

COPY

Professional Ethics and Standards

105.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the members of this department with clearly articulated expectations of their performance relative to employment with this agency.

105.2 PREAMBLE

Whereas, peace officers are vested with a public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and Whereas, the need to maintain high standards of moral character, integrity, knowledge, and trust is advanced by the establishment of Standards of Conduct for members of the law enforcement profession;

Whereas, the establishment of Standards of Conduct, which includes a Code of Ethics, Canons of Ethics, Oath of Office, Mission Statement and minimum standards, requires the granting of authority to enforce these Standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare and safety of the public; therefore

The need to maintain high standards of moral character, integrity, knowledge, and trust require that members of the Law Enforcement Profession establish and conform to Standards of Conduct.

105.3 GENERAL STATEMENT

Members of the Law Enforcement Profession are granted a public trust which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust, and to ensure that their professional conduct is above reproach, members of the law enforcement profession must conform to these Standards of Conduct and must abide by these Canons of Ethics, adopted as a means of internal regulation.

The essence of a profession is that it requires, in addition to prescribing a desired level of performance, established minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, these Standards of Conduct have been established for the law enforcement profession.

Nothing in the Standards of Conduct is intended to limit or supersede any provision of law relating to the duties and obligations of peace officers or the consequences of a violation thereof. Where these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned.

Nothing in the Standards of Conduct is intended to limit the authority of this agency to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained here.

Standards of conduct are established with the belief that they are reasonably related to the business needs of this police department. Business need is generally, but not exclusively described as the type of performance that can be expected for the orderly, efficient, effective and safe operation of the department. Additionally, because we, in law enforcement, are obligated by our oath to affect the rules of a civilized society, it is reasonable that we be held to the highest of standards in our professional and personal conduct. The enormity of

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potential situations in which an employee may become involved then, requires extensive discussion to define acceptable and unacceptable conduct. It is the policy of this department therefore, to provide clear written direction of expected and prohibited activities by members of this agency.

105.4 DEFINITIONS

Peace Officer means a commissioned regular officer, and by extension and where applicable any other paid or volunteer member of the Department.

Canons are statements that express in general terms standards of professional conduct expected of peace officers in the relationship with the public, the criminal justice system and the profession. They embody the general concepts from which the Ethical Standards and the Disciplinary Rules are derived.

Ethical Standards are statements that represent the objectives toward which every peace officer shall strive. They constitute guiding principles that can be relied upon by the peace officer in certain specific situations.

Standards specify an acceptable level of conduct for all peace officers, regardless of their rank or the nature of their assignment. Any peace officer who violates any agency rule that applies to these canons and standards commits unprofessional conduct, and is subject to disciplinary action. Violation of disciplinary rules requires appropriate adjudication and disciplinary action ranging from oral reprimand to termination and/or criminal prosecution or other administrative action sanctioned by law, as dictated by the individual case.

Enforcement Procedures are the fundamental rights of an accused officer that are applicable to a disciplinary investigation or proceeding against the officer.

Administrative Investigation is an investigation conducted to determine whether an officer has violated any provision of this code, or an agency rule or regulation; or whether an officer is impaired or unfit to perform the duties and responsibilities of a peace officer.

Formal Discipline refers to the final adjudication of administrative or disciplinary charges.

Controversial conduct shall be defined as that conduct which may damage the reputation of the department or bring it or the member into disrepute.

105.5 LAW ENFORCEMENT CODE OF ETHICS

The law enforcement code of ethics is adopted as a general standard of conduct and policy for officers of this agency.

"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.

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"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 courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

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

105.6 CANONS OF ETHICS

Canon One

PEACE OFFICERS SHALL UPHOLD THE CONSTITUTION OF THE UNITED STATES, THE STATE CONSTITUTION AND ALL LAWS ENACTED OR ESTABLISHED PURSUANT TO LEGALLY CONSTITUTED AUTHORITY.

- (a) Peace officers shall recognize that the primary responsibility of their profession and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and the State Constitution and laws derived therefrom.
- (b) Peace officers shall be aware of the extent and the limitations of their authority in the enforcement of the law.
- (c) Peace officers shall diligently study principles and new enactments of the laws they enforce.
- (d) Peace officers shall be responsible for keeping abreast of current law as applied to their duties.
- (e) Peace officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.
- (f) Peace officers shall respect and uphold the dignity, human rights and Constitutional rights of all persons.

Canon Two

PEACE OFFICERS SHALL BE AWARE OF AND SHALL USE PROPER AND ETHICAL PROCEDURES IN DISCHARGING THEIR OFFICIAL DUTIES AND RESPONSIBILITIES.

- (a) Peace officers shall be aware of their lawful authority to use the force reasonably necessary in securing compliance with their lawful enforcement duties.
- (b) Peace officers shall truthfully, completely and impartially report, testify and present evidence in all matters of an official nature.
- (c) Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants and collection and preservation of evidence.
- (d) Peace officers shall follow the principles of integrity, fairness and impartiality in connection with their duties.

Canon Three

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PEACE OFFICERS SHALL REGARD THE DISCHARGE OF THEIR DUTIES AS A PUBLIC TRUST AND SHALL RECOGNIZE THEIR RESPONSIBILITIES TO THE PEOPLE WHOM THEY ARE SWORN TO PROTECT AND SERVE.

- (a) Peace officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.
- (b) Peace officers, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.
- (c) Peace officers shall safely and efficiently use equipment and material available to them.
- (d) Peace officers shall be prepared to and shall respond effectively to the demands of their office.
- (e) Peace officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.
- (f) Peace officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official act or decisions.
- (g) Peace officers shall recognize that their allegiance is first to the people, then to their profession and the government agency that employs them.

Canon Four

PEACE OFFICERS WILL SO CONDUCT THEIR PUBLIC AND PRIVATE LIFE THAT THEY EXEMPLIFY THE HIGH STANDARDS OF INTEGRITY, TRUST, AND MORALITY DEMANDED OF MEMBERS OF THE LAW ENFORCEMENT PROFESSION.

- (a) Peace officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment that brings discredit upon the profession or the Department, or renders them unfit for their next tour of duty.
- (b) Peace officers shall not consume intoxicating beverages while on duty, except to the limited degree expressly permitted in the performance of official duties.
- (c) Peace officers shall not use any narcotics, hallucinogens, or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, officers shall notify their supervisor and discuss any side effects that may affect their ability to perform their duties prior to reporting for duty.
- (d) Peace officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of their profession. Officers shall not participate in any incident involving moral turpitude.
- (e) Peace officers shall not undertake financial obligations which they know or reasonably should know they will be unable to meet and shall pay all just debts when due.
- (f) Peace officers shall not engage in illegal political activities.
- (g) Peace officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonials or advertisements for any commodity, commercial enterprise or commercial service which is not the product of the officer involved.
- (h) Peace officers shall not engage in any activity that would create a conflict of interest or would be in violation of any law.
- (i) Peace officers shall at all times conduct themselves in a manner that does not discredit their profession or the Department.

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- (j) Peace officers shall not be disrespectful, insolent, mutinous, or insubordinate in attitude or conduct.
- (k) Peace officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors and subordinates.
- (l) Peace officers shall not engage in any strike, work obstruction or abstention, in whole or in part, from the full, faithful and proper performance of their assigned duties and responsibilities.
- (m) Peace officers shall maintain a neutral position with regard to the merits of any labor dispute, political protest or other public demonstration, while acting in an official capacity.

Canon Five

PEACE OFFICERS SHALL RECOGNIZE THAT OUR SOCIETY HOLDS THE FREEDOM OF THE INDIVIDUAL AS A PARAMOUNT PRECEPT THAT SHALL NOT BE INFRINGED UPON WITHOUT JUST, LEGAL AND NECESSARY CAUSE.

- (a) Peace officers shall not use their official position to detain any individual, or to restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.
- (b) Peace officers shall recognize the rights of individuals to be free from capricious or arbitrary acts that deny or abridge their fundamental rights as guaranteed by law.

Canon Six

PEACE OFFICERS SHALL ASSIST IN MAINTAINING THE INTEGRITY AND COMPETENCE OF THE PEACE OFFICER PROFESSION.

- (a) Peace officers shall recognize that every person in our society is entitled to professional, effective and efficient law enforcement services.
- (b) Peace officers shall perform their duties in such a manner as to discourage double standards.
- (c) Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.
- (d) Peace officers shall maintain the integrity of their profession through complete disclosure of those who violate any of these rules of conduct, violate any law or who conduct themselves in a manner which tends to discredit the profession.
- (e) Peace officers shall have responsibility for reporting to proper authorities any known information that would serve to disqualify candidates from transferring within or entering the profession.
- (f) Peace officers shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, laws and requirements of the profession.
- (g) Chief Executive peace officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and competency of their officers. These Canons and Ethical Standards shall be applied to all legally defined peace officers regardless of rank.
- (h) Peace officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

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Canon Seven

PEACE OFFICERS SHALL COOPERATE WITH OTHER OFFICIALS AND ORGANIZATIONS WHO ARE USING LEGAL AND ETHICAL MEANS TO ACHIEVE THE GOALS AND OBJECTIVES OF THE LAW ENFORCEMENT PROFESSION.

- (a) Peace officers, within legal and agency guidelines, shall share with personnel both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals or objectives.
- (b) Peace officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of their duty.
- (c) Peace officers shall, within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession, and keep them apprised of conditions which threaten the maintenance of an ordered society.

Canon Eight

PEACE OFFICERS SHALL NOT COMPROMISE THEIR INTEGRITY, OR THAT OF THE DEPARTMENT OR PROFESSION BY ACCEPTING, GIVING OR SOLICITING ANY GRATUITY.

- (a) Peace officers shall refuse to offer, give or receive gifts, favors or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate peace officers from normal social practices, or to preclude gifts among friends, associates, or relatives where appropriate.
- (b) Peace officers shall not consider their badge of office as a license to obtain special favor or consideration.

Canon Nine

PEACE OFFICERS SHALL OBSERVE THE CONFIDENTIALITY OF INFORMATION AVAILABLE TO THEM THROUGH ANY SOURCE, AS IT RELATES TO THE PEACE OFFICER'S PROFESSION.

- (a) Peace officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.
- (b) Peace officers shall treat as confidential the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.
- (c) Peace officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.
- (d) Peace officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.
- (e) Peace officers shall treat as confidential all matters relating to investigations, internal affairs and personnel, to the extent authorized or required by law.

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105.7 PROFESSIONAL CONDUCT

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 him by the people, and nothing less qualifies as professional conduct.

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 that may cause him hardship or discomfort. An officer must be faithful to his oath of office, the principles of professional police 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.

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 statute that 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 that he is sworn to uphold.

Integrity

The public demands that the integrity of its law enforcement officers be above reproach, and the dishonesty of a single officer may impair public confidence and cast suspicion upon the entire department. Succumbing to even minor temptation can be the genesis of a malignancy that may ultimately destroy an individual's effectiveness and may contribute to the corruption of countless others. An officer must scrupulously avoid any conduct that might compromise the integrity of himself, his fellow officers, or the department.

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 circumstances 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.

Truthfulness

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All members shall be truthful when testifying, making reports, or conducting any other departmental business. However, it is recognized that there may be a valid business necessity for police officers to be untruthful and or deceptive for investigative purposes not limited to undercover operations.

Members shall not deliberately make a false or misleading statement to a supervisor or fellow employee.

Conforming to Policy

Members shall not establish a pattern of behavior that deviates from departmental directives, policies, or procedures nor behavior in a pattern that is significantly different from the compliance rates of other members.

Members shall not challenge policies, procedures, or practices without providing objective and documented facts (in written form) to support justification for such challenge unless the operational situation justifies such action.

105.8 COMPLIANCE WITH LAWFUL ORDERS

The Newberg-Dundee Police 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 and the positive encouragement of a willingness to serve. However, negative discipline may be necessary where there is a willing disregard of lawful commands, orders or directives.

105.8.1 UNLAWFUL OR CONFLICTING ORDERS

When an Employee receives a conflicting order or orders deemed to be unethical or illegal the employee shall notify a supervisor of higher rank than the employee who issued the order.

105.9 INVESTIGATIVE PROCEDURES

Peace officers under investigation for an alleged violation of any of these standards or Department Policy shall be afforded, as a minimum, the rights established by law, labor agreement, and department policy and procedure to ensure fair and just treatment in the enforcement of disciplinary rules of conduct or similar expectations.