

LA MESA POLICE DEPARTMENT RULES AND REGULATIONS

MANUAL OF RULES AND REGULATIONS SECTION 4.0 RULES OF CONDUCT Revised: September 2014

Ray Sweeney, Chief of Police

4.00 GENERAL RULES OF CONDUCT

The Police Officer's Oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of California; that I will bear true faith and allegiance to same and defend them against all enemies whatsoever, and that I will faithfully and impartially perform my duties of the office of Police Officer according to the best of my ability, (so help me God)."

Responsibilities of Police Officers: The sworn duties of Police Officers, referred to in the Oath, include all duties and responsibilities assigned under the administrative authority of the Chief of Police, as defined in this manual. The sworn duties also include all duties imposed upon peace officers by the legislature. These duties are available in the laws of the state.

The manner in which Police Officers perform their duties is vitally important. It is the Police Officer who represents the tangible authority of government to the majority of citizens of the community. No amount of supervision can supplant the necessity for the initiative, judgment, skill, and integrity of the individual officer.

All officers of the Department, regardless of their particular assignment, shall at all times preserve the peace, protect life and property, apprehend criminals, prevent crime, recover lost or stolen property, enforce the laws of the State of California and of the United States, and such sections of the La Mesa Municipal Code as are assigned by the City Manager for enforcement by the Police Department.

Officers shall conduct themselves according to the Law Enforcement Code of Ethics, and the Rules and Regulations constituting section 4.0 of this manual.

Employee Responsibilities: All employees are subject to the laws, ordinances, rules and policies of the City of La Mesa regulating the work and conduct of employees and are responsible for knowing these regulations.

All employees are responsible for performing their assigned duties unless excused for reasons justified under the Rules and Regulations.

All employees are responsible for maintaining the security of police information, and for maintaining a standard of conduct which does not bring discredit to the Department as a police organization.

Responsibilities of Command Officers: Command Officers bear the common responsibilities as employees of the Department and as officers. They are also responsible for:

- a. The success or failure of the particular area of command assigned to them, with particular reference to the morale of subordinates.
- b. Being an example of excellence for all subordinates.
- c. Assisting with staff functions, as assigned.
- d. Taking immediate action when any employee is publicly jeopardizing the honor or reputation of the Department, and reporting the employee's actions of to the employee's immediate supervisor.
- e. The enforcement of discipline in routine matters within the area of command assigned them.

4.01 PATRIOTIC COURTESY ON A MILITARY BASE

When the National Anthem is played, officers will stand at attention and face the flag. If in uniform, a hand salute will be held until the final note of the Anthem.

4.02 TELEPHONE COURTESY

Employees shall answer the telephone promptly and courteously. Good customer service dictates that the call taker begin the contact positively by saying something similar to, "Good Morning (Good Afternoon, Good Evening), La Mesa Police Department, this is (name), how may I help you?"

If several calls are incoming, the call taker may say, "La Mesa Police Department, can you please hold?" When the call taker has an opportunity to speak to the caller, the statement should be "This is (name), how may I help you?" Business Office personnel should use their first names and sworn personnel use their rank and last name when answering incoming calls. For business office personnel, this does not include 911 calls. If there is a large volume of incoming calls, the greeting may be abbreviated to "La Mesa Police Department, please hold."

A 911 call taker should answer "9-1-1, what is your emergency?"

Occasionally, a hostile caller will be encountered who will use profanity or make derogatory remarks. The call taker should ask the citizen to refrain from using profanity or making derogatory remarks. If the citizen continues their verbal abuse, the call taker may put the caller on hold and forward the call to a supervisor. If no supervisor is readily available, the call taker may tell the citizen they will hang up if the citizen continues their verbal abuse. If the citizen continues their abusive behavior, the call taker then may terminate the call. This call should be brought to the call taker's immediate supervisor and their absence, the Watch Commander.

Every employee will assist a caller whenever possible.

4.03 SMOKING

The Department is committed to a "tobacco-free" work place. Sworn personnel employees shall not smoke or use tobacco products while on duty.

Non sworn employees may smoke or use tobacco products when on lunch or rest periods, but only outside in non-public areas designated by the Chief of Police.

4.04 PROFESSIONAL BEARING AND BEHAVIOR

Officers shall maintain a professional bearing while on duty. They shall not place their feet on desks, be inattentive to or ignore their duties. Officers shall not sleep on duty without their supervisor's permission. Such actions are a serious dereliction of duty.

Officers shall not loiter in public places except for the purpose of transacting business or to take regular meals as provided in this manual.

4.05 VIOLATION OF LAWS

No member of the Department shall violate the laws of the United States, State of California or any country, county, city or special district.

4.06 USE OF INTOXICANTS OR DRUGS

The Department is committed to a drug-free work place. Use or being under the influence of drugs and/or alcohol is detrimental in the work place.

No employee shall report for, or be on-duty, while under the influence of an intoxicant or drug. Furthermore, reporting for duty with the odor of an alcoholic beverage on their breath is prohibited.

Employees shall not drink intoxicating liquor when on-duty except as required by the nature of any special assignment or detail. Employees shall not take any drug, prescribed or otherwise, in a manner that will adversely affect their ability to perform their duties.

4.07 INTOXICATING LIQUOR IN THE STATION

No intoxicating liquor shall be consumed on the premises of the police station.

4.08 CONTRIBUTIONS AND SOLICITATIONS

Employees shall not circulate subscription papers, sell tickets, or collect money from any person for any purpose without permission of the Chief of Police. Fundraising activities in support of charitable or non-profit organizations or events such as Girl Scout cookie sales, are generally approved.

4.09 SOLICITING REWARD

Members of this Department shall not solicit any reward for performance of their duties nor seek nor ask for a gratuity of any kind, individually or collectively.

4.10 ACCEPTING REWARDS, LOANS OR GIFTS

Gifts, services, loans, or rewards from suspects and their families and friends are prohibited.

Employees are generally prohibited from accepting rewards, loans, gifts, or services. The premise of this prohibition is that such rewards, loans, gifts, or services may be provided with the intent to receive improved service, special consideration, or avoidance of enforcement, or would tend to create an appearance of such. Exceptions may be made with the approval of the Chief of Police, based on an assessment using the following criteria:

- Provided by a non-profit organization rather than a business or individual.
- Provided to a broad scope of recipients, such as the public at large, all government employees, all City employees, public safety employees, law enforcement employees etc., rather than only La Mesa Police Department employees.
- Given in recognition of an act or service, such as an "Officer of the Year" event.
- Provided by a business outside the City of La Mesa rather than one within our jurisdiction.
- Given in support of the La Mesa Police Department or a Department program, rather than an individual member.

4.11 SOLICITING FREE ADMISSIONS, ETC.

Employees will not seek or accept free admission to places of business, nor free or reduced cost meals, for themselves or others, except as approved by the Chief of Police.

Sworn members of the Department whether on-duty or off-duty, may use the San Diego Trolley and Amtrak without paying a fare, as provided for by the policies of the Metropolitan Transit District Board and Amtrak. Such members are to assist transit enforcement officers and rail employees by reporting criminal activity and assisting any officer attempting to apprehend resistive violators, and are to present their Department identification if requested to show proof of fare.

4.12 USE OF FORCE

Officers shall use only the amount of force which reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident.

Any use of physical force by a member of this department, that is likely to cause or does cause injury, shall be documented by that member in an appropriate report depending on the nature of the incident.

Officers shall refrain from using unnecessary force or violence in making arrests, and shall not strike a prisoner or any other person except when necessary in self-defense or to overcome actual physical resistance in making an arrest. However, they must be firm, resolute and energetic, exercising the necessary means to perform their duty properly. When it is necessary to use force, a narration of the circumstances shall be included in the arrest report on the case.

4.13 MARKING OFFICIAL NOTICES

Employees shall not mark, mar, alter, or deface any printed or written notices relating to official business. All notices of a personal nature and of a derogatory character relating to official transactions within the Department or regarding any Division or person are prohibited.

4.14 TREATMENT OF PERSONS OR ANIMALS

No employees shall inflict unnecessary pain or cruelty on any animal.

4.15 GENERAL RULES OF PROCEDURE

- a. Officers are responsible for all property which comes into their possession in accordance with Department property policies, Municipal Code law, and the laws of the State of California. When an officer seizes or takes possession of property from a person, they shall process it in accordance with Department Policy, or return it to the person it was taken from as soon as is practical.
- b. All property surrendered by persons who wish to give up their property rights shall become the property of the City of La Mesa. Officers shall process this property in accordance with Department Policy.
- c. Officers shall conduct all searches of persons in accordance with State and Federal law. Officers shall not search injured persons except when it is necessary for weapons, evidence, contraband or identification. Deceased persons will be searched in accordance with the San Diego County Medical Examiner's policy.
- d. All prisoners shall be carefully searched for weapons, contraband and evidence to protect the officer's life, fellow officers and innocent bystanders, and to prevent prisoner escapes.
- e. Officers are responsible for the control and protection of all prisoners at the scene of arrest and during transportation. All persons in custody shall be handcuffed while being transported in police vehicles. At no time is the prisoner to occupy the back seat of a police vehicle alone unless the vehicle is equipped with a prisoner cage. All handcuffed suspects will have their hands cuffed behind their backs. Exceptions may be made based upon medical or physical needs. Maximum restraints may be used, per Department policy, on violent/combatative or self destructive prisoners or detainees. The use of maximum restraints shall be documented in an officer's report.

A Department approved spitsock may be placed over a prisoner's head to prevent the prisoner from spitting on persons, property or equipment. A spitsock can be used when there are instances of spitting, threatening spitting, or a known history of spitting. The spitsock shall not be modified in any way. Upon removal from a prisoner a spitsock shall be disposed of in accordance with procedures used for bio-hazardous waste.
- f. Intoxicated persons may be transported to their homes in police vehicles, if approved by a supervisor.
- g. All officers, supervisors and watch commanders will conform to Department

policy and law in the custody, control, treatment and processing of all arrested persons and prisoners in the field, during transportation and detention in the station.

4.16 CODE OF ETHICS AND CONDUCT

No employee shall engage in any business, activity, or interest that would interfere or adversely affect the proper performance of duties and result in the following:

- a. Using the prestige or influence of the City office or employment for private gain or advantage of themselves or another.
- b. Receiving or accepting money or other consideration from anyone other than the City of La Mesa for the performance of acts done in the regular course of employment or duty.
- c. Using official information not available to the general public for their private gain or advantage or that of another.

4.17 PSYCHOLOGICAL COUNSELING

Working in the complex and stressful environment of police work can cause unique problems in individuals. These can include stress related problems in interpersonal relationships, a decline in job efficiency, increased sick leave usage, an increase in citizen complaints, injury, and alcohol and or drug abuse. The use of psychological counseling is an effective measure in preventing these problems and can be effective in reducing and eliminating problems when they occur. The use of psychological counseling will be considered in two general applications.

- a. Employees involved in traumatic events of such magnitude that extreme emotional and physiological reaction will likely occur, shall be directed by the Chief of Police to be evaluated by a department designated psychologist. These traumatic incidents shall include, but not be limited to, all those involving the use of deadly force. These may also include those events where employees are exposed to victims of violent crime, accident or misfortune. Those to be directed to receive evaluation will be determined by the Chief of Police upon evaluation of exposure and incident details. When the accumulated stress of any assignment manifests itself in articulable problem behaviors the employee demonstrating those behaviors may be directed by the Division Commander to the department psychologist for a fitness for duty evaluation. The counseling services required in these instances is mandatory and the results are confidentially reported to the Chief of Police or his designate.

- b. Employees who are exhibiting mild stress related symptoms may be encouraged to utilize the services of the Personnel Assistance Program. The counseling services of this program are voluntary, are available to the family of the employee, and the results are confidentially reported to the employee.

4.18 SHOOTING POLICY

The use of firearms shall be considered as a use of deadly force and shall be guided by the Department Policy on the Use of Force.

- a. Discharge of weapons:

A firearm should be drawn or displayed only under conditions or circumstances that are recognizable by the officer as potentially requiring the use of deadly force.

- b. Warning or Attention Shots:

1. Shots fired into the air or ground in an attempt to cause a fleeing suspect to stop or surrender present a danger to the officer and innocent persons, and are prohibited.
2. In extremely rare and extraordinary situations where the safety of the officer or another person is involved, the firing of a warning shot may be permissible.

- c. Moving Vehicles:

Firing at or from moving vehicles is generally prohibited. Only in extremely rare and extraordinary situations is such action justified.

- d. Officers Surrendering Weapons:

Officers should use every tactical tool at their disposal to avoid surrendering their weapons.