

GENERAL ORDER #: RR-5.1

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5.1 GENERAL RULES OF CONDUCT

5.1.1 RULES OF GENERAL CONDUCT This section of the General Orders Manual deals with members' conduct, both on and off-duty. The essential requisites of a good police officer are honesty, courage, intelligence, good morals, even temper, promptitude, impartiality, and pleasant address.

5.1.2 VIOLATION OF RULES Members shall not commit any acts or omit any acts which constitute a violation of any provision of the General Orders Manual, or any of the rules, regulations, directives, or orders of the department, whether stated in this Manual or elsewhere.

5.1.3 UNBECOMING CONDUCT All members shall conduct themselves at all times, both on and off-duty, in such a manner as to reflect most favorably on the department. Unbecoming conduct shall include that which brings the department into disrepute or reflects discredit upon the member as an employee of the department or that which impairs the operation or efficiency of the department or member.

5.1.4 IMMORAL CONDUCT All members of this department shall maintain a level of moral conduct in their business and personal affairs which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident involving moral turpitude which impairs their ability to perform their duties, which causes a negative effect upon the department's effectiveness or efficiency, or causes the department to come into disrepute.

5.1.5 VISITING PROHIBITED ESTABLISHMENTS Members shall not knowingly visit, enter, or frequent a house of prostitution, gambling house, or other establishment where the laws of the United States, the state, or local jurisdiction are regularly violated, except in the performance of duty and if required to enter such place, officers shall report such fact to their supervisor.

5.1.6 STATEMENT OF POSITION The department construes the following sections to mean that members shall not place themselves in a position where the member's private interests may appear to or may actually conflict with their official position and duties, or by reason of which the member's loyalty, objectivity, or judgment may be impaired. The appearance which the members project, as well as their actions, are deemed by the department to be important elements in determining whether or not there is compliance with or violations of these sections.

5.1.7 ACCEPTANCE OF BRIBES No member shall accept a bribe or engage in any act of extortion or other unlawful means of obtaining money or property of any kind, individually or collectively.

5.1.8 SOLICITING REWARD No member of the department shall solicit any reward for the performance of duties or seek or ask for a gratuity of any kind, individually or collectively.

5.1.9 ACCEPTING REWARDS, LOANS, OR GIFTS No member of this department shall accept, directly or indirectly, from any person liable to arrest or to complaint, or in custody, or after discharge from custody, or from any friend or friends of any such person, any gratuity, fee, loan, reward or gift whatsoever.

5.1.10 GRATUITIES Members shall not solicit or accept from any person, business, or organization any gift, including money, tangible or intangible personal property, food or beverage at reduced or no cost, loan, promise, service, or entertainment for the benefit of the officer, employee, or the department 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;
2. Has an interest which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

5.1.11 ABUSE OF POSITION Members shall not:

1. 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 the consequences of illegal acts;
2. Lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief of Police;
3. Authorize the use of their names, photographs, or official titles which identify them as members of the department in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police.

5.1.12 ABUSE OF PROCESS Officers shall not make false accusations of a criminal or traffic charge.

5.1.13 GAMBLING Members shall not engage in or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior officer.

5.1.14 COLLECTIONS-SOLICITING Members shall not collect any money, property, or other thing of value from citizens or other persons for any purpose, neither shall they solicit subscriptions or sell tickets for any purpose while representing themselves as employees of the Hamilton Police Department, without permission of the Chief of Police. This section is not meant to prohibit such actions between co-workers upon the approval of the Chief of Police.

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5.1.15 CONTESTS-ADVERTISING Members of the department shall not:

Engage in any contest nor solicit presents or prizes while representing themselves as members of the Hamilton Police Department; Permit the use of their names for advertising purposes, or by testimonial recommendation or other means, participate in any advertising scheme or enterprise while representing themselves as members of the Hamilton Police Department.

5.1.16 SEEKING PUBLICITY Members of the department shall not, directly or indirectly, seek notoriety through the media.

5.1.17 SEEKING AID Members shall not seek to exert the influence of prominent citizens, persons holding public office or persons connected with political organizations in any manner affecting their own assignments or the status of others within the department.

5.1.18 ASSOCIATIONS Members shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the member.

5.1.19 INTERFERENCE IN PRIVATE AFFAIRS Members of the department shall be particularly careful not to interfere officiously or unnecessarily in the private business of any person, but when required to act in the discharge of their duties, they will do so with energy and decision; and in the proper exercise of their authority they may expect to receive the fullest support.

5.1.20 DISTRIBUTION OF RULES OF CONDUCT The department will provide each employee with a copy of the rules of conduct contained in the General Orders Manual. In addition, supervisors shall periodically review this topic with their subordinates and repeat the review at intervals to emphasize its importance.

5.1.21 HARASSMENT IN THE WORKPLACE (Cross Reference: City of Hamilton Administrative Directive #323):

1. Illegal Harassment:

1. Illegal harassment is defined as unwarranted and unwanted verbal or non-verbal conduct which:

1. Threatens, intimidates or insults another employee;
2. Has the effect of creating an offensive, intimidating or hostile environment; or
3. Interferes with or adversely affects an employee's work performance;

2. Any form of employee behavior which meets any of the above criteria will be construed and treated as misconduct;

3. Illegal harassment does not include conduct or actions of supervisors which is intended to provide employee discipline or correct problems through oral warnings, reprimands, performance evaluations or other actions designed to promote positive performance;

2. Sexual Harassment Although this policy prohibits all forms of harassment, it is the policy's specific intent to prohibit sexual harassment:

1. Definition Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, pictorial or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term of conditions of an individual's employment;
2. Submission to or rejection of such conduct by an employee is used as the basis of employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment;

2. Elements of Sexual Harassment The significant elements of this form of harassment involve conduct of a sexual orientation that occurs within the work environment or is significantly job-related and is viewed by the victim as threatening, unwelcome, unpleasant or offensive. Such conduct may include:

1. Repeated requests for dates;
2. Suggestive remarks;
3. Sexually oriented or explicit photos;
4. Physical contacts;
5. Pervasive sexually oriented banter;
6. Offensive jokes or teasing;
7. Whistles, catcalls, leering, et cetera;

3. Complaint Procedure:

1. Filing of Complaint:

1. Informal Procedure Any employee who believes that he or she is being, or has been, sexually harassed should confront the harasser with a clear statement that such action is offensive and is to stop immediately. If, for any reason, the complaining employee does not wish to approach the offender directly, or if such discussion does not successfully end the harassment, the procedures outlined in the subsection entitled, Formal Procedure, below, should be followed;

2. Formal Procedure:

1. Any employee who feels that he or she has been subjected to sexual harassment shall report the incident:

1. To the employee's immediate supervisor, Chief of Police, Director of Civil Service and Personnel or Law Director;
2. Directly to the Director of Civil Service and Personnel, Law Director or City Manger if the complaint involves a supervisor or member of management;

2. Initially, a reported complaint by an employee may be made either orally or in writing:

1. In order to facilitate a thorough investigation, reports made orally must be reduced to writing by the complaining employee within five working days of the initial oral complaint;

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2. A reported complaint should provide specific facts about the offensive conduct, to include:
 1. The employee's name, division/department, and classification title;
 2. The name and title of the person allegedly committing the harassment;
 3. The specific nature of the harassment, length of time over which the harassment has taken place and any related adverse employment actions taken against the employee relative to the harassment;
 4. The names of witnesses to the harassment; and
 5. A statement regarding whether the harassment was previously reported, including when it was reported and to whom;
3. Employees are encouraged to keep written notes of the incident(s) in order to accurately record the offensive conduct;
3. In any instance when a supervisor becomes aware of alleged, apparent or suspected harassment, the supervisor shall, regardless of how knowledge of the incident was obtained:
 1. Immediately investigate the incident and notify the offending party that the harassment is not appropriate and will not be tolerated;
 2. Report the incident through the chain of command to the Chief of Police, who shall, in turn, report the matter to the Director of Civil Service and Personnel;

2. Investigation of Complaint:

1. Any allegation of sexual harassment shall be promptly investigated by the employee's non-involved supervisor, the Chief of Police, the Director of Civil Service and Personnel or the Law Director, as determined by the City Manager. Confidentiality cannot be guaranteed. However, information will be maintained on a need-to-know basis throughout the investigatory process to the extent practical and consistent with the laws pertinent to the release of public records;
 2. The investigation shall include, but not be limited to:
 1. Interviewing individuals who are believed to have knowledge of the matter, including the alleged victim and alleged offender; and
 2. Reviewing all relevant documents;
 3. Employees named in the complaint shall be given sufficient information regarding the allegation to provide them with a reasonable opportunity to respond to the allegation before any corrective action or discipline is determined;
 4. Employees named in complaints shall not be assumed to have violated this sexual harassment policy unless and until a Final Report of Investigation determines that they have done so;
 5. Employees shall cooperate in any harassment investigation or be subject to discipline;
 6. The results of the investigation shall be reported to the Director of Civil Service and Personnel and to the Chief of Police. The results may precipitate appropriate pre-disciplinary hearing procedures intended to establish a fact basis for the Chief of Police and to provide due process to the alleged offender;
- 4. Discipline** An employee shall be subject to the full range of disciplinary action, up to and including dismissal, if any of the following apply. The employee is found guilty of:
1. Violating this policy, either by engaging in sexually harassing conduct or by allowing sexually harassing conduct to go unaddressed;
 2. Taking retaliatory actions as a result of sexual harassment charges; or
 3. Falsely and maliciously accusing another employee of sexual harassment;
- 5. Appeals** If either party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, the employee has the right to appeal the decision through the appropriate grievance procedure;
- 6. Record Maintenance** In accordance with the laws regulating public records, the City of Hamilton shall maintain a complete record of each sexual harassment complaint. The record shall:
1. Include how the complaint was investigated and the complaint resolution;
 2. Be maintained in the Department of Civil Service and Personnel.

5.1.22 INTERNET/SOCIAL MEDIA USAGE:

1. **Internet Usage** (Reference: City of Hamilton Administrative Directive #331) Due to the vast amount of information available, the Hamilton Police Department maintains Internet access for departmental applications. However the following guidelines shall apply:
 1. **Access:** Internet access is:
 1. Restricted to usage for police purposes only;
 2. Provided through the city's Information Technology Department;
 3. Internet access provides users an immense and unprecedented reach to further the department's and the city's image, goals and operations. Because of that power, special care must be taken to maintain clarity and integrity, as well as maintain a positive departmental and city image. Anything an employee writes on the Internet in the course of acting on behalf of the department can be taken as representing the City of Hamilton;
 2. **Privacy** The City of Hamilton maintains software and systems that are capable of monitoring and recording all Internet usage:
 1. Those systems are capable of recording, for every user, each:
 1. Website visit;
 2. Chat, news group or E-mail message; and
 3. File transfer into and out of the internal city networks;
 2. The city reserves the right to inspect any and all files stored in all shared and private areas of the city's networks, computers and data storage devices to ensure compliance with its Internet policy;
 3. No employee should have any expectation of privacy regarding his or her Internet usage;

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3. **Security** While the city's direct connection to the Internet offers a multitude of benefits, it can also create significant security risks to the city's data systems if appropriate security measures are not taken:
 1. The city has installed security systems, including firewalls and proxy servers to ensure the safety and security of its networks, systems and data. Any employee who attempts to disable, defeat or circumvent any security system will be subject to immediate dismissal;
 2. Files containing sensitive information that are transferred in any manner across the Internet must be encrypted. Employees may contact the city's Information Technology Department for encrypting assistance, if needed;
 3. An individual computer's private connection to any outside computer can be used by an invader to compromise any city network to which the individual computer is attached. Therefore, private Internet connections are prohibited on departmental computers;
4. **Usage Restrictions** The following restrictions were developed to ensure that individual employee Internet usage serves the best interest of the employee, the department and the city. Personnel found violating these restrictions will be subject to discipline, up to and including dismissal:
 1. **User IDs/Passwords** User IDs and passwords help maintain individual accountability for Internet resource usage. Any employee who obtains an ID or password for an Internet resource shall keep that password confidential. City policy prohibits the sharing of user IDs or passwords obtained for access to Internet sites;
 2. **Internet Usage Time** Time spent on the Internet shall be limited strictly to the amount necessary to accomplish a legitimate business function;
 3. **Identification** Employees shall identify themselves honestly, accurately and completely, including their department/division affiliation and function whenever requested, when setting up any type of Internet user account;
 4. **Law/Policy Violations** In addition to providing cause for immediate dismissal, any employee using the city's Internet facilities to violate any law or regulation of the United States, any other nation, this or any other state, or any political subdivision thereof, shall be subject to criminal prosecution. Additionally, use of city Internet facilities for any of the following is strictly prohibited:
 1. Misuse of assets or resources;
 2. Sexual harassment;
 3. Unauthorized public speaking;
 4. Misappropriation or theft of intellectual property;
 5. The development or transmission of any:
 1. Virus;
 2. Worm;
 3. Trojan horse; or
 4. Trap-door program code;
 6. The disabling or overloading of any computer system or network, or circumvention of any system intended to protect the privacy or security of another user;
 7. The viewing, archival, storage, distributing, editing, printing, downloading or recording of sexually explicit material. An employee who finds themselves accidentally connected to a site that contains inappropriate or offensive material shall disconnect from that site immediately;
 5. **News Groups** Only those employees who are duly authorized to speak to the media, to analysts, or in public gatherings on behalf of the department may speak/write in the name of the department or city to any Internet news group:
 1. Other employees may participate in news groups in the course of business when relevant to their duties, but they must first inform the news group that they are doing so as individuals speaking only for themselves;
 2. Where an individual participant is identified as an employee of the city, the employee shall refrain from any unauthorized:
 1. Political advocacy; or
 2. Endorsement or appearance of endorsement of any commercial product or service not provided by the city or its affiliates;
 3. Only the departmental administrative officers may grant the authority to participate in news groups;
 4. The City of Hamilton retains the copyright to any material posted to any forum, news group, or web page by any employee in the course of his or her duties;
 5. Employees are responsible for the safekeeping of confidential or protected information. News groups are public forums and employees shall not, unless specifically authorized, reveal:
 1. Confidential or privileged information;
 2. Information that is not a public record; or
 3. Any other material covered by existing City of Hamilton or departmental policies and procedures;
 6. **Software** Employees:
 1. Shall download only software with direct business use and must arrange to have such software properly licensed and registered:
 1. Downloaded software must be used only under the terms of its license or copyright;
 2. Any downloaded software or files become the property of the City of Hamilton;
 3. The downloading of entertainment software or games, or the playing of games over the Internet or on city time is prohibited;
 4. Knowingly downloading or distributing pirated software or data is strictly prohibited;
 2. Shall not upload any software or data owned by or licensed to the department or the City of Hamilton without explicit authorization from the manager responsible for the software or data;- 2. **Social Media Usage** People of all ages use social media and social networking platforms, such as Facebook, You Tube, and Twitter to interact with each other. These websites provide the opportunity to post minute-by-minute updates on activities, thoughts, and opinions.

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While the websites prove to be very beneficial to private individuals, they also provide law enforcement with additional investigative and information gathering tools. However, their misuse can bring discredit to both the department and its employees. In order to ensure the integrity and credibility of both the Hamilton Police Department and its employees are maintained, the following shall be adhered to:

1. While on-duty, employees shall use neither departmental nor personal electronic devices to:
 1. Excessively view or use any social media or social networking platform;
 2. Unless prior supervisory approval is granted, make any type of post or entry to any social media or social networking platform;
2. Whether on or off-duty:
 1. Unless explicit supervisory approval is granted, employees shall not post on any social networking platform or other information exchange forum any text, photograph, audio, video, or other multimedia file related to any:
 1. Investigation, both present and past, of this department;
 2. Current or past action of, or occurrence within, this department, whether in support or critical of;
 2. In accordance with the policies set forth in RR-5.2.5, CONTROVERSIAL OPINIONS, and RR-5.4.9, DEROGATORY REMARKS, employees participating in social networking platforms shall conduct themselves in such a manner that will not reflect negatively on the Hamilton Police Department or its mission and values. To this end, when representing themselves as employees of the department, members shall:
 1. Avoid expressing any opinion on religious, political or other questions, the nature of which is controversial, and shall not speak slightingly of any nationality or any person;
 2. Not make derogatory statements regarding any citizen encounter or action taken during the performance of their official duties;
 3. Refrain from discussing the merits of any law;
 4. Not speak critically or derogatorily regarding the acts, orders, or instructions issued by any superior officer.