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Wilkesboro Police Department

Electronic Written Directives Document

I. PURPOSE

The purpose of this policy is to give employees of the Wilkesboro Police Department a guide to the conduct that is expected of them when on and off duty.

II. POLICY

Employees of the Wilkesboro Police Department conduct themselves professionally and responsibly at all times in order to uphold the trust and confidence placed in them by the community. Officers are expected to follow agency rules of personal conduct in both spirit and content, and encourage compliance by fellow officers and employees. Command and supervisory level officers should be role models and are expected to demonstrate leadership and set exemplary standards.

III. RULES OF CONDUCT

A. Obedience to Orders, Rules, and Laws

1. Obedience to Rules of Conduct: All sworn and civilian employees will be governed by the following general rules of conduct. Violations of any of these rules are considered sufficient cause for disciplinary action up to and including dismissal.
2. Obedience to Laws: Officers and other employees shall abide by the laws of the United States, the state of North Carolina, and the ordinances of Wilkesboro.
3. Adherence to Departmental Rules: Officers and other employees shall abide by the personnel policy and the general, special, tactical orders, rules of conduct, and other properly issued internal directives.
4. Insubordination: Officers and employees must promptly obey all orders and directions given by supervisors and radio dispatchers. The failure or deliberate refusal of officers and employees to obey such orders is deemed insubordination and is prohibited. Flouting the authority of a superior by displaying obvious disrespect or by disputing his/her orders is likewise deemed as insubordination.

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5. Issuance of Unlawful Orders: No supervisory officer or employee will knowingly or willfully issue an order that violates a federal or state law, a Wilkesboro ordinance, or a departmental rule or policy.
6. Obedience to Unjust or Improper Orders: If an officer or employee receives an order he/she believes is unjust or contrary to a departmental order or rule, he must first obey the order to the best of his/her ability and then may appeal the order or rule to the Chief.
7. Obedience to Unlawful Orders: No officer or employee is required to obey an order that is contrary to the laws of the United States, the state of North Carolina, the ordinances of Wilkesboro, or policies established by this department. If an officer or employee receives an unlawful order, he/she will report in writing the full facts of the incident and his/her action to the Chief through the chain of command.
8. Conflict of Orders: If an officer or employee receives an order that conflicts with one previously given by a superior officer or employee, the officer or employee receiving the order shall respectfully point this out to the superior officer or employee who gave the second order. If the superior officer or employee giving the second order does not change the order in a way that eliminates the conflict, the second order stands and is the responsibility of the second superior officer or employee. If the second superior officer or employee so directs, the second order is obeyed first. Orders are countermanded when necessary for the good of the department, and accomplishment of the mission.
9. Duty to Read, Understand, and Comply with Orders: Failure to read and/or comply with laws, rules, and regulations, general and special orders, policies and procedures of the department or written or verbal orders of a supervisor are prohibited. It is neglect of duty to fail to inquire of a supervisor the meaning or application of any directive or order that is not clearly understood.
10. Issuance of Orders: Orders from supervisors to subordinates are addressed in professional, clear, understandable english; civil in tone, and manner; and issued in pursuit of departmental business.
11. Conduct Unbecoming: Conduct that adversely affects efficiency, erodes public respect, or reduces confidence in government service is unbecoming and is prohibited. Examples of such conduct include, but are not limited to:
 - a. Fraud in securing employment;

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- b. Conviction of any felony or of a misdemeanor involving moral turpitude, or the entry of a plea of no lo contender to either;
- c. Misuse of government funds or property;
- d. Falsification or misuse of government records, including application forms, time and financial records, incident reports, case files, or personnel;
- e. Reporting to work or working under the influence of alcohol or substances that significantly impair job performance, or the use of such substances during work hours; except prescribed medication that does not adversely affect the ability to perform assigned work tasks;
- f. Instigation of participation in, leadership of a strike, or any other interference with normal efficient workflow;
- g. Concealment or failure to report any employment, ownership interest, or personal activity in conflict with legitimate interests of Wilkesboro;
- h. Engaging in infamous, notorious, or disgraceful conduct that adversely affects the town of Wilkesboro legitimate interest;
- i. Insubordinate, rebellious, disruptive, harassment, or disrespectful behavior toward other employees of government officials; or
- j. Fighting.

B. Attention to Duty

1. Performance on Duty: Officers and employees are to be attentive to their duties at all times, and perform all duties assigned to them even if such duties are not specifically assigned to them in any departmental rules or procedures Document.
2. Duty of Supervisors: Supervisors will enforce the rules, regulations, and policies of the department. They do not permit or otherwise fail to prevent, violations of the law, departmental rules, polices or procedures. They must report violations of departmental rules, policies, or procedures to their immediate supervisors without delay. When possible, they actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.

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3. Truthfulness: Officers and employees will not knowingly give any false or misleading information concerning the duties, responsibilities, or actions of the department or any member thereof, nor withhold any information that is their duty to report, nor falsify any department documents.
4. Conduct and Behavior: Officers and employees, whether on-duty or off-duty, follow the ordinary and reasonable rules of good conduct and behavior and will not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession, the department. Officers and employees follow established procedures in carrying out their duties as law enforcement officers and employees of the department.
5. Responsibility to Serve the Public: Officers and employees will consider it their duty to be of service to the general public and to render that service in a kind, considerate, and patient manner. Officers and employees will promptly serve the public by providing direction, counsel and other assistance that does not interfere with the discharge of more critical police duties.
6. Respecting the Rights of Others: Officers and employees respect the rights of others and do not engage in discrimination, oppression, or favoritism. Officers and employees must maintain a strictly impartial attitude toward complaints and violators. Use of profane, demeaning, or insulting language will not be tolerated; no will disrespect for the political or religious views of others be accepted.
7. Officers Always Subject to Call of Duty: Employees respond to lawful orders of supervisors and to the call of citizens in need of police assistance. Off-duty officers are expected to take prompt and proper action when life is endangered. Officers and employee are subject to call twenty-four (24) hours a day and may be recalled from vacation leave or off day whenever necessity demands.
8. Reporting for Duty: Officers and employees must promptly report for duty properly prepared at the time and place required by assignments, subpoenas, or orders. Officers and employees must remain at their posts or place of assignment until properly relieved by another officer or employee or until dismissed by a supervisor. It is the relieving officers and employees' responsibility to locate and meet the officer or employee he/she s relieving. The officer or employee who is being relieved has the responsibility to pass onto his relief any and all pertinent information. The relieving officer or employee must assist the officer or employee he/she is

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relieving in any way possible so as to expedite the relief and complete the officer or employee's tour of duty in a timely way.

9. Availability While on Duty: Officers and employees, while on duty, may not conceal themselves or maintain a hidden or low profile except for some assigned police purpose. Officers and employees must keep themselves immediately and readily available at all times while on duty.
10. Prompt Response to All Calls: Employees must respond to all dispatched assignments without argument and unnecessary delay. No officer will fail to aid, assist, or protect a fellow officer, employee, or citizen to the fullest extent of his/her professional capabilities. Calls are answered in compliance with policy and traffic laws.
11. Duty to report All Crimes and Incidents: Officers and other employees must promptly report all serious crimes, emergencies, incidents, dangers, hazardous situations and relevant information that come to their attention. Officers and employees may not conceal, ignore, or distort the facts of such crimes, emergencies, incidents, and information.
12. Responsibility to Know Area of Jurisdiction: Officers and other employees must know the boundaries of the town of Wilkesboro and must be familiar with the names of streets and highways within those boundaries. Officers and employees must also be familiar with the names and locations of businesses, public buildings, and as many residents as possible.
13. Sleeping on Duty: Officers and employees must be alert throughout their tour of duty. Sleeping while on duty is strictly forbidden.
14. Assisting Criminals: Officers and employees will not communicate in any manner, directly or indirectly, offer any information that may delay an arrest or enable persons suspected of criminal acts to escape arrest or punishment. Nor will officers or employees dispose of property or goods seized or taken from a suspect, or destroy evidence of unlawful activity.
15. Maintaining Communications: Officers must be directly available by normal means of communication while they are on duty or officially on-call, and will promptly respond when called. On-duty officers must maintain radio communications with the dispatcher while he/she is on-duty and radio equipped. Should an officer experience a technical malfunction with communications equipment, immediately report it and replace it with an operational unit.

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16. Keeping Notes on Police Activities: Officers and employees are required to maintain written notes on police matters such as incidents, arrests, and other activities to the extent that they may later complete official reports and accurately testify in official proceedings.
17. Completing Official Reports: Unless otherwise directed, officers and employees must promptly submit all reports completed prior to going off duty. All reports, memoranda, citations, or other papers utilized in this department will be completed in black ink, computer printed, or typed. Special projects may require deviation from this requirement.
18. Reporting Accidents and Injuries: Officers and employees must immediately report the following accidents and injuries:
- a. On-duty traffic accidents in which they are involved;
 - b. Personal injuries received in the line of duty no matter how small in nature;
 - c. Personal injuries not received in the line of duty but which are likely to interfere with performance of police duties;
 - d. Property damage or injuries to other persons that resulted from the performance of his/her police duties;
 - e. Discharge of weapon except when engaged in departmental training exercise, firearms qualifications, or sporting event.
19. Reporting Address and Telephone Number: Officers and employees must have a working telephone at their residence and must register their correct residence address and telephone number with the police department. Any change in address must be reported immediately.
20. Testifying in Departmental Investigations: Officers must make statements or furnish materials relevant to departmental investigations as required.
23. Excessive Absenteeism: Habitual or patterned use of sick leave or leave without pay, not supported by competent medical evidence or other proof of necessity is prohibited.
24. Prohibited Association/ Frequenting: Associating with people, organizations, or places known to be involved in criminal activity is prohibited unless necessary for law enforcement business.

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25. Subversive Organizations: Officers and employees may not knowingly be members of, or affiliated with, any subversive organization whose avowed purpose advocates the overthrow or disruption of the lawful function of any federal, state, county, or municipal government.
26. Duty with Regard to Civil Proceedings: No employee may initiate any civil proceedings arising out of a law enforcement activity without first notifying the Chief. Private civil actions that have no connection with a member's department position or official action are not within the scope of this rule.
27. Supplies or Services: Officers and employees may not use agency supplies or resources for personal use. The use of time, facilities, equipment, or supplies of the department for private gain or advantage is prohibited.
28. Refrain from Conducting Personal Business While on Duty: Employees may not conduct personal business while on-duty without prior approval from their supervisor.
29. Tobacco Products: The smoking of tobacco products is prohibited for employees while on duty or in uniform at any time. Non-smokeless products such as dipping material may be used out of the view of the public. At no time shall an employee expel mouth fluid "spit" while in the public's view.
30. Confidentiality/ Protection from Retaliation: The identity of persons reporting harassment must be protected to the extent allowed by law. Any employee reporting harassment or unwanted conduct may not be retaliated against. Any employee who engages in such retaliation shall be discharged.
31. Sexual Harassment: The Wilkesboro Police Department abides by the Town of Wilkesboro's policy, located in Article V, Section 6. The department forbids sexual harassment by supervisors and co-workers in any form. Sexual harassment occurs when there is an unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature and 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or 3) such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work

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environment. An employee shall file any sexual harassment claims with accordance to Article IX of the Town of Wilkesboro Personnel Policy.

C. Cooperation with Fellow Employees and Agencies.

1. Respect for Fellow Officers and Employees: Employees will treat other employees with respect, as they would prefer to be treated. They shall be courteous, civil, and respectful of their superiors and associates.
2. Supporting Fellow Employees: Employees must cooperate, support, and assist each other at every opportunity. Employees may not maliciously criticize the work or manner of performance of another. It is the duty of every officer and employee to refrain from originating or circulating any malicious gossip to the intended detriment of the department or any member thereof.
3. Case or Operations Interference: Officers and employees may not interfere with cases assigned to others without receiving clearance from the officer to which the case was assigned or as directed by a supervisor. Should interference occur, the assigned officer must submit a written report to his/her immediate supervisor.
4. Cooperation with Other Agencies: Officers and employees of the department must cooperate with all governmental agencies by providing whatever aid or information such agencies are legally entitled to receive. Any doubts will be passed to a supervisor for approval, before cooperation is rendered.
5. Disclosing Information Relating to Police Activities: Discussion of operations and official business of the department is prohibited outside of those authorized individuals that have a need to know.
6. Misconduct Known to Personnel: Failure to report an employee's violation of a law, rule, or regulation, policy or procedure, or a general or special order is prohibited.

D. Restrictions on Behavior

1. Interfering with Private Business: Employees of the department will not interfere with the lawful business of any person.
2. Use of Intimidation: Officers and employees may not use their official positions to intimidate persons engaged in a civil controversy.

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3. Soliciting and Accepting Gifts and Gratuities: Unless approved in writing by the Chief, officers and employees of the department may not solicit or accept any reward, gratuity, gift, or compensation for services performed as a result of their relationship with the department. This restriction applies regardless of whether the service was performed on-duty or off-duty. If a licensed business offers a reduced amount for a meal or a free beverage then it would be acceptable as long as the employee did not request it.
4. Soliciting and Accepting Gifts from Suspects and Prisoners: Officers and employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee, or other item of values, or from lending, or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant, or bondsmen, or other persons whose vocations may profit from information obtained from the police.
5. Reporting Bribe Offers: If an officer or employee receives a bribe offer, he/she must immediately make a written report to the Chief and submit it to his/her immediate supervisor.
6. Accepting Gifts from Subordinates: Without approval from the Chief, employees may not receive or accept any gift or gratuity from subordinates.
7. Giving Testimonials and Seeking Publicity: As it may pertain to their employment in the department, officers and employees will not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Officers and employees will not seek personal publicity either directly or indirectly in the course of their employment.
8. Soliciting Business: Officers and employees will not solicit subscriptions, sell books, papers, tickets, merchandise or other items of value nor collect or receive money or items of value for any purpose while on duty unless specifically authorized in writing by the Chief.
9. Intoxication: Officers and employees will not be under the influence of any intoxicating substance during their tour of duty or immediately prior to their tour of duty. Nor will officers and employees be intoxicated off duty while in the public view. Officers and other employees will not use any intoxicating substance while off duty to such an extent that they become unfit to report for duty.

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10. Drinking while in Uniform or On-Duty: Officers or other employees will not consume alcoholic beverages while in uniform, on duty, on government property, or in an official vehicle of this department unless specifically authorized to do so in the course and scope of a clandestine investigation. Officers and other employees will not drive or operate a motor vehicle within eight hours after consuming alcoholic beverages.
11. Liquor on Official Premises: Officers and employee will not bring containers of intoxicating beverages into a building or vehicle except as properly sealed and marked evidence in a criminal or juvenile case.
12. Entering Bars, Taverns, and Liquor Stores: Other than for the purpose of performing their official duties, officers and employees on duty or in uniform will not enter or visit any bar, lounge, club, store or any other establishment whose primary purpose is the sale and on-premise consumption of alcoholic beverages. Officers and employees on duty or in uniform will not purchase alcoholic beverage.
13. Political Activity: Officers and employees will not participate (i.e. make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns while on duty or in uniform.
14. Seeking Personal Preferment: Officers and employees will not solicit petitions, influence or seek the intervention of any person outside the department for purposes of personal preferment, advantage, transfer, advancement, promotion, or change of duty for themselves or any other person.

E. Identification and Recognition

1. Giving Names and Employee Numbers: Officers and employees must give their names, badge number, and other pertinent information to any person requesting such facts unless doing so would jeopardize a successful completion of a police assignment.
2. Carrying Official Identification: Officers must have official police identification available at all times unless involved in sanctioned covert activities, or engaged in athletic or activities.
3. Personal Cards: Business cards showing connection to the agency must be approved by the Chief of Police.

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4. Exchange, Alteration, or Transfer of Badge, Patch or Logo: The official badge, patch, or logo of the agency will not be altered, transferred, or exchanged except as authorized by the Chief.

F. Maintenance of Property

1. Use of Wilkesboro Property or Service: Officers and employees will not use or provide any Wilkesboro equipment or service other than for official Wilkesboro business unless specifically authorized by the Chief.
2. Responsibility for Wilkesboro Property: Each officer or other employee is responsible for keeping all agency equipment clean, in good working order, and protect it from loss, damage, or destruction. Employees deemed responsible for the loss or damage of issued items may, in addition to any disciplinary action given, be required to compensate the department for the loss or damage. Any equipment that becomes damaged or lost should be reported in writing immediately.
3. Reporting Needed Repairs: Officers and employees must promptly report the need for repair of Wilkesboro owned property to their supervisor.
4. Responsibility for Private Property: Officers and employees are responsible for protecting property or equipment that has come into their possession by means of their office against loss, damage, or destruction. The agency assumes no responsibility for any personal property of the officer's in case of loss or damage.
5. Care of Quarters: Officers and employees keep their offices, vehicles, lockers, and desks neat, clean and orderly.
6. Property and Evidence: Officers and employees must tag and place all evidence in the custody of the evidence officer as soon as possible. Officers and employees will not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in accordance with established procedures.
7. Alteration or Modification of Police Equipment: Officers and employees may not use any equipment that does not conform to policy or specifications. All equipment must be carried and utilized only as issued and authorized, and no changes, alterations, modifications, or substitutions will be made to such equipment unless approved by the Chief.

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8. Parking in Unauthorized or Reserved Parking Spaces: Parking in designated handicapped permit spaces, reserved or restricted space, or marked fire lanes, unless responding to an actual emergency is prohibited.

G. Relationships with Court and Attorneys

1. Attendance in Court: Officers and other employees arrive on time for all required court appearances and must be prepared to testify.
2. Recommending Attorneys or Bondsmen: Officers and other employees may not suggest, recommend, advise, or counsel the retention of a specific attorney or bondsman to any person coming to their attention as a result of police business.
3. Testifying for a Defendant: Any officer or employee subpoenaed or requested to testify for a criminal defendant or against the town of Wilkesboro or against the interest of the agency in any hearing or trial will immediately notify the Chief through the chain of command. Likewise, employees or officers subpoenaed to judicial hearings will honor said subpoena and notify their immediate supervisor in a timely manner.
4. Interviews with Attorneys: Interviews between an officer or employee and a complainant's [criminal] or Plaintiff's [civil] attorney about a case arising from the officer's employment by the department is done only in the presence of or with the knowledge and consent of the Chief.
5. Assisting in Civil Cases: Officers and employees will not serve civil-process papers nor render assistance in civil cases except as required by law and approved by the Chief or designee. Officers and other employees will not volunteer to testify in any civil action arising from department duties.
6. Notice of Lawsuits against Officers and Employees: Officers and other employees who have a suit filed against them because of an act performed in the line of duty will immediately notify the Chief in writing and furnish a copy of the complaint as well as full and accurate account of the circumstances in question.
7. Notice of Investigation, Arrest, or Citation: Officers and employees who become the subject of citations or arrest actions will immediately notify their supervisor in writing. Any officer or other employee who has reason to know they are the subject of a criminal or civil action will immediately notify their supervisor, who will in turn notify the Chief.

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IV REFERENCES

Town of Wilkesboro Personnel Policy
CALEA 26.1.1 and 26.1.3