

**POLICY
103**

**EFFECTIVE
DATE
9-27-22**

**Eugene
Police Department**



Standards, Duties, and Conduct

103.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning employee conduct. Employees are also subject to provisions contained throughout this manual, as well as any additional guidance on conduct that may be disseminated by the department, or its supervisors.

This policy applies to all department employees (full-, or part-time), volunteers, and cadets.

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve society; 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 people 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 nor 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 to my chosen profession . . . law enforcement.

103.2 PHILOSOPHY AND VALUES

Being an employee of the Eugene Police Department, particularly that of a sworn law enforcement officer, places individuals in a unique position of trust and high expectations of the

community. Employees have access to privileged and confidential information and possess delegated authority that far exceeds that of other citizens. The authority to conduct investigations, arrest and use force against persons, if necessary, are uniquely granted to sworn employees. Police employees must resolve to remain mindful that concurrent with this increased authority comes increased responsibility and that words and actions are subject to review and scrutiny through a variety of systems not imposed on others. To fulfill their mission to serve and protect the community which grants their authority, and in order to retain the public trust in the Eugene Police Department, employees will strive to embody the standards contained herein.

103.3 DISCIPLINE POLICY

Continued employment by this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

Off-duty conduct by employees shall be governed by this policy to the extent that it is related to act(s) that may materially affect the department's operations, reputation, or the employee's ability to perform official duties.

103.4 DEPARTMENT EXPECTATIONS

Employees must adhere to the following standards and expectations at all times:

103.4.1 JUDGMENT

Employees must use their training, experience, and observations to make sound and reasonable decisions. "Good judgment" is defined for this policy as those decisions and actions that a reasonable employee in similar circumstances would use or take, given the information they knew or should have known at the time.

103.4.2 PROFESSIONALISM

Employees will always provide courteous service, use carefully reasoned discretion, and will ensure their conduct is respectful, neutral, objective, and unbiased.

103.4.3 INTEGRITY

Employees must avoid any conduct that may compromise their honesty or moral uprightness, or that of their fellow department members, and the department.

103.5 PROFESSIONAL STANDARDS

The following list constitutes a portion of the professional standards of this department. This list is not intended to cover every possible type of conduct and does not preclude the recommendation of disciplinary action for a specific action or inaction.

103.5.1 TRUTHFULNESS

- a. The integrity of police service is based on honesty and truthfulness. All employees shall be honest and truthful in giving testimony, in rendering a report, in any official oral or written communication, or in giving any statement about actions taken that relate to the employee's own or another employee's employment or position. Being dishonest or untruthful includes knowingly or willfully; making false statements, falsifying work-related records or official

documents, omitting material facts or material information, or answering questions or providing information in a manner that is evasive, deceptive, or misleading.

- b. These requirements apply to any report or communication concerning EPD business, including, but not limited to, oral communications, written reports, and communications to employees via radio, telephone, pager, e-mail, text, or mobile data computer (MDC).
- c. Employees will not make any false statements to justify a criminal or traffic charge or seek to unlawfully influence the outcome of any investigation.
- d. Employees are obligated under this directive to respond fully and truthfully to questions about any action taken that relates to the employee's employment or position, or to the employment or position of another employee, regardless of whether such information is requested during a formal investigation or during the daily course of business.
- e. A limited exception to the standards in this directive may occur when deception is necessary due to the nature of an employee's assignment, such as an undercover assignment, when necessary to acquire information for a criminal investigation or for public safety, or when necessary to protect the physical safety of the employee or others. The use of deception in these circumstances must be for a specific and lawful purpose and must be temporary in nature.

103.5.2 USE OF POSITION/AUTHORITY

Employees must use their position, credentials or badge in a manner that is appropriate to their assignments and authority. They may not use, or attempt to use, their position, credentials, or badge:

- To obtain personal or financial gain or advantage for self or others.
- To obtain special privileges.
- To avoid consequences of illegal acts.
- To gain information from another agency or computer system for personal use.
- To exercise their authority wrongfully or unlawfully.
- To lend their credentials, identification badges, or other forms of city identification to others, or allow them to be reproduced without approval of the City.

103.5.3 BRIBES, GRATUITY, AND PAYMENT

As public employees, and as members of the Eugene Police Department, employees must maintain a high ethical standard.

- a. Employees may:
 - 1. Accept a gift or gratuity from a private individual if the acceptance of the gift or gratuity will reasonably create an opportunity for a positive public contact. The value of the gift or gratuity must be of a nominal amount, and in accordance with state law.
- b. Employees may not:
 - 1. Accept or solicit any bribe.

2. Accept any gift or gratuity if any benefit is requested, expressed, expected, or implied in exchange for the gift or gratuity.
3. Accept any gift or gratuity from any organization or business, except when approved by the Chief of Police or designee.
4. Accept any payment for services, except for wages earned by employment with the Eugene Police Department, court-ordered restitution, or outside employment approved by the Chief of Police.

103.5.4 ADHERENCE TO LAWS AND DEPARTMENT POLICY

Department employees must adhere to all laws and to the policies and procedures of the department. The following items are some specific provisions that if violated may result in disciplinary action. This list does not encompass all the laws and standards that employees must follow. Employees must:

- a. Comply with all laws and statutes, city, state and federal, and court orders, criminal or civil.
- b. Promptly and fully report to the employee's immediate supervisor activities that have resulted in official contact by this or any other law enforcement agency, where-in the employee was the focus of the contact as a witness, complainant, or had any other material involvement in the contact.
- c. Promptly and fully report to the employee's direct supervisor any time where they were acting in the capacity of a police officer, outside of work.
- d. Employees must adhere to the provisions of this manual, City of Eugene policy, and all other written directives. Employees who violate any of the listed policies and procedures may be required to explain their actions.
- e. Comply with Title 18 of the U.S. Code (USC), if they are a sworn officer, employees must immediately notify their supervisor if:
 1. They are arrested or cited for a misdemeanor crime of domestic violence as defined in *18 USC §921(a)(33)*; or,
 2. They are the subject of a court order meeting the requirements of *18 USC §922(g)(8)* which restrains sworn officers from harassing, stalking, or threatening an intimate partner, as defined in *18 USC §921(a)(32)*.

103.5.5 RETALIATION

103.5.5.1 RETALIATION IN THE WORKPLACE

- a. In order to maintain a positive and supportive working environment in which all employees have the opportunity to perform their duties to their fullest potential, the EPD prohibits employees from engaging in any form of retaliation against other employees. Retaliation in the workplace manifests in two primary ways.
 1. In forms of retaliation that violate state and federal laws including, but not limited to; *42 U.S.C. §1983 (Civil Rights Act)*, *42 U.S.C §2000e-3(a) (Title VII)*; *29 U.S.C. §623(d)(Age Discrimination in Employment Act)*, *29 U.S.C. § 158(a)(4) (National Labor Relations Act)*, *29 U.S.C. § 215(a)(3) (Fair Labor*

Standards Act), 29 U.S.C. § 660(c)(1) (Occupational Safety and Health Act); 29 U.S.C. § 2615(a)(2) (Family Medical Leave Act); ORS 659A.203 (whistleblowers), ORS 659A.230 (criminal or civil proceedings), ORS 652.355 (wage claims), ORS 659A.030(1)(f)(reporting unlawful discrimination), ORS 659A.040 (worker's compensation), and ORS 659A.096 (Oregon family medical leave).

2. In forms of inappropriate conduct that may not violate law, but which violate City rules because the conduct is not conducive to creating a respectful and professional work environment.
- b. City rules cover both types of behavior. The intent of applicable City rules and this policy is to prohibit conduct that is unlawful, as well as other inappropriate conduct, before it rises to the level of unlawful retaliation. Examples of actions that may constitute explicit or implicit workplace retaliation include, but are not limited to:
1. Adverse employment action such as termination of employment, demotion, suspension, failing to hire or consider hiring, failing to treat impartially when making employment decisions, assigning undesirable work, shunning.
 2. Intentionally not providing cover, support, or assistance, or intentionally responding to calls for cover, support, or assistance in an untimely manner.
 3. Creation of a hostile work environment.
 4. Intimidation or ridicule.
 5. Rude, discourteous or disrespectful behavior.
 6. Inappropriate jokes, comments or gestures.

103.5.5.2 RETALIATION IN THE COMMUNITY

In order to maintain community credibility, it is essential that community members do not fear retaliation by EPD employees. Any form of retaliation against a community member is prohibited. Examples of actions that may constitute explicit or implicit retaliation in the community include, but are not limited to:

- a. An employee issuing a citation to or taking other action against a community member for:
 1. Exercising their legal rights.
 2. Reporting or making a claim of misconduct regarding an employee.
 3. Questioning the legality of an employee's actions.
 4. Asking for an employee's name, business card, and or badge number.
 5. Based on perception of protected class.

103.5.5.3 REPORTING RETALIATION

- a. Employees shall within a reasonable time period, no later than 72 hours from the occurrence of the misconduct, report any retaliatory behavior they observe or become aware of to their own manager or supervisor, or to another manager or supervisor. Employees are not required to follow

chain of command in reporting retaliation. Employees may also report retaliatory behavior to Human Resources.

103.5.6 ASSOCIATIONS WITH FELONS/INDICTED PERSONS

- a. Efficiency of operations, promotion of public safety, community policing goals and EPD's ability to foster positive relationships with communities requires certain limitations on associations by individual members. Therefore, employees shall avoid regular or continuous association or transactions with persons or groups who they know, or could be reasonably expected to know:
- Are currently the subject of a felony investigation.
 - Are under criminal indictment.
 - Were convicted of an offense considered to be a felony crime under Oregon law within the last five years.
 - Are actively involved in an organized effort advocating criminal behavior against any individual, group or organization on the basis of race, ethnicity, religion, gender, age, national origin, marital status, sexual orientation or mental or physical disability.
 - Are involved in the illegal use, manufacture, or sale of controlled substances.
- b. Employees who necessarily maintain regular or continuous association or transaction with individuals in the above listed categories in the performance of official duties or due to unavoidable family or social relationships are exempt from this prohibition with the approval of a supervisor providing the contact is not a threat to the security of EPD records or investigations. A member who believes a supervisor unnecessarily denied approval may appeal the supervisor's decision to the Chief of Police.

103.5.7 ATTENDANCE

- a. Department employees must remain at any assigned scene, shift, or assignment unless they have a reasonable excuse and proper permission and approval.
- b. Unexcused or unauthorized absence or tardiness on scheduled day(s) of work may result in discipline.
- c. Sworn employees must have a reasonable excuse and notify their watch commander at the earliest possible time if they will not be reporting to their work shift or to a place of assignment at the time specified, in the appropriate uniform, and fully equipped to perform their duties.
- d. Civilian employees must have a reasonable excuse and notify their supervisor at the earliest possible time if they will not be reporting to work. Civilian employees must have the appropriate uniform or be dressed appropriately to their assignment and be fully equipped to perform their duties.
- e. All employees who have been subpoenaed relating to the performance of official duties must appear for any court proceedings. Decisions not to report to court shall be vetted through the city attorney's office.

103.5.8 COURTESY

- a. Employees shall, on all occasions in the performance of their duties or after identifying themselves as an employee of the Eugene Police Department, be respectful, courteous and considerate toward the public, their supervisors, their subordinates, and all other employees.
- b. The use of profanity is generally prohibited, except when necessary to quote another person in reports or in testimony. All other use of profanity will be judged on the totality of the circumstances in which it is used. An example may be if an employee uses profanity to establish control to avoid the use of more serious physical or deadly force. All such uses shall be reported to their direct supervisor.
- c. No employee shall use epithets or terms that tend to denigrate any particular gender, race, nationality, and sexual orientation, ethnic or religious group, except when necessary to quote another person in reports or in testimony.
- d. Employees shall use tact in their interactions, control their temper, exercise patience and discretion, and not allow themselves to be provoked by the actions of others.

103.5.9 CONDUCT

Police employees must conduct themselves in a responsible and professional manner. As a public employee, each individual is subject to review and scrutiny that may exceed the conduct of the general public. The following conduct is not permitted:

- a. Engaging in horseplay that creates a reasonable possibility of, or results in, physical injury, property damage, or significant disruption of operations.
- b. Expressions of prejudice or discrimination about race, color, national origin, religion, sexual orientation or any other protected class while on duty or representing the department.
- c. Unwelcome solicitation for a personal relationship, outside of work, while on-duty or through the use of one's official capacity.
- d. Engaging in sexual relations including, but not limited to sexual intercourse or other sexual contact while on-duty.
- e. Engaging in conduct that brings the department into disrepute and/or significantly impairs the operation or efficiency of the department or employee.
- f. Failure to report misconduct of any employee to a supervisor within a reasonable time period, no later than 72 hours from the occurrence of the misconduct.
- g. Failure to foster a safe and respectful work environment.

103.5.10 CONFIDENTIALITY OF INFORMATION

- a. Employees must respect the confidentiality of information they see or obtain through their official duties. Information must not be disclosed to an

unauthorized source unless approved by the Department or unless the release of information is required to properly perform employee's duties.

1. This does not preclude an employee from reporting any misconduct, as required by policy.
- b. Using information an employee sees or hears through employee's official duties for private gain by employee or another person or entity is prohibited.

103.5.11 CONFLICTS OF INTEREST

- a. Engaging in enforcement, investigation, or administrative functions that create a conflict of interest, or a potential conflict of interest must be avoided. (Example: serving as primary investigator in a crime for which the officer is also a victim.)
- b. Making public statements to media purporting personal opinions to be official department statements, are prohibited.
- c. Allowing personal motives to govern decisions or actions in the discharge of duties is a conflict of interest and prohibited.

103.5.12 DUTY TO KNOW AND ENFORCE LAWS

- a. Sworn employees and civilian employees in applicable job assignments must have a demonstrated knowledge of the law.
- b. All employees must take appropriate action when required by department policy, practice, or local, state, or federal law, as directed by the Chief of Police. Unwillingness, inability or failure to take such action may result in discipline.

103.5.13 DUTY TO IDENTIFY AS POLICE OFFICER

All sworn police officers, when asked, must identify themselves (by name and badge number) as a police officer when engaged in department-related functions and the following conditions are met:

- No police function will be jeopardized.
- Officer-safety conditions permit identification.

103.5.14 UNSATISFACTORY PERFORMANCE

- a. Officers must act swiftly and appropriately in any situation requiring police intervention that comes to the employee's attention, regardless of whether or not the officer's assistance is requested.
- b. Unless incapacitated, all sworn officers must be willing and able to aid, assist, or protect a fellow officer(s) in the performance of duty.
- c. All employees must perform the required tasks associated with their official duties, rank, or position as described by their job description.

103.5.15 ENDORSEMENT OF PRODUCTS AND SERVICES

Prior authorization by the Chief of Police or designee is required before any employee may use their position or authority with the Department to endorse any organization, program, product, or service.

103.5.16 ILLNESS OR INJURY AND SICK LEAVE

- a. Employees shall not misrepresent an illness or injury.
- b. Any employee who has a physical or mental condition that has the potential to affect the performance of assigned duties must inform their supervisor of this condition at the earliest opportunity.
- c. Sick leave must comply with City of Eugene APM Policy 11.2, and/or applicable bargaining unit contracts.

103.5.17 INSUBORDINATION

- a. Employees must execute any lawful order given by a supervisor, or relayed from another employee originating from a supervisor, in an appropriate period of time. Ignoring, refusing, or taking unreasonable delay shall be considered an act of insubordination.
- b. Employees shall not use disparaging, discourteous, or disrespectful words or conduct to a supervisor.
- c. Employees are exempt from executing any order originating from a supervisor if the order is illegal, unethical, or represents a substantial and reckless disregard for civilian life or officer safety. If practical, the employee should respectfully state the reason for objection to the supervisor; if the issue remains unresolved, employees should immediately report the incident to the next-highest ranking member in their chain of command. Employees should be fully prepared to accurately account for and justify their denial of the order.

103.5.18 INTOXICANTS: ALCOHOL AND CONTROLLED SUBSTANCES

- a. Employees may not report for work, training, or call-back overtime following the use of intoxicants (intoxicants are defined as any alcoholic beverage, inhalant, or controlled substance, whether legally prescribed or otherwise) where such use may impair their ability to perform assigned duties, or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants, or in violation of a bargaining unit contract.
- b. Unauthorized possession, use, or attempted use of intoxicants while on duty, except as authorized in the performance of official duties while under specific orders and supervision is prohibited.
- c. Employees must notify their supervisor of any impaired performance of their assigned duties based on medications they are taking. Employees are required to notify a supervisor if recommended dosages are being exceeded.
- d. Operating a City-owned vehicle or one rented with City funds, at any time in violation of APM, or bargaining unit contracts is prohibited.

- e. Employees must notify a supervisor if they are subject to a call-back and have recently used intoxicants. The notified supervisor will decide if the employee should respond to the call-back or not.
- f. When attending off-site training or conferences, employee's consumption of alcohol must be moderate, and may not reflect poorly upon the employee or the Eugene Police Department.
- g. Employees may be required to take a urine or blood test by a third party as a condition of employment, if the department has reasonable suspicion (as defined by Oregon law) that an employee was violated this section.

103.5.19 NEGLECT OF DUTY

- a. Sleeping while on duty, is a neglect of duty, unless being done in accordance with an established policy or procedure. Should an employee find themselves having difficulty staying awake, they shall report to their supervisor for direction.
- b. Unless on an authorized break, employees shall not read personal items, play games, watch television, or otherwise entertain themselves while on duty.
- c. Employees shall not engage in personal business or any other activity that interferes with their official duties.
- d. Gambling on duty, except in the performance of official duty and while acting under proper and specific orders from a supervisor is prohibited.
- e. Officers must respond to dispatches and/or requests for assistance within a reasonable amount of time.
- f. Employees must remain at an assigned post or assignment unless authorized by a supervisor or after they have received proper relief.

103.5.20 POLITICAL ACTIVITY

- a. All employees must refrain from engaging in political activities while on-duty or using their official authority or influence, or department property.
- b. "Political activities" includes promoting or opposing, orally or in writing any political committee, initiative, measure, petition, or candidate. Employees may not request contributions for or distribute campaign literature for or against any political candidate or position.
- c. "Using an employee's official authority or influence" includes, but is not limited to, using the employee's official title, or wearing the employee's official uniform or parts of the uniform such as an official badge.

103.5.21 PROPERTY AND RESOURCES OF THE DEPARTMENT

- a. Prior authorization from the Chief of Police or their designee must be obtained before any department property may be loaned, sold or given to any person or organization.
- b. Appropriating any department property for use by self or others is prohibited.
- c. Employees must use their badge, uniform, identification card, or other department equipment appropriately and not for personal gain or any other improper use.
- d. Employees who commit theft or attempted theft of department property, services, or property of other employees will be subject to discipline.
- e. All employees must properly maintain issued equipment.
- f. All employees must promptly report damage to department property to their supervisor.

103.5.22 REPORT AND EVIDENCE SUBMISSION

- a. All reports shall be submitted in accordance with the department's report system manual.
- b. Employees must submit true, accurate and complete reports.
- c. As soon as practicable, employees must submit photographs, evidence, and other required documents and products.

103.5.23 EXPECTATIONS OF SUPERVISORS

- a. Supervisors must properly monitor employee performance and conduct, taking appropriate corrective action when necessary.
- b. Supervisors shall, in a timely manner, (no longer than 72 hours) report known or potential misconduct of an employee to the supervisor's immediate supervisor or document such misconduct appropriately as required by policy.
- c. A supervisor's authority must be exercised in an equal manner toward all employees. Disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose is prohibited.
- d. Supervisors must ensure a safe and respectful work environment for all employees.
- e. Supervisors shall take immediate action to stop and prevent any retaliation they observe or become aware of and shall immediately report such retaliation to their supervisor, unless their supervisor is engaged in the retaliation, in which case the supervisor is only required to report the retaliation to the next highest level in the chain of command that is not involved in the retaliatory behavior.

Chris Skinner
Chief of Police