

3.1 CONFORMANCE TO RULES AND PROCEDURES

- .1 It is the policy of the Hagerstown Department of Police that all employees shall comply with the rules of conduct as herein stated, with the additions and amendments to these rules that may be promulgated, and with all other orders and directives, either verbal or written, which may be issued by competent authority. The violation of any rule of conduct, procedure, or lawful order, whether written or verbal, subjects the violator to disciplinary action.
- .2 Ignorance of the rules, procedures, and orders of the Department is not justification for any such violation. Each member shall be responsible for his own acts and he/she may not transfer to others his/her responsibility for executing or failing to execute any lawful order or police duty.

3.2 UNBECOMING CONDUCT

- .1 Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member of the Department, either within or without the City of Hagerstown, which tends to undermine the good order, efficiency or discipline of the Department, or which reflects discredit upon the Department or any member thereof, or which is prejudicial to the efficiency and discipline of the Department, even though these offenses may not be specifically enumerated or laid down, shall be considered conduct unbecoming a member of the Hagerstown Police Department, and subject to disciplinary action by the Chief of Police.
- .2 A supervisor will not injure or discredit a subordinate through unreasonable, unjust, arbitrary, or tyrannical conduct, or abusive language.
- .3 No member of the Department shall maliciously threaten, strike or assault, or harass any other member of the Department. Members who aid, abet or incite any altercation between members of the Department shall be held responsible along with those actually involved.
- .4 All members of the Department shall be civil and orderly at all times, and shall refrain from coarse, profane or insolent language.
- .5 In their contacts with the Department and other City employees, members will conduct themselves in a courteous and respectful manner, and strive to promote and maintain a harmonious relationship.
- .6 Members of the Department, in their private business transactions with persons residing or doing business on their assigned sector or elsewhere, shall not place themselves in a position which would interfere with the proper discharge of their police duties.
- .7 It shall be the duty of every member of the Department to promote good public relations, give assistance when it is required, impartially administrate the law, and keep clean, sober, and orderly habits.

3.3 ABUSE OF POSITION

- .1 While deprived of police powers, sworn members will not wear the uniform and will not represent themselves in an official capacity as a member of the Department.
- .2 Members are prohibited from using their official position or official identification card or badge for personal or financial benefit or as a means of obtaining privileges not otherwise available to them, or for avoiding consequences of illegal acts. No member may lend his/her identification card or badge to another person, or permit it to be photographed or reproduced without the approval of the Chief of Police.

- .3 No member shall permit or authorize the use of his/her name, photograph, or official title identifying him as an employee of the Hagerstown Department of Police in connection with testimonials or advertisements of any commodity or commercial enterprise, or for personal reasons without the approval of the Chief of Police.
- .4 No member shall sign a petition, without the authority of the Chief of Police, when his/her signature identifies him/her as a member of this Department; nor shall any member sign any petition which has an unlawful purpose. However, any member may sign a lawful petition as a private citizen.
- .5 Members shall not address a public gathering, appear on radio or television, prepare any article for publication, or act as a correspondent to a newspaper or a periodical with regard to matters of the agency, if in violation of department policy or other sections of these Rules and Regulations.
- .6 Members shall not release or divulge investigative information to persons not involved in the investigation, nor shall they divulge information on any other matters of the Department, either in an official or unofficial capacity without authorization of the Chief of Police or his designee.

3.4 ASSOCIATIONS

- .1 To maintain the integrity of the employee and to avoid relationships which would tend to impair the operations of the departments, members shall avoid associations or dealings with persons whom they know, or should know, are racketeers, gamblers, felons, persons under criminal investigation or indictment, or others who have a reputation in the community for felonious or criminal behavior, except as directed otherwise by a superior. This section does not prohibit contact with such persons when these contacts are in the performance of duty. Association shall be defined as relationships that exceed those of casual contact on an unavoidable basis. Legal business transactions are not regulated by this section. Associations with such persons may be necessary due to relationships through blood or marriage
- .2 Members shall not visit or enter a house of prostitution, illegal gambling house, or any other establishment wherein the laws of the United States, the laws the State of Maryland, or any other law or ordinance of a political subdivision are violated except in the performance of duty and while acting in response to lawful and specific orders of a superior.
- .3 Members shall not in any manner affiliate themselves with any organization, association, movement, group, or combination of persons which advocates the overthrow of the Government of the United States or any state, or which has adopted the policy of advocating or approving the commission of acts of force or violence to deny any person his rights under the Constitution of the United States or any state, or which seeks to alter the form of government of the United States or any state by unconstitutional means.
- .4 Members of the Department are prohibited from affiliating with any organization or body, the provisions of whose constitution or charter would in any way exact prior consideration, and prevent them from performing their duty as members of the Department.

3.5 FINANCIAL OBLIGATIONS

- .1 All members of the Department shall fulfill their financial obligations.
Disciplinary action for violation of this rule may be taken when:
 - Creditors' judgements have been finally adjudicated and the employee, although able to pay, refuses to pay such judgements; or
 - The effects of the indebtedness has adversely affected the ability of the member to perform his/her job or has negatively reflected on the reputation or effectiveness of the agency.

Disciplinary action would be inappropriate, absent extenuating circumstances, where:

- The member has made a genuine and sincere effort to pay his/her debts; or
- The employee has filed a voluntary bankruptcy petition.)

3.6 CONFORMANCE TO LAWS

- .1 No member shall violate his/her oath of office and trust or any other condition of his/her employment with the City of Hagerstown or commit an offense punishable under the laws or statutes of the United States or any sovereign nation, the State of Maryland, or public local laws or ordinances. Any member who has been charged with a violation of any law, statute, or public local law or ordinance stipulated in this section must report the facts concerning such violation immediately to his/her commanding officer. Parking violations, except when they are issued to a Department vehicle, are exempted from this section.
- .2 No member shall issue or follow an order in violation of any Federal, State, local ordinance, or these Rules and Regulations or Policy and Procedures.
- .3 Any member of the Department summoned to the State's Attorney's Office of Washington County or any other prosecutor, or before any court concerning any matter in which the officer or any other member of the Department may become a defendant, must report the facts in writing to the Chief of Police through official channels.

3.7 SEEKING OR ACCEPTING GIFTS, GRATUITIES/BRIBES

- .1 No member shall solicit, seek, or accept any gift or gratuity, including food or drink for himself/herself or another from any individual, business establishment, or merchant, where such offer of acceptance can be construed to be an effort to influence his/her official conduct as a member of the police department.
- .2 No member shall receive, seek, solicit, or share in any fee, reward, or other reimbursement for the performance of his/her official duties, or for his/her failure to perform official duties, except as directed by the Chief of Police. He/she shall immediately report any effort to influence his/her official conduct.
- .3 Members shall not solicit or accept any subscription or contribution for any purpose whatsoever except in conformance with Department policy. No member shall routinely or habitually accept food or beverages from any individual, business establishment, or merchant either for free or by discount which is given or offered merely as a result of the employee being a police department employee.

3.8 POLITICAL ACTIVITY

Members of the Police Department shall not participate in political activity other than as may be provided for by law and to exercise their right of suffrage, for which sufficient time shall be allowed.

3.9 SECONDARY EMPLOYMENT AND BUSINESS ACTIVITIES

- .1 No member shall engage in any secondary employment or business activity without written permission from the Chief of Police or his designee. Approval shall be for a period of 1 (one) year. The member may request it be renewed after 1 (one) year.
- .2 Secondary employment or business activity may not be inconsistent or incompatible with, nor may it interfere with, the proper discharge of a member's duties and responsibilities with this Department.

- .3 Members may not engage in any private or personal security work, or investigative work, unless authorized by the Chief of Police. If said work is authorized, the following applies:
 - Members engaged in such work may not provide investigative services for or on behalf of someone who is subject of, a witness to, or otherwise involved in a criminal investigation in Washington County. Depending on the situation, members may need to make an up front inquiry of prospective clients regarding whether this applies to the client or the subject of the investigation.
 - Members engaged in such work may not become involved with investigations in which the subject is a city employee or a city employee's immediate family member.
 - Members have the responsibility to ensure that any such work does not impair their impartiality or independence of judgment as Hagerstown City employees.
- .4 No member may directly or indirectly maintain ownership in any business dealing directly or indirectly with the manufacture, transportation, or sale of alcoholic beverages.
- .5 Members may be permitted to work secondary employment where alcohol is dispensed so long as it is not the primary service of that business, said employment does not bring discredit to the Department, and prior approval of the Chief of Police is obtained.
- .6 No secondary employment or business activity may involve the use of Department files, facilities, equipment, supplies, or information gained or accessible by virtue of being a member of the Hagerstown Police Department. Members may not disclose or use confidential information obtained as a City employee. This includes all information not available to the general public.
- .7 No secondary employment or business activity may involve the use of the Department badge, uniform, prestige, or influence of the member's office.
- .8 Members engaged in secondary employment or business activity may not be compensated for performance of an act which the member, if not performing such an act, would be required or expected to render in the regular course or hours of his/her duties as a member of the Department.
- .9 Secondary employment or business activity may not involve such time demands as would render the performance of the member's duties as an employee of the Department less efficient.
- .10 Members of the Department are prohibited from joining any federal or state military organization without the consent of the Chief of Police.
- .11 Members may be permitted to work secondary employment in establishments engaged in legalized gambling operations, so long as said operations are not the primary service of that business, or said employment does not bring discredit to the Department, and prior approval of the Chief of Police is obtained.
- .12 Members may not engage in any secondary employment while on sick leave or workers' compensation leave from the Department.
- .13 Any type of secondary employment that may, because of its location or nature, bring disfavor, disrespect, or discredit to either the member or the Department shall not be approved for any member.
- .14 Members may not engage in any secondary employment where the use of police powers is expected or anticipated.
- .15 Members engaged in secondary employment have the responsibility to avoid conflicts of interest or the appearance of conflicts of interest.

- .16 Companies in which a member or the member's immediate family has any ownership interest may not negotiate with the City of Hagerstown to provide good or services to the City.
- .17 Members engaged in secondary employment are required to comply with the relevant portions of Chapter 33 (*Code of Ethics*) of the City Code.

3.10 REPORTS AND COMMUNICATIONS

- .1 Members shall submit all reports, both verbal and written, required by the Department, on time and in accordance with established procedures. All official business transacted by Department employees must be processed through official channels.
- .2 Sworn members shall report to their superiors all information that comes to their attention concerning organized crime, racketeering, vice conditions, etc.
- .3 All reports submitted by members of this Department will be truthful; no member shall knowingly report or cause to be reported any false information. A clear distinction must be made between reports which contain false information and those which contain inaccurate or improper information. To prove by a preponderance of evidence that one has submitted a false report, evidence must be presented for consideration that such report is designedly untrue, deceitful, or made with the intent to deceive the person to whom it was directed.
- .4 All reports submitted by members will be complete and will not contain improper or inaccurate information. Inaccurate or improper information may be characterized by that which is untrue by mistake or accident or made in good faith, after the exercise of reasonable care.
- .5 All members of the Department shall treat as confidential the official communications and business of the Department. This applies to any document, photograph, audio or video recording, written or oral communications, or any other source of communications obtained by a Department member in the course of, or as a result of, the member's employment with the Department. Examples include photographs, sketches, or audio/ video recordings obtained and disseminated using department equipment or a member's personally owned device. More specifically, emailing such records or information, or posting same on social networks, is prohibited. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established Department procedures. Members may remove or copy official records or reports from the Department only in accordance with established Department procedures. Members shall not divulge the identity of a person giving confidential information, except as authorized by proper authority in the performance of police duties.
- .6 The content material labeled "DRAFT" or "CONFIDENTIAL" must be treated with the utmost sensitivity, as items of this nature may differ significantly when finalized. Only those employees officially directed under competent authority to review, discuss or have input into draft and confidential material may divulge the content of said material and then only to employees specifically authorized by official directive.
- .7 The use of HPD telephones (including calls from car/portable phones) shall be limited to the conduct of official business except for personal or emergency calls made/received in accordance with established policy.
- .8 Members of the Department are required to report to the Chief of Police through official channels any change in their address, telephone number, or marital status, within 24 hours.
- .9 All members of the Department whose duties require them to maintain Departmental records shall do so in accordance with the provisions of the law and the established procedures of the Department.

- .10 No member of the Department shall remove any official book, document, or file belonging to the Department, whether contained at Headquarters, a station house, or any division of the Department, without authority of the Chief of Police/or designee, or under due process of law.
- .11 Accessing Confidential or Restricted Material
 - .1 Members may not intentionally access or review, or attempt to access or review, any material which they know or should reasonably know is confidential, restricted, or otherwise not appropriate for their access or review.
 - .2 Examples of confidential or restricted material include, but are not limited to: material whose access is limited by law; internal investigation files; disciplinary records; personnel files; performance evaluations and documentation; medical information; material addressed to someone other than the accessing member such as U.S. mail or inter-office/inter-department mail.
 - .3 Any member who inadvertently accesses such material shall report the access to the Operations or Support Services Administrator through official channels.
 - .4 Members may not divulge to unauthorized persons material or information they access which is confidential, restricted, or otherwise not appropriate for their access or review.
- .12 Members receiving or possessing facts or information relative to a criminal offense or case, shall not retain such facts or information through ulterior motives, desire for personal credit or aggrandizement, but shall report the facts or information in accordance with Departmental procedures.
- .13 Because a substantial amount of work related communication occurs via email, all employees with HPD email accounts are responsible for checking those emails for work related communications at least once during each of their regular workdays. Deviations from this requirement will be allowed if caused by emergencies, unusually high workload, or other reasonable conditions. Employees are encouraged to check emails periodically throughout each of their workdays.

3.11 LABOR ACTIVITIES

- .1 Members shall not engage in any strike or job action. Strike or job action includes, but is not limited to, failure to report for duty, willful absence from duty, unauthorized holidays, sickness unsubstantiated by physicians statement, stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in condition, compensation, rights, privileges, or obligations.
- .2 Any member of the Department, who being present at or having cognizance of any mutinous, seditious, rebellious or reactionary movement within the Department, must use the utmost effort to suppress same, or knowing or having reason to believe that such movement is to take place, must give information thereof to that member's Commanding Officer without delay.

3.12 CRITICISM

No member of the Department shall criticize or ridicule the Hagerstown Department of Police, any other city department, any State agency, or member of the Maryland Judiciary, their policies, or their officers by speech, in writing, or by expression in any other manner, when such speech, writing, or other expression is defamatory, obscene, unlawful, exhibits a reckless disregard for truthfulness, or tends to undermine the operation of the Police Department, any other City department, any State agency, or the Judiciary by impairing their efficiency or interfering with their operation or maintenance of discipline.

3.13 INSUBORDINATION

- .1 Unless otherwise directed by competent authority, members shall transact all official business with employees senior in rank or classification through the official chain of command.
- .2 No member of the Department shall at any time be insubordinate or disrespectful to a superior/subordinate, or other Departmental employee.
- .3 No member of the Department shall wilfully disobey any lawful command or order, either verbal or written, of any superior or other member designated to command. This includes any order relayed from a superior by an employee of the same or lesser rank. A lawful order is any order, either written or verbal, which the member should reasonably believe to be in keeping with the performance of his duties or the responsibilities of his post.
- .4 No member without adequate justification will intentionally issue an order that is contrary to an order issued by a superior. In the event that a member receives an order which conflicts with a previously issued order, the member will inform the supervisor (or other person) issuing the conflicting order and ask for resolution of the conflict. If the conflicting order is not altered or retracted, the member will follow the most recent order and shall not be held responsible for disobeying the previously issued order, regardless of the rank or the supervisor issuing the conflicting order.
- .5 Any order may be countermanded in an emergency. A member countermanding a prior order will immediately report the reason for his action to his commanding officer. Responsibility for all prudent and reasonable action necessary for compliance with orders will remain with the superior issuing the order. Accountability for all action taken in compliance with orders remains that of the person taking such actions.
- .6 At the scene of any incident, the assigned member shall be in charge until relieved at the direction of another member senior in rank, or as otherwise specified in these Rules and Regulations.

3.14 REPORTING FOR DUTY

- .1 Members of this Department shall not absent themselves from duty without proper authority.
- .2 Members shall report for duty at the time and place specified by their superior and shall be physically and mentally fit to perform their duty. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.
- .3 All members of the Department who are unable to report for duty for any reason shall promptly notify or cause to be notified their Commanding Officer, stating the reason for such failure to report. Members who sustain an injury in the line of duty shall promptly notify, or cause to be notified, their Commanding Officer.

3.15 FICTITIOUS ILLNESS OR INJURY REPORTS

No member of the Department shall feign illness or injury, falsely report himself/herself ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of his/her health.

3.16 INTERFERENCE WITH DUTY

- .1 No member shall attempt to bring influence to bear upon the Chief of Police or City Official for the purpose of securing promotion or transfer or to avoid the penalties for violations of the Department's policies, rules, procedures, or orders.

- .2 Any member, against whom formal charges have been preferred or any member preferring such charges, shall not attempt directly or indirectly by threat, appeal, persuasion, payment or promise of reward, to secure the withdrawal or abandonment of such charge, or who at any time before final judgment shall cause any person to intercede personally or by letter, in his behalf in this matter whatsoever, with any official in or outside the Department or with any other person for the purpose of withdrawal or abandonment of formal charges, shall be charged with violating this Rule.
- .3 No member shall interfere with cases assigned to other members for investigation without consent, except by order of a superior officer; nor shall he interfere with the operation of a division, shift, squad, or unit. No member shall interfere with any lawful arrest or any prosecution brought by other sworn members of the Department or by any other agency or person. Sworn members shall not undertake any investigation or other police action not a part of his/her regular police duties without first obtaining permission from his/her superior unless he can justify the need for his immediate intervention.
- .4 No member shall be directly or indirectly concerned with making arrangements, agreements, or compromises between a criminal and a person who has suffered from his criminal acts for the purpose of allowing the criminal to escape any punishment prescribed by law. Any member having knowledge of such an arrangement, agreement, or compromise shall report such to his/her immediate superior without delay.
- .5 No member shall reveal the identity of a sworn member assigned to plain clothes or covert investigative work. Members shall not recognize such other member unless such other member salutes or acknowledges him/her first.

3.17 ABUSE OF PROCESS / WITHHOLDING EVIDENCE

No member shall intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information, or make any false accusations of a criminal charge.

3.18 FOUND AND RECOVERED PROPERTY/EVIDENCE

- .1 All members of the Department who recover or come into the possession, custody, or control of any lost, stolen, seized, or abandoned property, including money, shall be held responsible to properly secure and handle such property or money in conformity with the law and the established procedure of the Department.
- .2 Property which has been received as evidence in connection with investigations or which, for any other reason, comes into the custody of this Department, will be processed in accordance with established procedures. No member shall convert to his/her own use, manufacture, tamper with, or damage through negligence, or destroy, or in any other way misappropriate any evidence or any other material or property found in connection with any investigation or other police action, except in accordance with established Department procedures.

3.19 SUGGESTIONS PERTAINING TO SERVICES

No employee shall recommend or suggest in any manner, except in the transaction of personal business and then representing himself/herself only as a private citizen, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance, or towing service, bondsman, mortician, etc.). In the case of ambulance or towing service when such service is necessary and the person needing the service is unable or unwilling to procure it, the member shall proceed in accordance with Department procedure.

3.20 REQUESTS FOR ASSISTANCE

- .1 When the public requests assistance or advice, either by telephone or in person, all pertinent information will be taken in an official and courteous manner, and will be acted upon consistent with established Department procedures.

- .2 Sworn members shall not act in an official capacity, without authority, in any civil case, except where such action will prevent a breach of the peace or assist in quelling a disturbance, or when summoned by regular court procedure.
- .3 Members of the Department shall meet the public with courtesy and consideration. Questions must be answered civilly and courteously, at the same time avoiding unnecessary conversation. Members shall not use slang or facetious expressions while talking to the public.

3.21 IDENTIFICATION

- .1 Sworn members of the Department shall carry their police identification of authority at all times and shall furnish their name and identification number to any person upon request, except when authorized not to do so by proper authority and/or when such refusal may be necessary for the proper performance of his/her police duties. Police identification shall be issued by the Department and shall include, at a minimum, the member's name, rank, photograph, and signature of the Chief of Police.
- .2 When a sworn member takes any action as a law enforcement officer while in plainclothes, he/she shall identify himself/herself to the violator or parties involved and display his/her badge and/or identification card.
- .3 While acting in their official capacity, all Department members have the responsibility to ensure that persons with whom they are interacting via telephone are aware of the member's name and rank or position. If requested, members shall provide their identification number. This provision is not required when authorized by proper authority and/or when such refusal may be necessary for the proper performance of their police duties.

3.22 UNIFORMS AND EQUIPMENT

- .1 Members of the Department shall wear such uniforms, badges, insignia of rank, and equipment consistent with and as prescribed in Departmental procedure. Uniforms and service equipment as covered under this rule are applicable to members having police powers only, and the wearing of any portion of the uniform or the use of police service equipment by civilian employees is a violation of this rule unless covered by orders specifically applicable to the individual or group. No uniform or equipment shall be worn or used by members of this Department unless they conform to the prescribed specifications.
- .2 Members of the Department are required at all times to be neat, clean, and well-groomed; uniforms and civilian clothes shall be clean and pressed; shoes, boots, leather, and metal equipment shall be regularly polished; and side arms shall be clean and serviceable.
- .3 Members of the Department while on duty shall wear the prescribed uniform and be properly armed and equipped, unless otherwise directed.
- .4 Members of the Department shall wear only such uniforms, badges, insignia of rank, and equipment as prescribed in Departmental procedure.
- .5 No member of the Department shall allow any other person to use his badge or other means of personal identification.
- .6 Members of this Department shall not sell, exchange, lend, or borrow any part of their prescribed uniform and equipment, nor shall they wear their uniforms and equipment or any part thereof in any private performance, exhibition, or parade without permission of the Chief of Police.
- .7 Damage to or loss of Department equipment will be reported in writing to their immediate supervisor who shall notify the Operations Captain.

- .8 Members of the Department shall be held responsible for all equipment issued to them, and where it is established that any part thereof is lost or damaged through negligence, the officer(s) concerned shall be obligated to replace it at their own expense. All members of this Department shall assume personal responsibility for all Departmental property issued to them or placed in service for their use or convenience and shall notify their Commanding Officer immediately when such property or equipment requires repair or replacement.
- .9 Members who elect to store issued equipment within desks, lockers, etc., shall inspect such equipment daily to insure its presence and condition.
- .10 Members of the Department under suspension from duty are required to turn over to their Commanding Officer Departmental equipment as requested. Sworn members will turn over issued weapons and ammunition, issued badges, and identification cards.
- .11 Members will operate official vehicles in a careful and prudent manner, and will not through negligent or careless operation incur or cause damage to be incurred to Department property or to the property of another. They will obey all laws of the State of Maryland and all local ordinances, and conform to all Department procedures and regulations pertaining to operation and maintenance of any Department vehicle assigned to them on a permanent or temporary basis. Members will at all times set a proper example for other persons by their operation of vehicles.
- .12 Members will not have any item of Department equipment repaired, adjusted, or modified without official authorization.
- .13 Only members of this Department or approved repair/maintenance personnel will be permitted to operate or attempt to operate any Department vehicle, or use any Department issued firearm, or use any other item of property owned by this Department. However, specific exceptions to this rule may be authorized by the Chief of Police or a Captain.
- .14 Because of the high cost of the Motorola XTS series radios, members need to be cognizant of the need to protect them from theft or loss. Each member to whom a portable radio is issued shall be responsible for keeping the radio under the member's control or in a secure location. For the purpose of this section, a desktop, an unlocked desk drawer, the top of a locker, or an unlocked locker are examples of areas not considered to be secured. Locked lockers, locked desk drawers or cabinets, or car trunks are examples of secure locations. If a member fails to properly control or secure his/her radio and the radio becomes lost or otherwise missing, the member may be liable for all or a portion of the replacement cost, depending on the member's level of carelessness or negligence. On a first offense, the maximum penalty will be 2 days off without pay. On each subsequent offense, the maximum penalty will be determined on a case by case basis and shall consider the totality of the circumstances.
Additionally, in situations where theft is alleged, the Department will take steps to ensure a proper investigation is complete and, when appropriate, criminal and/or administrative charges are filed against those found to be responsible.

3.23 PERFORMANCE OF DUTIES AND RESPONSIBILITIES

- .1 Members of the Department shall be held strictly responsible for the proper performance of their duties. Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. (Unsatisfactory performance may be demonstrated by a lack of knowledge or the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member's rank, grade and/or position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention; absence without leave; or unnecessary absence from the assigned patrol during a tour of duty; repeated inability to perform assigned duties in a satisfactory manner due to physical, mental or emotional incapacitation including, but not limited to, that brought about by a member's use of alcohol/drugs, shall also be considered unsatisfactory performance. Additionally, repeated inability to perform assigned duties in a satisfactory manner due to physical infirmity or mental/ emotional incapacitation shall be considered unsatisfactory performance.)
- .2 All members shall successfully complete all education and training requirements relative to their positions/assignments, and/or for mandated certifications, including those for specialized positions/assignments.
- .3 Supervisory personnel at all levels are accountable for the performance of employees under their immediate command.
- .4 Members of the Department must be punctual in attendance to all calls, requirements of duty, court appointments and other circumstances where time is specified.
- .5 Members of the Department are sworn in as peace officers of the City of Hagerstown and, as such, are considered to be on-duty or ready for duty at all times.
- .6 Failure to stop and perform the necessary police functions while off-duty or on leave shall be considered neglect of duty. (Necessary police functions, while off-duty may include, but is not limited to, immediately notifying the responsible law enforcement agency or causing such notification, or taking direct police action. Off-duty members, both inside and outside of the City limits, are to give first consideration to causing the appropriate action to be effected by the on-duty members of the responsible law enforcement agency. Members should become directly involved only after due consideration of the gravity of the situation, their present physical and mental ability to act in an on-duty capacity and of their possible liability, along with that of the Department and the City of Hagerstown. Members are reminded that powers of arrest outside the City of Hagerstown, but within the State of Maryland are governed by Annotated Code of Maryland, Criminal Procedure Article §2-102 (related to extra-jurisdictional arrests). Outside the State of Maryland, sworn members have no arrest powers other than those of civilians. Whenever members assume their official role and take direct police action, they are governed by all policies, Rules and Regulations, applicable to on-duty members.)
- .7 Members will not, without proper authorization, absent themselves from their assigned place of work during their tour of duty.
- .8 Members will remain awake and alert while on duty. If unable to so, he/she will report to his/her superior officer, who will determine the proper course of action.
- .9 Members will administer the law in a fair and impartial manner.
- .10 Members of the Department shall not frequent station houses or Headquarters, except as duty requires or upon order.

- .11 Members shall not shop, barter, or trade while on duty or while off duty in uniform, except when required in the performance of their job. Members shall not conduct personal business while on duty. (Note: This section is not meant to prohibit members from purchasing meals, snacks, or items needed for duty use. However, such purchases must not interfere with the member's performance of his/her duties.)

3.24 USE OF ALCOHOLIC BEVERAGES

- .1 Members of this Department while on-duty, or when off-duty in uniform, shall not enter bars, taverns, or liquor establishments, except in the proper performance of their duties.
- .2 No member of the Department is authorized to indulge in alcoholic beverages or substances while on-duty, or while off-duty in uniform or partial uniform unless it is necessary for the performance of his/her duty. In every case where it is necessary for an employee to use alcoholic beverages while on duty, written permission must be obtained from the members's immediate supervisor. Any member given written permission to consume alcoholic beverages while on duty may not do so to the extent that his/her ability to perform his/her duty is impaired. Habitual overindulgence is forbidden.
- .3 Members, while off-duty, shall refrain from consuming alcoholic beverages or substances to the extent that it results in obnoxious or offensive behavior which would discredit them or the Department.
- .4 Members shall not report for duty or be on duty with alcohol in his/her blood unless authorized pursuant to section 3.25.2 (above). A blood alcohol content of .02 or greater as determined by an analysis of the member's blood or breath shall be conclusive proof of alcohol in the member's blood.
- .5 Members of this Department shall not bring any alcoholic beverage into any Department building or vehicle, with the intention of consuming same therein, nor shall they permit same to be brought therein, except as required in the performance of police duty.

3.25 USE OF DRUGS

- .1 No member may use any controlled substance, except when prescribed in the treatment of the member by a health care professional licensed to issue prescriptions.
- .2 No sworn member shall report to work or be on duty as a law enforcement officer when his or her judgment or physical condition has been impaired by medication or other substances.
- .3 Sworn members must report the use of any substance, prior to reporting for duty, that impairs their ability to perform as a law enforcement officer. Said notification shall be to the City physician who will determine if the member will be authorized for full duty, restricted duty, or is to be on medical leave. The physician will only notify the Chief of Police or his designee if restricted duty or medical leave is recommended. The release of information by the City physician regarding the type of medication, employee's use of the medication, and/or the employee's medical condition shall be in compliance with all applicable privacy laws.
- .4 No non-sworn member shall report to work or remain at work when the member's ability to perform his or her job has been impaired by medication or other substances.
- .5 It is each member's responsibility to be aware of the potential effects of any medication the member is taking or has been prescribed, and to determine if a particular medication impairs the member's ability to perform his or her job. Members are encouraged to consult with the prescribing health care professional or the City physician when making that determination.

3.26 USE OF TOBACCO

- .1 This section applies to all personnel who have not entered into a pre-employment agreement regarding tobacco use. Personnel who have entered into a pre-employment agreement regarding tobacco use are bound by said agreement. Additionally, this provisions of this section are supplemental and in addition to City Personnel Policy 220.00, "*Smoking in the Work Place*".
- .2 For the purposes of this section, the term tobacco means all tobacco products, including smoked and smokeless.
- .3 When acting in an official capacity, members shall not use tobacco products during their contacts with the public.
- .4 At the HPD building, tobacco use is permitted outside, on the west side of the building only, and in the parking lots adjacent to the building. Tobacco use in all other areas of the HPD property is prohibited.
- .5 When using smokeless tobacco while on duty, personnel may not expectorate or cause expectorant to fall onto any portion of the ground. They are to utilize a container adequate for such a purpose and dispose of same in an appropriate receptacle. Said containers are restricted to, and prohibited from, the same areas as tobacco use.
- .6 Tobacco use is prohibited in all HPD vehicles.

PERSONNEL POLICY - 220.0**SMOKING IN THE WORKPLACE**

The purpose of this policy is to comply with the State of Maryland requirements on smoking in the workplace and to promote the safety and well being of all City employees by limiting smoking within and around City facilities. There will be no smoking in the following areas:

- Inside all City owned or operated facilities where City employees work. This includes all private offices, meeting rooms, lunch rooms, common work spaces, garage bays, store rooms, rest rooms, hallways, foyers and open areas.
- City vehicles that may be utilized by more than one person during the day. This includes police cruisers, departmental pool cars and light trucks, dump trucks and fire apparatus and vehicles.

Smoking will be permitted in the following areas:

- City vehicles that are never occupied by more than one person (individually assigned vehicles).
- Out of doors on grounds adjacent to City facilities.
- Outside work locations and outdoor job sites.

Employees who work indoors who must smoke, must do so outside of City buildings. It is management's responsibility to enforce this policy and minimize any disruptions resulting from its enforcement.

Questions regarding areas not explicitly mentioned in this policy should be referred to the Department Manager. The Department Manager and Personnel Manager shall then classify the area as either smoking or non-smoking.

The City will sponsor periodic smoking cessation programs which will be open to all City employees and family members.

Personnel Policy 220.00
effective: March 27, 1995

reissued: July 9, 2010

3.27 GAMBLING

No member will engage 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.

3.28 TREATMENT OF PRISONERS IN CUSTODY

No member will mistreat persons who are in his/her custody or the custody of the Department. Members will handle persons in custody in accordance with established Department procedures.

3.29 COOPERATION WITH LOCAL LAW ENFORCEMENT AGENCIES

Although the primary responsibility for delivering police services lies with the Hagerstown Department of Police, other agencies having jurisdiction within the City of Hagerstown are the Washington County Sheriff's Department and the Maryland State Police. Members of this Department shall offer complete cooperation when situations arise where these agencies must exercise their authority within the city limits. Members will also offer complete cooperation when their assistance is requested by these agencies outside the city limits, but only when such assistance is approved by a supervisor.

3.30 MILITARY SALUTATION

Uniformed members of the Department, when encountering the Chief of Police and other commissioned officers (lieutenants and above), except those assigned to plainclothes or detective duty, and commissioned officers in uniform when encountering each other, shall render the salute in the military manner. All uniformed members of the Department shall also salute the Governor and Mayor in the military manner.

3.31 CIVIL ACTIONS / SETTLEMENTS

No member shall file a claim, bring suit, or accept a settlement for the recovery of damages sustained from any job related injury or loss without prior written notification through command channels to the Chief of Police.

3.32 SEXUAL HARASSMENT

Members of the Department shall abide by Personnel Policy - 460.00, "*Sexual Harassment*". Below is the policy as it appears in the City of Hagerstown Human Resource Manual.

PERSONNEL POLICY - 460.00

SEXUAL HARASSMENT

Section I - Purpose

This policy ensures that all employees of the City of Hagerstown will enjoy a safe work environment free from unreasonable interference, intimidation, hostility, or offensive behavior on the part of supervisors, managers, co-workers, appointed or elected officials or visitors. Harassment, sexual or otherwise, is illegal. It violates Title VII of the Federal Civil Rights Act of 1964 and state fair employment laws and will not be tolerated by the City of Hagerstown.

Section II - Policy

The City of Hagerstown will maintain a workplace free of harassment of any kind and from any source, while treating all complaints fairly and evenhandedly. Employees are assured that complaints of sexual harassment may be lodged with no fear of reprisal. Employees, supervisors, managers and others who violate this policy are subject to disciplinary action, up to and including, discharge.

Section III - Definition

Sexual Harassment is a form of discrimination and is a violation of both federal and state laws. Sexual Harassment is defined by the Equal Employment Opportunity Commission (EEOC) as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are unlawful when the following occurs:

- A. Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment.

- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Section IV - Examples of Sexual Harassment

Sexual Harassment does not refer to occasional compliments of a socially acceptable nature or to acts that are usually acceptable by all elements of society. It refers to behavior that is not welcome, that personally is offensive to some people, and that fails to respect the rights of others.

"Quid Pro Quo" Sexual Harassment refers to the more obvious sexual harassment, including (1) making submission to sexual demands an implicit or explicit term or conditions of employment; or (2) making decisions affecting someone's employment or compensation on the basis of whether the person submits to or rejects sexual demands.

"Hostile Work Environment" refers to conduct which unreasonably interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment. This area of sexual harassment can sometimes be more subjective and difficult to define. Some examples of prohibited actions which can constitute sexual harassment by creating a hostile environment are as follows:

1. Repeated sexual flirtations, advances, or propositions;
2. Repeated verbal abuse, such as graphic or degrading remarks, jokes, or slurs;
3. Uninvited touching, including petting, pinching, impeding or blocking movement, and/or repeated brushing against another's body;
4. Derogatory or offensive posters, pin-ups, cards, cartoons, graffiti, drawings, or gestures.

These are just some examples of harassment. Remember that different people have different ideas as to what constitutes sexual harassment. Actions that seem harmless or amusing to some people may be offensive to others. To avoid sexually harassing others, you must be sensitive to others' feelings of harassment. As a rule of thumb, ask yourself: "If someone behaved this way toward my spouse, parent, or child, how would I feel?" Or "Would I be embarrassed to see my remarks or behavior reported in the local newspaper or described to my family?"

Section V - Complaint Procedures

Any employee who believe he or she is being sexually harassed by a manager, supervisor, co-worker, or other person should take the following actions:

- A. Politely, but firmly, confront the person and ask him or her to stop, or write your complaint in a letter or memo. State how you feel intimidated or harassed by these actions. If practical, have a witness present. Be specific about the exact behavior you want stopped. Make a written note of what was said, the date and time of the discussion, or if in writing, keep a copy of the memo.

If you feel uncomfortable confronting the person, or if the behavior does not stop or recurs, move to (B) of the complaint process. No individual will suffer reprisal or retaliation from reporting any incidents of sexual harassment, making any complaints, or participating in any investigation.

- B. Submit your complaint directly to your supervisor, department manager, or the Human Resource Manager. The Human Resource Manager must receive a copy of all complaints.
- C. The complaint should be in writing and should include the following (Use Complaint Form, attached):
 1. Who allegedly committed the offensive behavior.
 2. Description of the specific behavior.
 3. When and where the incident occurred.
 4. Any witnesses or persons with knowledge of the incident or behavior.

5. Any action that has been taken by the complainant.

The complaint should be signed and dated by the complainant, and include a statement giving the City permission to investigate the claim. During an investigation, certain details of the alleged occurrence may be released to those involved in the investigation.

- D. Complaints will be investigated in a prompt, objective, and confidential manner by the Human Resource Manager or designee utilizing any resources of the City necessary to conduct a thorough investigation. The Human Resource Manager will work with the appropriate department manager, as necessary, to conduct this investigation and/or to take immediate remedial action if applicable. The investigation will also include interviews with the complainant, alleged harasser, and any witnesses.

Confidentiality: In no event will information concerning a complaint be released to anyone who is not involved in the investigation. Nor will anyone be permitted to discuss the subject outside the investigation.

- E. A formal report of the complaint and investigation will normally be submitted to the City Administrator, Department Manager, Complainant, and accused offender within fifteen (15) working days of the receipt of the complaint. The report will include findings of the investigation and any corrective action recommended or taken.
- F. Based on the contents of the report, appropriate disciplinary action and/or counseling will be taken.

Section VI - Discipline

While it is not the City's policy to regulate an employee's personal morality, sexual harassment is illegal. If an employee is guilty of sexual harassment in any of its previously mentioned forms, it will be considered an act of gross misconduct and grounds for disciplinary action up to and including discharge. The employee may also be required to undergo appropriate counseling through the City's Employee Assistance Program. Additionally, any supervisor or manager who receives a complaint of sexual harassment and fails to take appropriate action pursuant to this policy is also subject to disciplinary action.

Section VII - Harassment by/of Outsiders

It is the policy of the City of Hagerstown to protect employees from sexual harassment, regardless of the source. If an employee is harassed by a non-employee, the employee should take the same steps as listed in the Complaint Procedure.

In consultation with other appropriate management or involved personnel, effective remedial action will be promptly taken. Possible remedial actions may include written warnings or prohibiting the harasser from returning to the premises.

Additionally, any Citizen alleging harassment by a city employee during his/her work hours may file a complaint using the procedure above. The same complaint investigation procedures and disciplinary action, if applicable, will apply.

Personnel Policy 460.00
Revised: December 12, 1996

HARASSMENT COMPLAINT FORM

Name: _____
Position: _____

Date: _____
Dept. _____

STATEMENT OF COMPLAINT (Please read the policy before completing):

Date(s) of Incident(s): _____

Name(s) of person(s) accused of harassment: _____

Name(s) of witness (es), if any: _____

Description of incident(s). Describe actions and/or statements of all persons involved, including yourself. Be specific.

What action, if any, have you taken regarding these events (e.g., spoken with accused, spoken with supervisor, etc.)? When?

Adjustment or remedy requested:

I, _____ authorize the City to conduct a thorough investigation of the above complaint, including disclosing portions of the information provided to those involved in the investigation.

Employee Signature

3.33 REQUESTS FOR EMPLOYMENT STATUS OR HISTORY

- .1 HPD employees are not authorized to discuss the employment status or employment history of any current or former HPD employee with a prospective employer, except with the consent of the Chief of Police, Support Services Administrator, or Operations Captain. Employees are to refer all requests for such information to the Support Services Administrator.
- .2 Before any employment information will be released, a written authorization / liability release is required from the current or former employee. Release forms may be obtained from the Support Services Administrator or Administrative Coordinator. All completed releases will be filed in the Administrative Office Files.
- .3 As a general rule, the following guidelines apply to the type and amount of employment information to be released:
 - .1 Information released for current or former employees seeking civilian employment will be limited to the employee's position, dates of employment, and type of separation (e.g., retirement, resignation, termination, etc.) if applicable.
 - .2 Information released for current or former employees seeking sworn law enforcement positions will encompass all employment history and may include (but is not limited to) information in personnel files, internal affairs and disciplinary files, and pre-employment background investigation files; performance evaluations; samples of work products; and interviews with supervisors.