

RESOLUTION # 41

Whereas, the Public Health and Safety Committee for the City of Chesterfield has voted unanimously to recommend that the attached Rules and Regulations/Policy Manual be adopted by City Council;


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF CHESTERFIELD that the attached Rules and Regulations/Policy Manual is hereby approved and in full force and effect from this date forward until and unless it is subsequently modified.

Adopted this 21ST day of November, 1988

Frederic M. Steinbach
Mayor Frederic M. Steinbach

Attest: June M. Schroeder
June M. Schroeder, City Clerk

MEMO

DATE: October 27, 1988
TO: Michael Herring, City Administrator
FROM: Chief Ray Johnson 
SUBJECT: RULES & REGULATIONS/POLICY MANUAL

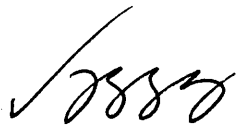
This memorandum is a follow-up to my earlier memorandum of September 15, 1988 in which I proposed for adoption the attached Rules & Regulations/Policy Manual.

As directed by yourself, the manual has been submitted to Brenda Collins, Assistant City Administrator/Personnel Director, and Mr. Doug Beach, City Attorney. Both have completed their review of the manual with only minor changes to wording and spelling being suggested by Brenda. City Attorney Beach has verbally approved the manual content and will forward a written opinion to that affect.

The manual, as revised, is re-submitted herewith for your reivev and consideration.

RJ/dj

ATTACHMENT


10/31/88

Copy - Mike

KAVENEY, BEACH, BOND, ULLOM & BURCKE

ATTORNEYS AT LAW

222 SOUTH CENTRAL AVENUE, SUITE 900
ST. LOUIS, MISSOURI 63105-3509
(314) 863-8484
TELECOPIER: (314) 863-5312

FRANK J. KAVENEY
MARK D. MITTLEMAN
DOUGLAS R. BEACH
TERRY A. BOND
JESS W. ULLOM
DEBORAH H. WEINSTEIN
JOSEPH R. BURCKE
JOSEPH W. MOONEY, P.C.

DAVID G. WALTRIP
ROBERT A. HUTTON, JR.
ROBERT N. HAMILTON
RAYMOND I. HARRIS
OF COUNSEL

October 27, 1988

Chief Ray Johnson
Chesterfield Government Center
922 Roosevelt Parkway
Chesterfield, Missouri 63017

Re: Policies and Procedures

Dear Ray:

I have had the opportunity to review the document drafted as the Rules, Regulations, Policies and Procedures for the Police Department. I believe that it meets all legal requirements and I offer no suggestions other than those we have already discussed.

I believe that you and your committee have done an excellent job on this document. If I need to formally approve the original, I will do so the next I am in the office.

Very truly yours,

Doug Beach

Douglas R. Beach

DRB:kls

ATTACH TO RESOLUTION # 41

KAVENEY, BEACH, BOND, ULLOM & BURCKE

ATTORNEYS AT LAW

222 SOUTH CENTRAL AVENUE, SUITE 900
ST. LOUIS, MISSOURI 63105-3509
(314) 863-8484
TELECOPIER: (314) 863-5312

FRANK J. KAVENEY
MARK D. MITTLEMAN
DOUGLAS R. BEACH
TERRY A. BOND
JESS W. ULLOM
DEBORAH H. WEINSTEIN
JOSEPH R. BURCKE
JOSEPH W. MOONEY, P.C.

DAVID G. WALTRIP
ROBERT A. HUTTON, JR.
ROBERT N. HAMILTON
RAYMOND I. HARRIS
OF COUNSEL

November 16, 1988

Mr. Michael Herring
City Administrator
City of Chesterfield
922 Roosevelt Parkway
Chesterfield, Missouri 63017

Re: Approval of Police Policy Statement

Dear Mike:

As you know, I have reviewed the proposed procedures as established by the police board and have approved the same. It is my recommendation that the city council pass a resolution adopting the same.

The purpose of a resolution is to allow the policies which will be undergoing continual redraft and reprocessing to be amended without council approval. It is my opinion and experience that these policies and procedures will have to undergo a constant change to be viable for actual use in the police department. By having a resolution passed in lieu of an ordinance, the police department and the chief of police will be able to issue special requirements and special procedures to meet individual circumstances and it will further allow the document itself to be adaptable to the ongoing needs of the police department. At the end of each year or on any regular interval, we could then review the special requirements and special procedures which had been enacted during the review period and make them part of the policy by additional resolutions.

If you have any other comments, please let me know.

Very truly yours,

Douglas R. Beach
Douglas R. Beach

DRB:kls

✓ 2889
11/16/88

PREFACE

The public confidence and trust placed upon members of the police service require standards of conduct higher than those of other professions. This manual is an official publication of the City of Chesterfield Police Department, and contains rules and regulations that set specific requirements or specific limits on behavior. The manual also contains policy statements that guide the actions of personnel in situations which require them to exercise discretionary judgement.

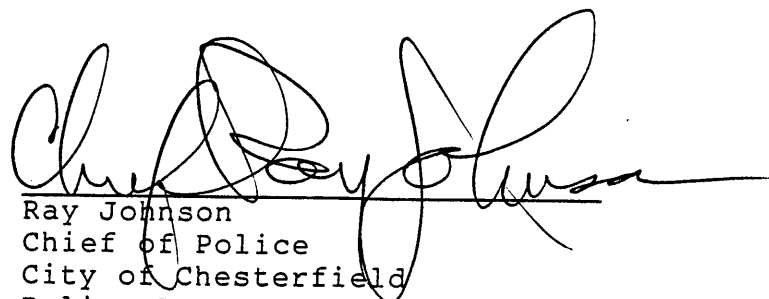
All members are to familiarize themselves with the contents of this manual and execute their duties accordingly. Each member will be responsible for the manual issued to them, and will keep their manuals secure and in good condition.

The manual is divided into six sections:

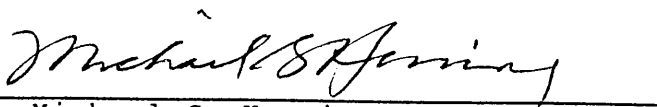
- Section I - Foreword
- Section II - Definitions
- Section III - Rules and Regulations Table of Contents
- Section IV - Rules and Regulations
- Section V - Policy Table of Contents
- Section VI - Policy

To find a particular rule, regulation or policy, consult the table of contents.

The Office of the Chief of Police will be responsible for printing, distributing and effecting changes in this manual. No changes will be permitted without expressed authority of the Chief. All members will regard the material in this manual as directives of the Chief.


Ray Johnson
Chief of Police
City of Chesterfield
Police Department
Chesterfield, Missouri

APPROVED BY:


Michael G. Herring
City Administrator

SECTION I

FOREWORD

- 1.1 The following Rules, Regulations and Policy Statements are adopted pursuant to the authority vested in the Chief of Police for the discipline, guidance and administration of the Chesterfield Police Department, Chesterfield, Missouri, as promulgated by the City Administrator.
- 1.2 These Rules, Regulations and Policies are designed to guide members of the Department in carrying out the duties, responsibilities and obligations imposed upon them by law, or necessarily assumed, in carrying out the Department's objective. Failure to conform to directives contained in this manual may result in disciplinary action.
- 1.3 No gender preference is intended, but for easier readability, the pronoun "he" will be used and is to be interpreted as applicable forms of he/she.

SECTION II

DEFINITIONS

Words used in this manual in the present tense include the future as well as the present, the singular includes the plural; and the plural includes the singular. The following words have the significance attached to them in this section, unless otherwise apparent from the context.

CITY--City of Chesterfield, Missouri.

CITY ADMINISTRATOR--The chief administrative officer of the city.

DEPARTMENT--The police department of the City of Chesterfield, Missouri.

CHIEF--The Chief of Police of the City of Chesterfield, Missouri.

DIRECTOR--An officer who is in charge of a major functional bureau and under the direct supervision of the Chief.

SUPERVISOR--A person having the responsibility of assigning, guiding and disciplining employees.

MEMBER--Both commissioned and noncommissioned employees of the police department.

SHALL--is mandatory.

MAY--is permissive or optional.

RULES AND REGULATIONS

SECTION III

TABLE OF CONTENTS

A.	Jurisdiction	Article 1
B.	Presumption of Knowledge of Laws, Ordinances, Articles, Orders, Policies and Procedures	Article 2
C.	Punishments	Article 3
D.	Appeals	Article 4
E.	Duties	Article 5
F.	Criminal Offense	Article 6
G.	Orders and Assignments	Article 7
H.	Department, Conduct	Article 8
I.	Personal Demeanor	Article 9
J.	Financial Responsibility	Article 10
K.	To Aid in Internal Investigations	Article 11
L.	Contagious Disease	Article 12
M.	Availability of Members	Article 13
N.	Breach of Confidence	Article 14
O.	Attorneys and Bondsmen, Rules Concerning	Article 15
P.	Care and Handling of Property	Article 16
Q.	Intoxicating Liquor, Beer, Drugs	Article 17
R.	Official Documents and Records	Article 18
S.	Firearms	Article 19
T.	Personal Appearance	Article 20
U.	Court Appearances	Article 21
V.	Violations, Complaints and Civil Actions	Article 22

SECTION IV

RULES AND REGULATIONS

RULES AND REGULATIONS

SECTION IV

GENERAL PROVISIONS

ARTICLE 1: JURISDICTION

- 1.1 Any person who is a commissioned or noncommissioned member of the Department, or is operationally attached to the Department and under its supervision and control, shall be subject to the provisions of these Rules and Regulations.

ARTICLE 2: PRESUMPTION OF KNOWLEDGE OF LAWS, ORDINANCES, ARTICLES, ORDERS, POLICIES AND PROCEDURES

- 2.1 Unless otherwise provided, all members shall be presumed to have knowledge of the laws of Missouri and the United States, all Chesterfield Municipal Ordinances, the provisions of these Rules and Regulations, General Orders and Policies and Procedures of the Department, and it shall be no defense to show a lack of knowledge thereof.

ARTICLE 3: PUNISHMENTS

- 3.1 Any member found guilty of a violation of any Article contained herein shall be disciplined as deemed appropriate for the offense except that any member found guilty of a violation of Article 6.1a shall be dismissed from the Department. Authorized forms of discipline are, in descending order of severity, dismissal from the Department, reduction in grade or rank, suspension from duties without pay, extra duties, and a forfeiture of pay not to exceed the actual monetary loss to the City of Chesterfield.
- 3.2 The effective date of execution of all disciplinary actions shall be the date the disciplinary action is taken.
- 3.3 The Chief, as authorized, may remit any unexecuted portion of any disciplinary action at any time prior to its completion.

ARTICLE 4: APPEALS

- 4.1 Any member who has been discharged, demoted or suspended without pay for a violation of these Articles may appeal such action to the Board of Police Commissioners.

- 4.2 Any member who appeals any disciplinary action pursuant to Article 4.1 shall file notice of such appeal in writing with the Board of Police Commissioners within 72 hours after the date of execution of such disciplinary action or shall be deemed to have waived such right of appeal. (See Ordinance 137. Section 27.)

ARTICLE 5: DUTIES

- 5.1 The Department and its members shall have the authority and duty to:

Prevent crime;
Protect life and property;
Detect and arrest offenders;
Preserve the public peace;
Enforce all laws and ordinances.

- 5.2 A member shall, while on active tour of duty, devote his entire time and attention to the efficient performance of his duties and shall not engage in any other business or calling which might interfere with these duties.
- 5.3 When assigned to perform the duties of a higher rank, a member shall be governed by all orders, rules, regulations and policies and procedures affecting that rank and be responsible accordingly.
- 5.4 A member shall work his assignment in accordance with his duties and lawful orders at the place assigned and until his accountability ends; he shall make all reasonable efforts to apprehend offenders and to prevent the escape of persons in his custody, reporting all matters which it is his duty or assignment to report, disclosing any evidence within his knowledge which might advance the investigation of any matter, and making written entries or preparing documents in the manner required by procedure or command.
- 5.5 Members shall respond in a prompt manner appropriate to the circumstances when dispatched or ordered to respond to a situation. Postponing a response or failure to respond will be considered neglect of duty, and will be grounds for disciplinary action.
- 5.6 Members shall submit all necessary reports on time and in accordance with departmental procedures. Reports submitted late or not submitted will be considered neglect of duty. All reports shall be accurate and complete.

ARTICLE 6: CRIMINAL OFFENSE

Any member who is charged with the commission of any act or acts which are in violation of the laws of the United States, this or any other State, or of a Municipal Ordinance:

- 6.1 Shall be suspended without pay if formally charged with the commission of a felony or any misdemeanor involving moral turpitude; and
 - (a) If convicted thereof, shall be deemed guilty of an offense; or
 - (b) If such member is tried and acquitted of such criminal charge, or the criminal charge is otherwise disposed of in favor of the member, such member may be disciplined for the act or acts forming the basis of such criminal charge, only if such act or acts independently constitute a violation of any Article contained herein; or
- 6.2 If such member is charged with any offense other than a felony or misdemeanor involving moral turpitude, and
 - (a) If convicted thereof, shall be deemed guilty of the offense; or
 - (b) If such member is tried and acquitted of such offense, or if the offense is otherwise disposed of in favor of the member, such member may be disciplined for the act or acts forming the basis of such criminal charge, only if such act or acts independently constitute a violation of any Article contained herein.

ARTICLE 7: ORDERS AND ASSIGNMENTS

- 7.1 Members shall strictly obey and promptly execute the lawful orders of his commanding or superior officer. In case of conflict of orders from previous supervisors, he shall respectfully call the attention of the supervisor giving the last order to such conflict. Should the latter not change his order, it shall be obeyed and the member shall not be held responsible for disobedience of any former order in obeying said last order.
- 7.2 A member shall respond to all calls for service when assigned by the Communications Unit or the on-duty supervisor, regardless of his particular boundaries.

ARTICLE 8: DEPARTMENT, CONDUCT

- 8.1 A member shall not act in a manner prejudicial to discipline or tending to bring discredit on the reputation of the Department.
- 8.2 Members shall at all times be courteous to the public. They shall be orderly, attentive and shall exercise patience and discretion in dealing with the public.
- 8.3 A member shall not commit an offense disciplinable by these Rules and Regulations or aid, abet, counsel, command or procure its commission; or cause an act to be done which, if directly performed by the member would be deemed in violation of these Rules and Regulations.
- 8.4 A member shall not conspire with any person, or be knowingly an accessory to any offense, against discipline or ethics under these Rules and Regulations.
- 8.5 A member shall be respectful to the ranking officers on all occasions, whether on or off duty. Ranking officers shall return this respect.
- 8.6 A member shall not sign or circulate, or encourage the signing or circulation of, any petition or statement with regard to any matter concerning the Department, except through the proper channels or correspondence to the Chief.
- 8.7 A member shall not take any Department equipment, office supplies, gasoline or other property for his own personal use unless authorized.
- 8.8 A member shall not sleep while on duty.
- 8.9 If a member is insubordinate by word, act or demeanor; or is guilty of oppressive or tyrannical conduct toward an inferior in rank; or uses obscene, abusive or insulting language to any other member of the Department; or willfully or negligently makes any false complaint or statement against any member of the Department; or assaults any member of the Department; or withholds information which should have been officially reported, or intimidates or threatens any member of the Department by withholding information which should have been officially reported, may be subject to disciplinary action.

8.10 Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member, either within or without the State, which tends to subvert the good order, efficiency, or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or set out in these Rules and Regulations, shall be considered conduct not becoming an officer.

ARTICLE 9: PERSONAL DEMEANOR, ETHICS

- 9.1 A member shall not improperly use his authority and position for his, or any other person's, personal advantage.
- 9.2 A member shall not obtain or endeavor to obtain for himself or others, by means tending to reflect discredit upon the Department, free admission to public places where admission is charged.
- 9.3 A member shall not accept a bribe.
- 9.4 A member shall not solicit any present, compensation, or reward from any person.
- 9.5 Whenever and wherever the National Anthem is played, unless performing police duty requiring immediate attention, at the first note of the music all members in uniform shall face the music, or flag if present, and render the prescribed hand salute. The position of salute shall be retained until the last note of the music is sounded. Similarly, when an uncased National Color passes by, a member shall salute when appropriately near and hold the salute until it is passed.
- 9.6 No member shall be directly, nor indirectly, involved in any compromise between individuals made or proposed to circumvent legal process and shall report immediately in writing to the Chief any knowledge of such compromise or proposal.
- 9.7 No member shall place himself under obligation to any person who operates a business requiring licensing which may be investigated by the Department; nor shall he place himself under obligation to any person suspected of any illegal or immoral activity.

ARTICLE 10: FINANCIAL RESPONSIBILITY

10.1 A member shall not contract bills which are not promptly paid.

ARTICLE 11: TO AID IN INTERNAL INVESTIGATIONS

11.1 A member shall, when called upon by one specifically assigned by a lawful authority to conduct an investigation involving Department matters, or any matter affecting the conduct of a member or members, truthfully answer all questions propounded. All reports, statements, and declarations made orally or in writing in the foregoing matters shall contain the truth without evasion.

ARTICLE 12: CONTAGIOUS DISEASE

12.1 A member shall, when he becomes aware of having contracted a contagious disease of any nature or when he comes in contact with a person having a contagious disease or when he has been exposed to contagion, immediately report such fact and make a written report to his commanding officer.

ARTICLE 13: AVAILABILITY OF MEMBERS

13.1 A member shall, except in case of sickness or disability rendering him unfit to perform his duties, hold himself in readiness at all times to perform his duty.

13.2 A member shall have a telephone at his residence at all times and ensure that the number is listed at the Department. He may, at his discretion, have the number unlisted in the telephone directory. These numbers shall be held in confidence and shall not be disclosed to anyone other than members of the Department.

13.3 A member shall report in writing to his supervisor any change in residence or telephone number within twenty-four (24) hours after said change has been made.

13.4 It shall be the duty of each member to report sickness or injury preventing him from reporting for duty to his supervisor, either by telephone or by a messenger authorized by the member, whenever possible, not later than two hours before the time the member is expected to report for duty.

- 13.5 Any member who is absent from duty in excess of three working days may be required to provide a physician's written statement concerning the nature and degree of illness or injury. Abuse of sick leave benefits by reporting ill or injured when not ill or injured will be grounds for disciplinary action.

ARTICLE 14: BREACH OF CONFIDENCE

- 14.1 A member shall not, without proper authority, communicate to any unauthorized person any matters connected with the Department.
- 14.2 A member shall not contact any member of the City, Federal, State, or County Government, or the general public with regard to any matter concerning the Department, except through the proper channels or correspondence to the Chief.
- 14.3 A member shall not make any anonymous communication to any other member of the Department, to any member of the City Government, to members of the Press, or to any other persons, regarding any matter involving the Department, an City Department, or their members.
- 14.4 A member shall refrain from voicing personal criticism of fellow officers or supervisors to persons outside the Department.
- 14.5 A member shall not divulge, except as required by law or the Rules, Regulations, and Policies and Procedures of the Department, information received from one who seeks the aid of the Department and requests that the information furnished be kept confidential.
- 14.6 A member shall not communicate or cause to be communicated directly or indirectly, any information which may enable a person suspected of or charged with a crime to escape from arrest or punishment; nor shall a member give information that may enable him to dispose of or secrete any property unlawfully obtained.
- 14.7 A member shall not furnish or cause to be furnished to any person copies of any official instruction, order, or report, except as required by the Rules, Regulations, and Policies and Procedures, or by the order of the Chief.

- 14.8 Members shall protect the innocent from all undue notoriety that may be harmful to an individual or group.
- 14.9 The supervisor on duty shall be responsible for approval and release of any and all items of news interest that are released through or at the request of the Department.

ARTICLE 15: ATTORNEYS AND BONDSMEN, RULES CONCERNING

- 15.1 No member shall advise, procure, or in any manner seek to bring about the employment of any attorney or bondsman for any person except his immediate family; nor shall he give any advice or any information to any arrested person or to others for him, concerning the defense or prosecution against him.
- 15.2 A member shall not place himself under obligation, pecuniarily or otherwise, to any lawyer, bondsman, or any person who represents persons charged with criminal offenses.
- 15.3 A member shall not aid or assist, directly or indirectly, any lawyer to obtain employment from any person, except members of his immediate family, in any civil or criminal matter.
- 15.4 A member shall not furnish information to bail bond brokers or to their agents or employees regarding persons arrested, or the details of any investigation made or to be made, or any activity carried on or about to be carried on by this Department, except such as may be required by law.
- 15.5 A member shall, when information is furnished to a bail bond broker or his employee in accordance with the law, make that fact known immediately to the officer in charge of the station.

ARTICLE 16: CARE AND HANDLING OF PROPERTY

- 16.1 A member shall be held responsible for the proper care, maintenance, and service of all Department property assigned to his use, and he shall promptly report in writing to the Chief the loss, damage, or unserviceable condition of same.

- 16.2 A member assigned to duty as operator of a Department vehicle is responsible for the instant serviceable condition of the property so assigned to his use. He shall operate the vehicle assigned to him in such a manner as to avoid injury to persons or damage to property. He shall observe all traffic and speed laws and regulations, except as required in the performance of his duty and shall prevent unauthorized persons riding on or in the vehicle assigned to him. He shall promptly report in writing to his supervisor any damage to the vehicle.
- 16.3 All property found and/or recovered by a member or turned over to a member shall be properly tagged and placed in a place of safe keeping at the Department or other suitable place as may be designated by the Chief or supervisor on duty. A written report shall immediately be made as to the circumstances of its being found and/or recovered or turned in, its place of safe keeping, value, and any other circumstances affecting same. Any property not easily transported in a Department vehicle shall be transported in a manner that shall be designated by the Chief or the supervisor on duty.
- 16.4 No property shall be released from the custody of the Department without due process of law or without the permission of the Chief or the supervisor on duty, and only after a proper receipt has been obtained.
- 16.5 All property in the custody of the Department shall be handled so that no damage shall be done.

ARTICLE 17: INTOXICATING LIQUOR, BEER, DRUGS (For purposes of this Section, Drugs shall be interpreted as)

- 17.1 If a member drinks or receives from any person any intoxicating liquor, beer, or drugs while he is on duty or in uniform, unless in the necessary course of duty, he shall be subject to disciplinary action.
- 17.2 If a member demands or endeavors to persuade any person to give, purchase, or obtain for him any intoxicating liquor, beer, or drugs while he is on duty or in uniform, he shall be subject to disciplinary action.
- 17.3 A member shall not, except in the performance of his duty, bring, cause, or permit to be brought any intoxicating liquor into the Department building.

17.4 A member shall not, except in the performance of his duty, bring, cause, or permit to be transported any intoxicating liquor, beer, or drugs in any Department vehicle.

17.5 If a member, while on duty or while off duty, is unfit for duty by reason of the use of intoxicating liquor, beer, or illegal drugs, he shall be subject to disciplinary action.

ARTICLE 18: OFFICIAL DOCUMENTS AND RECORDS

18.1 If a member knowingly makes or signs any false statement in any official document or book, he shall be subject to disciplinary action.

18.2 If a member willfully or negligently makes any false, misleading, or inaccurate statement, he shall be subject to disciplinary action.

18.3 If a member destroys or mutilates any official documents or records or alters any entry therein, he shall be subject to disciplinary action.

18.4 A member shall not remove police reports and records from the station, except in conformity with the provision of law, Rules, Regulations, and Procedures, or upon order of the Chief or the supervisor on duty.

ARTICLE 19: FIREARMS

19.1 A member shall maintain proficiency in firearms as required by Department training standards.

19.2 A member shall, as soon as practical after the discharge of his firearm, notify the on-duty supervisor, and submit a written report to the Commander of Bureau of Operations no later than 16 hours after the incident occurred.

ARTICLE 20: PERSONAL APPEARANCE

20.1 A member shall be neat and clean in his appearance and maintain his uniform and equipment in good order and ready for immediate use and inspection. Whether or not in uniform, when on duty, members will dress to conform to department policy.

ARTICLE 21: COURT APPEARANCES

- 21.1 A member shall appear as witness when subpoenaed in any proceeding before any court and shall appear without subpoena upon notification of any proceeding before any Court, wherein he is a witness.

ARTICLE 22: VIOLATIONS, COMPLAINTS AND CIVIL ACTIONS

- 22.1 A member shall, when served with a claim for damage, complaint, summons, or subpoena involving possible liability on the part of the City, immediately notify the Chief or the supervisor.
- 22.2 It shall be the duty and responsibility of members to report, forthwith, in writing to the Chief any incident involving the violation of any Law, Statute, or Ordinance, or any Civil Action, wherein the member is personally named as Victim, Complainant, Plaintiff, Defendant, Accused, Suspect or Witness.
- 22.3 A member shall not bring suit against any department, or governing body of the City without first notifying the Chief.
- 22.4 A supervisor may, subject to the approval of the Chief, dispose of a minor violation of the Rules, Regulations, and Procedures by a member under his supervision by reprimand, admonition, warning, or other action. The supervisor shall inform the Chief of any reprimands and their causes.

POLICY

SECTION V

TABLE OF CONTENTS

A.	General Provisions	Chapter 1
	Policy	1.1
	Glossary	1.2
B.	Objectives	Chapter 2
	Primary Objectives	2.1
	Functional Objectives	2.2
	Resource Objectives	2.3
C.	Personal Conduct	Chapter 3
	Standard of Conduct	3.1
	Loyalty	3.2
	Conduct Unbecoming An Officer	3.3
	Respect for Constitutional Rights	3.4
	Use of Force	3.5
	Courtesy	3.6
	Compliance with Lawful Orders	3.7
	Use of Intoxicants	3.8
	Attention to Duty	3.9
	Financial Obligations	3.10
	Refusal to Work	3.11
	Outside Employment	3.12
	Employee Grievances	3.13
	Commendations	3.14
	Discipline	3.15
	When to Take Police Action	3.16
D.	Community Relations	Chapter 4
	General Provisions	4.1
	Individual Dignity	4.2
	Role of the Individual Officer	4.3
	Responsiveness to the Community	4.4
	Public Knowledge of Operations	4.5
	Interpersonal Communication	4.6
	Training in Human and Community Relations	4.7
E.	Community Affairs	Chapter 5
	News Media Relations	5.1
	Public Information	5.2
	Labor Relations	5.3
	Liaison with Criminal Justice System	5.4
F.	Law Enforcement Operations	Chapter 6
	The Nature of the Task	6.1
	Police Action Based on Legal Justification	6.2
	Alternatives to Physical Arrest, Booking, or Continued Detention	6.3

POLICY

TABLE OF CONTENTS (CONT.)

Call For Service	6.4
Preliminary Investigation	6.5
Follow-up Investigation	6.6
Crime Scene Supervision	6.7
Field Supervision	6.8
Command Responsibility at Emergency Situations	6.9
Civil Disputes	6.10
Citizen's Arrest	6.11
Informants	6.12
Conduct of Undercover Officers	6.13
Undercover Officers Posing as Members of the News Media	6.14
Department Response to Impending Riot	6.15
Use of Firearms	6.16
High Speed Pursuits	6.17
Hostages	6.18
Officers Surrendering Weapon	6.19
Barricaded Suspects	6.20
Use of Chemical Agents	6.21
Bomb Threats	6.22
Deployment in Anticipation of the Commission of a Crime	6.23
Traffic Enforcement	6.24
Vice Enforcement	6.25
Narcotic Enforcement	6.26
F. Administration	Chapter 7
General Provisions	7.1
Command Responsibility	7.2
Planning Responsibility	7.3
Scope of Planning	7.4
Use of Task Force for Planning	7.5
Completed Staff Work	7.6
Department Directives	7.7
Administration of Discipline	7.8
Chain of Command	7.9
Flexibility of Organization	7.10
Inspection and Control	7.11
Personnel	7.12
Training	7.13
Civilian Employees	7.14
Budgeting	7.15
G. Support and Auxilliary Services	Chapter 8
Communications	8.1
Records	8.2
Arrestees	8.3
Property	8.4
Transportation	8.5

SECTION VI

P O L I C Y

POLICY

CHAPTER I

GENERAL PROVISIONS

1.1 POLICY

Policy consists of principles and values which guide the performance of a Department activity. Policy is not a statement of what must be done in a particular situation; rather, it is a statement of guiding principles which should be followed in activities which are directed toward the attainment of Department objectives.

Policy is formulated by analyzing objectives and determining through research those principles which will best guide the Department in achieving its objectives. Policy is based upon police ethics and experience, the desires of the community, and the mandate of the law. Policy is articulated to inform the public and Department employees of the principles which will be adhered to in the performance of the law enforcement function. Additionally, policy establishes operational standards to assist Department employees in the necessary exercise of discretion in discharging their responsibility.

An officer in the performance of his/her duty is confronted with an infinite variety of complex situations which require action. Since policy is objective rather than situation oriented, it is broad enough in scope to encompass most situations. Policy, therefore, must be stated in general terms.

1.2 GLOSSARY:

1.2A VALUE: A value is a quality of performance or accomplishment. Values are the basis for the determination of objectives and may be both ethical and functional.

1.2B OBJECTIVE: An objective is a desired end for which effort is expended, and which, if attained, fulfills the purposes of the Department. Within each objective, there may be a number of ancillary objectives, each of which, if attained, contributes to the accomplishment of the mission.

1.2C PRINCIPLE: A principle is a conceptual guide arrived at through logical deduction by evaluating experience with a view toward the attainment of objectives. A principle may be of assistance in the exercise of judgment in a duty-related activity and may be both ethical and functional.

1.2D PROCEDURE: A procedure is a method of performing an operation or a manner of proceeding on a course of action. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy. Both policies and procedures are objective oriented; however, policy establishes limits of action while procedure directs response within those limits.

1.2E RULE: A rule is a specific prohibition or requirement which is stated to prevent deviations from policy or procedure. Rules allow little deviation other than for stated exceptions.

POLICY

CHAPTER II

OBJECTIVES

The Department protects the right of all persons within its jurisdiction to be free from criminal attack, to be secure in their possessions, and to live in peace. The Department serves the people of Chesterfield, Missouri, by performing the law enforcement functions in a professional manner, and it is to these people that the Department is ultimately responsible.

2.1 PRIMARY OBJECTIVES

A society free from crime and disorder remains an unachieved ideal; nevertheless, consistent with the values of a free society, it is the primary objective of the Chesterfield Police Department to as closely as possible approach that ideal. In so doing, the Department's role is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons. It is not the role of the Department to legislate, to render legal judgments, or to punish.

2.2 FUNCTIONAL OBJECTIVES:

2.2A PREVENTION OF CRIME: Peace in a free society depends on voluntary compliance with the law. The primary responsibility for upholding the law, therefore, lies not with the police, but with the people. Since crime is a social phenomenon, crime prevention is the concern of every person living in society. Society employs full-time professional police to prevent crime, to deter it, and when that fails, to apprehend those who violate the law.

Crime is a symptom of ills within society which are not the responsibility of the Department to cure. The Department is responsible, however, for the interacting with the community to generate mutual understanding so that there may be public support for crime prevention. Community involvement is essential to facilitate a free flow of information between the public and the Department, to assist in the identification of problem areas, and to inform the public of crime statistics and trends. Additionally, knowledge of the community is necessary so that each Department employee may be instilled with a sense of concern for the crime problems and law enforcement needs in his assigned area of responsibility.

The prevention of crime remains as a basic obligation of society. When it becomes necessary to rely on police action to secure compliance with the law, society has failed in the responsibility.

2.2B DETERRENCE OF CRIME: While there are certain crimes that cannot be deterred, crimes committed against property and against innocent victims in public places are reduced by police patrol. Street crime is curbed by the potential criminal's fear of immediate apprehension or by the increased likelihood of his detection. The deterrence of crime requires the investigation of behavior which reasonably appears to be criminally directed.

In deploying patrol forces to deter crime and to inspire public confidence in its ability to ensure a peaceful environment, the Department must strike a balance between the desirable deterrent effect of visible patrol and any undesirable appearance of oppression. However, it must be the people, not the Department, who determine the limitations on their freedom.

2.2C APPREHENSION OF OFFENDERS: The administration of criminal justice consists of the identification, arrest, prosecution, punishment, and rehabilitation of a law violator, and it has as its objective the voluntary compliance with the law as an alternative to punishment. Once a crime has been committed, it is the duty of the Department to initiate the criminal justice process by identifying and arresting the perpetrator, to obtain necessary evidence, and to cooperate in the prosecution of the case.

As the certainty of swift and sure punishment serves as an effective deterrent to crime, the Department must diligently strive to solve all crimes and to bring the perpetrators to justice.

2.2D RECOVERY AND RETURN OF PROPERTY: The actual costs of crime are difficult to measure; there cannot be a dollar value assigned to the broken bodies, ruined lives, and human misery which are its products. However, it is possible to observe the steadily mounting cost of lost and stolen property. This loss, as well as the other costs of crime, must ultimately be borne by its victims. To minimize the losses due to crime, the Department makes every reasonable effort to recover lost or stolen property, to identify its owners, and to ensure its prompt return.

2.2E MOVEMENT OF TRAFFIC: To facilitate the safe and expeditious movement of vehicular and pedestrian traffic, the Department must enforce traffic laws, investigate traffic accidents, and direct traffic. To enforce compliance with traffic laws and to develop driver awareness of the causes of traffic accidents, the Department appropriately warns, cites, or arrests traffic law violators.

Traffic accidents are investigated to protect the rights of the involved parties, to care for the injured, to determine the causes of accidents so that methods of prevention may be developed, and, when a traffic law violation is

discovered, to gather necessary evidence to prosecute the violator. The Department maintains intersectional control where necessary to direct vehicular and pedestrian traffic and to provide information to the public in assisting them to safely and expeditiously arrive at their destination.

2.2F PUBLIC SERVICE: Often, because there are no other public or private agencies available, the public relies upon the Department for assistance and advice in the many routine and emergency situations which develop in an urban society. For this reason and because there is frequently a potential for crime, the Department regularly responds to incidents where it is not contemplated that an arrest will be made.

Saving lives and aiding the injured, locating lost persons, keeping the peace, and providing for many other miscellaneous needs are basic services provided by the Department. To satisfy these requests, the Department responds to calls for service and renders such aid or advice as is necessitated or indicated by the situation.

2.3 RESOURCE OBJECTIVES:

2.3A DEPARTMENT PERSONNEL: Police Officers are frequently required to make decisions affecting human life and liberty in difficult situations where there is no opportunity to seek advice and little time for reflection. Law enforcement in a free and complex society requires an officer to have the stamina, intelligence, moral courage, and emotional stability necessary to fairly and impartially deal with human beings in the many complicated and potentially explosive situations which he encounters. To obtain the caliber of personnel necessary to provide the public with professional law enforcement, it is essential that the Department participate in the recruitment and selection of potential officers. Thereafter, the Department must provide training for all officers and promote the most qualified.

2.3B UTILIZATION OF RESOURCES: Law enforcement is one of the most expensive and complex services provided by the City. The quality and extent of service provided is necessarily limited by available resources which are to a large extent dependent upon the revenue sources of the City. To ensure that the highest level of service is obtained from the resources at its disposal, the Department must make use of the most efficient management and budgeting techniques available.

POLICY

CHAPTER III

PERSONAL CONDUCT

3.1 STANDARD OF CONDUCT:

The Law Enforcement Code of Ethics is adopted as a general standard of conduct for officers of the City of Chesterfield Police Department, Chesterfield, Missouri.

3.1A LAW ENFORCEMENT CODE OF ETHICS: "As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courageously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement."

3.2 LOYALTY:

In the performance of his duty to serve society, an officer is often called upon to make difficult decisions. He must exercise discretion in situations where his rights and liabilities and those of the Department hinge upon his

conduct and judgment. An officer's decisions are not easily made and occasionally they involve a choice which may cause him hardship or discomfort. An officer must be faithful to his oath of office, the principles of professional public safety service, and the objectives of the Department, and in the discharge of his duty he must not allow personal motives to govern his decisions and conduct.

3.3 CONDUCT UNBECOMING AN OFFICER:

A Police Officer is the most conspicuous representative of government, and to the majority of the people he is a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when his actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of an officer, on or off duty, may reflect directly upon the Department, an officer must at all times conduct himself in a manner which does not bring discredit to himself, the Department or the City.

3.4 RESPECT FOR CONSTITUTIONAL RIGHTS:

No person has a constitutional right to violate the law; neither may any person be deprived of his constitutional rights merely because he is suspected of having committed a crime. The task of determining the constitutionality of a statute lies with an appellate court of proper jurisdiction, not with an officer who seeks to properly enforce the law as it exists. Therefore, an officer may enforce any federal, state, or local law which is valid on its face without fear of abrogating the constitutional rights of the person violating that statute. An officer who lawfully acts within the scope of his authority does not deprive persons of their civil liberties. He may within the scope of his authority make reasonable inquiries, conduct investigations, and arrest on probable cause. However, when an officer exceeds his authority by unreasonable conduct he violates the sanctity of the law which he swore to uphold.

3.5 USE OF FORCE:

In a complex urban society, officers are daily confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless

other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers are permitted to use whatever force that is reasonable and necessary to protect others or themselves from bodily harm.

3.6 COURTESY:

Effective law enforcement depends on a high degree of cooperation between the Department and the public it serves. The practice of courtesy in all public contacts encourages understanding and appreciation; discourtesy breeds contempt and resistance. The majority of the public are law-abiding citizens who rightfully expect fair and courteous treatment by Department employees. While the urgency of a situation might preclude the ordinary social amenities, discourtesy under any circumstance is indefensible. The practice of courtesy by an officer is not a manifestation of weakness; it is on the contrary, entirely consistent with the firmness and impartiality that characterizes a professional Police Officer.

3.7 COMPLIANCE WITH LAWFUL ORDERS:

The Department is an organization with a clearly defined hierarchy of authority. This is necessary because unquestioned obedience of a superior's lawful command is essential for the safe and prompt performance of police operations. The most desirable means of obtaining compliance are recognition and reward of proper performance and the positive encouragement of a willingness to serve. However, negative discipline may be necessary where there is a willful disregard of lawful orders, commands, or directives.

3.8 USE OF INTOXICANTS:

There is an immediate lowering of esteem and suspicion of ineffectiveness when there is public contact by a Department employee evidencing the use of intoxicants. Additionally, the stresses of law enforcement require any employee to be mentally alert and physically responsive. Except as necessary in the performance of an official assignment, the consumption of intoxicants is prohibited while an employee is on duty. Nor is an officer to consume intoxicants to such a degree that it impairs his performance.

3.9 ATTENTION TO DUTY:

As most police work is necessarily performed without close supervision, the responsibility for the proper performance of an officer's duty lies primarily with the officer himself. An officer carries with him a responsibility for the safety of the community and his fellow officers. He discharges that responsibility by the faithful and diligent performance of his assigned duty. Anything less violates the trust placed in the officer by the people, and nothing less qualifies as professional conduct.

3.10 FINANCIAL OBLIGATIONS:

Public employees have stable incomes upon which they may forecast future earnings. For this reason and because of public confidence in their responsibility, it is relatively easy for Department employees to contract financial obligations which, if not controlled, may become an impossible burden. Such financial distress may impair the individual's effectiveness, and tends to bring discredit upon the Department. Employees should avoid incurring financial obligations which are beyond their ability to reasonably satisfy from their anticipated Department earnings.

3.11 REFUSAL TO WORK:

The alternative to law and its enforcement is anarchy and its resulting devastation. An officer's commitment to public service and professional ethics precludes his engaging in strikes or similar concerted activities. For these reasons Police Officers do not have the right to strike or to engage in any work stoppage or slow-down. It is the policy of this Department to seek the removal from office of any officer or civilian employee who plans or engages in any such strike, work stoppage, or slow-down.

3.12 OUTSIDE EMPLOYMENT:

The nature of the law enforcement task requires Department employees to have the ability to work irregular duty schedules which are subject to change in meeting deployment needs. Additionally, it is necessary that an employee have adequate rest to be alert during his tour of duty. For these reasons and because certain occupations inherently conflict with an employee's primary responsibility to the Department, the Department may impose conditions on outside employment or may prohibit it altogether. Determination of the degree of limitation will be based upon the interest of the Department in furthering professionalization, protecting the reputation of the employee and the Department, and ensuring that the Department receives full and faithful service in return for its expenditure of resources.

3.13. EMPLOYEE GRIEVANCES:

Effective management and respect for individual dignity requires that employees have means available for the proper redress of grievances. A Department employee having a complaint relating to any matter affecting his employment is ensured the right of review at succeeding levels of Department authority until his grievance is resolved. The right of an employee to file a grievance and its administrative review promotes efficiency and results in improved moral. Those positive benefits are defeated if employees are reluctant to file a grievance. Therefore, no action of a formal or informal nature shall be taken by the Department against an employee, his witnesses, or employee representative, merely for his having filed a grievance, nor is such filing to be otherwise looked upon with disfavor by the Department.

3.14 COMMENDATIONS:

The Police Department expects a very high level of professional conduct from all employees; however, members of the Department frequently perform their duties in a manner exceeding the highest standards of the Department. The official commendation of such performance and the arrangement of appropriate publicity is to be provided by the Department to give full public recognition to those who have brought honor to themselves and the Department.

3.15 DISCIPLINE:

It is essential that public confidence be maintained in the ability of the Department to investigate and properly adjudicate complaints against its members. Additionally, the Department has the responsibility to seek out and discipline those whose conduct discredits the Department or impairs its effective operation. The rights of the employee as well as those of the public must be preserved, and any investigation or hearing arising from a complaint must be conducted in an open and fair manner with the truth as its primary objective. The Department accepts complaints against its members and fully investigates all such complaints to the appropriate disposition.

3.16 WHEN TO TAKE POLICE ACTION:

3.16A RESPONSIBILITY OF ON-DUTY OFFICERS: (On duty, within the City, fully responsible.) On-duty officers within the City limits after considering the tactical situation, are to take all steps reasonably necessary and consistent with their assignment to effect the enforcement of the laws and ordinances of the City, State, and Nation, and to protect life and property.

(On-duty outside of City, fully responsible for City matters.) On-duty officers outside the City limits who become aware of a situation requiring police action must first consider the tactical situation, then take all steps reasonably necessary on police matters of direct concern to the City of Chesterfield.

316B RESPONSIBILITY OF OFF-DUTY OFFICERS: Under Missouri law, both on- and off-duty officers have peace officer authority as to any public offense committed which there is probable cause to believe has been committed in his presence and with respect to which there is immediate danger to person or property, or the escape of the perpetrator of such offense. However, on-duty officers outside the City limits who are not acting within the scope of their employment as Chesterfield Police Officers on matters of direct concern to the City and off-duty officers both inside and outside of the City limits are to give first consideration to causing the appropriate action to be effected by the responsible law enforcement agency. Such officers should then act only after consideration of the tactical situation and of their possible liability and that of the City of Chesterfield.

3.16C NO PEACE OFFICER AUTHORITY OUTSIDE OF STATE: Peace officer powers of Chesterfield Police Officers do not extend beyond this State except as provided for in the Missouri State Statutes on Fresh Pursuit. Officers who are outside the boundaries of this State for extradition or other matters of direct concern to the City, are not to engage in police activities unless necessary in the performance of their duties as an agent of the City, and then only after consideration of the tactical situation.

POLICY

CHAPTER IV

COMMUNITY RELATIONS

4.1 GENERAL PROVISIONS:

Community relations is based upon the principle that in a democratic society the police are an integral and indivisible element of the public they serve. Community relations is manifested by positive interaction between the people and the officer and represents their unity and common purpose.

A system of law and its enforcement is not superimposed upon an unwilling public in a free society; the law is created by the people themselves to control the behavior of those who could seek to interfere with the community welfare and existence.

While the primary responsibility for the enforcement of the law lies with the people, the complexities of modern society and the inability of the people to personally cope with crime has required that they create the police service to assist in maintaining social order. The police represent only a portion of the total resources expended by the public to this end; however, this effort, frequently being restrictive of individual freedom, brings the police into contact with members of the public under circumstances which have a far-reaching impact upon the lives of the affected individuals. A citizen's encounter with the police can be a very frightening and emotionally painful experience, and under these circumstances, the risk of a misunderstanding is very great. The minimization of this risk is a challenge intrinsic in each public contact by the Department.

4.2 INDIVIDUAL DIGNITY:

A recognition of individual dignity is vital in a free system of law. Just as all persons are subject to the law, all persons have a right to dignified treatment under the law, and the protection of this right is a duty which is as binding on the Department as any other.

An officer must treat a person with as much respect as that person will allow, and the officer must be constantly mindful that the people with whom he is dealing are individuals with human emotions and needs. Such conduct is not a duty imposed in addition to an officer's primary responsibilities, it is inherent in them.

4.3 ROLE OF THE INDIVIDUAL OFFICER:

Community relations is manifested in its most common form in the numerous daily encounters between individual officers and citizens. It is at this level that reality is given to the unity of the people and the police and where the greatest burden for strengthening community relations is laid.

In dealing with people each officer must attempt to make his contact one which inspires respect for himself as an individual and professional and one which generates the cooperation and approval of the public. While entitled to his personal beliefs, an officer cannot allow his individual feelings or prejudices to enter into public contacts. However, since an officer's prejudices may be subconsciously manifested, it is incumbent upon him to strive for the elimination of attitudes which might impair that officer's impartiality and effectiveness.

4.4 RESPONSIVENESS TO THE COMMUNITY:

The Department must be responsive to the needs and problems of the community. While the Department's task is governed by the law, the policies formulated to guide the enforcement of the law must include consideration of the public will. The responsiveness must be manifested at all levels of the Department by a willingness to listen and by a genuine concern for the problems of individuals or groups. The total needs of the community must become an integral part of the programs designed to carry out the mission of the Department.

4.5 PUBLIC KNOWLEDGE OF OPERATIONS:

Law enforcement operations in a free society must not be shrouded in secrecy. It is necessary that there be full public disclosure of policies and an openness in matters of public interest. Consistent with protection of the legal rights of involved individuals and with consideration of the necessity for maintaining the confidentiality of Department records and of other primary Department responsibilities, the Department is to disseminate accurate and factual accounts of occurrences of public interest. Additionally, the Department must strive to make known and accepted its objectives and policies.

4.6 INTERPERSONAL COMMUNICATION:

To promote understanding and cooperation there must be interpersonal communication between members of the community

and officers at all levels of the Department. Each employee must be aware of the law enforcement needs of the community and his particular assigned area of responsibility. Guided by policy, an officer must tailor his performance to attain the objectives of the Department and to solve the specific crime problems in the area he serves. The Department must provide for programs to encourage productive dialogue with the public at all levels and to ensure that the unity of the officer and the people is preserved.

4.7 TRAINING IN HUMAN AND COMMUNITY RELATIONS:

The selection process for Police Officers is designed to choose the most qualified and to eliminate those who are physically, emotionally, mentally, or socially unfit. Those selected, however, are representative of the community at large and as such are subject to having the same prejudices and biases found in much of society. Exposure to crime and its aftermath can tend to harden and render insensitive an officer whose sympathetic understanding is needed to properly perform his duties. The Department must provide initial and continuing training in human and community relations to help officers avoid this hardening of attitude and to imbue in each officer an understanding of his total role in the community.

POLICY

CHAPTER V

COMMUNITY AFFAIRS

5.1 NEWS MEDIA RELATIONS:

5.1A **ROLE OF THE NEWS MEDIA:** A well-informed public is essential to the existence of a democratic nation. To effectively exercise his franchise, a citizen must be aware of current events and the state of government. A free press serves the public by supplying needed information, by stimulating thought, and by providing a medium for expression.

Crime, its results, and the efforts to combat it are all matters of continuing public concern. The Department is regularly involved in events at which members of the news media are properly present and performing their task of gathering information.

5.1B **ROLE OF THE DEPARTMENT:** The Department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public interest in a manner which does not hamper police operations. However, certain information must be withheld from the news media in order to protect the constitutional rights of an accused, to avoid interfering with a Department investigation, or because it is legally privileged.

5.1C **RESPONSIBILITY FOR THE RELEASE OF INFORMATION:** When an event being investigated is of such a spectacular or unusual nature as to stimulate general community interest, the news media will be notified. Normally, it is the responsibility of the Shift Commander or the senior officer at the scene to make such notification; however, when there is an event of major proportions, the Chief of Police or a Bureau Director will assume responsibility for the release of information.

5.1D **SCOPE AND CONTENT OF THE RELEASE OF INFORMATION:** The scope and content of each release of information must be determined according to the facts of each situation. Generally, a description of the circumstances which is not legally privileged and which will not prejudice the rights of suspects or interfere with an investigation will be made. Such determination is made by the Chief of Police, Bureau Director, or the senior officer at the scene after consultation with the investigating officer or other responsible authority.

5.1E **ALLOWING NEWSMEN TO ENTER AREA OF A SERIOUS INCIDENT OR CRIME SCENE:** Police lines may be established to prevent persons from entering the area of a serious police incident or crime scene. Dependent upon the tactical situation and the likelihood of jeopardizing police operations, members of the news media may be allowed in such areas.

5.1F WHERE A NEWSMAN IS NOT AUTHORIZED: While a newsman may be permitted in the area of a crime scene or a serious police incident, he does not have the authority to be within a crime scene or area which has been secured to preserve evidence or at any location where his presence jeopardizes police operations.

5.1G NEWS MEDIA NOT EXEMPT FROM LAWS: A newsman's primary responsibility is to report the news by obtaining information and photographs at newsworthy incidents. The newsman's opportunity to do so is frequently momentary at an emergency scene. An officer sharing these circumstances with a newsman should not unnecessarily obstruct the newsman in the performance of his duty; however, members of the news media are neither impliedly nor expressly exempt from any municipal, state, or Federal statute.

5.1H REQUESTING WITHHOLDING OF PUBLICATION: Newsmen may photograph or report anything they observe when legally present at an emergency scene. Where publication of such coverage would interfere with an official investigation or place a victim, suspect; or others in jeopardy, the withholding of publication is dependent upon a cooperative press, not upon censorship by the Department. Under such circumstances officers should advise the newsmen or their superiors of the possible consequences of publication; however, officers may not interfere with the newsman's activities as long as that performance remains within the confines of the law.

5.2 PUBLIC INFORMATION:

5.2A REQUESTS FOR INFORMATION: The public has an abiding interest in law enforcement and in the activities of the Department. The news media and members of the public frequently direct inquiries to the Department seeking information on a variety of subjects. While it is the aim of the Department to fulfill such requests, it is not always possible to do so. Whether to release information or to grant interviews will be determined according to the facts of each case.

5.2B PERMISSION FOR USE OF DEPARTMENT FACILITIES: Normally, the Department will not grant permission for its equipment or the interior of its facilities to be used for television, motion pictures, or other entertainment productions. However, when coverage is required for recording interviews, news documentaries, news releases, or events of an unusual nature, representatives from the news media or public information programs may be allowed to use their equipment inside the police facility.

5.2C COOPERATION FOR FEATURE ARTICLES OR PROGRAMS: Requests for Department cooperation in the preparation of articles for newspapers, magazines, and other publications will be individually considered, and, if approved, permission for the interviewing of Department personnel and the photographing of Police facilities will be limited to the scope of approval. Officers participating in the preparation of such articles should ascertain the scope for approval and should be cautious not to exceed those limits. In any event, officers should exercise care and discretion so as not to make statements or convey information which, if later quoted, may create a misunderstanding or compromise the effectiveness of the police service.

5.2D RESPONSIBILITY OF OFFICERS TO SUPPLY INFORMATION: Frequently, due to public expectations and because of his accessibility, an officer is called upon to supply information, both related and unrelated, to the law enforcement function. An officer should appropriately answer questions put to him or refer the person to the proper individual or agency for such answers. When request is made for information about a police matter, an officer should decide if he is in possession of sufficient facts and is qualified to respond, and whether the person making the request is a proper person to receive the information. Generally, an officer should be open in his dealings with the public and, unless there is reason to the contrary, the officer should supply requested information. The officer should, however, be cautious to avoid representing as fact that which is his opinion.

5.2E PUBLIC INFORMATION PROGRAMS AND EDUCATION: The Department conducts various public information and crime prevention programs to educate the public and to eliminate specific crime problems. In addition, the Department cooperates in developing new programs in those areas where the relationship between any group, or the public as a whole, and the Department may be improved. In so doing, the probability of crimes being committed may be reduced and the effectiveness of the Department enhanced.

5.2F TOURS OF POLICE FACILITIES: Many people rarely have an occasion to enter a police station or to witness activities which support line operations. To acquaint the public with the law enforcement task, the Department will upon request, conduct tours of police facilities. The scope of such tours will be dependent upon security requirements and personnel availability.

5.3 LABOR RELATIONS:

5.3A DEPARTMENT ROLE IN LABOR DISPUTES: Negotiation and collective bargaining are legally recognized methods of peacefully settling labor disputes. In such disputes, it is not the function of the Department to deal with the issues involved; rather, it is the role of the Department to protect the rights of the public and the disputants by enforcing the law and by maintaining order.

5.3B IMPARTIALITY OF THE DEPARTMENT IN LABOR DISPUTES: Strikes and mass or circular picketing are not, in themselves, violations of the law. It is the illegal acts which sometimes arise from such activities which are the concern of the Department. The effectiveness of the Department in labor disputes is maintained by its remaining at all times impartial regarding the parties and issues involved and by taking appropriate action whenever criminal violations are observed or reported.

5.3C ENFORCEMENT OF LAWS AT LABOR DISPUTES: The Department seeks to minimize criminal violations connected with labor disputes by providing guidelines for the conduct of the parties and the area of the sidewalk to be used. These guidelines are discussed with management and labor officials at which time it is emphasized that the use of public sidewalks and roadways, the free access to public places, and the rights of persons to enter and leave private premises are to be preserved. In cases where there is a denial of those rights, the Department will take prompt and impartial police action. Violations of court orders and injunctions do not ordinarily constitute criminal offenses for which the Department will take enforcement action.

5.3D DEPLOYMENT AT LABOR DISPUTES: Police Officers will not normally be deployed at strike scenes; however, when such deployment becomes necessary, it is the responsibility of the concerned patrol division supervisor to take the necessary police action to deter crime and to keep the peace.

5.4 LIAISON WITH CRIMINAL JUSTICE SYSTEM:

5.4A COOPERATION WITH OTHER LAW ENFORCEMENT AGENCIES: The Department maintains a close working relationship with other law enforcement agencies, and makes available to them information concerning techniques and procedures developed or used by the Department.

5.4B CRITICISM OF CRIMINAL JUSTICE SYSTEM: The Department shares responsibility with the Judiciary and other law enforcement and prosecution agencies in the criminal justice system.

All elements of the system work toward common objectives and each element is functionally complementary. The cooperative and harmonious working relationships which are essential in attaining those objectives are impaired by unnecessary criticism of others engaged in the administration of criminal justice. For that reason officers should be aware of the effect upon law enforcement of any comments they make which might be interpreted as being critical of other law enforcement or prosecution agencies or individual members of the Judiciary. However, it is not intended that there be any infringement of an officer's right to express his personal views regarding the criminal justice system in general or any trends which seem destructive of its effectiveness.

POLICY

CHAPTER VI

LAW ENFORCEMENT OPERATIONS

6.1 THE NATURE OF THE TASK:

Law enforcement operations consist of many diverse activities which are directed toward the attainment of Department objectives. Activities such as patrolling, conducting field interviews, and issuing traffic citations are not objectives in themselves; rather, they are methods of achieving the real objectives of preventing and deterring crime, arresting criminal offenders, and preventing traffic accidents.

Decisions in law enforcement operations frequently must be made in an instant, and the lives of officers and others may depend upon the quality of those decisions. An officer is confronted in stress situations with both criminal and noncriminal behavior, and the officer must be capable of making a reasonable response in both cases. An officer must base his conduct and action in each instance upon the facts of the situation as they reasonably appear, relying upon his experience, training, and judgment to guide him toward morally justified and lawful decisions and actions.

6.2 POLICE ACTION BASED ON LEGAL JUSTIFICATION:

What is reasonable in terms of appropriate police action or what constitutes probable cause varies with each situation, and different facts may justify either an investigation, a detention, a search, an arrest, or no action at all. The requirement that legal justification be present imposes a limitation on an officer's action. In every case, an officer must act reasonably within the limits of his authority as defined by statute and judicial interpretation, thereby ensuring that the rights of both the individual and the public are protected.

6.3 ALTERNATIVES TO PHYSICAL ARREST, BOOKING, OR CONTINUED DETENTION:

Once a violator has been identified, it is the function of the Department to initiate the criminal process; however, there are circumstances when a crime may occur and the Department will not make a physical arrest. There may be a report written and an application for a warrant made; or in some cases, when the offense is of a minor nature, a verbal warning or other direction may be given. The decision not to make

an arrest will be guided by Department policy and the factual situation involved, not by the personal feeling of the officer. An arrest does not dictate a booking, and a booking does not dictate continued detention. When circumstances so indicate, an arrestee should be released without being booked and, if booked, may be released from further detention.

6.4 CALL FOR SERVICE:

6.4A PROFESSIONAL STANDARD OF SERVICE: The Department cannot be aware of each circumstance in the City where police action or assistance may be required. The Department is dependent upon members of the community for such information. The people, in return, expect the Department to respond to requests for police assistance within a reasonable time and to satisfactorily perform the necessary service. A person calling for police assistance expects, as a matter of right, to be provided with a service. As a practical matter, the extent of the service may necessarily be limited, but, regardless of its extent, a professional quality of service must be rendered in all cases.

6.4B PRIORITY OF HANDLING CALLS FOR SERVICE: It is not always possible for the Department to respond to every call for service; therefore, the Department must organize available resources to give the highest level of efficient service possible. Priority of call assignment depends on many factors, and it is normally the responsibility of communications personnel to make such assignments; however, an officer in the field may be required to decide whether to continue on an assigned call or handle a citizen's complaint or other observed event and cause his call to be reassigned. Such determination should be based upon the comparative urgency and the risk to life and property of the assigned call and the intervening incident. When it is impossible for an officer to handle a citizen's complaint or an observed event, he should, if circumstances permit, either give directions for obtaining such assistance or initiate the necessary notifications himself.

6.5 PRELIMINARY INVESTIGATION:

6.5A SCOPE OF PRELIMINARY INVESTIGATION: The scope of preliminary investigation by a uniformed officer may be very restricted or it may constitute the entire investigation of the crime. In a particular crime, the scope of the preliminary investigation may be limited by an officer's assignment workload. Consistent with his other responsibilities, an officer should continue a preliminary investigation to the point where the delay in investigation caused by the report being processed will not materially jeopardize the investigation.

6.6 FOLLOW-UP INVESTIGATION:

6.6A INVESTIGATION OF REPORTED CRIMES: Follow-up investigation consists of efforts to interview victims and witnesses; locate, identify, and preserve physical evidence; recover stolen property; identify, locate, interview, and arrest suspects; present the case to the prosecutor; and cooperate in the prosecution of the defendant. Such investigations are conducted to produce evidence relating to the guilt or innocence of any suspect and to recover property.

6.6B ALLOCATION OF RESOURCES TO FOLLOW-UP INVESTIGATIONS: As it is not feasible to expend equal time and energy in the investigation of all reported crimes, priority of investigation and allocation of resources must be based upon the relative seriousness of each reported crime. However, reported crimes will be investigated to the fullest extent possible without regard to the status of the victims or the areas of the City in which the crimes occur.

6.6C FOLLOW-UP INVESTIGATION BY UNIFORMED OFFICERS: Uniformed officers shall conduct a limited follow-up investigation upon supervisory approval when there is a reasonable chance of apprehending the suspect, when there is a need for obtaining additional information for the preliminary investigation report, or when there are other compelling circumstances.

6.7 CRIME SCENE SUPERVISION:

The senior investigator present is in charge of a crime scene.

6.8 FIELD SUPERVISION:

Since emergency situations occur without warning, and their duration is often brief, officers must frequently make critical decisions without benefit of on-the-scene direction. In most police operations, however, supervision is available and necessary to provide guidance and training. Supervision gives coherence to the police task and directs the energies of the Department into an organized effort. Proper supervision is to maintain a professional level of competence in law enforcement operations.

6.8A SUPERVISION IN FIELD OPERATIONS: The Department is an organization with an assignment of responsibility and accountability throughout the rank structure. To the degree that a senior officer is responsible and accountable for the performance of his junior, the senior officer must be granted commensurate authority in order to properly discharge his supervisory responsibility. Field supervision begins with

the senior police officers of the Department, and it is upon them that the primary burden of training and supervising less experienced officers is placed. A supervisor is the first level of full-time supervision, and it is his primary responsibility to guide, train, direct, and motivate those over whom he has control. A supervisor is expected to engage in law enforcement operations in a command or supervisory capacity.

6.9 COMMAND RESPONSIBILITY AT EMERGENCY SITUATIONS:

Command of Department resources at a police situation rests with the supervisor or the assigned senior officer. Such person has the authority to direct the operation and is responsible for its outcome. A senior command officer may make suggestions; however, the senior command officer may not actively direct the operation unless he properly relieves the subordinate of command. A senior command officer at an emergency scene who does not choose to take command may be held accountable for unfavorable developments which he could have prevented by assuming control.

6.10 CIVIL DISPUTES:

Officers are frequently called to the scene of civil disputes where no crime has been committed. The presence of officers at such scenes is primarily to preserve the peace and to prevent a crime from occurring; it is not to give legal advice. Officers should avoid becoming unnecessarily involved in civil disputes and may advise the parties to seek the advice of legal counsel.

6.11 CITIZEN'S ARREST:

Unless required by the situation, officers should not encourage private person's arrest; however, should such an arrest be made, officers are required to accept the prisoner unless it reasonably appears that the arrest is unlawful.

6.12 INFORMANTS:

6.12A USE OF INFORMANTS: Often information from confidential sources is the investigative lead which solves a case and without which there could not be a prosecution.

Information is received by the Department regarding criminal activities and suspects from persons in all walks of life. Many people who give information have been victims

or witnesses of crimes, or they may have a strong desire to aid law enforcement. There are others motivated purely by selfish interest. However, regardless of their motivation, the use of informants is a basic weapon in the fight against crime, and they are a judicially recognized source of information. An informant's motivation should be carefully evaluated in determining the extent upon which the information will be relied.

6.12B INFORMANT'S IMMUNITY FROM PROSECUTION: Informants will sometime offer to exchange information for immunity or for their release. Such immunity may properly be granted by a judge in a judicial proceeding; however, neither the Department nor any of its members may grant any person immunity from prosecution.

6.12C INDIVIDUAL INVESTIGATOR'S INFORMANT RESPONSIBILITIES: Officers should keep their supervisors informed of their relations and activities involving informants. A commanding officer shall require that the identity of informants be disclosed to him. When practical, a second person should be present when interviewing an informant.

6.13 CONDUCT OF UNDERCOVER OFFICERS:

In order to obtain information and evidence regarding criminal activities, it may be necessary that the Department utilize undercover operators. Such operators shall not use provocation entrapment methods. The officers shall not commit any act or omit to perform any duty imposed by law which constitutes a crime.

6.14 UNDERCOVER OFFICERS POSING AS MEMBERS OF THE NEWS MEDIA:

The use of a news media cover by an officer to obtain intelligence information is not an acceptable form of undercover activity. Once an officer is discovered in such a role, particularly in a crowd control situation, legitimate members of the media become suspect and could possibly be exposed to danger. In addition, such undercover activity does damage to the trust which should exist between members of a free society and the news media which serves them.

6.15 DEPARTMENT RESPONSE TO IMPENDING RIOT:

When the City is confronted with a situation which may escalate into a riot, the Department must establish control of the situation by reacting quickly and committing sufficient resources to control the situation. Control must be established in all parts of the involved area so that

there are no areas into which the Department cannot go. Law violators must be arrested and their prosecution sought. Finally, the Department must remain in the affected area with adequate personnel and equipment for a sufficient period of time after order is restored to convince all concerned that additional outbreaks will not be tolerated.

6.16 USE OF FIREARMS:

6.16A NECESSITY THAT OFFICERS BE ARMED: As long as members of the public are victims of violent crimes and officers in the performance of their duties are confronted with deadly force, it will remain necessary for officers to be properly armed for the protection of society and themselves.

6.16B REASON FOR THE USE OF DEADLY FORCE: An officer is equipped with a firearm to defend himself or others against deadly force, or when it reasonably appears necessary, to effect the arrest of an escaping felon. An officer does not necessarily shoot with the intent to kill; an officer shoots when it reasonably appears necessary to prevent the individual from completing what he is attempting. When a firearm is used by an officer, it must be with the realization that the death of some person may occur, not necessarily with the intent that such will be the result.

6.16C MINIMIZING THE RISK OF DEATH: In the extreme stress of a shooting situation, an officer may not have the opportunity or ability to direct his shot to a non-fatal area. To require an officer to do so, in every instance, could increase the risk of harm to the officer and/or others. However, in keeping with the philosophy that the minimum force that reasonably appears necessary should be used, officers should be aware that, even in the rare cases where the use of firearms reasonably appears necessary, the risk of death to any person should be minimized.

6.16D JUSTIFICATION LIMITED TO FACTS KNOWN TO OFFICER: Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by an officer at the time the officer decides to shoot. Facts unknown to an officer, no matter how compelling, cannot be considered in later determining whether the shooting was justified.

6.16E SELF DEFENSE AND DEFENSE OF OTHERS: The law of justifiable homicide authorizes an officer to use deadly force when it reasonably appears necessary to protect himself or others from what reasonably appears as an immediate threat of great bodily harm or from imminent peril of death. The policy of the Department does not limit that law.

6.16F FLEEING FELONS: By statute, an officer is authorized the use of deadly force when it reasonably appears necessary to prevent the escape of a felon. Such force may only be exercised when all reasonable alternatives have been exhausted and must be based only on facts or what reasonably appear to be the facts known to the officer at the moment the officer shoots. The officer must reasonably believe that the suspect would use deadly force against the officer or others if not immediately apprehended.

It is not practical to enumerate specific felonies and state with certainty that the escape of the perpetrator must be prevented at all costs, or that there are other felonious crimes where the perpetrator must be allowed to escape rather than to shoot him. Such decisions are based upon sound judgment, not arbitrary checklists.

6.16G JUVENILE FELONY SUSPECTS: An officer generally should not shoot at a fleeing felon whom the officer has reasonable grounds to believe is a juvenile. However, when the escape of such a suspect can reasonably be expected to pose a serious threat to the life of another person, then under these circumstances an officer may shoot to prevent the escape of such person. This section does not limit an officer's right of self-defense or the defense of others whose lives the officer reasonably believes are in imminent peril.

6.16H SHOOTING AT FLEEING MISDEMEANANTS: Officers may not intentionally use deadly force to effect the arrest or prevent the escape of a misdemeanor.

6.16I FIRING WARNING SHOTS: Warning shots should not be fired in an attempt to induce the surrender of a suspect.

6.17 HIGH SPEED PURSUITS:

Missouri State Law requires that a police officer pursue and attempt to arrest any fleeing offender having committed a felony or escaping arrest. In doing so, extreme caution should be exercised so as to not further jeopardize the safety of innocent persons.

The Dispatching Center is to be kept advised of the pursuit situation and all other non-emergency radio transmissions shall cease. Additional units from this and/or neighboring law enforcement agencies shall be fully utilized to make the necessary apprehensions. The Missouri Uniform Fresh Pursuit law extends to the officer the authority to enter any county, municipality, or neighboring state and to effect the arrest of a person believed to have committed a felony. Authorities having jurisdiction shall be immediately notified of any arrest prior to removal of the subject from that venue.

6.18 HOSTAGES:

Criminals who use hostages to effect their escape are desperate individuals who, if allowed to escape, will pose a continuing threat to their hostage and to the public at large. Assurance that a hostage will be released unharmed is a meaningless promise. The Department does not have the ability to protect the safety of a hostage who is allowed to be removed from the presence of officers. The safety of hostages can be best assured by keeping them in the presence of officers and by preventing their removal by the suspect. This Department will not negotiate for transportation, weapons, suspect's freedom, or exchange of police officers or other persons for hostages. Negotiations shall end as soon as any hostages are killed or injured or such death and/or injury is imminent. Officers should use every verbal and tactical tool at their disposal to secure the arrest of the suspect without harming the hostage. However, officers should realize that exceptional situations could arise where considered judgment might dictate allowing removal of a hostage, such as where there is imminent and probable danger to a large group of persons.

6.19 OFFICERS SURRENDERING WEAPON:

An officer may be at the mercy of an armed suspect who has the advantage, but experience has shown that the danger to an officer is not reduced by the officer giving up the gun upon demand. Surrendering the weapon might mean giving away that officer's only chance for survival; therefore, an officer should use every tactical tool at his disposal to avoid surrendering the weapon.

6.20 BARRICADED SUSPECTS:

6.20A TACTICAL PLAN: A barricaded suspect poses an extreme danger not only to officers who seek to arrest the suspect, but to other persons as well. Good judgment demands that a tactical plan be developed rather than immediately rushing a barricaded suspect.

Officers should seal avenues of escape and call for assistance. Once the suspect is isolated, time is to the benefit of the officers, and the full resources of the Department are available to assist officers in removing the suspect from his location. To minimize the possibility of injury to officers and others, appropriate special equipment and trained personnel should be requested as needed. If possible, an effort should be made to contact the suspect in an attempt to persuade him to voluntarily surrender before force is used.

6.20B SUPERVISION AT SCENE OF BARRICADED SUSPECT: When a suspect is located as the result of a follow-up investigation, the senior investigative officer at the scene is in command. In situations which develop from radio calls or spontaneous activities, the senior uniformed officer present is in command.

6.21 USE OF CHEMICAL AGENTS:

To minimize injury to suspects, officers, and others or to avoid property damage, the use of a chemical agent, such as tear gas, may be necessary in circumstances where a serious danger to life and property exists and other methods of control or apprehension would be ineffective or more dangerous.

The supervisor at a police situation has the responsibility for determining the need for the use of a chemical agent and the authority to direct its deployment. In no event, however, can authorization for the use of a chemical agent be given by an officer below the rank of sergeant. The use of a chemical agent for crowd or riot control must be authorized by an officer of the rank of sergeant or above.

6.22 BOMB THREATS:

The overwhelming majority of bomb threats are conveyed by means of a telephone call. It is of absolute prime importance that the receiver of the call obtain the exact message given by the caller and to hold the caller on the line as long as possible. An attempt should be made to trace the call, obtain any background noises, try to determine the sex, age, etc., of the caller.

A thorough search must be carefully and properly made by someone familiar with the area in order to note something alien to the surroundings. The decision to evacuate the premises on a bomb threat is a managerial decision. In determining whether to evacuate or not, the responsible person should consider the source of the information; past occurrences of threats, searches, and evacuations; the size of the building; number of occupants; type of occupancy.

In the event a suspicious object is located, the occupants of the area, including the floor above and the floor below, should be quickly and quietly evacuated. It is important not to move or touch the suspected object itself or any article nearby. Gas and fuel lines feeding into the location should be shut off and medical personnel should be alerted to stand by. Qualified experts in the disposal of bombs and incendiary devices should be contacted for assistance whenever a suspected bomb or device has been located.

6.23 DEPLOYMENT IN ANTICIPATION OF THE COMMISSION OF A CRIME:

The purpose of deploying officers at the scene of an anticipated crime is to arrest the perpetrator of the attempted or consummated crime; however, since that objective is subordinate to the protection of life, officers should not subject themselves or the other innocent persons to unreasonable risks.

6.24 TRAFFIC ENFORCEMENT:

6.24A TRAFFIC ENFORCEMENT OBJECTIVE: The traffic enforcement objective of the Department is to reduce traffic accidents and injuries and to facilitate the safe and expeditious flow of vehicular and pedestrian traffic through the public's voluntary compliance with traffic regulations. The Department seeks to achieve this objective through a combination of education and enforcement.

The Department seeks to educate the public regarding traffic regulations through programs aimed at exposing specific problems, by publishing traffic accident and injury statistics, and by giving notice and warning of changes in regulations prior to taking enforcement action.

The Department will take enforcement action upon the detection of an illegal and potentially hazardous act without regard for such factors as attitude, intent, or frivolous excuse. Enforcement action may consist of a warning, citation, application for warrant, or physical arrest.

6.24B VIOLATOR CONTACT: Traffic violation enforcement is one of the many routine tasks performed by officers, but for violators it frequently is an emotionally traumatic experience. In many cases this is the only contact that a person has with our Department. Officers should be aware of these conditions and should strive to make each contact educational and to leave the violator with the impression that the officer has performed a necessary task in a professional and friendly manner.

6.24C NONRESIDENT VIOLATORS: Nonresidents are rarely subjected to unfamiliar traffic signs or inconsistent regulations. Therefore, unless the traffic regulation violated is one unique to the area, no immunity should be granted because a person is a nonresident.

6.24D ENFORCEMENT OF PARKING REGULATIONS: Street parking is restricted in various areas of the City to ensure fair access to parking and to expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the City.

6.24E DEPLOYMENT FOR TRAFFIC ENFORCEMENT

6.24E1 SELECTIVE ENFORCEMENT: The Department conducts statistical and visual surveys to determine by location, time, and day of week which violations are causing accidents. Based upon the information thus obtained, the Department deploys its personnel to those specific areas to observe violations and to take enforcement action. In addition, when the Department receives complaints of a traffic problem in a particular area, it specifically assigns personnel to investigate and take necessary enforcement action.

6.24E2 VISIBLE PATROL: Any tendency of motorists knowingly to violate traffic laws is deterred by open and visible patrol, and the number of traffic accidents is correspondingly reduced. However, when there is an unusual or continuing enforcement problem at a particular location, officers may park in a conspicuous location and observe traffic.

6.24F ACCIDENT INVESTIGATION: The investigation of traffic accidents is necessary, not only to determine traffic law violations, but also to obtain engineering data, to protect the rights of the individuals involved, and to assist in traffic education.

6.25 VICE ENFORCEMENT:

The people through their elected representatives have decided that criminal sanctions should be imposed against certain behavior which has been traditionally labeled as "vice". The Department is charged with the enforcement of all criminal statutes including those defining vice offenses. Where vice conditions are allowed to continue, they are soon exploited by organized crime and the money thus obtained is often used to finance other criminal ventures or attempts to corrupt public officials. To prevent the spread of vice conditions, the Department will take aggressive enforcement action against all commercialized vice activities, against those vice activities which have been complained of, and against conspicuous vice conditions which appear on the streets and in the public places of the city.

6.26 NARCOTIC ENFORCEMENT:

It is the objective of the Department to enforce all local, State, and Federal statutes which prohibit the possession, use, or traffic in narcotics, non-prescription dangerous

drugs, and other restricted or prohibited substances. Through a combination of aggressive enforcement and public education, the Department seeks to prevent and deter the use and possession of, and traffic in all such substances within the City. In so doing, the Department may also conduct investigations outside the City.

To prevent the spreading use of narcotics and other dangerous substances, the Department engages in public education programs to inform people about the effects and hazards of drug abuse. Additionally, the Department provides the public with factual information with which to make decisions regarding the use of drugs and to assist members of the public in recognizing symptoms and indications of drug use in others. An understanding and appreciation of the full effect and extent of drug abuse is essential for success in overcoming its threat. By working with and through the community, the Department seeks to engage the people in a cooperative attack on this critical problem.

POLICY

CHAPTER VII

ADMINISTRATION

7.1 GENERAL PROVISIONS:

Department administration involves the efficient and economic management of a large complex organization which performs its functions through the acts of its employees. Department functions involve the interaction of people, not only within its ranks, but in all personal contacts between its employees and members of the public. Department administration is, therefore, occupied to a large extent with improving the ability of its employees to properly perform the police tasks and with strengthening the relationship which exists between all employees and the public they serve. Thus, recognition of the human factor is an administrative challenge in the Department's effort to provide a consistent and professional police response to the community's law enforcement and emergency needs.

Department personnel are required to make decisions involving the public and other employees in response to both administrative and operational problems. The decision process involves more than loyalty; it requires an insight into the objectives and purposes of the Department, its duty under the law and to the people, and the manner and means by which the task is to be performed and the objectives achieved. The decision must be a balance of involved interests, considering what is best for the public, the Department, and any individual involved. That decision must then result in effective action directed toward the accomplishment of the Department's objectives. The requirement that such insight be exercised is implicit in all decision making, and it is the thread which binds the complex and difficult law enforcement task into a coordinated and effective force.

7.2 COMMAND RESPONSIBILITY:

A supervisor has responsibility and accountability for every aspect of his command. Commensurately, within policy guidelines and legal constraints, the commanding officer has the authority to coordinate and direct assigned personnel and other allocated resources in achieving his organizational objectives. In so doing, the supervisor must perform the full range of administrative functions, relying upon policy, direction, training, and personal initiative to guide him and his command in achieving the highest level of performance possible.

7.2A TRANSFER OF COMMAND: Upon assuming a new assignment and continually thereafter, a supervisor should critically evaluate all aspects of his command. The supervisor should review existing policies, procedures, and programs to determine if the need for which they were enacted remains unchanged. Existing budget requests should be reviewed to ensure that any changes made or contemplated have not rendered the requests obsolete.

Upon a change of command, the supervisor being replaced has a duty to lend his full assistance in making the command transition as smoothly and orderly as possible. Orientation of a new commanding officer should include information concerning unique problems of the command and assistance in continuing community and professional contacts relative to the command.

7.2B COMMAND CONCERN FOR EMPLOYEE WELFARE: The nature of command is such that there must be a coexisting loyalty to the management of the Department and to subordinates. The resolution of those loyalties, in a manner which benefits both the Department and the individual, and which avoids conflicts between the two interests requires the exercise of leadership. An interest in employees and their welfare is a responsibility of command, which may extend beyond moral problems and their effect upon an individual's performance. It includes a concern for the personal problems, desires, and interests of employees and positive assistance in resolving those problems or in achieving their goals. However, commanding officers should be cautious to avoid interfering where assistance is not required or desired.

7.2C COMMUNITY LIAISON BY COMMANDING OFFICERS: Supervisors have a responsibility to maintain professional and community contacts as they relate to their command. As a representative of the Department, supervisors must take an active role in the community of their command, and participate in identifying, and providing for its law enforcement needs.

7.3 PLANNING RESPONSIBILITY:

It is essential that there be planning in police service. From the Chief, who must devise long-range plans involving the entire resources of the Department, to the officer, who must discuss an operational plan with another officer while en route to a call, there exists an imperative for planning which is so great that it merges with the action itself. The requirement that an employee plan his action is commensurate with the degree of his responsibility and accountability for the results of the action.

In the performance of their duties, officers are confronted with an infinite variety of circumstances which require police action. In an attempt to utilize collective experience and research in assisting officers to deal with such diverse situations, the Department formulates procedures to direct action in certain generalized situations. As officers are routinely confronted with the unusual, it is impossible to provide with policy guidelines to assist them in the necessary exercise of discretion. The combination of policy and procedures, reinforced by training, acts to provide officers with a structurally sound framework within which to function.

In addition to developing standing procedures, the Department must regularly devise single-use plans to accommodate specific needs. These plans may involve a Department-wide response to a police incident. Once executed, such plans should be evaluated in similar situations.

7.4 SCOPE OF PLANNING:

While each plan differs according to the need for which it is developed, each plan should define its need, objective, scope and purpose, the method for its implementation, and a means of evaluating its effectiveness.

7.5 USE OF TASK FORCE FOR PLANNING:

When a need develops for a single-use plan affecting more than a single Bureau or when it is necessary to develop a major project with a limited time, it may be appropriate to assemble a task force whose staff is provided on loan from various Divisions or Bureaus. When a task force is assembled, it must be structured with clearly defined objectives, organization, responsibility, and authority. It should be placed under the control of an existing organizational unit, whose commanding officer has responsibility and accountability for its performance.

7.6 COMPLETED STAFF WORK:

The result of an effort to research a problem and develop a solution, leaving nothing for the final authority to do except approve or disapprove, is traditionally known as completed staff work. In such projects, it is essential that original instructions include identification of the problem, direction, the desired scope of endeavor, and the time limit for completion. Direction should clearly indicate what is desired by way of the project. The project should include

adequate research to accurately define the problem and to examine all reasonable solutions. The assigned employee should include in his report a recommendation and a summary of the findings supporting the conclusion. In completed staff work, a final step, prior to obtaining concurrences, is to notify involved organizational components of the findings and recommendations of the project.

7.7 DEPARTMENT DIRECTIVES:

In a complex organization such as the Department, it is essential that directives communicate desired information to concerned employees as accurately as possible. Directives should be well researched, properly drafted, and subjected to staff review for concurrence. A supervisor may issue a directive as long as it affects his command only and does not conflict with Department directives. Ordinarily, where there is more than one office affected, directives should be issued by the Chief.

7.8 ADMINISTRATION OF DISCIPLINE:

One of the primary tasks of a supervisor is the administration of discipline. Discipline can be positive or negative; it may involve encouragement, inspiration, training, or imposition of negative sanctions. It has as its immediate purpose the channeling of individual effort into effective and productive action.

The exercise of positive discipline requires foresight and planning rather than merely reaction. It involves an evaluation of the human factor which, when combined with proper training, motivation and recognition of individual and group effort, results in self-discipline.

Disciplinary means may range from a warning, where the immediate effect is on the individual, to termination, where the positive result derived is the reassurance of other employees as to unacceptable limits of misconduct. In each case care must be exercised to make the proper choice in obtaining a desired and just result.

In the administration of discipline, a supervisor must consider the total circumstances surrounding an allegation of misconduct in making a determination whether the action or conduct which prompted a complaint was not only legal, but whether, under the circumstances, it was necessary and proper as well. His decision must resolve those factors with the individual's interest and the probable effect of the disciplinary action upon the attainment of Department objectives.

To be effective, discipline must not only be fair in its application, it must also follow with a reasonable time the act which it is intended to correct. Therefore, there must be a prompt resolution of disciplinary cases.

7.9 CHAIN OF COMMAND:

The Chief of Police must necessarily limit the number of persons who report to him. Therefore, to ensure unity of command, clearly defined lines of authority must be drawn so that there exists a structural relationship between each employee and the Chief. Each employee must be aware of his relative position in the organization, to whom he is immediately responsible, and those persons who are accountable to him. Employees should strive at all times to operate within the chain of command and to keep their supervisors informed as to their activities. The Chief is available by appointment to any member of the Department.

7.10 FLEXIBILITY OF ORGANIZATION:

The ability of the Department to make organizational adjustments to meet changing needs is essential in obtaining the maximum benefit from the expenditure of assigned resources. However, to ensure stability, the basic Department structure should not be changed in the absence of a demonstrated need or to satisfy temporary requirements. There must be continuing staff inspections to ensure that Department organizational needs are being met. In addition, each supervisor has the responsibility to maintain the organizational viability of his command through constant evaluation.

7.11 INSPECTION AND CONTROL:

Management inspection and control is necessary to ascertain if command policies, procedures, and rules are adequate and are being adhered to, whether Department resources are adequate and are being utilized, and to evaluate the overall performance and attitude of the Department. The Department has a formal staff inspection and control system which reports to the Office of the Chief. Additionally, it is the responsibility of each supervisor to continually conduct inspections within his command to ensure the proper performance of assigned personnel and the most efficient use of assigned equipment, material, and facilities. Merely finding fault is not inspecting. Therefore, a supervisor's responsibility does not end with discovering a deficiency or inadequacy; it includes taking positive measures to correct the problem.

7.12 PERSONNEL:

7.12A RECRUITMENT: To obtain the highest caliber of candidates possible, it is essential that the Department participate in the recruitment process. To this end the Department maintains an active formal recruitment program; however, an officer in his daily contact with the public is the Department's best recruiter. By the officer's demeanor and enthusiasm, he favorably impresses and attracts the type of individual which police service needs. Because of his experience and knowledge, the officer is able to counsel persons who show an interest in law enforcement careers and to encourage applications by those who appear qualified.

7.12B DUTY ASSIGNMENTS: Allocation of personnel to specific assignments is made with the aim of establishing optimum effectiveness within the Department while recognizing the needs, ability, and preference of individual employees.

7.12C ADVANCEMENT: The vitality of the Department is maintained through the selection and promotion of the most qualified personnel to positions of increased responsibility. The Department must help in the selection process by accurately rating and evaluating employees and candidates for promotion and by advancing the most qualified.

7.13 TRAINING:

The Department has an obligation to provide a professional standard of law enforcement service to the community. In fulfilling that responsibility, it is essential that Department personnel be properly trained. This is true not only at the entrance level where officers must receive basic training prior to their assumption of police responsibilities, but it is a continuous process throughout their careers. Training is provided to accommodate Department needs and to actualize the interest and concern which the Department has for the self-improvement and personal development of its employees.

7.13A RECRUIT TRAINING: The training provided recruit officers is a continuation of the selection process whereby efforts are made to screen out those who are lacking in police aptitude. In all recruit training, emphasis is placed on developing the reasoning ability and judgment of each officer.

7.13B ON-THE-JOB TRAINING: An officer's training continues after graduation through his assignment with training officers, roll call training, and supervision. It is the responsibility

of all officers to teach those with whom they work the skills and knowledge necessary to perform the job at hand. Supervisors and officers of all ranks have the responsibility not only to train subordinates to perform assigned tasks, but also to familiarize all subordinates with their supervisor's job as well, so that employees are prepared to assume additional responsibilities should the need arise.

7.13C IN-SERVICE TRAINING: Refresher training is periodically provided to experienced officers to update their training and to evaluate the effectiveness of their prior recruit and in-service training.

7.13D PROMOTIONAL TRAINING: Once the selection process has resulted in promotion, the Department provides training to prepare newly appointed supervisors and commanding officers for their added responsibilities. Dependent upon the level of supervision or management involved, an attempt is made to familiarize individuals with problems which they may face and to assist them in developing suitable responses to those problems.

7.13E SPECIALIZED TRAINING: To prepare employees for new assignments, the Department provides specialized training in those areas where a need has developed. Such schools have as their goal the development of specialized skills and knowledge within the framework of a police generalist.

7.13F SUPERVISORS AS TEACHERS: The on-going training of working employees is the responsibility of their supervisors. Supervisors are expected to be familiar with the mechanics of the learning process and to routinely apply them in their supervisory tasks.

7.13G PARTICIPATION OF COMMAND AND STAFF OFFICERS IN FORMAL TRAINING: To assure that policy is disseminated as accurately as possible and to allow the Department and its employees to benefit from the experience, knowledge, and attitudes of supervisors and staff officers on a policy-making level, it is desirable that such officers participate in the formal training process to the greatest extent possible.

7.13H DETACHED DUTY FOR ADVANCED EDUCATION OR TRAINING: The Department engages in programs whereby selected officers are granted leave with full salary to participate in advanced education or training programs. The selection process for such courses is designed to choose the most qualified while, at the same time, assuring that the Department receives the value of the individual's acquired knowledge by selecting from among the most qualified, those officers whose careers have sufficient length of time remaining to benefit the Department.

7.13I ENCOURAGEMENT TO FURTHER EDUCATION: In fulfilling its commitment to provide professional police service, the Department encourages all employees to further their education to the highest level possible. Therefore, consistent with its basic responsibilities, the Department cooperates with employees in arranging duty schedules and assignments to facilitate and encourage such individual effort.

7.14 CIVILIAN EMPLOYEES:

Professionalism is enhanced when officers perform only those tasks where there is an identified need for police knowledge and skills. To this end, the Department employs civilians in those positions where there is no such demonstrated need. In addition to releasing officers for more traditional tasks, the use of civilians makes it possible to hire employees for their specialized skills, thus resulting in greater efficiency.

7.15 BUDGETING:

The budgetary process is required by City ordinance and is an essential planning tool which enables the Department to organize its financial resources in an objective-directed effort to derive the maximum return for the tax dollars expended.

The Department Budget represents an evaluation of relative needs within the Department based upon quantitative and qualitative data. It involves a decision regarding objective priorities with consideration given to the volume and type of work required and the costs involved.

Budgeting is a continuous process which is the responsibility of each supervisor. It involves the identification of objectives and the determination of organizational needs based upon a reasonable evaluation of future requirements.

Supervisors communicate their organizational needs by means of budget requests. Such requests should be limited to those items which are necessary to continue the present standard of service, materially improve the standard of service, or reduce the cost of service. It is the responsibility of supervisors to weigh their needs carefully and to present budget estimates which incorporate reasonable and economically sound requests. If an item is requested on the basis that it will improve the standard of service, the justification should show conclusively that this objective will be reached and that the cost of the item will be returned in some concrete manner, such as the rendering of decidedly superior service to the public or by an actual saving of money over a period of time.

POLICY

CHAPTER VIII

SUPPORT AND AUXILIARY SERVICES

8.1 COMMUNICATIONS:

8.1A TELEPHONE COMMUNICATIONS WITH THE PUBLIC: The telephone is the primary method by which the services of the Department are requested. All incoming telephone calls must be answered as promptly as possible to determine if a need for police service exists and, if so, to provide the required service.

8.1B TELEPHONE COURTESY: In answering telephone calls, employees should courteously greet the caller, identify their units and themselves, and ask to be of assistance. Employees should make every reasonable attempt to either supply requested information and assistance or to promptly refer the party to the proper Department unit or other public or private agency for assistance.

8.1C INTRA-DEPARTMENT COMMUNICATIONS: The Department maintains and constantly strives to improve its intra-Department communications network to provide for rapid and efficient response and to facilitate management control. All Department communications, including radio, telephone, teletype, and mail, are reserved for official business and are not to be used for personal purposes.

8.2 RECORDS:

Records are maintained by the Department in compliance with statutes, as a public service, as an investigative and administrative aid, and to provide statistical data. Department records are confidential; however, criminal records and arrest information will be released, upon approval, to those persons who qualify as peace officers under the state statutes or to other approved government agencies. In addition, the Department will provide, for a fee, crime and traffic reports to crime victims, parties to accidents, and other sufficiently interested parties. Except for approved government agencies, the Department will not release criminal and arrest information from its files to prospective employers.

8.3 ARRESTEES:

The Department maintains custody of arrestees following their arrest until they are arraigned, transferred to the custody of the County or other law enforcement agency, or released from custody on fixed bail, their own recognizance, or without being charged. Except in unusual circumstances, the Department does not maintain custody of arraigned arrestees. Arrestees will be treated with as much dignity as possible and with a minimum of embarrassment. They will be kept in clean, sanitary,

and habitable quarters and provided with nourishing and palatable meals. It is the intent of the Department to minimize the time which an arrestee spends in the custody of the Department. Arrestees charged with state violations are transferred to the custody of the County at the earliest opportunity, investigations are completed as rapidly as possible, and eligible municipal arrestees are released upon their own recognizance or on fixed bail as quickly as practicable.

8.4 PROPERTY:

The Department will safeguard and properly dispose of all property which comes into its custody. The Department strives to maintain property in the same condition as received and to preserve the evidentiary integrity of property which has been received for possible court presentation.

Unless property is contraband or must be presented into court, every reasonable effort will be made to ensure its return to its rightful owner. Property which cannot be returned to its owner will be disposed of by public auction, or in the case of contraband by destroying it.

8.5 TRANSPORTATION:

In the highly mobile environment in which the Department operates, vehicular transportation is essential, and, because of its extensive use, it is an expensive item in the Department budget. The essential function of the transportation system is to provide the proper type of vehicle at the time and place there is a need for it and to provide the vehicle at the minimum possible cost. The Department depends upon a study of requirements and a comprehensive testing program to determine specifications for the type of vehicle needed for each function within the Department.

Thereafter, through a process of inspection, maintenance, and repair, vehicles are kept in such condition as to be capable of safe performance and operation, consistent with their assigned use. Additionally, as situations frequently and unexpectedly arise, even basic transportation units must be capable of performance greater than that required for transportation alone. While a vehicle is in the possession of the Department, its most efficient and effective use is achieved by a system of rotation, assignment, and sale.

8.5A FLEET SAFETY: Not only because they are engaged in traffic enforcement, but because they are the most visible representatives of local government, Department employees have a duty to operate Department vehicles in a legal, safe, and

courteous manner. This responsibility is especially great in view of the tactical situations and traffic conditions in which Department vehicles are operated. Vehicle safety involves the establishment of standards, vehicle testing and selection, regular inspections, preventive maintenance, and defensive driving habits through roll call training, defensive-driving and driver-training courses, supervision, and discipline.