



# *San Diego Community College District Police Department Policy and Procedures*

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## 5.01 STANDARDS OF CONDUCT

EFF. 10/01/19

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### **I. PURPOSE**

This Department procedure establishes guidelines for the Department's standards of conduct.

### **II. SCOPE**

This procedure applies to all members of the Department.

### **III. BACKGROUND**

Police Officers hold a unique position in American society. Only police officers are specifically authorized by law to abridge the rights of others, using deadly force if necessary, while acting alone. Because officers are granted so much power, police officers and others closely associated with the police, must be held to high standards of conduct.

Society grants its police these extraordinary powers trusting that they will be exercised within the law and within the standards of conduct prescribed. Failure to maintain standards of conduct is viewed by the public as a breach of public trust.

All members of the Department are expected to understand the importance of preserving the public trust in police operations. Likewise, they are expected to understand that lack of integrity or honesty on the part of any member reflects on the credibility of the Department as a whole.

All members are expected to abide by the standards of conduct set forth in these procedures. Failure to abide by these standards will result in disciplinary action.

### **IV. DEFINITIONS**

#### A. Accountability

The duty of all employees to truthfully acknowledge and explain their actions and

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decisions when requested to do so by the Chief of Police or an authorized member of this Department without deception or subterfuge.

B. Gift or Gratuity

Anything given to a member for personal use without compensation, including, but not limited to, meals, beverages, money, property, loan, promise, service, or entertainment.

C. Member

Includes all employees of the Police Department, sworn and civilian.

D. Officer

Includes all sworn personnel.

E. Police Regulated Business

Any business licensed or regulated by the San Diego Police Department or local, State or Federal law enforcement agency. Alcoholic beverage establishments, adult entertainment enterprises, pawn brokers, tow companies, firearm dealers are examples of police regulated businesses.

F. Superior

A supervisor, a person higher in the chain of command or an officer of higher rank.

**V. STANDARDS OF CONDUCT**

A. General Conduct

Officers shall conduct themselves both on and off duty, in such a manner as to reflect most favorably on the Department. Officers shall not conduct themselves in any manner which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or impairs the operation and efficiency of the Department or officer.

Members shall not engage in any conduct which is unbecoming an employee of the Department, nor which impairs the operation of the Department.

B. Obedience to Laws

Members shall obey all federal, state, county and municipal laws.

### C. Obedience to Rules

Members shall not commit any acts nor fail to perform any acts which constitute a violation of any of the policies, procedures, rules, regulations, directives or orders of the Department or the San Diego Community College District.

### D. Obedience to Lawful Orders

Members shall promptly obey any lawful orders of superiors. This includes orders relayed from a supervisor by someone of the same or lesser rank.

Members who are given an otherwise proper order which is in conflict with a previous order, policy, procedure or directive shall respectfully inform the superior issuing the order of the conflict. If the superior issuing the conflicting order does not alter or retract it, the order shall stand and the superior shall be responsible for the conflicting order and the member shall not be held responsible for disobedience of the order, policy, procedure or directive previously issued.

### E. Immoral Conduct

Officers shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Officers shall not participate in any activity or incident involving moral turpitude which impairs their ability to perform as members of the Department or causes the Department to be brought into disrepute.

### F. Gifts or Gratuities

Members shall not solicit nor accept any gift or gratuity from any police-regulated business or person employed by or having an interest in a police-regulated business. Members shall not solicit nor accept from any person, business or organization any gift or gratuity for the benefit of the member or others if it may be reasonably inferred that the person, business or organization:

1. Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty; or
2. Has an interest which may be affected directly or indirectly by the performance of an official duty.

While on duty, members shall pay full price for any goods, products or services obtained.

## G. Abuse of Position

### 1. Use of Official Position or Identification

Members shall not use their official position, official identification cards or badges: (1) for personal or financial gain, (2) for obtaining privileges not otherwise available to them except in the performance of duty, or (3) for avoiding consequences of illegal acts. Members shall not lend their identification cards or badges to other persons nor permit their identification cards to be reproduced.

Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that justify self defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summons other (on duty) police personnel in cases where there is personal involvement that reasonably requires police intervention.

### 2. Use of Name, Photograph or Title

Members shall not permit or authorize the use of their names, photographs or official titles in connection with testimonials or advertisements of any commodity or commercial enterprise if such use identifies the person as a member of the San Diego Community College District Police Department without the approval of the Chief of Police.

3 Members shall not enter into official Department correspondence over a signature other than the Chief of Police, except as authorized by Department procedures.

4. Members shall not use the Department's name or address, nor the address of any District facility, for other than official purposes. Members shall not authorize the use of the Department's name, any Department address or their official titles on any personal correspondence, including, personal checks, credit cards and other items to be deemed for personal use without the prior approval of the Chief of Police.

5. Members shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.

## H. Conflict of Interest

1. Members shall not engage in any activity or enterprise for compensation which is inconsistent, incompatible, or in conflict with his or her duties as a member of

the Department or with the duties, functions, or responsibilities of the Department or the San Diego Community College District.

2. Members shall not use District time, facilities, equipment, or supplies in any manner for private gain or advantage.
3. Members shall not use confidential information gained through their position as a Department employee to advance financial or other private interests of themselves or others.
4. Members, prior to accepting outside employment shall first obtain approval from the Chief of Police, and shall engage in outside employment only with approval and in accordance with Department policy.
5. Members who institute or are the subject of any civil action arising from acts performed in the scope of District employment shall inform the Chief of Police.

#### I. Endorsements and Referrals

Members in an official capacity shall not recommend or suggest in any manner the employment or procurement of a particular product, or private professional, or commercial service (such as attorney, ambulance service, towing service, bondsman, crime prevention materials, private investigator firms, etc). This does not apply to members making recommendations to the Department Equipment/Uniform Committee, or to, or on behalf of the Chief of Police.

#### J. Association

Members shall avoid maintaining associations or dealing with persons whom they know, or should know, are registered sex offenders, felons, suspected felons, or persons under criminal investigation or indictment. Such associations are only permissible in the performance of authorized official duties.

#### K. Visiting Prohibited Establishments

Members shall not knowingly visit, enter or frequent a house of prostitution, unlawful gambling house, or establishment maintained for the purpose of conducting illegal activity, except in the performance of duty or while acting under proper and specific orders from a supervisor.

#### L. Public Statements and Appearances

Members shall not publicly criticize or ridicule the Department, its policies or

others by speech, writing or other expression, where this is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline or is made with reckless disregard for truth or falsity.

Members shall not address public gatherings, appear on radio or television, lecture on police or other related subjects, prepare any articles for publication, act as correspondents to a newspaper or periodical, release or divulge investigative information or any other matters of the Department while holding themselves out as having an official capacity in such matters without the approval of the Chief of Police.

#### M. Political Activity

Members shall not:

1. Use their official capacity to influence, interfere with, or affect the results of any election for political office.
2. Use or give the appearance of using their official status at any time or place for the purpose of soliciting contributions or attempting to exert influence in respect to any election for political office. This includes the use of title, wearing of the uniform or other apparel or badge or posing for campaign photographs in uniform.
3. Engage in any political activity, including but not limited to soliciting funds, signatures, contributions or other forms of support for political candidates, parties or ballot measures, or posting or distributing campaign materials or literature, during working hours or in any District work area.

#### N. Picketing

Officers shall not wear a peace officer uniform or carry any firearm or deadly weapon while engaged in picketing, or other informational activities, in a public place relating to a concerted refusal to work.

#### O. Performance of Duty

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members 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, but is not limited to, a lack of knowledge of the application of laws required to be enforced, an unwillingness or inability

to perform assigned tasks, or the failure to conform to work standards established for the member's rank, grade or position.

Officers shall take appropriate action on the occasion of a crime or disorder or other condition deserving police attention. Members shall not be absent without leave or be unnecessarily absent from their patrol beat or other assigned area during a tour of duty.

The following will be considered prima facie evidence of unsatisfactory performance for all members: repeated poor work performance evaluations or a written record of repeated infractions of policies, procedures, rules, regulations, directives or orders.

#### P. Reporting for Duty

Members 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. Off-duty members shall be subject to recall as needed, and shall report for duty as directed by any superior. Judicial or other lawfully issued subpoenas shall constitute an order to appear under this section.

Absence from duty without leave for a period of five work days shall be considered a resignation and may be processed as such.

#### Q. Neglect of Duty

Members shall not engage in activities or personal business which would cause them to neglect or be inattentive to their duty. Such activities include, but are not limited to, recreational reading, playing games, watching television or otherwise engaging in entertainment while on duty, except as may be required in the performance of duty.

Members shall remain awake on duty. If unable to do so, they shall so report to their superior who shall determine the proper course of action.

Members are prohibited from engaging in any form of sexual activity while on-duty, in uniform or in any District owned vehicle, building or property.

#### R. Identification

Officers shall carry their badges and identification cards on their persons at all

times except when at their private residence, when impractical or dangerous due to the nature of an investigation. While on duty or when holding themselves out in their official capacity, they shall furnish their names and I.D. numbers to any person requesting that information except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority. While in uniform, members shall display their name plate on the outermost article of clothing.

#### S. Conduct Towards Others

Members shall treat others with courtesy, dignity and respect. Members shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion and shall not engage in argumentative discussion even in the face of extreme provocation. In the performance of their duties, members shall not use coarse, violent, profane or insolent language or gestures, and shall not make derogatory comments about or express any prejudice concerning race, religion, politics, national origin, gender, lifestyle or similar personal characteristics.

Members shall not use language or engage in acts that threaten, demean, harass, or intimidate another person, or create a hostile work environment.

Members will conduct themselves toward the public in a civil and professional manner in the spirit of community oriented policing such that the member and Department will gain public respect and cooperation.

#### T. Use, Possession or Storage of Alcohol or Drugs

Members shall not drink intoxicating beverages while on duty except in the performance of duty and while acting under proper and specific orders from a superior. Members shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever or with an odor of intoxicants on their breath.

Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in a level of impairment, intoxication or obnoxious or offensive behavior which would discredit them or the Department, or render them unfit to report for their next regular tour of duty.

Members shall report, prior to reporting for duty, the use of any substance, including prescribed medication, that may impair their ability to drive a motor vehicle and/or perform their required duties.



Members shall not bring into or store alcoholic beverages, non-prescribed controlled substances, narcotics or hallucinogens in any police facility or vehicle, except in the performance of duties or as authorized by the Chief of Police. Such items shall be processed in accordance with Department procedures.

Supervisors may order a drug or alcohol screening test when they have reasonable suspicion that a member is using and/or under the influence of drugs or alcohol.

#### U. Residence and Telephone

Members are required to maintain a telephone at their place of residence. Members shall inform the Chief of Police, in writing, of their correct addresses of residence and telephone numbers and shall report any changes within twenty-four hours after making such a change.

#### V. Arrests and Investigations

Members shall not make any arrest which they know is not in accordance with law and established Department procedures.

Members shall not conduct any investigation or other official action not part of their regular duties without obtaining permission from their superior unless the urgency of the situation requires immediate police action.

#### W. Department Reports and Confidential Information

Members shall submit all necessary reports on time and in accordance with established Department procedures. Reports submitted by members shall be truthful and no member shall knowingly enter or cause to be entered any inaccurate, false or improper information.

Members shall not remove or destroy any official report or record of the Department except in accordance with Department procedure, at the direction of the Chief of Police or under due process of law.

Members shall not disclose confidential information (including confidential personnel information) or information which compromises any criminal investigation acquired in the course of their employment with the District except in the performance of their duties or as required by law.

#### X. Accountability and Truthfulness

Members are directly accountable for their actions, through their supervisor, to the Chief of Police. Members shall cooperate fully in any investigation conducted by this or any other authorized agency and shall provide complete and accurate information in regard to any issue under investigation. Members shall be accurate, complete, and truthful in all matters.

Members shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability nor shall they engage in efforts to improperly influence, or interfere with an internal or criminal investigation.

Any member who is arrested, cited, or comes under investigation for any criminal offense in any jurisdiction, or whose driver's license is suspended or revoked, shall report it to the Chief of Police as soon as possible.

Upon the order of a superior or any officer appointed by the Chief of Police to conduct internal investigations and in accordance with Constitutional guarantees, members shall truthfully answer all questions related to the scope of employment and operations of the Department.

#### Y. Medical Examinations, Photographs, and Line-Ups

Upon the order of the Chief of Police or his designee, and in accordance with Constitutional guarantees, officers shall submit to any psychological, medical, ballistics, chemical or other tests, photographs or lineups that are specifically directed and narrowly related to a particular internal investigation being conducted by the Department.

#### Z. Patriotic Courtesy

Patriotic courtesy and respect for the American flag is symbolic of the oath to support and uphold the U.S. Constitution. On approach of the flag, during the playing of the National Anthem, and when the Pledge of Allegiance is being recited, officers shall render the appropriate salute.

Members in uniform and hats shall stand at attention and render a military salute. When in civilian clothes, members shall stand at attention and place their right hands over their hearts. When wearing a hat, it should be removed and held in the right hand, over the heart.

**VI. ETHICAL BEHAVIOR**

Not all conduct which is detrimental to the Police Department and the accomplishment of its mission is prohibited by rules or regulations. How rules and regulations apply to specific situations is not always clear.

Members are expected to behave ethically and are encouraged to consider their conduct and response to situations in light of sound ethical standards. Officers are to be guided by the Law Enforcement Code of Ethics which has been adopted by the Department.

A. In evaluating ethical issues, members are expected to consider the following:

1. Is the conduct or course of action primarily for personal benefit or for benefit of the Department, the College District, the college community or the public in general?
2. Would I be comfortable freely discussing the conduct or course of action with other Department members, my supervisor, the Chief of Police or members of the public?
3. Are there any laws, rules, policies or procedures which may apply to this or similar conduct or courses of action?

B. Members are encouraged to raise and discuss ethical issues. Members facing ethical questions are expected, when feasible, to seek opinions from supervisors and peers. Members asked for ethical advice should listen and respond professionally.