



Code of Conduct	Related Policies:
<p><i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p>	
<p>Applicable Arkansas Statutes: A.C.A. 21-8-304 (2011), 21-1-501, 21-1-503, 21-8-301, 21-8-302, 21-8-303, 21-8-304, 21-8-305, 14-52-109</p>	
<p>CALEA Standard: 1.1.1; 1.1.2; ALEAP Standard: 2.15</p>	
Date Implemented:	Review Date:

- I. **Purpose:** Law enforcement employees, representing government, bear the heavy responsibility of maintaining their own conduct, and the honor and integrity of the government entity that they represent. It is the purpose of this policy to provide additional guidance to the standards of conduct embodied in the law enforcement officer's code of ethics, this department's mission statement and core values, as well as other ethical directives issued by superior governing authorities that may be applicable to this department so that employees of this department will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

- II. **Policy:** It is the policy of this department to maintain the highest standard of integrity by working diligently to maintain the community's trust. All departmental employees must recognize that they are held to a higher standard than the private citizen they protect, in addition to representing the Department, they also represent the law enforcement profession. Conduct, on and off duty, must be beyond reproach. Department employees must avoid any conduct that might compromise the integrity, morale, operations, or efficiency of the Department. Violation of Federal, State and Local laws, as well as Department Policy may result in disciplinary action up to and including termination.

- III. **Definitions**
 - A. **Ethical Conduct:** Means actions that reflect the ethical standards consistent with the rules and values published by this department.
 - B. **Public Servant/Public Employee:** Means an individual who is employed, appointed, or represents this department.
 - C. **Sworn Officer:** An employee of this department who is a probationary or certified officer as defined by the laws, rules and regulations or the state of Arkansas.
 - D. **Harassment:** Considered a form of discrimination and is defined as any conduct directed toward another because of that person's race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, veteran status or any other basis that is inappropriate or offensive as determined by using a

reasonable person standard. The “reasonable person” standard considers whether a reasonable person would find the behavior or conduct in question offensive.

- E. Sexual Harassment:** Means unwelcome sexual advances; requests for sexual favors; and other verbal and physical conduct when:
 - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
 - ii. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.
- F. Quid Pro Quo Harassment:** A circumstance by which an employee is afforded a favorable employment action in exchange for a sexual favor.
- G. Hostile Work Environment:** A circumstance by which an employee is confronted with an environment involving sexually explicitly language, photos, or conduct.
- H. Sexual Discrimination:** The disparate treatment of an employee with respect to work benefits, conditions, assignments, promotions, etc. based upon the gender of the employees, unless such disparate treatment is necessary based upon some bona-fide occupational qualification (i.e. undercover assignment where a male is necessary due to the nature of the infiltration.)
- I. Domestic Misconduct:** The department defines this type of conduct very broadly. This definition may be broader than State law, but it is intended to assure the continuation of positive performance within the department by the involved employee and other members of the department. A domestic relationship involves any employee who is or has been married to the other party; involves any member of the employee’s household; who is living or has lived with the other party; has had a child with the other party; or is or has engaged in an intimate relationship with the other party. Misconduct refers to any physical assault or battery, vandalism, stalking, intimidation, coercion, or criminal act against a party within this form of domestic relationship.
- J. Collateral Misconduct:** Any conduct by another member of the police department to assist another department employee in the continuation of the act of misconduct. This would also include any actions designed to shield the employee or impair the ability of the department to be informed of the misconduct.
- K. Sexual Misconduct:** Any sexual activity while on-duty, stemming from official duty or violates the law. Sexual misconduct includes, but is not limited to use of official position and official resources to obtain information for purposes of pursuing sexual conduct.

IV. Prohibited Activities in accordance with A.C.A § 21-8-304 (2011)

- A.** No public servant shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or his or her spouse, child, parents, or other persons standing in the first degree of relationship, or for those with whom he or she has a substantial financial relationship that are not available to others except as may be otherwise provided by law.

- B. No public servant shall accept employment or engage in any public or professional activity while serving as a public official which he or she might reasonably expect would require or induce him or her to disclose any information acquired by him or her by reason of his or her official position that is declared by law or regulation to be confidential.
- C. No public servant shall disclose any such information gained by reason of his or her position, nor shall he or she otherwise use such information for his or her personal gain or benefit.

V. Regulations Regarding Conduct

- A. **Oath of Office:** All sworn employees will take and abide by an oath of office upon assuming sworn status with a law enforcement department. The oath of office will be administered by appropriate legal authority. A copy of this oath will be signed by the officer and maintained in the employee's personal file. .
- B. **Law Enforcement Code of Ethics:** All sworn officers shall abide by the Law Enforcement Code of Ethics as outlined in CLEST Regulation 1020 Specification S-21. A copy of the Code of Ethics will be signed by the employee and maintained in the employee's personal file.
- C. **Abuse of Position:** Employees shall not use their departmental position, identification card, or badge for:
 - i. Personal or Financial gain;
 - ii. Obtaining privileges not otherwise available except in performance of official duty;
 - iii. Avoiding consequences of illegal acts;
 - iv. The solicitation of any gifts, service, gratuity, discount, or anything of value where there is any direct or indirect connection between the solicitation and their Departmental membership, without the expressed written permission of the department head; or
 - v. The acceptance of any gift, service, gratuity, discount, or anything of value, the acceptance of which might tend to influence directly or indirectly their actions in any police business; or which might tend to cast an adverse reflection on the Department or any employee thereof.
- D. **Associating with criminal element:** Officers should not knowingly commence or maintain a relationship with any person who is under criminal investigation; indictment; arrest or incarceration, by this or another law enforcement department; and/or who has a known criminal reputation in the community (i.e. persons whom they know, should know, or have reason to believe are involved in felonious activity or crimes of moral turpitude), except as necessary for performance of official duties, or where unavoidable because of familial or personal relationships. Officers should disclose to their supervisor any personal relationships with such individuals that may bring discredit to the department.
- E. **Informants:** Employees shall maintain a professional relationship with department informants and shall not have any social, business or any other relationship beyond that required for purposes of department business with the informant.

- F. **Employee responsibilities:** Employees must exercise judgment, initiative, and sound reasoning in all official transactions; strive for efficiency and effectiveness; exercise restraint in difficult situations; seek self-improvement through formal and informal training; and assist fellow officers whenever possible. In situations where no written directive or supervisory guidance is available, employees are expected to analyze the situation and react in accordance with the mission statement and the core values of this department.
- G. **Faithful Discharge of Duties:** In the performance of their duty, officers are called upon to make difficult decisions and must exercise discretion in situations where rights and liabilities are affected by conduct and judgment. Decisions are not made easily and they involve choices that may cause hardship or discomfort. Police Officers must be faithful to their oath of office, the mission statement of this Department, the principles of professional police service, and the objectives of the department. In the discharge of duty, they must not allow personal motives to govern decisions and conduct.
- H. **Unbecoming Conduct:** The conduct of an employee, on and off duty, reflects upon the Department. Employees must avoid conduct that might discredit themselves or adversely affect the morale, operations, or efficiency of the department. This department will not tolerate any form of illegal harassment, including any behavior on the part of employees, clients, customers, vendors, etc., that impairs an employee's ability to perform his/her duties.
- I. **Professionalism:** Effective law enforcement depends on a high degree of cooperation between the Department and the public. While the urgency of a situation might preclude ordinary social amenities, lack of professionalism will not be tolerated. Employees shall strive to: be courteous and civil to the public, as well as fellow employees; avoid harsh, violent, profane, or insolent language or demeanor and shall maintain objective attitudes regardless of provocation.
- J. **Attention to duty:** As most police work is performed without close supervision, responsibility for proper performance of duty lies primarily with the employee. An officer has a responsibility for the safety of the community and his or her fellow officers, and discharges that responsibility by faithful and diligent performance of duty.
- K. **Financial Obligations:** Employees shall knowingly avoid incurring financial obligations that are beyond their ability to satisfy.
- L. **Harassment:** Supervisors and all employees have an obligation to provide a work environment free of all harassment. This includes taking steps to ensure that the department is in a position to control prohibited harassment whether it is done by supervisors, co-workers, or non-employees (such as vendors working with the department or supplying services).
 - i. **Reporting Requirements:** All employees within the department have an obligation to report violations of this policy promptly. Reportable violations include but are not limited to illegal harassment, sexual harassment, sexual discrimination or indicators of a hostile, offensive work environment. Such

violations should be reported if the employee experiences, witnesses, or otherwise has knowledge of the violations.

- ii. The department shall promptly investigate all complaints regarding harassment or discrimination regardless of their origin.
- iii. Complaints should be made to an employee's immediate supervisor. If the immediate supervisor is involved in the allegation or the employee is uncomfortable with making a report to their immediate supervisor, they may bypass the chain of command in order to report the harassment or discrimination. Alternate reporting options include the Human Resources Manager or other governing body administration.

M. Domestic Misconduct: The department shall take immediate action when notified of any act of domestic misconduct involving an employee of this department.

- i. When the incident occurs within the jurisdiction of this department:
 - a. Assign the call for response by two uniformed officers and a supervisor, if available. In cases where no supervisor is on duty, a supervisor will be notified and respond.
 - b. Once the incident is contained, the supervisor shall call for a response by a department's domestic violence investigator, if the department has such an assignment.
 - c. The decision to arrest a department employee involved in domestic misconduct shall be the responsibility of the on-scene supervisor. When probable cause exists, the employee shall be arrested and processed in the same manner as a non-employee.

N. Sexual Misconduct: Sexual activity of any nature while on duty is prohibited. Any use of official position and official resources to obtain information for purposes of pursuing sexual conduct is prohibited. Sexual Misconduct is prohibited and shall be disciplined up to and including termination.

O. Retaliation: No employee shall be retaliated against for reporting allegations of illegal harassment, sexual harassment, or discrimination. Any employee who believes he/she has been retaliated or discriminated against in any manner whatsoever due to a filing a complaint, assisting another employee in filing a complaint, or participating in an investigative process, should immediately notify the Chief of Police or their designee and/or other applicable authority.

P. Duty to Know and Obey Laws, Policies, Rules and Regulations: It shall be the responsibility of every employee to know and adhere to federal, state, and local laws and policies/directives of this department applicable to their job function and conduct to the extent reasonably possible.

Q. Refusal to Work: No employee of this department shall engage in any strike, work stoppage, slow down, or in any way refuse to fulfill their responsibilities.

R. Compliance with Lawful Orders: Employees will respond to and obey the lawful order of a supervisor to the extent reasonably possible in keeping with the rules and regulations of this department. Failure or deliberate refusal to obey a lawful order given by a supervisor shall be considered insubordination and therefore prohibited.

- S. **False Statements:** No employee of this department shall intentionally or knowingly make a false statement; provide false information; or give false testimony in any official report, judicial proceeding, official hearing, administrative inquiry, or any other matter related to their employment.
 - T. **Duty to Report Bribery:** All employees are required to report bribery attempts. Such reports will be made via written memorandum addressed to the department head forwarded via their chain of command.
 - U. **Incompetence:** Employees should execute their duties in a professional and competent manner. Employees should meet and maintain reasonable measures of job performance. Repeated incidents of carelessness or a pattern of errors, neglect, and/or inattentiveness to job performance is considered incompetence.
 - V. **Duty to Report:** It is the responsibility of any employee to provide the department with specific notice whenever he/she is involved in or aware of any acts of misconduct.
- VI. **Training:** The department shall conduct annual training regarding illegal harassment, sexual harassment, and sexual discrimination for all employees that includes instruction on the reporting requirements of such conduct. This training shall be documented to ensure that all employees received the training.