission from the Chief of Police.
 - 2) For obtaining privileges not otherwise available to them except in the performance of duty.
 - 3) For avoiding consequences of unlawful or prohibited actions.
- 6.2 Police officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced for illegitimate purposes without approval of the Chief of Police.
- 6.3 Police officers shall refuse favors or gratuities which could be reasonably interpreted as capable of influencing official acts or judgments.
- 6.4 No employee of the Department shall solicit anyone to intercede with the Board of Police Commissioners, Chief of Police or any Superior Officer, in relation to promotion or pending charges or findings in connection with a violation of police rules and regulations except as provided for in Article 25, Section 13 of the Collective Bargaining Agreement.
- 6.5 Unless required for the performance of official duties, police officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually-oriented adult entertainment. This rule does not prohibit officers from conducting walkthroughs of such establishments as part of regular assigned duties.
- 6.6 No employee of the Department shall seek, directly or indirectly any gift, present, gratuity, reward or money from any person, firm, group of persons, on the basis of his or her employment in the Department.

- 6.7 Police officers shall:
- (a) Not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this Department in connection with advertisements for any product, commodity, or commercial enterprise.
 - (b) Maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity.
 - (c) Not make endorsements of political candidates, while on duty, or while wearing the Department's official uniform.
 - (d) Not seek or be obliged to make contributions in money, service or otherwise for political purposes while on duty, or while wearing the Department's official uniform.

None of these rules shall prevent officers from engaging in free expression as protected by the United States Constitution or the Constitution of the State of Connecticut.

- 6.8 Department members are prohibited from engaging in outside employment or other activities which may in any way hinder the objective and impartial performance of their public duties, as determined by the Chief. Employees must obtain approval to engage in off-duty employment by the Chief of Police, or his or her designee. Requests must be submitted in writing.

1.03.11 PRINCIPLE SEVEN – CONFIDENTIALITY

Police officers shall observe the confidentiality of information available to them due to their status as police officers.

RATIONALE

Police officers are entrusted with vast amounts of private and personal information, or access thereto. Police officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information, and to maintain public faith in the officer's and Department's commitment to preserving such confidences.

RULES

- 7.1 Police officers shall not knowingly violate any legal restriction for the release or dissemination of information.
- 7.2 Police officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
- 7.3 Police officers shall not divulge the identity of persons giving confidential information except as required by law or Department policy.

- 7.4 Shall not use Department letterhead for private correspondence out of the Department without the approval of the Chief of Police or his/her designee.

1.03.12 SECTION TWO – RULES OF CONDUCT

Police officers shall not commit any act or action constituting “*Conduct Unbecoming an Officer*”. Conduct unbecoming a police officer shall include conduct which indicates that the officer is unable or unfit to continue as a member of the Department, or tends to impair the operation of the Department or its other members. Although it is by no means an exhaustive list, violations of the following rules of conduct shall be considered conduct unbecoming a police officer:

RULES OF CONDUCT

1. Employees must be punctual in their attendance and shall not abuse sick leave.
2. Employees shall promptly obey, without reservation, the rules, directives, regulations and orders of the Department and all lawful orders and directives of a superior officer.
3. Employees shall be courteous to each other and members of the general public. Employees shall not engage in any conduct that would cause to discredit, lower or injure the morale of any member of the Department or the Department in general.
4. Employees, except on a need to know basis, shall keep matters confidential and shall not divulge information that has come to their attention regarding pending and/or closed criminal and Internal Affairs investigations and matters unless authorized to do so by the Chief of Police or, in the Chief's absence, his/her designee. With the exception of “speech” deemed by prevailing court decisions to be protected by the First Amendment to the United States Constitution, or section 3, 4 or 14 of article first of the Connecticut Constitution, or relevant state and federal statutes, employees shall not talk for publication, make public speeches on police business or impart information relating to the official business of the Department unless authorized by the Chief of Police or, in the Chief's absence, his/her designee.
5. Employees are prohibited from bringing into the workplace intoxicants or narcotics substances, except in accordance to law or policy or as may be prescribed by a licensed physician. Employees shall not render themselves unfit for work due to intoxicants or narcotic substances.
6. Police officers shall not drive a private vehicle to their beat or regular duty assignment unless authorized by his/her superior officer.

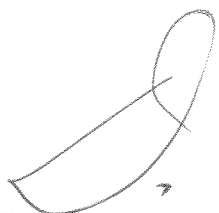
7. Employees are expected to be truthful in all matters and shall not knowingly enter or cause to be entered into any Department books, records or reports, any inaccurate, false or improper information.
8. Employees shall have respect for the property of the Department and the property of others. To this extent, employees shall not willfully damage or misappropriate the property of the Department or the property of others. Employees shall not mark, mar or deface any printed or written notice, memorandum, general order, directive, or any notice posted on a bulletin board or blackboard maintained by the Department. No employee shall post any item which is derogatory or offensive to another employee.
9. Employees are expected to perform their respective assignments and tasks in a professional manner. Employees shall not engage in personal business while working; however, the administration of the police department realizes that family or personal emergencies might occur that could affect the application of this rule.
10. Police officers shall not make recommendations for the disposition of any case pending in the courts without the knowledge and consent of the Chief of Police or his/her designee.
11. Employees shall answer any duly issued subpoena or court directive promptly, and shall appear as required in their proper uniform or business attire as directed by their supervisor or counsel. Employees shall testify with strict accuracy, confining themselves to the case before the court or administrative agency, neither suppressing nor overstating the facts.
12. Employees are expected to present themselves in a businesslike manner. To this extent, police officers are expected to be in the proper uniform and present a neat and professional appearance (except as otherwise authorized by the Chief of Police or his/her designee). Civilian employees are expected to wear appropriate business attire and present a neat and professional appearance.
13. Police officers shall properly patrol their beat while on duty. No police officer shall leave his/her prescribed area of patrol without the full knowledge and approval of a supervisor except in exigent circumstances. Supervisory approval shall not be unreasonably withheld.
14. Police officers, while on duty, shall carry only the equipment on their duty belt that has been either issued or authorized by the Department. Use of unauthorized firearms is prohibited.
15. Employees are expected to show courtesy to supervisory Departmental personnel both on and off duty.
16. No employee of the Department shall commit any act contrary to good order and discipline or constituting neglect of duty.

17. Employees are expected to comply fully with the rules and regulations of the Department. Any employee who has established a record based on written documentation or testimony, indicative of non-compliance with the rules, regulations and General Orders of the Department, or an inability or unwillingness to properly fulfill the tasks as outlines in his/her job description shall be subject to disciplinary action up to and including termination of employment. The principle of progressive discipline shall normally apply in the implementation of this rule.
18. Employees of the Department shall not make for their own use any lost, found or stolen property nor convert to their own use any property of the City of New Haven or property held by the Department for evidence.
19. Employees of the Department shall not fabricate, withhold or destroy any evidence of any kind.
20. No employee of the Department shall recommend to any prisoner the employment of any person as bondsperson, attorney or counsel.
21. No employee of the Department shall become bondsperson or surety for any person arrested upon a criminal charge except a relative within the class of parent, child, brother, sister, husband, or wife.
22. No employee of the Department shall influence or attempt to influence by threat or otherwise the business of any citizen or group.
23. No employees of the Department shall endorse any application for a license permitting the sale of alcoholic liquor, become surety or bondsperson for any person obtaining such license or have an interest in any such license, directly or indirectly.
24. All employees of the Department shall remain in sufficient physical condition to satisfactorily perform the duties and responsibilities of the position.
25. No employee of the Department shall under any circumstances whatsoever loan money or borrow money from or otherwise become indebted to, directly, or indirectly any other member of the Department.
26. No Sworn members of the Department shall make an arrest in a quarrel in which they or a member of their immediate family are involved, except when there is no other officer available to do so.
27. The Department has assigned lockers to each sworn personnel to provide them with a place to store Department issued equipment. The locker shall contain a Department issued uniform appropriate to the season. The locker shall be kept in a neat and sanitary condition. It is understood that lockers are provided by the Department for the convenience of the employee and that no right to privacy

exists or should be expected. The Department reserves the right to have two supervisors enter an employee's locker without notice to inspect for sanitary conditions and/or contraband. This will be approved by the Chief of Police or his/her designee and timely notification will be made to the union except in circumstances where such notification will hinder an investigation. No personal locks are permitted.

- 28. No employee shall engage in any physical altercation when on duty with any member of the Department.

This General Order supersedes Rule 15.



Dean Esserman
Chief of Police



Date