

TITLE: PERSONNEL CODE OF CONDUCT

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PURPOSE

The purpose of this directive is to adopt and promulgate standards of conduct for Department employees.

DISCUSSION

Personnel of the Santa Fe Police Department are expected to follow a prescribed code of conduct and to act responsibly while on or off duty. The department holds its personnel accountable for all actions which reflect on the department.

This chapter identifies certain general and specific conduct that is prohibited for employees of the Department. If a particular subject or offense is not addressed in this chapter, the reader should consult the Manual Index for direction to a more appropriate chapter.

POLICY

It shall be the policy of the Santa Fe Police Department to maintain the highest code of conduct for its personnel. They shall not engage in any conduct which constitutes neglect of duty or which is likely to adversely affect the discipline, good order or reputation of the Department, even though such conduct may not be specifically set forth in this chapter.

The "Canons of Law Enforcement Ethics" established by the International Association of Chiefs of Police and presented in Directive 1.1.01 is hereby adopted as general guidance for, and the standard against which employee conduct is both expected and measured.

PROCEDURE**COMPLIANCE WITH LAWS, RULES, AND REGULATIONS****23.1.01 Duty To Obey All Criminal Laws**

- A. Personnel shall obey all misdemeanor and felony criminal laws of the United States of America, and of any state and local jurisdiction in which they are present. Indictment for the commission of any felony shall be prima facie evidence of a violation of this section.
- B. Conviction of any felony or misdemeanor violation shall be considered conclusive evidence of a violation of this section.

23.1.02 Compliance with Departmental Directives

- A. Personnel shall not commit or omit any acts which constitute a violation of any of the rules, regulations, directives, or orders of the department.

23.1.03 Unbecoming Conduct

- A. Personnel shall conduct themselves both on and off duty in such a manner as to reflect favorably on the department.
- B. Conduct unbecoming an officer shall include, but is not limited to:
 1. Any conduct which has a tendency to bring the department into disrepute; or
 2. That which may impair the operation or efficiency of the department; or
 3. That which tends to diminish public respect or trust for police officers and confidence in the operation of the police department.

23.1.04 Use of Alcohol and Drugs

- A. Personnel shall not store or bring into any police facility or city vehicle any alcoholic beverages, controlled substances, narcotics, or hallucinogens, except as required in the performance of their official duties, or when prescribed for use by a licensed physician or dentist.
- B. Personnel shall not consume any intoxicating beverages on duty, or when utilizing

departmental property, except where its use is required and documented pursuant to a case plan and standard operating procedure.

- C. Personnel are prohibited from consuming alcoholic beverages while operating a city vehicle or eight (8) hours prior to operating such vehicle. Per SFPOA Union and City of Santa Fe contract agreement.
- D. Personnel are prohibited from the consumption of alcohol within eight (8) hours of the employee's scheduled time to report to work, or within eight (8) hours following an accident or until the employee takes a post-accident alcohol and/or drug test, whichever occurs first. Per SFPOA Union and City of Santa Fe contract agreement
- E. Personnel shall not possess or use any controlled substance in violation of city, state or federal law, whether on or off duty. Should an officer be taking prescribed medication that affects duty performance they must either remain off-duty, or if requesting alternate duty, give notice through their chain of command of the nature and effects of the prescription. The chain of command may approve or disapprove the request for alternate duty assignment based on available assignments and effects of the prescription.
- F. Personnel are required to submit to reasonable suspicion alcohol and/or drug testing when directed by the City of Santa Fe; and prohibited from tampering or attempting to tamper with such alcohol and/or drug testing, as per City of Santa Fe Rules and Regulations and the Santa Fe Police Officers Association contract agreement.

23.1.05 Gratuities, Bribes and Rewards

- A. Personnel shall not solicit or accept, either for themselves or other personnel, gifts, gratuities, or compensation for services performed in the line of duty, other than that which is paid by the City, or which is allowed by the Personnel Rules and Regulations, unless authorized by the Chief of Police.
- B. The department does not endorse departmental members accepting any items or services free of charge or at a discounted rate that is not available to the general public. Establishments making such offers shall not receive any preferential treatment or official considerations,

and shall be treated the same as any other business or establishment.

- C. Shopping on-duty or off-duty, while in uniform, is discouraged, as it may invite special consideration on the part of the merchant.

23.1.06 Abuse of Authority

- A. Departmental members shall not use their official positions to gain entry into any event without paying admission, except in the line of duty. Such events may include, but are not limited to:
 1. Sporting events
 2. Liquor establishments
 3. Places of amusement
- B. Departmental members shall not use their official position or official identification card or badge:
 1. To obtain personal or financial gain
 2. To obtain privileges not otherwise available to them except in the performance of their duties
 3. To avoid consequences of illegal acts
- C. Departmental members shall not use their official positions to coerce any individual into acting in a manner contrary to legal codes.

23.1.07 Use of Force

- A. Departmental personnel shall strictly adhere to the department's use of force policy as it is written in the directive 72.1 entitled, "Use of Force".

23.1.08 Proper Care and Maintenance of Equipment

- A. Personnel shall at all times be responsible for the safeguarding and proper use of all departmental-issue property. All authorized equipment shall be utilized only for its intended purpose and in accordance with established departmental procedures.
- B. Personnel shall not abuse, or intentionally damage or lose departmental equipment.
- C. Personnel shall operate official vehicles in a careful and prudent manner and shall obey all

laws and departmental orders pertaining to such operations.

23.1.09 Special Consideration, Privilege, Professional Courtesy

- A. Departmental personnel will not give special consideration, privilege, or professional courtesy to other Santa Fe Police Department personnel or to personnel from other law enforcement agencies, or agencies involved with the Criminal Justice system, when such personnel are alleged to be involved in a violation of any law.
- B. Santa Fe Police Department personnel who are being investigated in connection with an alleged violation of any law will not solicit special consideration, privilege, or professional courtesy from other Santa Fe Police Department personnel or from personnel of other law enforcement agencies.

23.1.10 Reporting for Duty

- A. Personnel shall report for duty at the time and place required by assignment or order, and shall be physically and mentally fit to perform their duties.
 - 1. Judicial subpoenas shall constitute an order to report for duty under this section.
- B. Personnel shall be properly equipped so that they may immediately assume their duties. This includes a sufficient number of forms, citations, gasoline and all necessary personal equipment.
- C. Personnel shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the department or the City as to the condition of their health.

23.1.11 General On-duty Conduct

- A. Personnel shall constantly direct their best efforts to accomplish the functions of the department intelligently and efficiently.
- B. Personnel shall not engage in any activity or personal business which may cause them to neglect or be inattentive to duty.
- C. Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

D. Personnel shall perform their duties in a manner which will maintain the established standard of efficiency in carrying out the functions and objectives of the department.

E. Personnel shall notify their supervisor, if possible, or someone else in authority, before leaving their duty station or post for any reason, including illness or injury.

F. Personnel shall be permitted to suspend their assigned duties, subject to immediate call, for the purpose of having meals during their tour of duty. Meal times shall be assigned by their immediate commander. Commanders may also stipulate where, or how far, the officer may travel to take their meal break.

23.1.12 Use of Tobacco

- A. Personnel may use tobacco on-duty as long as they:
 - 1. Are not in formation.
 - 2. Do not have to leave their assignment or post for the sole purpose of doing so.
 - 3. Are not engaged in traffic direction and control.
 - 4. Are not in a designated non-smoking area.
 - 5. Refrain from using tobacco, or obtain permission prior to doing so, from individuals with whom they are in direct contact.
- B. Personnel may not smoke tobacco in or within fifteen feet of any city building point of entry, per City Ordinance.

23.1.13 Insubordination

- A. Insubordination consists of any employee who:
 - 1. Willfully neglects or deliberately refuses any lawful order given by a superior officer, or
 - 2. Treats with contempt or is disrespectful in language or conduct towards a superior.

23.1.14 Obedience of Lawful Orders Required

- A. Personnel shall promptly obey all lawful orders of a supervisor given in person or over the police radio. This will include orders which are

relayed from a supervisor through personnel of the same or lesser rank.

- B.** Personnel who are given an otherwise proper order which conflicts with a previous order, rule, regulation, or directive shall respectfully inform the supervisor of the previous conflicting order. If the supervisor issuing the order does not alter or retract the conflicting order, the most recent order shall stand. Personnel shall only be held responsible for the last order given, and shall not be held responsible for disobedience of the previously issued order.
 1. Under these circumstances, the responsibility for the conflict shall be upon the supervisor.
 2. Personnel shall not obey any order which they know or should know would require them to commit any illegal act.
 3. If in doubt as to the legality of an order, personnel shall request the issuing supervisor to clarify the order or to confer with higher authority.

23.1.15 Personal Recommendations or Suggestions

- A.** Personnel shall not, while on duty, recommend or suggest to anyone, in any manner the employment or procurement of a particular product, professional service or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.).

23.1.16 Personal Business Operations

- A.** While on duty, departmental personnel will refrain from promoting any personal business in which they may be involved. If departmental personnel are asked about a personal business venture they operate, they shall advise the person making the inquiry to contact them when they are off-duty to discuss their personal business.

23.1.17 Impartiality and Fairness in Public Contact

- A.** Personnel shall never abuse authority by permitting personal feelings, prejudices, animosities, or friendship to influence their decisions.

- B.** In the performance of their duties, personnel shall maintain a neutral and detached attitude without indicating disinterest or that a matter is petty or insignificant.
- C.** Personnel shall not use coarse, violent, profane, or insolent language or gestures.
- D.** Personnel shall not express any prejudice concerning race, religion, politics, national origin, life style, or similar characteristics.
- E.** Personnel shall obtain information in an official and courteous manner, and act upon it in a proper and judicious manner, within the scope of their duties, and consistent with established department procedures whenever any person requests assistance or advice, or makes complaints or reports, either by telephone or in person.

23.1.18 Proper Dress for Duty

- A.** Personnel shall wear uniforms or other clothing in accordance with established department rules and procedures.
- B.** Except when acting under proper and specific orders from a supervisor, personnel on-duty shall maintain a neat, well-groomed appearance and shall style their hair according to department regulations.

23.1.19 Telephones

- A.** Personnel shall have telephones or cell phone and shall report any changes of their telephone number and/or address to their supervisor in written memorandum for routing to the office of the Chief of Police within two (2) working days.

23.1.20 Truthfulness

Truthfulness by police department employees is not only an issue of witness credibility in a court of law; it is the fundamental nature of law enforcement service and strikes to the core of the ability to provide appropriate service. Untruthfulness violates public trust. Effective law enforcement is dependent upon the public trust. As a result, untruthful conduct must be met with the most serious of disciplinary action: termination.

- A. No personnel shall knowingly or willfully depart from the truth in giving testimony, in rendering a report, or in giving any verbal or written communication that relates to the employee's employment or position. Personnel are obligated under this directive to respond fully and truthfully to questions about any action taken that relates to their employment regardless of whether such information is requested during a formal internal affairs investigation or during the daily course of business.
- B. A violation of this section may result in prosecution for violation of New Mexico law, including but not limited to Paying or Receiving Public Money for Service Not Rendered (New Mexico Statutes Annotated 30-23-2), Making or Permitting False Public Voucher (NMSA 30-23-3), Perjury (NMSA 30-25-1), or Tampering with Public Records (NMSA 30-26-1).
- C. All reports and written documentation will be accurately completed and turned in on time in accordance with established department procedures.

23.1.21 Long-Distance Telephone Use

- A. Personnel shall follow the telephone long-distance line instructions set forth by the City of Santa Fe and the Santa Fe Police Department.
- B. Long-distance calls charged to the City shall be for city business only.
- C. City telephones are provided for official city business use. Personal calls shall be kept at a minimum and as short as possible.
- D. Under no circumstances will employees use Departmental telephones to access any "900-" or similar telephone services which result in a toll charge.

CONDUCT ON AND OFF-DUTY

23.1.22 Unauthorized Use of Credentials/Titles

- A. Personnel shall not lend to another person their identification card or badge, or permit their credentials to be photographed or reproduced without the approval of the Chief of Police.
- B. Personnel shall not authorize the use of their names, photographs, or official titles in

connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police.

23.1.23 Associations With Non-departmental Individuals

- A. Personnel shall avoid regular or continuous associations or dealings with persons whom they know are under active 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 in the performance of official duties, or when unavoidable because of other personal relationships.

23.1.24 Participation In Illegal Prostitution, Gambling Activities, Prohibited

- A. Personnel shall not knowingly visit, enter, or frequent a house of prostitution, gambling house, or establishment in which the laws of the United States, the State of New Mexico, or the local jurisdiction are violated, except in the performance of duty or while acting under proper specific orders from a supervisor.
- B. Personnel shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under the proper and specific orders from a supervisor.

23.1.25 General Guidelines Regarding Departmental Business

- A. Personnel shall not criticize or ridicule the department, its policies, or other personnel in a manner which:
 1. Is defamatory
 2. Is obscene
 3. Is unlawful
 4. Which undermines the effectiveness of the department
 5. Which interferes with the maintenance of discipline
 6. Which is made with reckless disregard for the truth

- B. Personnel shall not present themselves as the official representative of the department, without prior authority.
- C. Personnel shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established department procedures.
- D. Personnel shall not knowingly interfere with criminal or administrative investigations, assigned tasks, or duty assignments of another, and shall not directly or indirectly, by threat or bribe, attempt to secure the withdrawal or abandonment of a complaint or charge.
- E. Personnel shall cooperate fully with the investigators in any internal investigation, and shall be afforded all rights and protection provided by law, the City of Santa Fe Personnel rules and regulations, and the department's Directive entitled **INTERNAL AFFAIRS**.
- F. All Police personnel shall be required to immediately submit written notice to the Chief of Police, through their immediate supervisors in the following cases:
 1. Arrest and/or conviction on misdemeanor charges.
 2. Arrest on felony charges.
 3. Receipt of official notice that he/she is a "target" in a Grand Jury Investigation.
 4. Indictment on felony charges.
 5. This section shall also apply when the arrest, target, or indictment is filed in this, or any other jurisdiction,
 6. Conviction on any criminal charges.

23.1.26 Driver's License Requirement

- A. All personnel required to use a motor vehicle for departmental business shall maintain a valid New Mexico driver's license.
- B. The loss of or suspension of one's license to drive shall be reported to his/her immediate supervisor in writing within twenty-four hours.

23.1.27 Identification Required When at the Police Station

- A. Personnel shall wear their badge where visible when in the Police building and not in uniform, during normal working hours of 8:00 A.M. to 5:00 P.M. (Monday thru Friday).
- B. When in any Police facility, personnel shall give their name, rank, and duty assignment to any person requesting it.
- C. After normal working hours, all personnel will challenge anyone not readily identifiable within the Police building.

23.1.28 Police Auctions

- A. Personnel shall not attend auctions held at the Police or Sheriff's buildings while on duty hours, while in uniform, or while displaying identification card and/or badge. Personnel shall not purchase items bought by others at such auctions during business hours or within the confines of the Agencies listed buildings.

23.1.29 Chain of Command

- A. Under normal circumstances, when it becomes necessary to officially communicate with a supervisor, personnel will use the proper chain of command.
- B. During an emergency, personnel may bypass their immediate supervisor, but will notify their immediate supervisor as soon as possible.
 1. An emergency does **NOT** include disagreements which should be rectified by the supervisor's direct supervisor. There is an absolute right to seek assistance from that supervisor. However, the chain of command dictates that the individual commander be notified of the intended bypass.

23.1.30 Crime Scene Photography for Personal Use

- A. Personnel shall not photograph any crime scene or police-related investigation by video tape, motion picture, or still film process, for their personal use.

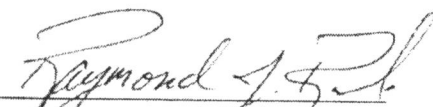
23.1.31 Unauthorized Release of Police Documents

- A. Personnel shall not release any documents of the Santa Fe Police Department for use in any hearing or court, unless a judicial subpoena or court order has been issued, or the release has been approved by the City Attorney or the Chief of Police.
- B. Nothing in this section prohibits the release of reports provided in the Directive, under Records and Forms.

23.1.32 Employee Emergency Information

- A. Personnel shall have emergency information on file in their respective personnel files within the office of the Chief of Police. Each employee shall be responsible for updating the information as required by policy, i.e. departmental phone listings.

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APPROVED: 
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Chief of Police

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