



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: CONDUCT OF MEMBERS OF THE DEPARTMENT

NEW REVISED RESCINDS

APPROVED: *GM*
GEORGIA MILTENBERGER
CHIEF OF POLICE

Effective Date 11/25/2019

I. POLICY

The purpose of this General Order is to control, direct, and coordinate the activities of the officers of the Cottage City Police Department in the successful and professional fulfillment of their law enforcement responsibilities. In addition to these rules, officers will also be governed by the regulations and procedures established by the State of Maryland and by Cottage City. Officers shall observe and obey all applicable laws and ordinances. For the purposes of this directive, the term "Officer" applies to any sworn member of the department and the term "He" applies to both male and female genders

II. RULES

Section 1 Officers shall thoroughly familiarize themselves with these rules within five (5) days of receipt and thereafter comply with them. Officers shall also become thoroughly familiar with the Cottage City Police Department Personnel Manual within thirty (30) days of receipt and thereafter comply with it. Officers and employees who are issued manuals are responsible for their maintenance and will make changes or inserts as they are issued.

Section 2 Officers shall comply with all general orders, special orders, memoranda, or directives which may be issued by the Chief of police or his designee. The appointment of a new Chief of Police does not invalidate the General Orders, Rules and Regulations, memoranda, and other official documents issued by a predecessor.

- Section 3 Immediately upon reporting for duty with the Department, officers and employees shall record their correct residence address, telephone number, and person to be notified in case of emergency with the Chief of Police. Officers are required to have functioning telephones in the place where they reside. Changes in address or telephone shall be reported to the Chief of Police at least 24 hours in advance of the change. The purpose of this section is to ensure contact with all employees in case of an emergency; therefore, when finalized information is not available, the employee shall submit temporary information.
- Section 4 Officers shall act in a professional and efficient manner in carrying out the functions of the Cottage City Police Department. These functions are the preservation of peace, the protection of life and property, the repression and detection of crime, and the apprehension of violators of the laws and regulations. All citizens are guaranteed equal protection under the law. Officers must remain completely impartial toward all persons coming to the attention of the Department. Violations of the law are against the people of the State and not against the individual officer. Exhibiting partiality for or against a person because of race, creed, sex, marital status, religious or sexual preference is conduct unbecoming an officer. Similarly, unwarranted interference in the private business of others when not in the interests of justice is conduct unbecoming an officer.
- Section 5 Officers of the Cottage City Police Department are always on duty. The fact that officers may be technically "off duty" or periodically relieved from duty shall not relieve them of the responsibility for taking reasonable and proper police action in any matter coming to their attention requiring such action that lies within the scope of their legal authority. Officers are expected to provide emergency assistance to other law enforcement agencies upon their request.
- Section 6 Notwithstanding the assignment of specific duties and responsibilities under the provisions of the applicable rules and regulations, officers shall perform other duties as required by proper authority.
- Section 7 Officers shall display patience and firmness when these attributes are necessary and shall act in concert to protect each other from danger. Any shrinking from responsibility will be deemed neglect of duty.

- Section 8 Each officer shall be held responsible for the proper performance of assigned duties and for strict adherence to the rules and regulations of the Cottage City Police Department. Existence of facts establishing a violation of a law, ordinance, or rule is all that is necessary to support any allegation of such a basis for a charge against an employee. Nothing in this Directive prohibits disciplining or charging officers or employees merely because the alleged act or omission does not appear herein, in departmental orders, or in laws and ordinances within the cognizance of the Department.
- Section 9 Each officer shall be familiar with the statutes, laws, and regulations governing the activities of the Cottage City Police Department
- Section 10 Officers shall not use any departmental vehicle for personal use without the permission of a supervisory officer. Department vehicles are to be used only for official Cottage City Police business except when approved for take-home use.
- Section 11 Citizens will be transported in departmental vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with departmental policy or at the direction of a supervisory officer.
- Section 12 While on duty, officers/employees shall devote their full time and attention to official duties. They shall remain awake and alert while on duty. They shall not leave the boundaries of the assigned area except in an emergency or when directed by proper authority.
- Section 13 Officers of the Department shall respond without delay to all calls for police assistance from citizens or other officers. Emergency calls take precedence; however, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly, without justification, is misconduct and negligence of duty. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no officer shall fail to answer any telephone call or radio call directed to him. In accordance with departmental orders, the Communications Center will be informed by the officer when leaving the air, and when returning to duty status, where applicable.
- Section 14 Officers shall diligently patrol, inspect and otherwise direct their attention to police business within their assigned area throughout their tour of duty. Officers shall always be alert to assist lost, helpless, injured; or ill persons. Officers on duty shall not conceal themselves except for some police purpose. They shall be immediately and readily available to the public during duty hours.

- Section 15 Officers shall act with assurance and decisiveness. When acting in good faith and reasonably, they shall receive the fullest measure of support from their associates, subordinates, and supervisory officers. Each officer is insured by the City for \$1,000,000 for actions or omissions related to the law enforcement function.
- Section 16 Officers and employees shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane, or insolent language, and shall always remain calm regardless of provocation to do otherwise. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other agencies.
- Officers who abuse their law enforcement authority are subject to disciplinary action.
- Section 17 Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an officer shall include that which brings the Department into disrepute, causes the public to lose confidence in the Department, reflects discredit upon the officer as an officer of the Department, or that which impairs the operations, morale, or efficiency of the Department or officer.
- Section 18 Officers shall not use their office for the purpose of influencing the lawful business, profession, or occupation of any person or persons.
- Section 19 Officers and employees shall not suggest, recommend, advise or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business.
- Section 20 Officers and employees cannot act as hailers for any person in custody except relatives, and in no case where any fee, gratuity, or reward is solicited or accepted.
- Section 21 No officer shall knowingly communicate, by any means to any person, any information which might assist any person to escape arrest or punishment, to prepare for raids, to destroy or conceal evidence, money, goods, or other property or information sought by the police; nor shall any officer perform any act which might be construed as aiding and abetting the performance of any of the foregoing acts.

- Section 22 No officer shall knowingly make, or cause to be made, any omission, or false, inaccurate, or improper entries in any official records, forms or reports. Changes to official logs of the Department shall be made by an authorized person drawing a red line through the entry and initialing the correction.
- Section 23 Officers and employees shall not reveal police information outside the Department except as provided elsewhere in this manual or as required by law or competent authority. Specifically, information contained in police records, information ordinarily accessible only to officers and employees, and names of informants, complainants, witnesses, and other persons known to the police are prohibited from making or causing to be made duplications of official departmental records or reports for other than official use.
- Section 24 In accordance with law, certain basic information from departmental records may be provided to a defense attorney; however, officers should not engage in idle conversations with defense attorneys. Often these conversations furnish the defense attorney with some ploy which may result in the dismissal of a case. Questions by defense attorneys regarding a case should be referred to the prosecutor.
- Section 25 Officers shall not wear their badges exposed when off active duty and out of uniform. While in civilian attire in Cottage City, officers shall carry badges and I.D. cards in such a manner as to permit ready display.
- Section 26 Except when impractical or unfeasible, or where their identity is obvious, and in compliance with State Code, officers shall identify themselves by displaying the official badge or identification card before taking police action. Officers shall give their names and identification numbers to persons who request them.
- Section 27 Only issued and/or approved equipment may be carried. All equipment must be clean, in good working order, and conform to the Department's specifications.
- Section 28 Officers shall not make any compromise or other unofficial arrangement between suspected violators of the law and persons whom are alleged to have suffered by their acts.
- Section 29 Officers and employees are prohibited from buying and selling anything of value from or to any suspect, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their departmental employment except as may be specifically authorized by the Chief of Police.

- Section 30 Officers shall not interfere with the cases of other officers except by consent of such other officer, his supervisor, or the Chief.
- Section 31 Officers and employees shall not interfere with the proper administration of criminal justice. Officers and employees shall neither attempt to interrupt legal process except where a manifest injustice might otherwise occur, nor participate in or be concerned with any activity which might interfere with the process of law.
- Section32 Officers shall not solicit any citizen or public official to communicate any praise, personal publicity, thanks, or commendation for services rendered.
- Section33 No officer or employee may seek the influence or intervention of any person outside the Department for purposes of personal advantage, transfer, or advancement.
- Section34 Officers shall perform their duty fairly, impartially, and judiciously and are prohibited from inviting or accepting tips, gratuities, rewards, fees, favors, or anything of value. Any donations or rewards intended for the Department must be approved by the Chief of Police prior to being accepted.
- Section35 Officers and employees shall not permit their names or photographs to be used to endorse any product or service which is in any way connected with law enforcement or used in any commercial testimonial which alludes to their position or employment with the Department without the permission of the Chief of Police and the Town Commission.
- Section36 All requests for officers and employees to give or participate in public speeches, demonstrations, and the like will be routed to the Chief of Police for approval.
- Section37 Officers shall not receive presents from subordinates, associates, or superiors, nor shall subscriptions be solicited or made for presents by officers to other officers without the approval of the Chief of Police.
- Section38 Officers of the Department shall not engage in any contest or solicit votes for presents or prizes offered to officers of the Department for securing votes nor engage directly or indirectly in the sale of tickets or the soliciting of advertisements from businesses or promoting same without the permission of the Chief of Police.
- Section39 Orders from superior to subordinate shall be in clear, understandable language, civil in tone, and issued in pursuit of departmental business.

- Section40 No command or supervisory officer shall knowingly issue an order which is in violation of any law or ordinance or departmental rule.
- Section41 Obedience to an unlawful order is never a defense for an unlawful action; therefore, no officer or employee is required to obey any order which is contrary to federal or state law or local ordinance. Responsibility for refusal to obey rests with the officer. He shall be strictly required to justify his actions.
- Section42 Officers or employees who are given orders which they feel to be unjust or contrary to rules and regulations must first obey the order to the best of their ability and then may proceed to appeal. Since supervisors must have the flexibility to handle all situations, departmental orders are written to give the supervisor this flexibility. A supervisor may order a subordinate to violate an order of the department; however, the supervisor must be prepared to explain his actions.
- Section43 Officers shall promptly obey all lawful orders issued by a supervisor officer, including any order relayed from a superior by an employee of the same or lesser rank. Should any order conflict with a previous order from any other superior officer, or with any memorandum, General Order, or provisions of the Cottage City Police Department Manual, the officer to whom such order is given shall respectfully call attention to the conflicting order. If the officer giving the order does not change the order so as to eliminate the conflict, the last order shall stand and responsibility shall rest with the superior officer. The officer obeying the order will not be held responsible for disobedience of any orders previously issued.
- Section44 An officer or employee receiving an unlawful, unjust, or improper order shall, at the first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. If an employee Section believes a directive or policy is illegal or unconstitutional, the employee has an obligation to bring it to the attention of his supervisor.
- Section45 Officers and employees shall not publicly criticize instructions or orders they have received, or the policies of the Department.
- Section46 Officers shall formally report in writing the reception of all information of offenses against the criminal statutes in which any officer of the Department is personally involved. Failure to report any such information shall be considered neglect of duty.

- Section47 Officers seeking information relative to the performance of duty shall first seek guidance from their immediate supervisor. They shall not bypass such immediate supervisor in order to reach those of higher rank. If officers are unable to obtain the desired information, they may request permission from their immediate supervisor to seek the information from officers of higher rank.
- Section48 Every officer shall render respect to supervisors and associates. When addressing supervisory officers, officers shall maintain a respectful attitude and use proper titles. Such courtesy shall be accorded to superior officers of other similarly constituted law enforcement agencies.
- Section49 Each officer of the Department shall cooperate fully with personnel of an Internal Affairs Section or any other officer conducting an Internal Affairs investigation. Supervisory or command personnel will initiate investigations into observed infractions or complaints received which fall into the scope of their authority.
- It shall be the responsibility of any employee to answer fully and truthfully any question pertaining to the investigation of an infraction of law or regulation which might be asked by the investigating authority. Officers shall not make untruthful statements, either verbally or in writing, pertaining to official duties.
- During the course of an internal investigation, an employee does not have the right to refuse to answer any question concerning his/her performance of duty or his/her adherence to departmental rules and regulations. However, any admissions made cannot be used against him/her in subsequent criminal prosecution. An employee must be advised of his rights as soon as it appears the investigation has reached an accusatory state and may result in a criminal prosecution.
- Section50 Any officer may report another officer for violations of any of the provisions of the Cottage City Police Department General Order Manual. The superior officer receiving the report will then investigate the complaint. Written reports of the violation and the investigation will then be forwarded to the Chief of Police.
- Section51 Gross neglect of duty is any act or omission which may be injurious to the officer, fellow officers, or the general public. An officer may be immediately relieved of police responsibility for gross neglect of duty.

- Section52 While in uniform, officers shall not purchase, consume, or be under the influence of alcoholic beverages. Officers are prohibited from purchasing, consuming, or being under the influence of alcoholic beverages while on duty except in the performance of duty. Officers shall not consume alcoholic beverages within the preceding six (6) hours of reporting for duty.
- Section53 Any officer found to be intoxicated while on duty, or while in uniform, on or off duty, shall be taken before the official then in charge of the Department. The officer in charge shall, upon finding that there is reasonable cause to believe that such officer is intoxicated while on duty, place the officer in an administrative leave status for the remainder of his duty assignment. The intoxicated officer may be transported to his residence by a member of the Cottage City Police Department. In all violations of this section, the officer in charge shall take possession of the badge and service weapon of the intoxicated officer. A full report of the incident shall be submitted in writing to the Chief of Police the next business day.
- Section54 Officers are prohibited from placing any alcoholic beverages or controlled substance into any Cottage City vehicle or building unless prescribed by a physician for illness. This section does not apply to intoxicants or controlled substances which are being transported or stored as evidence or found as property.
- Section55 No officer shall knowingly use any controlled substance except for medically approved use as prescribed by a physician. Officers taking medication prior to or while on duty shall notify their supervisor.
- Section56 No officer shall be employed by, own any interest in, or participate in the profits of any establishment devoted in whole or in part to illegal activities. No officer shall enter such establishment unless such entry is related to official duty.
- Section57 Officers shall not feign, simulate or intentionally cause illness or disability to evade the performance of duty. Officers shall not work any outside employment while on sick leave or while collecting Workmen's Compensation. Officers shall not cause themselves to be ill by carelessness, improper conduct or excessive indulgence in drink.
- Section58 Officers shall not smoke or carry cigars, pipes, or cigarettes in their mouths while in uniform and in public view and/or while engaged in conversation with citizens or superior officers. Officers are prohibited from chewing tobacco and tobacco products while on duty. Smoking is not permitted in the Cottage City police facility or vehicles.

- Section59 Gambling in any form by any officer of the Department, while on duty or in uniform, except in the performance of duty, is prohibited.
- Section60 Eating or drinking while on active duty in public view is prohibited, except in public eating places, unless unusual circumstances of duty make it necessary.
- Section61 Officers shall not sleep while on active duty.
- Section62 Officers shall not serve civil processes, nor shall they render assistance in civil cases except to prevent breaches of the peace and to quell disturbances growing out of such matters. Officers will testify in civil cases only when legally summonsed and it is administratively feasible.
- Section 63 When appearing in court, officers will wear the official uniform or clothing conforming to established standards. Officers shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court, such as gum-chewing and smoking.
- Section64 When appearing in Court and not in uniform, officers may carry their weapon concealed after identifying themselves to the bailiff.
- Section65 No officer shall institute any action for damages nor accept any compensation for damages as the result of an incident occurring in the line of duty without first notifying the Chief of Police in writing of such intention.
- Section66 Officers and employees who are receiving compensation from the Town for an injury or illness sustained off duty shall notify the Chief of Police in writing of any intent to institute action for damages for such illness or injury.
- Section67 Any officer who is subpoenaed or summonsed in the civil courts as the result of an incident occurring in the line of duty shall immediately notify the Chief of Police in writing of such fact. An officer or employee shall not volunteer to testify in civil actions. Officers and employees shall not enter into any financial agreement or understanding for appearances as witnesses prior to any trial, except in accordance with current directives.
- Section68 Officers and employees shall confer with the Chief of Police before giving a deposition or affidavit in a civil case. If the Chief of Police determines that the case is of importance to the Town, he shall inform the Town's Attorney before the deposition or affidavit is given.

- Section69 Officers shall not testify before any Alcoholic Beverage Control Board against or in behalf of any person or enterprise applying for license to sell or dispense intoxicating beverages, without the prior approval of the Chief of Police.
- Section70 Any officer or employee subpoenaed to testify for the defense in any trial or hearing, or against the Town or Department in any hearing or trial shall notify the Chief of Police upon receipt of the subpoena. The Chief of Police shall notify the Town's Attorney.
- Section71 Officers shall not be affiliated with any active or reserve military units other than those of the United States Army, Navy, Air Force, Marine, or Coast Guard.
- Section72 Officers and employees shall not affiliate themselves with any organization or group, the constitution or by-laws of which in any way exact prior consideration or which would prevent its officers from rendering proper and efficient service to the Department.
- Section73 Uniformed officers will render full military honors to the national colors and anthem at appropriate times. Officers and employees in civilian dress shall render proper civilian honors to the national colors and anthem at appropriate times.
- Section74 No officer or employee shall knowingly become an officer of or be connected with any subversive organization, except when necessary in the performance of duty, and then only under the direction of the Chief of Police.
- Section75 No employee shall directly or indirectly use or seek to use his official position, authority or influence to control or modify the political action of any other person. Nor shall any employee, during duty hours, engage in any form of political activity. With respect to Cottage City elections, no employee shall take part in any political movement or actively support any candidates, nor shall he support any group of candidates in any manner.
- Section76 Any officer soliciting or contributing money, directly or indirectly, to any person or group engaged in political fund-raising shall be familiar and comply with the applicable laws and regulations.
- Section77 Officers shall not engage in or take part in any argumentative discussions involving political, religious, or racial issues while on active duty. Discussions with persons involved in demonstrations or similar activities in the enforcement or legal requirement is not included in this prohibition.

- Section78 Officers shall report punctually for duty and assignments at the time and place designated by their superior officers. Officers shall be responsible for personally checking each day for their hours and assignments for the following day. This shall not apply on days off or while in a leave status.
- Section79 Officers will not be absent from duty without approved leave or without authority from a superior officer.
- Section80 When not performing active duty, officers shall not absent themselves from their homes for more than 72 consecutive hours without first notifying the Chief in writing as to their forwarding address, telephone number, and date of return.
- Section81 Officers are prohibited from making, causing to be made, or allowing to be made, any duplicates or copies of keys pertaining to the operation of the Cottage City Police Department without the authorization of the Chief.
- Section82 Officers shall promptly pay or otherwise settle all just debts and legal financial obligations.
- Section83 Officers shall not use any private vehicle in the performance of duty, except when authorized or in circumstances of police emergency; however, officers may use their private vehicles for transportation to and from court and training assignments.
- Section84 Officers and employees shall not mar, mark, or deface any surface in the Cottage City building. No material shall be affixed to any wall in the City building without specific authorization from the Chief of Police.
- Section85 Officers and employees shall not mark, alter, or deface any posted notice of the Department except to initial that they have read and understand them. Notices or announcements shall not be posted on bulletin boards without permission of a supervisory officer. No notices of a derogatory nature will be posted at any time.
- Section86 Officers and employees shall not introduce outside computer software and disks into agency owned computer systems or workstations.
- Section87 Officers will not leave any equipment inside of Patrol Vehicle unlocked/unsecured. In such incident, the equipment will be considered abandoned due to officer's negligence.

III. CONCLUSION

In those instances where no rules or general orders exist to cover a specific situation, the matter will be handled as conditions and circumstances warrant.