



# Independence Police

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<b>GENERAL ORDER</b>		<b>Page 1 of 22</b>
<b>SUBJECT:</b>  <b>CODE OF CONDUCT</b>	<b>EFFECTIVE DATE:</b>	<b>September 9, 1998</b>
	<b>REVIEW/REVISION DATE:</b>	<b>May 21, 2018</b>
	<b>REFERENCE:</b>	

## **FUNCTIONS OF THE DEPARTMENT**

The prime function of the Police Department of the City of Independence and the reason for its existence is the enforcement of the law of the State of Missouri and the City of Independence in conformity with the Constitution of the United States of America and the State of Missouri. To this end, the Department shall:

1. Preserve the public peace, prevent crime, detect and arrest offenders against the criminal laws and ordinances effective within the City, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, protect the rights of all and preserve order at all elections and assemblages.
2. Administer and enforce laws and ordinances to regulate, direct, control and facilitate the movement of vehicular and pedestrian traffic and the use of streets by vehicles and persons, and adhere to rules and regulations which shall facilitate the lawful goals of the Department.
3. Provide proper police response to calls for police service.
4. Provide for the attendance of police officers or civilian employees in court as necessary for the prosecution and trial of persons charged with crimes and other violations of the law, and of federal, state, county, and city governments.
5. Maintain maximum efficiency and effectiveness by adhering to policies and procedures designed to protect and serve the City of Independence and to satisfy the aforementioned goals.

**IMPORTANCE OF RULES AND REGULATIONS**

To achieve true success, the Department must maintain the confidence and respect of the community it serves. This can be accomplished by constant and earnest endeavor on the part of all of its employees to perform their duties in an efficient, honest and professional manner, and by exemplary conduct, which shall foster and enhance, in the public mind, the fullest realization that the Police Department of the City of Independence is an important requisite to community wellness.

All sworn police officers and civilian personnel of the Police Department of the City of Independence are subject to the rules, regulations, directives, orders and policies of the Department contained herein or stated elsewhere. In order to maintain good order and discipline within the Department, it is essential that specific standards of conduct and the prohibition of certain acts contained in these rules and regulations, or stated elsewhere, be strictly observed. Violations of the standards and prohibited acts may result in disciplinary action, up to and including dismissal from the Department. Disciplinary action shall be taken at the discretion of the Chief of Police, who may consider the employee's entire work record with the Department. Such action may be subject to approval of the City Manager or other entities as prescribed by the Independence Personnel Ordinances. The standards of conduct shall govern the official and unofficial acts of each member of this Department, both on and off duty.

In order to perform their duties properly, it is essential that the officers of the Department familiarize themselves with the Law Enforcement Code of Ethics, as well as the following Rules and Regulations pertaining to the employees of the Police Department of the City of Independence.

Prior to assuming sworn status, officers of the Independence Police Department will be required to take an oath of office to enforce the law and uphold the Constitution of the United States and the State of Missouri. Sworn officers of the Department swear to abide by the oath of office, the Law Enforcement Code of Ethics and uphold the laws of the United States, the State of Missouri and the City of Independence.

**LAW ENFORCEMENT CODE OF ETHICS**

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

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

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

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession - law enforcement.

## **ADMINISTRATION**

The administration of the Police Department shall be the responsibility of the Chief of Police, who shall report to the City Manager on any matter relating to the government, effectiveness, and general conduct of the Department and its employees.

## **GENERAL**

Pursuant to the laws of the United States of America, the State of Missouri and the City of Independence, the rules and regulations hereinafter set forth are established for the guidance and government of the Independence Police Department.

The right is reserved by the Chief of Police, with the advice and consent of the City Manager, to amend or revoke any of the attached rules and regulations, and to make additional rules and regulations from time to time as required for the good of the service. If any provision, clause or phrase of these rules and regulations, or their applications to any person or circumstance, is held invalid, such invalidity shall not affect the provisions or applications of the remaining rules and regulations, which can be given effect without the invalid provision or application. To this end, the provisions of these rules and regulations are declared to be separable.

Individuals subject to these rules and regulations must understand that no compilation of rules and regulations can be established which will embrace all cases arising in the discharge of their duties. Some matters must necessarily be left to the intelligence and discretion of the individuals. However, all employees of the Department must understand that if discretion is used in a wanton or unreasonable manner, which is determined to be detrimental to the discipline and efficiency of the Department and the image of the City, and which law and sound public opinion recognize as injurious to the ability of the Department and the City to protect and serve the community, that employee of the Department who violates or attempts to violate these rules and regulations will be subject to disciplinary action.

Whenever improper conduct of an employee is observed by any supervisor, it shall be that supervisor's responsibility to immediately take corrective action, if prudent, and immediately report, in writing, their findings and recommendations to the Chief of Police, via the Chain of Command.

Any first-line supervisor, sergeant or above, may relieve an employee from duty on an emergency basis when in the best interest of the Department. Such relief from duty will remain in effect until

0800 hours on the next business day, unless otherwise directed by competent authority. The employee will be suspended with pay until directed otherwise by competent authority. An internal investigation will be initiated to determine the employee's status for duty.

Civilian supervisors have authority only over employees in their respective sections.

Existence of facts establishing a violation of law, rules or regulations, general or special orders, policies or procedures, written or verbal order is necessary as a basis for departmental discipline. All previous rules and regulations of the Independence Police Department are superseded as of the date and time of issuance of these rules and regulations by the Chief of Police. Any cause of action which arose, or may arise, during a period of time in which these rules and regulations were not in effect, shall be handled by the rules and regulations in effect at the time of the occurrence of the event which created the cause of action.

**1.0 KNOWLEDGE OF RULES**

- 1.0.1 Employees shall familiarize themselves with and understand all rules, regulations, directives, and written procedures of the Department and of the City.
- 1.0.2 Employees who do not understand their duties or responsibilities shall read the relevant directives, rules, etc., and shall consult their immediate supervisor for clarification and explanation. To this end, employees will explore with a superior any questions as to the meaning or application of any rule, regulation, policy, procedure, or orders whether written or verbal. Failure to inquire of a superior pending resolution of any matter shall be considered neglect of duty.
- 1.0.3 Each Command shall maintain updated Department rules, procedures, and other directives and employees shall consult those as needed.
- 1.0.4 When dealing with a situation for which there are no regulations or established procedures, employees shall consult their immediate supervisor for direction.
- 1.0.5 Ignorance of these rules, regulations, directives, orders or policies shall not be considered as a justification for any such violations.
- 1.0.6 All employees will read each order as it is issued and sign a form that such order has been read and understood.

**2.0 VIOLATION OF RULES**

Employees shall not commit any acts or make any omissions which constitute a violation of any of the rules, procedures, General Orders, or other directives of the Department, or of the City, whether stated in these rules and regulations or elsewhere.

**3.0 AUTHORITY**

3.1.0 Chain of Command:

Should the Chief of Police be temporarily absent or unavailable, the senior Deputy Chief on duty shall assume the position of Acting Chief. Should the Chief of Police and Deputy Chief be absent or unavailable, and no representative has been designated Acting Chief, the command shall descend in the following order, unless precluded by specific circumstances:

1. Major on duty by date of rank;
2. Captain of Police on duty by date of rank;
3. Sergeant of Police on duty by date of rank;
4. Police Specialist on duty by date of rank;
5. Senior officer on duty by date of rank.

3.2.0 Determining Command:

The following is an administrative procedure which is to be applied when determining command rank and authority. Staff authority is defined as the authority granted to an officer because of his rank in the Department. Line authority is defined as the authority granted to an officer because of his assignment and function in the Department. Staff officers shall always have line authority within their respective divisions and, on occasion, shall have line authority outside of their respective divisions, but only in circumstances where extraneous influences compel them to take command of a given situation.

3.3.0 Command Authority:

The officer in command shall have and be permitted to exercise the rights and duties of command, but shall be particularly careful to carry out all verbal and written directives of the City of Independence and the Chief of Police. The organizational chart shall also be respected. Directives or the organizational chart of the Department shall not, except in cases of EXTREME emergency, be disregarded. In such an emergency, a report of the action taken and the cause for same shall be submitted in writing to the Chief of Police prior to the end of duty on the day the directive/organizational chart was disregarded.

**4.0 UNBECOMING CONDUCT**

4.0.1 Employees On and Off Duty Status

Employees shall conduct themselves at all times, both on and off duty, in a manner which is in keeping with the highest standards of the law enforcement profession.

4.0.2 Officers

Conduct unbecoming an officer shall include that which brings the Department into disrepute, reflects unfavorably upon the officer as an employee of the Department,

damages or affects the reputation of any employee of the Department, or impairs the operation or efficiency of the Department or any of its personnel.

**4.0.3 Civilian Employees**

Civilian employees of the Department are prohibited from engaging in any conduct which brings the Department into disrepute, reflects unfavorably upon the employee as a member of the Department, damages or affects the reputation of that employee, or impairs the operation or efficiency of the Department or any of its personnel.

**4.0.4 Employees shall not interfere, void, ask for special preference or charging of a crime to a lesser charge or "fix" any traffic citation and/or General Ordinance Summons.**

Evidence of unbecoming conduct for both officers and civilian employees may include, but is not limited to, immoral conduct, or conduct in violation of the City's sexual harassment policy, or the **City Policies and Procedures Manual**. Any inappropriate intimacy that impairs the operating efficiency of the Department or interferes with the job performance of an employee shall apply to this section.

**5.0 ASSOCIATION**

**5.0.1 Employees shall avoid associations or dealing with persons whom they know, or should know, to be suspected felons, sexual offenders; persons under criminal investigation or indictment, and/or who have a reputation in the community or the Department for involvement in felonious or criminal behavior. Exceptions include:**

- a. The performance of official duties
- b. Unavoidable because of other personal relationships of the employees.

In the event a personal or business relationship is involved, the Chief of Police, through the chain of command will be notified in writing as soon as possible.

**5.0.2 Employees shall not knowingly visit, enter or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the State, or local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific order from a supervisor.**

**5.0.3 Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.**

**5.0.4 Employees shall not knowingly associate with any person or organization, which advocates, incites or supports criminal acts, criminal conspiracies, or hate crime activities.**

**6.0 VIOLATIONS OF LAW**

**6.0.1 Employees shall obey all laws of the United States and of any State and local jurisdiction in which the employee is present.**

- 6.0.2 A Conviction of the violation of any law shall be prima facie evidence of a violation of this section.
- 6.0.3 Any employee who is under criminal investigation, accused of criminal misconduct, or who has been arrested and/or charged with a crime -- either on or off duty -- shall notify the on call staff duty officer immediately. The Communications Unit maintains the current name of the on-call staff duty officer. If the on-call staff duty officer is not reached the employee will contact their bureau Deputy Chief of Police.
- 6.0.4 Additionally, any employee who is the subject of a restraining/protection order shall notify the on duty staff duty officer immediately. The staff duty officer will then conduct a review of the facts surrounding the order and notify the Chief of Police or his/her designee. If the on-call staff duty officer is not reached the employee will contact their bureau Deputy Chief of Police.
- 6.1.0 Possession or Use of Alcohol/Impairing Substance:
- 6.1.1 Employees shall not possess or consume intoxicating beverages while in uniform or on duty, except in the performance of duty and while acting under proper and specific orders.
- 6.1.2 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, or within their system. When requested, all employees of this Department shall submit to breathe alcohol testing device while in an on-duty status. Failure to submit to the breath alcohol testing device when given a verbal or written order will be considered disobedience of orders.
- 6.1.3 An employee of this Department shall be considered intoxicated and unfit for duty if, in the immediate supervisor's opinion, any degree of suspicion of consumption or use of an impairing substance would cause impairment of the employee's duties. Employees shall not store alcoholic beverages in any police facility or vehicle unless such beverages are held as evidence or found property, and are either in the custody of or en-route to a Property Room.
- 6.1.4 Employees, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxications, or obnoxious or offensive behavior which discredits them or the Department, or renders the employee unfit to report to their next regular tour of duty.
- 6.1.5 Employees shall not operate a vehicle, on or off duty, while subject to an impairing substance. For the purpose of this rule, it is prima facie evidence that an employee is impaired when they are charged and their blood alcohol concentration is at or above the presumption level or refuses to submit to the required test (Missouri Statute) thereby resulting in a suspension of their driver's license, action shall be taken in accordance with the Department Policy.
- 6.2.0 Possession or Use of Controlled Substances:

6.2.1 Possession or use on duty of controlled substances, narcotics, hallucinogens, or prescription drugs, except with the approval and guidance of a licensed physician or dentist of Missouri and with the knowledge of a superior, is prohibited. At no time may an employee of the Department, while on duty, use or be under the influence of controlled substances where such use or influence impairs or compromises the efficiency and integrity of the Department. When controlled substances or narcotics are prescribed, employees shall notify their supervisor prior to reporting for duty under the influence of such medication.

6.2.2 Employees shall not store or bring into any police facility or vehicle controlled substances, narcotics, or hallucinogens, except when such materials are held as evidence or found property, and are either in the custody of or en route to a Property Room, or are used in the course of properly authorized canine training.

6.3.0 Arrest, Search, and Seizure:

An officer shall not make any arrest, search or seizure which they know, or should know, is not in accordance with law or Departmental procedure.

6.4.0 Use of Force:

Officers shall use no more force than necessary in the performance of their duties, and shall then do so only in accordance with Departmental procedures and the law. Officers shall comply with Departmental procedures concerning the documentation and investigation of the use of physical force.

6.5.0 Treatment of Persons in Custody:

Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with law and Departmental procedures.

6.5.1 Officers will not, without proper authority, release any prisoner in their charge; or, through neglect or design, allow any prisoner in their charge to escape.

6.6.0 Sexual, Ethnic, Racial, or Religious Harassment:

No employee shall intentionally subject any citizen or fellow employee to any verbal or physical harassment of a sexual, ethnic, racial, or religious nature.

## **7.0 UNSATISFACTORY PERFORMANCE**

7.0.1 Employees shall maintain sufficient competence to properly perform their duties and assume the responsibilities of their position.

7.0.2 Employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure

to conform to work standards established for the employee's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.

#### 7.1.0 Reporting for Duty:

Employees shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.

#### 7.2.0 Prompt Performance of Duty:

Employees shall promptly perform, as directed, all lawful duties required by constituted authority, notwithstanding the general assignment of duties and responsibilities.

#### 7.3.0 Departmental Records, Reports and Citations:

Employees shall submit promptly such reports as are required by the performance of their duties by constituted authority, and in accordance with current Departmental guidelines. No employee shall steal, alter, forge or tamper with any kind of police record, report or citation. The removal of any record, card, report, letter, document or other official file from the Department for personal or private use or gain, except by process of law or as directed by the Chief of Police or a supervisor, is prohibited.

Additionally, the obtaining or duplication, or the attempted obtaining or duplication, of any information from Department files, sources or reports, other than that to which one is properly entitled in accordance with one's duties or assignments, is prohibited. Efforts to interfere with arrests or citations are prohibited, unless by a supervisor and under existing guidelines.

Employees shall not interfere, void, ask for special preference or charging of a crime to a lesser charge or "fix" any traffic citation and/or General Ordinance Summons. Exceptions to this policy will only include situations in which during the course of an investigation the voiding and/or reducing of charges is used as an investigative tool. Prior to requesting the reduction or voidance of a traffic citation and/or General Ordinance Summons the officer will contact the Investigations Division Commander or his/her designee and receive written approval.

#### 7.4.0 Self-Assigned Police Action Involving Personal or Family Relationships:

No officer shall undertake self-assigned police action where he may have a personal interest or involvement. (For the purposes of this article, "self-assigned" means action undertaken at the discretion of an officer under less than emergency circumstances, without

the approval of a supervisor and involving a personal or family relationship. This includes handling disturbances where family members are involved, taking police reports from family members or close personal friends, etc.) Officers may take prompt and responsible action in any emergency situation, or in any situation in which substantial and irreversible damage would result from the failure to take police action, whether on or off duty. When on-duty, officers will contact their immediate supervisor when becoming aware of a situation in which the member may be personally connected. When off-duty, officers will contact Communications to request another officer and take only that action necessary to ensure the safety of everyone involved. If an arrest is necessary, whether on or off duty, officers will make every effort to await the arrival of other officers(s) to make that arrest, unless it is unsafe to do so. All emergency self-assigned police action shall, within twenty-four hours after commencement, be reported in writing through the Chain of Command to the Chief of Police. Should the matter involve the Chief of Police, all actions shall be reported to the City Manager.

#### 7.5.0 Assisting Fellow Employees:

Employees shall, whether requested or not, assist any employee involved in an emergency situation or any other situation in which additional assistance would be critical to the successful performance of a Departmental function.

7.6.0 Employees shall not interfere with or take action in cases being handled by other officers of the Department or by another governmental agency unless: (a) ordered to intervene by a superior officer; or (b) the intervening officer believes that a manifest injustice would result from failure to take immediate action. Officers shall not undertake any investigation or other official action which is not part of their regular duties without obtaining permission from their supervisor, unless the exigencies of the situation require immediate police action. Any officer taking such action must notify his immediate supervisor as soon as possible after the incident occurs.

#### 7.7.0 General Responsibilities at Crime Scenes:

Officers shall search thoroughly for, collect, preserve and identify evidence of persons, property and locations at any crime scene or arrest activity. Only assigned employees are permitted at crime scenes.

#### 7.8.0 Neglect of Duty:

7.8.1 While on duty, employees shall not engage in any activities or personal business which would cause them to neglect or be inattentive to their assigned responsibilities.

7.8.2 Employees shall remain awake, alert, and attentive while on duty. If unable to do so, they shall so report to their supervisor, who shall determine the proper course of action.

7.8.3 Employees shall take any official action required by Federal or State law, or by City ordinance, or by any directive of the Chief of Police. This includes, but is not limited to, taking accident reports, natural death reports, and any other official action that may be required in response to a call for police service.

7.8.4 Officers shall keep available communications equipment turned on and operating at all times while on duty, unless ordered by proper authority to do otherwise. Officers shall respond to all communications directed to them.

7.9.0 Disobedience of Orders and Insubordination:

Employees shall promptly obey and fully execute any lawful order, written or oral, given by a supervisor, which shall include, but not be limited to, these rules and regulations, all general and special orders, policies and procedures of the Department.

(The term "lawful order" shall be considered as any order in keeping with the performance of duty prescribed by law or by these rules and regulations, or for the preservation of good order, efficiency, and proper discipline, which is not in conflict with these rules and regulations.) Employees shall not use profanity or any intentionally insulting language toward any supervisor. Employees who are given an otherwise proper order which is in conflict with a previous order, rule, or other directive, shall respectfully inform the supervisor issuing the order of the conflict. If the supervisor does not alter or retract the conflicting order, that order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.

7.9.1 Illegal Orders:

Employees shall not obey any order which they know, or should know, would require them to commit an illegal act. If in doubt as to the legality of an order, employees shall either request clarification of the order or confer with higher authority in an acceptable professional manner and as soon as possible.

7.10.0 Divulgence of Departmental Business:

7.10.1 Employees shall not discuss operation and official business of the Department which are of a confidential nature and should further avoid making any public comment with anyone outside the Department without the permission of a superior. Unless explicit approval is granted by the Chief of Police, Public Information Officer, or other designee, employees will not identify themselves as spokespersons for the Department. To further ensure the best overall media relations possible on matters of Department information, media contacts should be coordinated by or through the office of the Chief of Police, Public Information Officer(s), or other assigned designee.

Data systems, computers, all data stored in ALERT, MULES, IMPACT, NLETS, NCIC, or any other interfaced system including audio and/or visual shall be restricted to the use of agencies duly authorized by the Department. This information **shall not be sold, transmitted or disseminated** to any other agency, media service, or person(s) unless duly authorized by the Department with the permission of a Captain of Police or above. (For the purposes of this section, all Departmental documents, orders and investigations are to be considered confidential, unless otherwise directed by a superior. This section does not

apply to orders that are of such a nature that they must be communicated to others and are authorized by Department memorandums, Department policies and Missouri statutes)

7.10.2 Employees shall not discuss operations and official business of the Department which are of a confidential nature with any employees within the Department who are not officially involved with the confidential operation or business without the permission of a superior. Employees will not review or examine any case reports, case photographs, or case videos that they are not professionally involved in the course of their regular duties without the express permission of their supervisor. On-duty recordings may only be made for legitimate law enforcement purposes. All audio and/or video recordings obtained from Department owned equipment or created by on-duty employees during the course of their employment is owned by the Independence Missouri Police Department. Recording of crime scenes or on-duty incidents and/or situations etc. for personal use, use by outside organizations or for anyone's financial gain is prohibited.

7.10.3 Employees shall not address public gatherings, appear on radio or television, prepare any articles for publication, and act as correspondent to a paper or periodical release, or divulge investigative information or any matters of the Department while holding themselves out as representing the Department in such matters, without proper authority. Officers may lecture only with the prior written approval of the Chief of Police or his designee.

Employees shall release to accredited members of the press only that information which is contained in the initial incident report. Information other than the initial police report will be released only through approval of the Chief of Police or his designee, in accordance with General Orders, Standard Operating Procedures and memorandums. In particular, "investigators" are hereby prohibited from discussing cases on which they are presently working with any accredited or non-accredited member of the press without the express approval of the Chief of Police or his designee.

7.11.0 Public Criticism of the Department:

Employees shall not publicly criticize the Department, its policies or employees, by talking, writing, or any expression which: (a) is defamatory; (b) is obscene; (c) is unlawful; or (d) tends to impair the operation or efficiency of the Department, interferes with the ability of supervisors to maintain discipline, or is made with reckless disregard for truth of falsity. To this end, employees shall make maximum utilization of the Department's grievance procedures.

7.12.0 Notices:

Employees shall not destroy or deface any official written notice relating to police business. The posting or circulation of any notices of a non-official derogatory character relating to any person, group or police activity is prohibited.

**7.13.0 Truthfulness and Cooperation:**

Employees shall not testify, make reports or conduct police business in a less than truthful or cooperative manner. Employees are prohibited from intentionally making any materially false statements in connection with their performance of official duties.

Employees are prohibited from intentionally failing to disclose information in connection with the performance of official duties when the purpose of such non-disclosure is to conceal suitability or non-suitability for hire, for duty, or to gain improper personal advantage. Any material falsification of, or any intentional failure to disclose, information relevant to suitability or fitness for police employment which is discovered after an individual is hired may result in the termination of that employee. Any violation of this rule may be grounds for termination.

**7.13.1 Withholding Information on Criminal Activity:**

Officers shall report verbally by the end of their tour of duty, and shall file a written report within twenty-four hours to their immediate or other appropriate supervisor containing any information or reasonable suspicion which the officer may have concerning a crime, rule violation, or unlawful conduct which has taken or is taking place; and shall include documentation to substantiate the report. Off-duty employees shall report this information immediately to the Shift Commander and shall file a written report within twenty-four hours.

**7.13.2 Misconduct Known to Departmental Personnel:**

Employees shall report a fellow employee's violation of a law, rule or regulation, policy or procedure, general or special order. All such violations shall be reported in writing within twenty-four hours to an on-duty supervisor in the Department with a copy forwarded to the appropriate Division Commander.

**7.13.3 Cooperation with Police Investigations:**

Employees shall cooperate fully with a police investigation. Such cooperation shall be limited to actions which do not violate the employee's Federal or State constitutional rights. Any employee who is the subject of an investigation by an enforcement agency other than the Independence Police Department or has knowledge of any investigation concerning the Independence Police Department, shall immediately report in writing to the Chief of Police or his designee, and the Law Department, the general reason known to him or her for the investigation. Upon the order of the Chief of Police or his designee, employees who are involved in an administrative investigation, and who have been guaranteed that no statement they are ordered to make will be used against them in a criminal prosecution, shall:

- a. Cooperate fully with investigative officers by truthfully answering all questions asked of them which are specifically directed and narrowly related to their official duties and the charge which is being investigated.

- b. Provide material and relevant statements.
- c. Submit to any medical, psychological, ballistics, urinalysis, chemical or other tests, photographs or line-ups.
- d. Submit a financial disclosure and responsibility statement, if required, in connection with a complaint in which this information is material to the investigation. Financial statements are to be confidentially maintained and used by the Chief of Police or his designee, and shall not be made available to the public.
- e. Be subject to these rules regardless of the status of employment they are placed in during the investigation. Failure to comply may result in disciplinary action, up to and including dismissal.

**7.14.0 Vexatious or Unnecessary Complaints:**

Employees shall not make a vexatious or unnecessary complaint against a fellow employee of the City.

**7.15.0 Off-Duty Conduct in a non-law enforcement capacity: Powers of Arrest**

7.15.1 While off-duty in a non-law enforcement capacity, it is the responsibility of the officer to immediately report any suspected or observed criminal activities to on-duty authorities.

7.15.2 Except as allowed by this policy, off-duty officers in a non-law enforcement capacity shall not enforce minor violations (traffic, disorderly, trespassing, etc). On-duty personnel shall be contacted to respond to the situation where an off-duty officer in a non-law enforcement capacity becomes aware of such violations.

7.15.3 If an officer, while in a non-law enforcement capacity off-duty, witnesses a violation of the law committed in his/her presence which, in the officer's professional judgment, demands immediate attention, the off-duty officer in a non-law enforcement capacity may make an arrest, providing that:

- a. There is an immediate need for the prevention of a crime or apprehension of a suspect and the officer has reasonable grounds to believe a person has committed a crime threatening or causing bodily injury, or has committed a felony.
- b. If the situation allows, the officer will announce that he/she is a police officer and will display police identification to the violator and announce his or her purpose.
- c. The officer does not use his/her own personal vehicle to pursue the violator but observes all traffic laws applicable to citizens.
- d. The off-duty arresting officer shall abide by all Departmental Policies and Procedures.
- e. When an officer is personally involved in the incident underlying the arrest, he/she

will make every effort to await the arrival of other officers to make that arrest, unless it is unsafe to do so.

**8.0 PAYMENT OF DEBTS AND LEGAL LIABILITIES**

8.0.1 Employees shall not:

Become indebted to any persons the employee knows or reasonably should know is involved in criminal activity, or whose activities involve frequent contact with persons charged with, convicted of, or engaged in criminal, felonious or serious misdemeanor activity.

8.0.2 Isolated incidents involving financial irresponsibility will not be grounds for disciplinary action, except in unusually severe cases. Financial difficulty stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts is being undertaken.

**9.0 ABUSE OF POSITION:**

9.0.1 Employees shall not use their official position or identification for:

- a. Personal or financial gain;
- b. Obtaining privileges not otherwise available to them except in the performance of their duty;
- c. Avoiding the consequences of illegal acts;
- d. Personal benefit from officers of lesser rank, whether in the same chain of command or not.

9.0.2 Employees shall not lend, trade, sell, duplicate, photograph or otherwise reproduce their official identification cards or badges without the prior written approval of the Chief of Police.

9.0.3 Employees shall not permit the use of their names, photographs, or official titles which identify them as police officers or as employees of the Police Department in connection with testimonials or advertisements of any commodity or commercial enterprise without prior written approval of the Chief of Police.

9.0.4 Employees shall take no part, either directly or indirectly, in sales promotions, solicitations, fund raising campaigns, or similar activities while representing themselves as police officers or as employees of the Police Department, or authorize others to conduct themselves in a manner that would leave the impression they are representing the Independence Police Department, without prior written approval of the Chief of Police.

9.0.5 Employees, while on duty or acting in an official capacity, shall not recommend or suggest in any manner, except in the transaction of personal business with family and close friends,

the employment or procurement of a particular product, professional service, or commercial service (such as practicing attorney, ambulance or towing service, bondsman, mortician, etc.). In such cases where such a service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, employees shall proceed in accordance with established Departmental procedures.

- 9.0.6 Employees shall not interfere with or attempt to influence the lawful business of any person.
- 9.0.7 Employees shall not solicit anyone (including any elected or appointed Federal, State, County or City official) to intercede with the Chief of Police, Mayor, legislative body, City Manager or any elected or appointed city official with relation to promotions, Departmental assignment, disposition of pending charges or findings in a disciplinary proceeding. Nothing in this section shall be applicable to licensed attorneys at law of the State of Missouri, when representing an employee of the Department.
- 9.0.8 Employees shall not buy, receive, or sell anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to the attention of, or which arose out of, Department employment, except as may be specifically authorized by the Chief of Police.
- 9.0.9 Property or evidence which has been discovered, gathered, or received in connection with Departmental functions will be handled and processed in accordance with established Departmental procedures.

Employees shall not convert to their own use, manufacture, conceal, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established Departmental procedures.

- 9.1.0 Gifts and Gratuities:
- 9.1.1 Employees shall not accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverages, loan, promise of services, or entertainment) that would not be offered if the employee was not employed by the Police Department. This section does not prohibit discounts offered by retail merchants, places of entertainment or similar commercial enterprises where the discount is offered to all officers or employees of other units of government.
- 9.1.2 Employees shall bear in mind at all times that their official duties are not subject to compromise, and that the donor of such gifts, presents, and gratuities, in all probability, may come to expect or seek preferential treatment, whether in the nature of extra police service or exemption from police enforcement measures. This rule applies to situations in which the acceptance of anything of value may serve to influence or create the impression of influencing any employee in the performance of their duties. Acceptance of free or discounted meals or acceptance of free legal service from attorneys may be interpreted as violating this rule, depending on the circumstances.

9.1.3 Employees are not allowed to sign a bill or other document for the express purpose of receiving a discount (e.g., signing a meal receipt to obtain a free or discounted meal).

9.1.4 Employees may take advantage of sales or discounts offered to the general public. However, employees shall not order, purchase, or otherwise acquire any goods, merchandise, or service in the name of the City of Independence, or in the name of the Independence Police Department, when such is for personal gain.

9.1.5 Any unauthorized gift, gratuity, loan, fee or reward, or other property falling into any of these categories which comes into the possession of any employee shall be forwarded through the Chain of Command to the office of the Chief of Police, together with a written report explaining the circumstances.

9.2.0 Fees and Rewards:

Employees are not to accept any fee or reward or other consideration for services rendered in the line of duty to the community or to any person, business, or agency except lawful salary and that which may be authorized by law and approved by the Chief of Police.

9.3.0 Contributions:

While on duty or on City property, no employee may collect or receive any money or other thing of value, or circulate subscription papers, sell tickets of any kind, or collect money from any person for any purpose without the express permission of the Chief of Police or his designee.

9.4.0 Settlement of Duty-Incurred Expenses or Damages:

No employee shall accept from any person money or other compensation for damages sustained or expenses incurred in the line of duty, without first notifying the Chief of Police, in writing, through the Chain of Command, except for a court award gained for personal damage to the property of an officer and through the Clerk of Court's office.

**10.0 LITIGATION**

10.1.0 Legal Processes Brought By or Against Employees:

Employees shall immediately report in writing directly to the Chief of Police or his designee any court actions that are a result of performance or the non-performance of duty, or of which involves the employee's fitness for duty.

Employees shall also notify the Chief of Police or his designee, in writing, before filing any claims, damages or entering into any legal compromise or settlement or agreements regarding events which resulted from the performance or the non-performance of duty. Employees shall notify the Chief of Police or his designee of any civil charges brought against them as a result of performance or non-performance of duty.

**10.2.0 Court Appearances, Statements and Testimony:**

Employees shall not give a deposition or affidavit, or appear as a witness in a civil matter stemming from their official duties as Department employees, without first providing written notification to the Chief of Police through the Chain of Command. Should any employee be requested or subpoenaed to testify for the plaintiff or defendant in any trial, hearing, deposition or inquiry against the City or the Police Department, the employee so requested or subpoenaed shall notify the Chief of Police through the Chain of Command, in writing, upon receipt of the request or subpoena.

**10.3.0 Serving as Character Witness:**

Employees shall not give testimony as a character witness for any defendant in a criminal trial without previously notifying the Chief of Police or his designee. Testimony will be given only under direct subpoena.

**11.0 LABOR DISPUTES**

Officers in uniform shall not enter into any buildings, structures, or premises where persons have been placed to indicate a labor dispute in progress, except when necessary in the performance of duty. Strict impartiality shall be followed and gratuities, food and drink shall not be accepted from a party participating in the dispute.

**12.0 LABOR ACTIVITY**

12.0.1 Employees shall have the right to join labor organizations.

12.0.2 Employees shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in while faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

**13.0 PERSONAL APPEARANCE**

13.0.1 Employees shall have a neat, clean personal appearance, which reflects positively upon the individual's competency, efficiency and pride as an employee of the Department and upon the ability of the City and Department to foster and enhance a professional, efficient, effective image and posture. The wearing of an improper uniform, failure to carry all necessary police equipment or to maintain one's uniform and/or equipment in good order are prohibited.

**14.0 PROFESSIONAL IMAGE**

**14.1.0 Conduct:**

Employees shall work diligently and with a bearing consistent with the image of a professional police officer or Police Department representative. Prohibited conduct shall include, but not be limited to, the following:

- a. Unnecessary shouting or using obscene language, gestures, or action.
- b. Tardiness in reporting for work.
- c. Sleeping, loafing, or being idle while on duty.
- d. Taking excessively long meals or refreshment breaks.
- e. Failure to respond promptly to a request for police service.
- f. Failure to return promptly to service after handling a call for police service.

**14.2.0 Courtesy:**

Employees shall be courteous and tactful in the performance of their duties and shall promptly respond to all requests for assistance in accordance with Departmental procedures. Employees shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In performing their duties, employees shall not express any prejudice concerning race, religion, natural origin, sex or other personal characteristic. Employees shall not use profane or intentionally insulting language. Employees shall promptly (usually within twenty-four hours) return phone calls from citizens, and shall keep a record of unsuccessful efforts to return phone calls.

**14.3.0 Rendering Aid and Furnishing Identification:**

14.3.1 Officers shall render aid consistent with their duties and training.

14.3.2 A Department employee shall furnish their name and, when appropriate, display their badge in a respectful manner to any person requesting that information, when they are on duty or holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

14.3.3 Officers shall carry their identification card on their person when in plainclothes and their weapon is concealed. When in plainclothes and the weapon is exposed, officer shall wear their badge exposed also, and carry their identification card. Officers who are off-duty and armed shall carry their identification card. When impractical or dangerous to their safety or to an investigation, officers are not required to carry their identification card.

**14.4.0 Citizen Complaints:**

Employees shall follow established procedures for processing complaints. Employees may attempt to amicably resolve citizen complaints, but they shall not attempt to prevent any citizen from lodging a formal complaint against any individual employee or against the Department.

**14.5.0 Courtroom Demeanor:**

Officers shall be punctual, properly dressed and prepared (to include consultation with the prosecutor and processing pertinent police reports, notes and evidence.) At all times, officers shall maintain a respectful attitude to all General Orders, procedures and directives established in the Department. Business or uniform dress is required of all employees in court.

**14.6.0 Absence from Work:**

14.6.1 An employee shall notify their supervisor or the supervisor on duty, no less than one hour before the actual reporting time, when they become ill and cannot report for work, or if there is any change in their physical or mental health that could disqualify them from employment by the Department. This notification must be personally made by the employee unless the employee is incapacitated due to illness, or it is an emergency.

14.6.2 The use of sick leave without just cause, or the furnishing of any false information with reference thereto by any employee of this Department is strictly prohibited. Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health. Employees of this Department, upon returning to work from sick leave may be required to file a written report with their immediate supervisor, stating the symptoms of their illness. A supervisor may require documentation of an employee's reason for absence.

14.6.3 Employees claiming physical or mental incapacity caused by or affecting employment shall, at the request of the Chief of Police or his designee, be periodically interviewed as to the nature and extent of the claimed injury or illness and/or submit to an examination of the claimed physical or mental incapacity by an individual chosen by the Chief of Police or his designee. The examining party must be licensed by the State of Missouri to conduct such examinations, and the results shall be accessible to the employee and the Chief of Police. The results of any examination are the sole property of the City of Independence. Failure to honor such a request by the Chief of Police or his designee shall be considered a violation of this rule.

**14.7.0 Residency:**

Employees of this Department shall adhere to the current city personnel rules.

**14.8.0 Telephone and Address:**

Each employee shall maintain an operating telephone at their residence, and shall immediately notify their supervisor, in writing, of the change of address or telephone number within twenty-four (24) hours. The supervisor shall forward the information through the Chain of Command to the Chief of Police. Telephone service must be in operation within seven (7) days of notification of change. Phone numbers and addresses shall be confidential.

**14.9.0 Use of Tobacco:**

Officers, when in uniform, may use tobacco as long as (1) they are not in a formation, (2) they do not have to leave their assignment or post for the sole purpose of doing so, and (3) they are not engaged in direct contact with the public; Officers must obtain permission to use tobacco from the public with whom they are in direct contact.

**14.10.0 Use of Weapons:**

Officers shall carry and use weapons only in accordance with law and established Departmental procedures. Officers shall not use or handle weapons in a careless or imprudent manner.

**15.0 SUPPLEMENTAL EMPLOYMENT**

Employees shall adhere to all General Orders, procedures, and other directives governing off-duty employment established by the Department.

**16.0 EQUIPMENT****16.1.0 Operating Vehicles:**

Employees shall operate official vehicles in a careful and prudent manner, and shall obey all laws and all Departmental orders pertaining to such operation. Loss or suspension of any driving license shall immediately be reported through the Chain of Command to the Chief of Police.

**16.2.0 Unauthorized Persons in Police Vehicles:**

Allowing unauthorized persons to ride in police vehicles shall not be permitted. Unauthorized persons are those who are not police personnel, prisoners, or individuals on official (authorized) police business. Persons may be permitted to ride in an official vehicle with approval of the immediate supervisor.

**16.3.0 Damage To or Loss of City Property or Equipment:**

Employees shall not damage or lose City property. Employees shall immediately file a written report of any damage to equipment or loss of City vehicles, and shall include all known facts surrounding the cause and nature of the damage or loss. In the event that City property is found bearing evidence of damage which has not been reported, it shall be prima

facie evidence that the last person using the property or vehicle was responsible for the damage.

**16.4.0 Return of City Property or Equipment:**

Employees shall return all City equipment when they retire, resign, or otherwise leave the Department, and shall return any issued police equipment when ordered to do so due to suspension or other absence from work.

**16.5.0 Possession or Use of Keys:**

Employees shall not possess or use any Departmental keys not issued to them, without the prior approval of the Chief of Police or his designee. Supervisors shall be responsible for issuing and collecting keys to respective areas.

**16.6.0 Registration of Personal Police Equipment:**

Employees shall register with and receive the approval of the Chief of Police, through the Property Section, the description and/or serial numbers of all personal police equipment owned and carried.

**16.7.0 Use of Private Vehicles or Equipment:**

Employees shall not use private vehicles or equipment for official purposes, unless directed or authorized to do so by the Chief of Police, his designee, or a supervisor.