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# THURMONT POLICE DEPARTMENT

<b>GENERAL ORDER</b>	<i>Date Issued: April 4, 2016</i>	<i>Effective Date: April 4, 2016</i>	<i>Order No: Chapter 3.5</i>
<i>Authority: Chief of Police Gregory L. Eyer</i>		<i>Manual Page No:</i>	
<i>Subject: Rules of Conduct</i>		<i>Replaces Page No:</i>	
<i>Accreditation Standard: Chapter</i>	<i>Distribution: ALL</i>	<i>Amends: Previous Order</i>	<i>Number of Pages: 25</i>
<i>Related Documents:</i>		<i>Rescinds:</i>	

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

**I. PURPOSE:**

To provide the Thurmont Police Department employees with a clear understanding of the constraints and expectations regarding the performance of duties.

**II. POLICY:**

It is the policy of the Thurmont Police Department that all employees shall comply with the rules of conduct as herein stated, with the additions and amendments to these rules that may be promulgated and with all other orders and directives, either verbal or written, which may be issued by competent authority. The violation of any rule of conduct, procedure, or lawful order, whether written or verbal, subjects the violator to disciplinary action. Ignorance of the rules, procedures, and orders of the Department is not justification for any such violation. Employees shall be responsible for their own acts and may not transfer to others their responsibility for executing or failing to execute any lawful order, police duty, or assigned duty by civilian employee.

All personnel of the Department, both sworn and civilian, will be familiar with the rules in this General Order and abide by them. Nothing in this or other General Orders prohibits the Department from conducting investigations into allegations of misconduct, even though the alleged act or omission is not specifically prohibited herein, in Department orders, or in laws or ordinances.

### **III. DISCUSSION:**

Although personal integrity and adherence to high standards of conduct are expected of all department employees, some additional standards are applicable to police officers. In our society, police officers are the primary guardians of public safety, and are entrusted with special enforcement powers. It is, therefore, both appropriate and necessary that the community be protected from abuses of police authority. Additionally, officers are highly visible representatives of government and have a major impact upon the community.

The Law Enforcement Code of Ethics is a statement of professional conduct for police officers. In addition, the code exemplifies the Department's concern for preserving the constitutional rights of all persons, as well as protecting the community from those who choose to violate the law.

Police agencies must demand of their employees the highest standards of conduct in order to establish and maintain public trust. To that end, Police Departments must establish standards of conduct that are clear and concise and define acceptable behavior to all employees.

### **IV. DEFINITIONS:**

#### **1- 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 men 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.

**2- CIVILIAN CODE OF ETHICS:**

I recognize my responsibility to exhibit honesty and integrity through ethical behavior in both my professional and personal life.

I will be obedient to the laws of the State of Maryland and the United States.

I will exhibit respect for my superiors, my peers, other employees, and citizens, and work to promote a harmonious work environment.

I will not, in the performance of my duties, work for personal advantage or profit.

I will give efficient, impartial, prompt and courteous service to the public at all times.

I will accept responsibility for my actions.

I will put loyalty to the highest moral and ethical principles above loyalty to persons or government.

I will never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not, and I will never accept, for myself or anyone else, favors or benefits under circumstances which might be construed by a reasonable person as influencing the performance of my duties.

Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept confidential unless revelation is necessary in the performance of my duty.

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**VI. RULES:**

**1-0 Unbecoming Conduct**

- 1.1) Every employee shall conduct him/herself at all times, both on and off duty, in a manner which reflects most favorably on the Police Department. The phrase "reflects most favorably" pertains to the perception of both the citizens and other department employees. Conduct unbecoming of an employee shall include that which tends to bring the Police Department into disrepute, or reflects discredit upon the employee as a representative of the department, or that which tends to impair the operation or efficiency of the department or employee.
- 1.2) An employee of the Police Department will not injure or discredit a subordinate or fellow employee through unreasonable, unjust, arbitrary, or tyrannical conduct, or abusive language.
- 1.3) An employee of the Police Department shall not maliciously threaten, strike, or assault any other employee of the Police Department.

**2-0 Insubordination**

- 2.1) Employees of the Police Department shall, unless otherwise directed by competent authority, transact all official business with employees senior in rank or classification only through the official chain of command.
- 2.2) Employees will obey all orders from superiors, whether written or verbal, except when compliance with such orders would require the commission of an illegal act. No employee without adequate justification will intentionally issue an order that is contrary to an order issued by a superior. Employees to

- whom conflicting orders are issued will call immediate attention to such conflict; however, if the conflict is not resolved, the last order will be obeyed.
- 2.3) Any order may be countermanded in an emergency. An employee countermanding a prior order will immediately report the reason for his/her action to his/her commanding officer. Responsibility for all prudent and reasonable action necessary for compliance with orders will remain with the superior issuing the order. Accountability for all actions taken in compliance with orders remains that of the person taking such action.
  - 2.4) At the scene of an incident, the assigned employee shall be in charge until relieved at the direction of another officer senior in rank or as may otherwise be directed by competent authority.

### **3-0 Criticism**

An employee shall not criticize or ridicule the Thurmont Police Department, any other agency, or the Maryland Judiciary, their policies, or their officers by speech, in writing, or other expression in any other manner, when such speech, writing, or other expression is defamatory, obscene, unlawful, exhibits a reckless disregard for truthfulness, or tends to undermine the operation of the police department, other agency, or the judiciary by impairing their efficiency or interfering with their operation or maintenance of discipline.

### **4-0 Abuse of Position**

- 4.1) While deprived of police powers, police employees of the department will not wear the uniform and will not represent themselves in an official capacity as an employee of the Police Department.
- 4.2) An employee is prohibited from using his/her official position or his/her official identification card or badge for personal or financial benefit or as a means of obtaining privileges not otherwise available to him/her, or for avoiding consequences of illegal acts. An employee is prohibited from using his/her official position or his/her official identification card or badge for financial benefit or as a means of obtaining privileges not otherwise available to another person, or for avoiding consequences of illegal acts by another person. An employee may not lend his/her identification card or badge to another person, or permit it to be photographed or reproduced without written approval of the Chief.
- 4.3) An employee shall not permit or authorize the use of his/her name, photograph, or official title identifying him/her as an employee of the Thurmont Police Department in connection with testimonials or advertisements of any commodity or commercial enterprise, or for personal reasons without the written approval of the Chief.

- 4.4) An employee shall not sign a petition, without the authority of the Chief, when the signature identifies him/her as a member of the Police Department; nor shall any employee sign any petition which has an unlawful purpose. However, any employee may sign a lawful petition as a lawful citizen.
- 4.5) An employee shall not address a public gathering, appear on radio or television, prepare any article for publication, act as a correspondent to a newspaper or a periodical, release or divulge investigative information or any other matters of the Police Department, either in an official or unofficial capacity without first having obtained permission from his/her commanding officer.

**5-0 Associations**

- 5.1) Employees shall avoid associations or dealings with persons whom he/she knows or should know, are racketeers, gamblers, felons, persons under criminal investigation or indictment, or others who have a reputation in the community for felonious or criminal behavior, except as directed by a superior.
- 5.2) An employee shall not visit or enter a house of prostitution, gambling house, or any other establishment wherein the laws of the United States, the laws of the State of Maryland, or any other law or ordinance of a political subdivision are violated except in the performance of duty and while acting in response to law and specific orders of a superior.
- 5.3) An employee of the Thurmont Police Department shall not in any manner affiliate him/herself with any organization, association, movement, group or combination of persons which advocates the overthrow of the government of the United States or any state, or which has adopted the policy of advocating or approving the commission of acts of force or violence to deny any person his/her right under the Constitution of the United States or any state, or which seeks to alter the form of government of the United States or any state by unconstitutional means.

**6-0 Immoral Conduct**

- 6.1) Every employee shall maintain a level of moral conduct in his/her personal affairs which is in keeping with the highest standards of the law enforcement profession. No employee shall be a participant in any incident involving illegal activity which compromises or has the potential to compromise his/her ability to perform as a law enforcement officer or as an employee of the Thurmont Police Department, or causes the department to be brought into disrepute.

- 6.2) Any employee directly involved in the investigation or handling of any crime or other police matter will not become personally or sexually involved with any complainant, suspect, informant, defendant, witness or victim of that incident, from the time the case becomes known to the Department until the final disposition of the case.
- 6.3) Each employee will maintain a level of moral conduct in his personal life which is in keeping with the highest standards of the law enforcement profession, as outlined in the Law Enforcement Code of Ethics.

**7-0 Conformance to Laws**

- 7.1) An employee shall not violate his/her oath of office and trust or any other condition of his/her employment with Thurmont, or commit an offense punishable under the laws or statutes of the United States or any sovereign nation, the State of Maryland, or public local laws or ordinances. Any employee who has been charged with a violation of any law, statute, or public local law or ordinance stipulated in this Section must report the facts concerning such violations to his/her commanding officer. Parking violations, except when they are issued to a Thurmont Police Department's vehicle, are exempted from this subsection.
- 7.2) The fact that an employee has been charged with and is awaiting trial for an offense shall not prevent the Chief from taking any action that he/she deems necessary until the charges are resolved.

**8-0 Payment of Debts**

- 8.1) Employees of the Thurmont Police Department will make every effort to pay all just debts and legal liabilities. Disciplinary action may be taken when:
  - 8.1.1) Judgements or creditors have been finally adjudicated and the employee, even though able to pay, has refused to comply with such judgement, or
  - 8.1.2) The effects of such indebtedness have adversely affected the ability of the employee to perform his/her job or have negatively reflected on the reputation or effectiveness of the Thurmont Police Department.
- 8.2) Absent extenuating circumstances, disciplinary action shall be inappropriate where:
  - 8.2.1) The employee has made a genuine and sincere effort to pay the debts, or
  - 8.2.2) The employee has filed for a voluntary bankruptcy petition.

**9-0 Seeking or accepting gifts, discounts, or gratuities**

- 9.1) Except as noted below, employees will not accept, seek, or solicit, either directly or indirectly any gift, discount, or gratuity on the basis of their membership in the Department, from any individual, business establishment or merchant without the specific approval of the Chief of Police.
- 9.2) Unless a gift of any of the following would tend to impair the impartiality and/or the independent judgment of an employee, or is of such value that would give the appearance of doing so, or the employee believes it is designed to do so, this Section does not apply to the following if unsolicited:
  - 9.2.1) meals and beverages for on-duty consumption;
  - 9.2.2) ceremonial gifts or gifts of nominal value (\$25.00 or less) or trivial items of informational value;
  - 9.2.3) gifts of tickets or free admission extended to an employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the Department rather than to an individual;
  - 9.2.4) any other gift, discount, or gratuity that would not present a conflict of interest upon approval by the Chief of Police.
- 9.3) Employees will not accept, seek, solicit, or share in any fee, reimbursement, reward, or other compensation for the performance of their official duties unless specifically authorized by the Chief of Police, or accept same for their failure to perform such duties.

**10-0 Accepting bribes:**

Employees will not accept any bribe in any form whatsoever. Employees will immediately report, and will initiate appropriate enforcement action in the case of, any offer, or attempt to offer, any bribe or inducement made in an effort to influence their official conduct.

**11-0 Political Activity**

- 11.1) The political association and political conduct of employees of the Thurmont Police Department shall be in conformance with established policies and procedures.
- 11.2) Employees of the Thurmont Police Department shall not participate in political activity while on duty or in uniform.

**12-0 Labor Activity**

An employee shall not engage in any strike or job action. Strike or job action includes, but is not limited to, failure to report for duty, willful absence from duty, unauthorized holidays, sickness unsubstantiated by

physician's statement, stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in condition, compensation, rights, privileges, or obligations of employment.

**13-0 Secondary Employment**

Police Department personnel shall not be employed in any capacity in other business, trade, occupation, or profession, while employed by the Thurmont Police Department, except as established by policy and approved by the Chief.

**14-0 Thurmont Police Department Communications**

- 14.1) An employee shall submit all reports, both verbal and written, required by the police department, on time and in accordance with established procedures. All official business transacted by Thurmont Police Department employees must be processed through official channels.
- 14.2) The following procedure will govern the submission of reports on administrative investigations:
- 14.2.1) During any administrative investigation an accused employee shall, upon order of competent authority, submit a written report detailing the facts concerning involvement in an incident being investigated where the incident is related specifically, directly, and narrowly to the performance of official duties.
- 14.2.2) Whenever a sworn employee of the Thurmont Police Department is ordered to submit a detailed report concerning an incident in which the employee is alleged to have been involved and if the authority ordering the report knows, or should have known, that the report is likely to contain information which may be used as evidence against the employee in a disciplinary hearing, then the authority ordering the report will abide by Rules and Procedures for Internal Investigations and LEOBR. These criteria do not apply to the submission of procedural reports required by Thurmont Police Department standard operating procedures, rule or policy.
- 14.3) Thurmont Police Department employees shall report to his/her superior all information that comes to his/her attention concerning organized crime, racketeering, vice conditions, etc.
- 14.4) All reports submitted by employees of the Thurmont Police Department will be truthful; no employee shall knowingly report or cause to be reported any false information. A clear distinction must be made between reports which contain false information and those which contain

- inaccurate or improper information. To prove by a preponderance of evidence that one has submitted a false report, evidence must be presented for consideration that such report is designedly untrue, deceitful, or made with the intent to deceive the person to whom it was directed.
- 14.5) All reports submitted by employees of the Thurmont Police Department will be complete and will not contain improper or inaccurate information. Inaccurate or improper information may be characterized by that which is untrue by mistake or accident made in good faith, after the exercise of reasonable care.
  - 14.6) An employee shall treat the official business of the Thurmont Police Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established procedures. An employee may remove or copy official records or reports only in accordance with established procedures. An employee shall not divulge the identity of a person giving confidential information, except as authorized by proper authority in the performance of police duties.
  - 14.7) The content of draft promotional and transfer lists or other material labeled "DRAFT" or "CONFIDENTIAL" must be treated with the utmost sensitivity, as items of this nature may differ significantly when finalized. Only those employees officially directed under competent authority to review, discuss or have input into draft and confidential material may divulge the content of said material and then only to employees specifically authorized by official directive.
  - 14.8) All employees shall maintain a home phone or mobile phone and make all of their contact numbers known to the police department. Employees will also provide their complete address, and any changes made to their address, known to the police department. Employees will provide their contact information upon the beginning of their employment and notify the department immediately of any changes while employed with TPD.
  - 14.9) Employees knowing of other members or employees violating laws, ordinances or rules of the police department, or disobeying orders (verbal/written), shall report same verbally and in writing to his/her immediate supervisor through official channels. If the employee believes the information is of such gravity and importance that it must be brought to the immediate personal attention of the Chief, official channels may be bypassed.
  - 14.10) It will be the responsibility of the employee once issued voice mail access to check his/her voice mail during a regular working week at least every working day. Access to the voice mail can be accomplished from the employee's residence, which is required to have a working telephone. If

an employee is in training or on annual leave or extended sick leave, it is recommended every effort be made to check the voice mail at least once a week. A supervisor should be aware of his subordinates' leave and training schedule and avoid leaving time-date due messages while the employee is away from the office for the above-mentioned reasons.

- 14.11) It will be the responsibility of the employee to check his/her office email and mailbox, and clean them out at least once a week during a regularly scheduled work week. Should the employee be at training, on annual leave or extended sick leave, the mailboxes will be checked immediately upon his/her return to regular duties. Supervisors should be aware of their subordinates' leave and training schedules and return dates before placing time-dated materials in their mailboxes.
- 14.12) Telephone etiquette - At all times when talking on the telephone, Thurmont Police Department employees shall conduct themselves in a professional, pleasant and business-like manner. The person answering the telephone shall answer, Thurmont Police Department (their title or rank, and then their last name). Employees shall endeavor to answer incoming calls within three (3) rings.

## **15-0 Interrogations**

- 15.1) In all instances where an employee of the Thurmont Police Department has been accused of an act of misconduct or of any other impropriety, the commission of which is a violation of any rule of conduct, procedure or order, the employee shall, after being advised of his/her rights as specified in the Thurmont Police Department Disciplinary Procedures be subject to the established procedures. To the extent that the allegations of misconduct against an employee may also involve a violation of the criminal law, the procedures must be administered consistent with established constitutional rights guaranteed to all individuals charged with, or suspected of, criminal offenses.
- 15.2) During any administrative investigation an accused employee shall, at the request of competent authority, submit to an interrogation, in accordance with LEOBR for sworn officers. The questions to be asked during the interrogation will be related specifically, directly, and narrowly to the performance of the employee's official duties and to the subject matter of the current investigation.
- 15.3) On the order of competent authority, an employee shall submit to any medical, chemical, or other tests, photographs or lineups. All procedures carried out under this rule shall be specifically, directly, and narrowly related to the nature and scope of the accused's employment and conduct.

**16-0 Reporting for Duty**

- 16.1) An employee of the Thurmont Police Department shall not absent him/herself without properly approved leave.
- 16.2) An employee shall report for duty at the time and place specified by superiors and shall be physically and mentally fit to perform assigned duties. The employee shall be properly equipped and cognizant of information required for the proper performance of duty so that the employee may immediately assume assigned duties. The employee shall report for duty with and use any prescription lenses - eye glasses or contact lenses - that are required for the safe and/or effective performance of duties.
- 16.3) Every employee shall log or have logged on the appropriate form the time his/her tour of duty began and ended and the times of arrival and departure from and facility to which he/she may report. Notification will be made by radio or in person to the employee's assigned unit or to the unit within the area which he/she is working or to which he/she has been temporarily assigned.
- 16.4) If any employee is unable to report for duty due to sickness or other causes, such employees shall, not less than one hour prior to reporting time, notify his/her immediate superior of the reasons for the absence, unless unable to do so.
- 16.5) Sworn employees, while off duty, shall be subject to call at all times. In the event of an emergency or potential emergency, employees ordered to an "inactive-on call" duty status and those required to leave word where they may be reached, will notify the shift supervisor of the location and the phone number where they can be contacted.
- 16.6) During emergency situations all employees are subject to 24 hour call to duty.

**17-0 Fictitious Illness or Injury Reports**

- 17.1) An employee shall not feign illness or injury, falsely report him/herself ill or injured, or otherwise deceive or attempt to deceive any official of the Thurmont Police Department as to the condition of his/her health or that of a qualifying family member.
- 17.2) Employees shall render prompt assistance in all cases of accident or illness that require immediate attention and shall take such action as may be necessary.
- 17.3) Employees shall report promptly in writing to their immediate supervisor any injuries to their person, persons in their custody or damage to town equipment in their possession or control irrespective of when or where such injury or damage occurs. This report shall be in complete detail and

give the full information of any witness. In the event the employee is injured to such an extent as to make this impossible, his/her immediate supervisor, as the ranking officer, shall make a prompt verbal report to the Chief and follow this as soon as practical with a full written report.

**18-0 Interference with Duty**

- 18.1) An employee shall not attempt to bring influence to bear on the Chief or a superior officer for the purpose of securing promotion or transfer, or to avoid penalties for violations of the Thurmont Police Department policies, rules, procedures, or orders.
- 18.2) An employee shall not interfere with cases assigned to other employees for investigation without consent, except by order of a superior officer; nor shall he/she interfere with the operation of the department. An employee shall not interfere with any lawful arrest or any prosecution brought by other Thurmont Police Department employees, or by any other agency or person. An employee shall not undertake any investigation or other police action not a part of his/her regular duties without first obtaining permission from his/her superior unless he/she can justify the need for immediate intervention.
- 18.3) An employee of the Thurmont Police Department shall not be directly or indirectly concerned with making arrangements, agreements, or compromises between a criminal and a person who has suffered from the criminal acts for the purpose of allowing the criminal to escape punishment prescribed by law. Any employee having knowledge of such an arrangement, agreement, or compromise shall report such to his/her immediate superior without delay. If an employee has knowledge of a superior officer making such arrangements, agreements, or compromises the employee may report the information directly to the Chief.
- 18.4) An off duty employee is prohibited from taking official action in a personal dispute involving neighbors, friends or relatives, unless the employee's involvement is necessary to prevent physical injury to others.
- 18.5) An employee of the Thurmont Police Department shall not reveal the identity of an employee assigned to plain clothes or covert investigative work. An employee shall not recognize such employees unless such other member recognizes or acknowledges him/her first.

**19-0 Abuse of Process/Withholding Evidence**

An employee shall not intentionally manufacture, tamper with, negligently handle, falsify, destroy, or withhold evidence, information, or any legal process, or make any false accusations of a criminal charge.

**20-0 Evidence/Found and Recovered Property**

Property which has been received as evidence in connection with investigations of which, for any other reason, comes into the custody of the Thurmont Police Department, will be processed in accordance with established procedures. An employee shall not convert to his own use, manufacture, tamper with, or damage through negligence, or destroy, or in any other way misappropriate any evidence or any other material or property found in connection with an investigation or other law enforcement action, except in accordance with established procedures.

**21-0 Suggestions Pertaining To Service**

An employee shall not recommend, advise, direct or suggest in any manner, except in the transaction of personal business and then representing him/herself as a private citizen, the employment or procurement of a particular product, professional service, or commercial service.

**22-0 Requests for Assistance**

- 22.1) When the public requests assistance or advice, either by telephone or in person, all pertinent information will be taken in an official and courteous manner, and will be acted upon consistent with established procedures.
- 22.2) Sworn employees of the Thurmont Police Department shall act only in an official capacity, in civil cases, where such action is consistent with the lawful duties of the Thurmont Police Department.
- 22.3) No employee shall testify in any civil court action unless served with a legal subpoena except in cases where the employee is the plaintiff or is related to the litigant by blood or marriage. Only designated employees shall accept service of any civil process or any subpoena from an allied or governmental entity on behalf of any other employee. All employees shall confer with their supervisor or higher before giving a deposition or affidavit in a civil case resulting from the performance of official duties. No employee will accept any civil process or subpoena from a private process agent on behalf of another employee.

**23-0 Citizens' Complaints**

Employees shall courteously and promptly accept any allegation or complaint made by a citizen against any employee of the Thurmont Police Department. The receipt and processing of all complaints shall be in conformance with established procedures.

**24-0 Courtesy**

- 24.1) Employees shall be courteous to the public and to fellow employees. Employees shall be tactful in the performance of duties, shall control temper and exercise utmost patience and discretion, and should refrain from engaging in argumentative discussions. While on duty or in the performance of duties, employees shall not use coarse, violent, profane, or insolent language or gestures toward the public or fellow employees. Employees shall not express any prejudice or use language which might be insulting or demeaning to the public or fellow employees concerning race, sex, religion, politics, national origin, lifestyle, or similar personal characteristics.
- 24.2) Employees will at all times show respect for their fellow employees and will conform to the rules of discipline and courtesy as prescribed by the Chief.

**25-0 Identification**

- 25.1) During the times that an employee is on duty and not readily identified by the uniform of the Thurmont Police Department, he/she shall carry a badge and credentials (Identification Card and MPTC Card) on his/her person. While off duty an employee shall have their credentials with them if they are carrying a firearm. He/she shall furnish name, identification number and assignment to any person properly entitled to this information, at any time except when authorized not to do so by proper authority and when such refusal may be necessary for the proper performance of duties.
- 25.2) When a sworn employee makes a traffic stop or makes an arrest while in civilian clothes, he/she shall make proper identification to the violator and display his/her badge and/or identification card.

**26-0 Personal Appearance**

All employees will maintain a neat, well-groomed appearance and will style hair and wear uniforms consistent with established policy and procedures.

**27-0 Neglect of Duty**

- 27.1) Employees shall be punctual in attendance to all calls, requirements of duty, court appointments, and other assignments
- 27.2) An employee will not read, play games, watch television or movies, or engage in any activity or personal business while on duty that would cause neglect or inattentiveness to that duty.
- 27.3) The failure of an employee to take appropriate action, either on or off duty, on the occasion of a crime, disorder, or other condition deserving law enforcement or Police Department administrative attention is

considered neglect of duty.

- 27.4) An employee will not, without proper authorization, absent him/herself from assigned place of work during his/her tour of duty.
- 27.5) Employees will remain awake and alert while on duty. If unable to do so, he/she will report to a superior officer, who will determine the proper course of action.
- 27.6) An off duty employee operating an agency vehicle shall take action whenever:
  - 27.6.1) An emergency call is dispatched and the off duty member is close to the call.
  - 27.6.2) When assistance is requested.
  - 27.6.3) When a crime is committed in their presence.Any official action taken by an off duty employee shall be reported to communications for assignment of an incident number.

**28-0 Use of Alcoholic Beverages**

- 28.1) Employees will not drink intoxicating beverages while in uniform or while on duty unless it is necessary for the performance of duty. In every case where it is necessary for an employee to use intoxicating beverages while on duty, written permission must be obtained from the Chief. An employee given written permission to consume intoxicating beverages while on duty may not do so to the extent that his/her ability to perform his/her duty is impaired.
- 28.2) Employees ordered to an "inactive-on call" status will not consume alcoholic beverages during the time the employees are on call. An employee who, by virtue of a written or verbal order, duty schedule, etc., is informed that he/she has been placed in an unrestricted standby duty status and that it is expected the employee will be able to immediately report for duty if so called, will not consume alcoholic beverages.
- 28.3) An employee not in an "inactive-on call" or unrestricted duty status who has consumed intoxicating beverages and is recalled to duty will refrain from further consumption of such beverages and every such employee will be afforded sufficient reporting time to assure fitness for duty.
- 28.4) Off-duty employees are also prohibited from taking official action while under the influence.

**29-0 Use of Drugs**

Employees will not use any controlled dangerous substance, narcotic, or hallucinogen, except when prescribed in the treatment of an employee by a licensed physician or dentist. When controlled dangerous substances, narcotics, or hallucinogens are prescribed, employees will notify their

immediate supervisor, who will in turn notify the Chief.

**30-0 Gambling**

Employees will not engage 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 superior.

**31-0 Treatment of Persons in Custody**

- 31.1) Thurmont Police Department employees will not mistreat prisoners who are in custody. All persons in custody will be handled in accordance with established procedures.
- 31.2) No employee shall request, demand, or accept personal services from any inmate/prisoner, or from anyone on behalf of an inmate/prisoner.
- 31.3) Thurmont Police Department employees will not, without proper authority, release any prisoner in his/her charge or, through neglect or design, allow any prisoner in his/her charge to escape.

**32-0 Thurmont Police Department Equipment**

- 32.1) Thurmont Police Department equipment will be used and maintained in accordance with established procedures and will not be abused, damaged, altered, or through negligence, lost. Thurmont Police Department employees will not cause or contribute to the damage, abuse, alteration, or loss of any equipment through negligence or carelessness.
- 32.2) Any employee deprived of police powers will turn in all Thurmont Police Department issued equipment designated in the order suspending his/her police powers.
- 32.3) Employees will operate official vehicles in a careful and prudent manner, and will not through negligent or careless operation incur or cause damage to be incurred to Thurmont Police Department property or to the property of another. Employees will obey all laws of the State of Maryland and all local ordinances, and conform to all procedures and regulations pertaining to operation and maintenance of assigned vehicles on a permanent or temporary basis. Employees will at all times set a proper example for other persons in the operation of a vehicle.
- 32.4) Damage to or loss of equipment will be reported in conformance with procedures.
- 32.5) Employees will not have any item of the Thurmont Police Department equipment repaired, adjusted, or modified without official authorization.
- 32.6) Only employees of the Thurmont Police Department will be permitted to operate or attempt to operate any Police vehicle, or use any issued firearm, or other item of property owned by the Thurmont Police Department;

however, specific exceptions to this rule may be issued by a supervisor with concurrence of the Chief.

- 32.7) All employees of the Thurmont Police Department while operating official vehicles shall utilize available safety equipment, such as seat belt and harness.
- 32.8) Personnel leaving vehicles at a commercial establishment for service will remove all weapons from the vehicle.
- 32.9) Officers may purchase official Thurmont Police Department badges for personal use and may, while employed as a Thurmont Police Department Officer, wear or display the badge as described in policy.

**33-0 Incompetence**

- 33.1) Employees of the Thurmont Police Department shall be held strictly responsible for the proper performance of their duties. Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
- 33.2) 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 Thurmont Police Department.
- 33.3) Employees are to perform their duties diligently. Indifference, carelessness, or negligence will constitute grounds for disciplinary action. Staff members will at all times cooperate with and protect other staff members. Any shirking of responsibility will be considered neglect of duty.

**34-0 Safety and Fire Prevention**

It is mandatory that employees become familiar with and comply with safety and fire prevention and control procedures. Employees must immediately correct and/or report unsafe conditions and/or fire hazards.

**35-0 Changing Posts or Assignments**

Employees are not permitted to leave their assigned post or exchange assigned duties unless properly and officially relieved or authority has been granted by their immediate supervisor.

**36-0 Control of Keys, Tools, Security Equipment, Drugs, Toxic and Dangerous Materials**

Employees are responsible for exercising extreme caution at all times to adequately control said items and to prevent prisoners from gaining access to them. The loss of any of these items or the inability to account for them must be immediately reported to the Chief. Under no circumstances is a prisoner to be permitted to handle keys of any type. Personnel shall not

duplicate any key without first obtaining permission from an immediate supervisor.

**37-0 Contraband**

Contraband is defined as any item which is unlawful to possess.

Employees are forbidden to possess contraband except in the line of official duty. Contraband is also defined as any article which is brought into the Frederick County Adult Detention Center other than through official channels. Employees are forbidden to take contraband into the facility.

**38-0 Chain of Command**

Employees will always follow the established chain of command in conducting official business. Specific persons in that chain of command may be omitted if such persons are the subject of a complaint. Employees will not contact persons outside the agency regarding a complaint without first advising the Chief via the chain of command. If the complaint involves the Chief or is against the Chief, the Mayor will be notified.

**39-0 Personnel File**

Personnel files are considered confidential and are not to be handled by anyone other than authorized personnel.

**40-0 Polygraph Examination**

As a condition of employment and under conditions articulated in the law, Thurmont Police Department Officers are subject to polygraph examinations.

**41-0 Court Appearance Compensation**

- 41.1) Personnel will be paid a minimum of three hours pay for court appearances, whenever they attend in an off-duty status.
- 41.2) Personnel will notify the Emergency Communications Center dispatcher, who will record the time, when they arrive at the courthouse and when they depart the courthouse.

**42-0 Military Courtesy**

- 42.1) Military courtesy deals with affording correct courtesy and respect to the nation, commanders, subordinates, and fellow law enforcement officers.
- 42.2) Hand Salute, uniformed members of the Thurmont Police Department shall render the proper hand salute when the National Anthem is being played, the raising, or lowering of the American flag, and the passing of the American flag.
- 42.3) Officers of the Thurmont Police Department will render a hand salute and give a greeting when they encounter the Chief or other Command

personnel upon the first encounter of the day.

- 42.4) Officers of the Thurmont Police Department will render a hand salute and give a greeting when they encounter officers from allied agencies, and Federal, State, and County heads of government.
- 42.5) The exchange of salutes between fellow officers and fellow law enforcement officers is encouraged, but it is not mandatory.

**43-0 Following Orders**

Every employee shall follow all orders or directions of a superior officer in the Thurmont Police Department. Failure to follow all orders or directions will be a violation of the Rules of Conduct of the Thurmont Police Department.

**44-0 Enforcement of all Criminal and Traffic Laws**

- 44.1) Although the primary responsibility for enforcing certain criminal or traffic laws may be delegated to particular subdivisions of the Department, all officers are responsible for taking prompt and appropriate police action concerning any violations or situations which come to their attention.
- 44.2) All officers of the Department, regardless of their rank or assignment, will take immediate action in an effort to fulfill the law enforcement objectives of the Department. Consequently, off duty officers will immediately notify the Department or one of its on-duty officers of any emergency situation requiring a police response within the City, and will take those measures which are appropriate, consistent with the gravity of the incident, until the arrival of an on duty officer or relieved by higher authority, if warranted.

**45-0 Arrest, Search and Seizure:**

- 45.1) All arrests, searches, seizures, and other police actions will be in accordance with the Constitution of the United States and the laws of the State of Maryland and the Department General Orders.
- 45.2) Officers will not deprive any person of their Constitutional rights.
- 45.3) Except as provided by law, consideration of race, ethnicity, age, gender, sexual orientation, religion, economic status or cultural group will play no part in the formulation of probable cause or reasonable articulable suspicion.
- 45.4) Officers will, within the scope of their authority, make reasonable inquiries, conduct impartial investigations, and make arrests in compliance with the laws of arrest.

**46-0 Release of arrestee**

If an officer makes an arrest based on probable cause, but subsequently determines that the placing of charges is inappropriate, i.e., the arrestee suffers from a medical condition or a witness will not cooperate, lack of evidence, etc., the officer may release that person, fully documenting his actions on an incident report and other appropriate documentation.

**47-0 Public statements and appearances**

Employees of the Department will not publicly criticize or ridicule any investigation, City official, event, member of the Judiciary, operation, order, other employee, or the Department, its policies, orders or personnel in any manner where such expression is defamatory, obscene, unlawful, or tends to undermine the effectiveness of the Department or interfere with the maintenance of discipline, or is made with a reckless disregard for the truth.

**48-0 Civility and Respect**

48.1) Employees will conduct themselves in a professional manner to include being as civil, courteous, orderly, patient, and tactful as a reasonable and prudent person is expected to be in any given situation. Employees will not use any disrespectful, profane, or unprofessional language, actions, and/or gestures toward any citizen, fellow employee, subordinate, or superior officer, whether on or off duty. Officers acting in an undercover capacity who have not identified themselves as police officers may use language appropriate to their undercover capacity.

48.2) Employees will respond to citizen's questions to the best of their ability, treating all inquiries in a professional manner. If an employee is unable to properly answer a citizen's question, he will make every effort to obtain an answer, avoiding argument and sarcasm and remaining in control of his temper. If requested, he will display his Departmental identification card and furnish a citizen (in writing if requested) with his name, badge number, rank, and duty assignment in a courteous manner, unless such disclosure would compromise a specific covert assignment.

48.3) In exigent circumstances, it is not a violation of this regulation for employees to use firm, professional language, appropriate in volume and tone, to gain or maintain control of any situation.

48.4) Sworn and civilian employees will extend and exhibit, both on and off duty, and either in uniform or out of uniform, the proper courtesy and respect to all superiors.

48.5) All employees will, when on duty and in public, refer to all officers and employees by their rank or title. Subordinates will, in all professional/ workplace settings, address superiors by their rank or title.

- 48.6) Officers will, when appropriate, render a hand salute upon greeting a Command Officer, in accordance with General Orders.

**49-0 Confidentiality**

- 49.1) The official business of the Department will be treated as confidential. Confidential departmental information will not be released or discussed with any person inside or outside of the agency unless permitted by General Order or authorized by the Chief of Police or his designee.
- 49.2) Employees will not disclose, divulge, discuss, or otherwise impart to any person either inside or outside of the Department who does not possess an official “need to know” any confidential information whatsoever obtained by virtue of his employment with the Department, including, but not limited to, criminal history record information, personnel records, internal investigations, computer and police records of all types, and all other records and information of whatever type which a reasonable person would consider confidential.

**50-0 Truthfulness**

- 50.1) Employees will speak and write the truth at all times and under all circumstances. In cases where an employee is not allowed by Departmental policy or order to divulge facts that are within his knowledge, he will decline to speak on the subject.
- 50.2) Employees will not make any false, fictitious, or misleading statements, or coerce, entice, or suggest that any other person do so, either verbally or in writing.
- 50.3) Employees will not knowingly withhold information relevant to any incident, investigation, or situation.
- 50.4) Employees will not fake illness or injury, falsely represent themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department or any other governmental agency or individual authorized to conduct such an inquiry as to the condition of their health.
- 50.5) This section does not apply to situations in the course of authorized investigations or operations, in which an officer may use “reasonable subterfuge” with the knowledge of their supervisor.

**51-0 Discourtesy**

51.1) Employees will not use profane language or any other language, gesture or reference to an individual's race, color, creed, sex, religion, sexual orientation/preference, nationality/ethnic origin or disability which by its very nature or by contemporary community standards is intended to, or would be perceived by a reasonable person to be intended to, or actually does, insult, demean, or offend an individual or group of individuals.

51.2) The use of such language, etc. will be construed as discourteous if it is reported to have occurred during the course of an employee's official duties or, if it occurs while off-duty and the Department determines that it has brought discredit to the Department and/or the law enforcement profession.

**52-0 Discretionary judgment**

Employees will exercise discretion in the resolution of all matters unless there are controlling General Orders, laws, standard operating procedures, or supervisory direction governing a specific situation or set of facts, using their training, experience, and common sense and always remaining in accordance with the Mission of the Department, Community Policing practices, and law enforcement objectives of the agency.

**DOCUMENT DATES:**

*Amends: Previous Order*

*Amended Date: April 4, 2016*

*Review Date: April 4, 2016*

*Order Written By: Lt. P.A. Droneburg*

*Order Edited and Approved By: Chief Gregory L. Eyer*

*Accreditation Standards Included in this Order*  
**CHAPTER**