

June 7, 2019

TO: All Sworn Personnel

FROM: Richard S. Biehl
Director and Chief of Police

SUBJECT: RULES OF CONDUCT FOR SWORN PERSONNEL

Rules provide direction for police officers in their work and relationships with the public. To be effective, the police must be professional, skilled, fair, and adhere to the law itself while enforcing it firmly.

The Rules of Conduct are meant to provide relevant written guidelines for Dayton Police officers to follow in the performance of their duties.

It is impossible to anticipate every situation, which may arise for a given situation. Sworn personnel must continue to exercise sound judgment and the judicious application of "common sense" for equitable and effective police response for our community.

Richard S. Biehl
Director and Chief of Police

PREFACE

The Ohio Revised Code Section 737.02 and the City Charter Section 69 provide that under the direction of the City Manager, the Chief of Police shall be the executive head of the Department of Police.

By virtue of the authority vested, the Chief of Police, under Ohio Revised Code Section 737.13, hereby establishes the organization and prescribes the following rules and regulations for the administration and government of the Department of Police in the City of Dayton, Montgomery County, Ohio, becoming effective on January 1, 1977.

All rules and regulations issued before the publication of these Rules of Conduct are hereby declared null and void.

The authority is reserved to alter, amend, add to, or to delete, in whole or in part, any of these Rules of Conduct.

These Rules of Conduct are devised to promote discipline and to promote efficiency and harmony within the Department of Police in order that it may function most effectively for the protection of life and property, thereby, providing the citizenry with a sense of security and tranquility.

Since it is impossible to anticipate every situation which may arise or to prescribe the specific action requisite for each case, the exercise of good judgment and the application of sound common sense by those entrusted with law enforcement must be relied upon to make police service equitable and effective.

It will be the duty of all members of the Department of Police to familiarize themselves with the contents of this manual and conduct themselves in accordance with its precepts. Supervisors will instruct subordinates frequently so that all may exercise due diligence and zeal in the enforcement of the rules, regulations, laws, and ordinances.

It has been the purpose in issuing this manual to the members of the Department of Police, to briefly define the principal duties of all members. In some instances, however, the duties that members may be called upon to perform have been omitted, and some of the acts of misconduct on the part of members have not been referred to. However, the excuse that any specific act of misconduct is not referred to in the manual, will not be entertained as an excuse for said act or acts.

The executive and supervising officers of the Department, from the standpoint of rank, are as follows:

CHIEF OF POLICE (COLONEL)
ASSISTANT CHIEF OF POLICE (LIEUTENANT COLONEL)
MAJOR
LIEUTENANT
SERGEANT

They will be respected and obeyed accordingly.

Where equal rank is concerned, due to the absence of a supervising officer, seniority of service in the rank or grade will determine the officer in charge. The term officer is meant to include all male and female sworn employees.

The efficiency of the Department of Police will depend upon the zeal, activity, good judgment, and good conduct of each officer. Proper police service can be rendered to citizens only by the most careful consideration on the part of everyone connected with the department. It is essential and required of all members of the police department to use the utmost care and economy in doing their part to make the Department a successful, efficiently functioning organization.

CANONS OF POLICE ETHICS

ARTICLE 1. **PRIMARY RESPONSIBILITY OF JOB**

The primary responsibility of police service and of the individual officer is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and it's legally expressed will and is never the arm of any political party or clique.

ARTICLE 2. **LIMITATIONS OF AUTHORITY**

The first duty of the law enforcement officer, as upholder of the law, **is to know its bounds upon them in enforcing it.** Because an officer represents the legal will of the community, be it local, state or federal, they must be aware of the limitations and prescriptions which the people, through law, have placed upon them. An officer must recognize the genius of the American system of government, which gives absolute power to no person, group, or institution. An officer must ensure that they, as a prime defender of that system, do not pervert its character.

ARTICLE 3. **DUTY TO BE FAMILIAR WITH THE LAW AND WITH RESPONSIBILITIES OF SELF AND OTHER PUBLIC OFFICIALS**

The law enforcement officer will assiduously apply themselves to the study of laws and the principles of the laws which they are sworn to uphold. An officer will make certain of their responsibilities in the particulars of their enforcement, seeking aid from their supervisors in matters of technicality or principle when these are not clear to them. An officer will make special effort to fully understand their relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

ARTICLE 4. **UTILIZATION OF PROPER MEANS TO GAIN PROPER ENDS**

The law enforcement officer will be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong. They are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. **If the law is to be honored, those who enforce it must first honor it.**

ARTICLE 5. COOPERATION WITH PUBLIC OFFICIALS IN THE DISCHARGE OF THEIR AUTHORIZED DUTIES

The law enforcement officer will cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. An officer will be meticulous however, in assuring themselves of the propriety, under the law, of such actions and will guard against the use of their office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, they will seek authority from their supervisors, giving them a full report of the proposed service or action.

ARTICLE 6. PRIVATE CONDUCT

The law enforcement officer will be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. Following the career of a police officer gives no member special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, they will so conduct their private life that the public will regard them as an example of stability, fidelity, and morality.

ARTICLE 7. CONDUCT TOWARD THE PUBLIC

The law enforcement officer, mindful of their responsibility to the whole community, will deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer will conduct their official life in a manner such as will inspire confidence and trust. Thus, they will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of them nor a right to command them. The officer will give service where they can, and require compliance with the law. An officer will do neither from personal preference or prejudice but rather as a duly appointed officer of the law discharging their sworn obligation.

ARTICLE 8. CONDUCT IN ARRESTING AND DEALING WITH LAW VIOLATORS

The law enforcement officer will use their powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. An officer's office gives one neither the right to prosecute the violator nor the right to mete out punishment for the offense. An officer will, at all times, have a clear appreciation of their responsibilities and limitations regarding detention of the violator. Officers will conduct themselves in such a manner as will minimize the possibility of having to use force. To this end they will cultivate a dedication to the service of the people and the equitable upholding of their laws whether in the handling of law violators or in dealing with the law-abiding.

ARTICLE 9. GIFTS AND FAVORS

The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in their own conduct, the honor and integrity of all government institutions. Officers will guard against placing themselves in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, an officer should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing their judgment in the discharge of duties.

ARTICLE 10. PRESENTATION OF EVIDENCE

The law enforcement officer will be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. An officer will ascertain what constitutes evidence and will present such evidence impartially and without malice. In so doing, they will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word. The law enforcement officer will take special pains to increase their perception and skill of observation, mindful that in many situations an officer's testimony is the sole impartial testimony to the facts of the case.

ARTICLE 11. ATTITUDE TOWARD PROFESSION

The law enforcement officer will regard the discharge of their duties as a public trust and recognize their responsibility as a public servant. By diligent study and sincere attention to self-improvement, they will strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. An officer will appreciate the importance and responsibility of their office, and hold police work to be an honorable profession rendering valuable service to their community and their country.

RULES OF CONDUCT

CHAPTER I - AUTHORITY

- 1.1 The Rules of Conduct (hereafter referred to as ROC) of the Dayton Police Department are established by the Chief of Police through authority granted by the City Charter and Dayton Code of General Ordinances, and supersedes other Departmental directives.
- 1.2 The Rules of Conduct for sworn personnel of the Dayton Police Department are designed to promote efficiency, discipline, and good public relations by setting forth rules governing the conduct of every sworn member of the Police Department, both on and off duty.
- 1.3 The provisions of the ROC for sworn personnel, City of Dayton Personnel Policies and Procedures, Civil Service Rules and Regulations, and departmental regulations will apply to the conduct of sworn personnel.
- 1.4 All Sworn personnel will take an oral oath of office prior to assuming sworn status. Upon completion of the oral oath, each employee will attest to taking the oral oath by signing the City Commission Ledger. The signature will be on the form provided by the City Commission. The oath taken by the employee requires that he support the Constitution of the United States, Constitution of the State of Ohio, and that he will fully and faithfully discharge the duties as a police officer of the City of Dayton. The Mayor or their designee will administer the oral oath of office ceremony.

CHAPTER II - SCOPE

- 2.1 Omitted 2/2005.
- 2.2 Officers will obey the ROC, the City of Dayton Personnel Policies and Procedures, Civil Service Rules and Regulations, the City Charter, the Dayton Revised Code of General Ordinances, the laws of the State of Ohio or the United States, departmental policies and all other pertinent rules and regulations.
- 2.3 Disciplinary action under the ROC will be in accordance with Civil Service Rules and Regulations, any pertinent labor contract, and other pertinent rules of departmental procedure. All disciplinary action will be based on a preponderance of evidence.
- 2.4 It will be the duty of all members of the department to report to their appropriate supervisor when they learn of any violation of pertinent laws, rules and regulations by any member of the Department. An officer reporting any impropriety will do so through the proper chain of command or show cause as to the reasons not to use the proper chain of command. That report will be filed immediately and any untruths reported will be cause for dismissal.
 - A. Supervisors are to submit a written report to the Chief of Police and take the appropriate corrective action as prescribed by the policies of the Department. Supervisors and Professional Standards Bureau Investigators are to be cognizant of and adhere to all contractual disciplinary time limits and will submit administrative investigations in a timely manner so as to not jeopardize the disciplinary process.
 - B. Should the violation involve an incident wherein the employee may be temporarily suspended, any supervisor, the rank of Sergeant or above, can relieve an employee of duty. The Supervisor of the employee's unit, their Division Commander and the Department Advocate are to be notified and advised of this action.
 - C. All sworn employees are hereby advised that being arrested and/or criminally charged by any jurisdiction may result in departmental disciplinary action against the employee. All sworn employees will contact their supervisor immediately when they are arrested and/or charged for any criminal offense. The employee will submit a written report to the Chief of Police as soon as practicable with the specific charge and jurisdiction.
 - D. All sworn employees will immediately submit a Special Report to the Chief of Police whenever a warning letter, reference their driving record, is received (under ORC 4507.40, Section J or K) and/or their driver's license is suspended by the State Registrar of Motor Vehicles or a Court of Record through the Implied Consent Law, Financial Responsibility Act, or any other legal proceeding.

- 2.5 Pursuant to the authority granted to the City Charter and Dayton Code of General Ordinances, the Chief of Police will, with the approval of the City Manager, have the right to suspend, relieve, or charge any employee who may be under their jurisdiction and control for incompetence, neglect of duty, immorality, drunkenness, the improper use of any substance that modifies behavior, or failure to obey orders given by proper authority or the orders, rules and regulations established by the Chief of Police.

The Chief of Police or their designee will be the final authority on all disciplinary matters. Supervisors do not have the authority to issue discipline without submitting their recommendations to the Chief of Police for approval.

- 2.6 A sworn officer of the Police Department holding the position of Probationary Police Officer may be terminated from employment by the Chief of Police without cause when they fail to meet the minimum standards of employee performance or when they violate the ROC, the City of Dayton Personnel Instructions, the Civil Service Regulations, the City Charter, Dayton Code of General Ordinances, the laws of the State of Ohio or the United States, or any other pertinent rules and regulations.
- 2.7 No officer will obtain appointment in the Department of Police by means of willful misrepresentation or omission of any fact concerning their personal history, qualifications for employment, or physical condition. Discovery of willful misrepresentation will constitute grounds for dismissal.
- 2.8 As prescribed by the Civil Service Rules, no promotions of any member of the Department of Police will be deemed complete until a period of six (6) months (nine (9) months for police recruit to police officer promotions) will have elapsed following said promotion. At any time during this six-month probationary period, the Chief of Police may rescind the promotion.
- 2.9 An officer is required to establish and maintain a working knowledge of the ROC, of all laws and ordinances in force in the City of Dayton, and the written rules and policies of the City of Dayton, the Department of Police, and divisions thereof. In the event of improper action or breach of required discipline, it will be presumed that the officer was familiar with the law, rule, or policy in question.
- 2.10 Officers will familiarize themselves with and abide by the Canons of Police Ethics.

CHAPTER III - UNIFORM, EQUIPMENT, AND APPEARANCE

- 31 Uniforms will be kept neat, clean, in good repair, and will be pressed at all times. The issued uniform hat will be worn while in uniform at the appropriate times or unless otherwise directed by a commander/supervisor.
- 32 An officer will wear the complete duty uniform on a tour of duty. However, a commander/supervisor may prescribe other clothing to be worn as required by the nature of duty to which the particular officer is assigned.
- 33 No officer, while in uniform, will carry any unauthorized equipment or wear on the uniform any items not specifically authorized by written order of the Chief of Police.
- 34 An officer in uniform will display their badge and nameplate (including embroidered name tags/ badges) on the outermost garment at all times. While in the Safety Building and Division Headquarters an officer in plain clothes will wear a Department Identification tag on the outermost garment.
- 35 While on duty, all officers will carry only firearms prescribed in the Department's Firearms Policy. If a weapon is approved for on-duty use, it can also be carried off duty.
 - A. Officers may carry special purpose firearms as authorized by written order of the Chief of Police.
 - B. Before carrying a personally owned weapon, it must be inspected and registered by the Supervisor of Firearms Training.
 - C. An officer will strictly obey the Firearms Policy.
- 36 No officer when dressed in civilian clothes will knowingly wear a weapon in such a manner that will attract attention or be open to the view of the public. This rule is not applicable within the Safety Building or Division Police Stations.
- 37 No officer will wear the uniform, be armed, or carry their badge or identification card while under suspension.
- 38 An officer who has lost, damaged, or destroyed any equipment issued to them by the Department may be required to make restitution if the loss or damage is the result of negligence on their part.
- 39 An officer will promptly report the loss of or the need for repairs of any City-owned property or equipment issued to, used or possessed by him, to the City Department officially charged with the maintenance of such property, through proper channels.

- 310 No officer will alter, add to, remove, or in any way change any parts or accessories of any City-owned property or equipment without the permission of the Chief of Police. Examples include, but are not limited to, buildings, office equipment, machines, clothing, firearms, communication equipment, and motor vehicles.
- 311 Members will exercise care and proper judgment while operating any City-owned vehicle. It is the responsibility of members to familiarize themselves with all vehicles they will use that they have not received specific training for. It is not a defense for the member to claim lack of proper training prior to using any City-owned vehicle.
- A. Members will exercise care and proper judgment while using any City-owned property. It is the responsibility of members to familiarize themselves with all equipment they will use that they have not received specific training for. It is not a defense for the member to claim lack of proper training prior to using any City-owned property.
- 312 Only legitimate law enforcement or job-related communications will be sent/relayed/downloaded through the Communications System of the Dayton Police Department or any Department owned computer.

CHAPTER IV - PROFESSIONAL CONDUCT AND PERSONAL BEARING

- 4.1 In accordance with the provisions of the ROC, City of Dayton Personnel Policies and Procedures, Civil Service Rules and Regulations, Departmental Policy Statements, regulations, Labor Contracts, and all other pertinent rules and regulations, dereliction of duty, detrimental to the proper performance of the functions of the Department, on the part of any officer, is cause for disciplinary action. The officer will be disciplined according to the degree of severity of the violation, and the effect it has upon the discipline, good order, and best interest of the Department. The following subsections constitute dereliction of duty:
- A. Failure of supervisors to immediately take action when a violation of rules or regulations come to their attention, regardless of the supervisor's or violator's assignment or rank within the Department;
 - B. Failure to observe and give effect to the policies of the Department;
 - C. Failure to collect, preserve or deliver to the Property Room any property and/or evidence found by, confiscated by, or relinquished to an officer of this Department before their tour of duty is ended. Officers are obligated to identify and preserve items of evidentiary value;
 - D. Failure to give name and badge number to any person upon request;
 - E. Omitted 2/2005;
 - F. To be disrespectful to other officers, commanders, supervisors, subordinates, or citizens;
 - G. Use of indecent, profane, or harsh language in the performance of official duties;
 - H. To accept, agree to accept, or solicit a bribe. (A bribe will be defined as a gift, favor, emolument, money, thing of value, testimonial, appointment or personal advantage, or the promise of solicitation of same for the purpose of obtaining special privileges or personal gain by the donor or other person.);
 - I. Cowardice or failure to perform police duties because of danger;
 - J. Conduct of an unprofessional manner at any time;
 - K. Conduct in any matter that would cause dishonor or embarrassment to the officer or the Dayton Police Department.
- 4.2 No officer will utilize their position as a police officer to gain advantage in personal matters.

- 4.3 No officer will at any time, either directly or indirectly, ridicule, mock, harass, deride or belittle any person.
- A. No officer will purposely or recklessly, directly or indirectly, embarrass, humiliate, or shame any person or do anything that might incite any person to violence.
 - B. No officer will make offensive or derogatory comments, (either directly or indirectly) based on race, color, sex, religion, national origin, sexual orientation, political affiliation or socio-economic status, etc.
 - C. No officer will possess or distribute sexual, ethnic, or racially slanderous material while on duty.
- 4.4 No officer will engage in any form of gambling (including the State Lottery) or card playing (including electronic and computer gaming) while on duty (except in performance of a police duty, and then only with the specific consent of a commanding officer, and never in uniform).
- 4.5 No officer will engage in "horseplay" or the playing of pranks while on duty.
- 4.6 No officer will solicit funds for the purpose of buying a gift for any member of the Department. However, officers may solicit nominal amounts from members of their section or division for gifts for retiring fellow members, with the permission of the unit commander, or for special circumstances with permission of the Chief of Police.
- 4.7 No officer will receive any money, favors, or gifts from any type of solicitation except when retiring from the Department or for special circumstances approved by the Chief of Police, (i.e., awards, special awards of merit, etc.).
- 4.8 No officer will accept, either directly or indirectly, any gifts, favors, gratuity, reward, loan, fee, discount, rebate, or special consideration that is not offered to the general public arising from or offered because of police employment or any activity connected with such employment that might reasonably tend to influence them in the discharge of official duties.
- 4.9 No officer will accept a privilege or employment from any public utility corporation or license, the granting of whose license is subject to direct regulation or approval by the Chief of Police, (i.e., special police, private police agency), or from any company which has a contractual relationship with the City of Dayton Police Department (i.e., towing agency). (Examples not exclusive.)

- 4.10 No officer will buy anything from or sell anything to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to the officer's attention through their employment with the Department, nor can the officer act as an intermediary in the payment of a reward for the return of stolen property without prior written authorization by the Chief of Police. This does not prohibit an officer from dealing with legitimate places of business, or recognized citizen groups.
- 4.11 Any reward paid or sent to any officer will be promptly turned in by that officer to the Office of the Chief of Police, who will deposit it in the General Fund.
- 4.12 No officer will operate, have any ownership interest in, or actively participate in the operation of any place where beer, liquor, or other intoxicating beverages are sold (except where officers are working off-duty in an approved establishment per the guidelines for off-duty employment).
- 4.13 Officers will defer all calls and/or requests for police service by family, friends and acquaintances to other officers to retain incident objectivity.
- 4.14 In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, officers may not use race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity to any degree, except that officers may rely on the listed characteristics in a specific suspect description.
- 4.15 In conducting all activities other than routine or spontaneous law enforcement activities, officers may consider race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity only to the extent that there is trustworthy information, relevant to the locality or timeframe, that links persons possessing a particular listed characteristic to an identified criminal incident, scheme, or organization, or an authorized intelligence activity.

In order to rely on a listed characteristic, officers must consider the totality of the circumstances, such as any exigent circumstances and the nature of any potential threat.

CHAPTER V - RESPONSIBILITIES AND GENERAL CONDUCT

- 51 An officer will respond without delay to all calls for police assistance from citizens or other members. Emergency calls take precedence. However, all calls will be answered as soon as possible, consistent with normal safety precautions and traffic laws. Except under the most extraordinary circumstances or when otherwise directed by competent authority, no officer will fail to answer any call for service directed to him.
- 52 The ranking officer at the scene of any police incident will be in charge of, and responsible for the proper conclusion of that incident. In the absence of a supervisor, the senior officer or assigned case detective present will be in charge and responsible for the handling of the incident. The commander or senior officer will remain at the scene until such time as the incident is under control, or is being properly handled in accordance with existing policies, and sufficient instructions have been issued to result in the proper conclusion of that incident.
- 53 No officer will be insubordinate. Officers will not conduct themselves in a manner that undermines the authority of any ranking member of the department and will at all times respond to the lawful orders, verbal or written, of ranking members. Lawful orders will not be in derogation of a job description. Department employees will obey any lawful order relayed from a Supervisor by an employee of the same or lesser rank.
- 54 Omitted 2/2005
- 55 The hours of an officer will be regulated by the Chief of Police, who has the authority to call an officer back to duty, regardless of the hours assigned that officer, in case of emergency.
- 56 No officer will be absent without leave. (Absence without leave will mean either failure to report for duty, an assignment, meeting or other scheduled obligation at the time and place specified or leaving an assignment or duty without proper authorization.)

After 24 scheduled work hours of absence without reporting, the department director may declare the position vacant and report the employee as having resigned. Such a resignation may be set aside, upon the recommendation of the City Manager, with the approval of the Civil Service Board if the employee submits a reasonable explanation for their failure to report the absence.

- A. (Regular assignment) - An officer must not be absent without leave from their regular assignment including scheduled overtime assignments, meetings or other scheduled obligations. Temporary assignments announced via Special Order issued by the Chief or their designee (such as light duty at TRU) will be considered a regular assignment.

Absences of less than one (1) hour will be considered as tardiness and will be noted accordingly.

Note: For the purpose of progressive discipline, violations of section 5.6 (A) are not to be considered as like and similar to violations of section 5.6 (B).

- B. (Court assignments) – An officer must not be absent without leave from any court hearing, trial, interview, board or grand jury.
- 57 Unless otherwise directed, an officer will report to daily roll call in proper uniform and equipment. An officer will give careful attention to orders and instructions, avoiding unnecessary talking or movement.
- 58 It will be the responsibility of an officer who cannot report for duty due to illness and/or injury, to notify the sick call line during other times at least one hour prior to their reporting time (unless assignment dictates otherwise). An officer must give a telephone number and address where they can be located during convalescence.
- 59 An officer will furnish the Department a telephone number and address at which they can be reached in the event of an emergency.
- 5.10 An officer will report any change in address or telephone number within twenty-four (24) hours of such change, as referenced in General Order 1.02-3.
- 5.11 An officer is prohibited from engaging in the following activities while on duty:
 - A. Sleeping;
 - B. Recreational reading (except at meals);
 - C. Conducting personal business and activities;
 - D. Carrying any articles which distract from the proper performance of police duty;
 - E. Omitted 2/2005
 - F. Any sexual activity;
 - G. Drinking intoxicating beverages (except in performance of a police duty, and then only with the specific consent of a commanding officer, and never in uniform).

- 5.12 An officer is prohibited from following any other vocation, which might conflict or interfere with their responsibilities to the Department. An officer who is engaged in off-duty employment or business must submit the Off-Duty Employment Request Form, F-669, to the Chief for permission to do so prior to commencing the off-duty employment.
- 5.13 An officer will promptly submit proper, complete, and accurate reports and correspondences, which are required by the performance of their duties or by competent authority.
- 5.14 All plain clothes and undercover investigations / operations must have prior approval from their respective Bureau/Division Commander or in their absence, a Watch Commander. This does not apply to properly trained personnel who are assigned in the Narcotics Bureau or are on a special task force approved by the Chief of Police. Some examples might be decoy operations, theft, burglary or robbery details, etc.

In an effort to provide the most effective service to the community, the balance between enforcing violations and the safety of the public as well as law enforcement officers must be carefully considered. All tactical operations will include a written operations plan in consideration of the following guide to pre-event tactical decision making.

Life Priority System

1. Hostages
2. Innocent Citizens
3. Police Officers
4. Suspect/Subject

- 5.15 An officer will not consume intoxicants while off-duty to the extent that evidence of such consumption is apparent when reporting for duty or to the extent their job performance is impaired.
- 5.16 An officer will not be under the influence of alcohol or drugs while on duty.
- A. No officer will be under the influence of drugs, which substantially impair their performance of duty, when such drugs are not prescribed by a physician or dentist, or to be under the influence of drugs prescribed by a doctor/dentist which substantially impairs their performance of duty.
- 5.17 No officer in uniform will purchase, possess, or be under the influence of drugs or intoxicants while on or off duty.
- 5.18 An officer on duty will not bring or keep any personal intoxicating liquor, beer, or wine on Departmental or City premises.

- 519 No officer will smoke (including electronic cigarettes/vaporizers), or chew tobacco or gum, or eat while making personal contacts with citizens in the performance of their duties in homes, offices, places of business, public places, or on the public street. No officer will smoke or use any tobacco products in a police cruiser or any City owned or operated facility. An officer involved in traffic regulation duties, while on foot, is not permitted to smoke or use any tobacco products.
- 520 No expenditure of money will be made or liability incurred in the name of the City of Dayton or the Department, unless authorized by the Chief of Police.
- A. No employee will associate the City of Dayton with any business account for their personal transactions or benefit.
- 521 An officer, while in full uniform, will salute a commanding uniformed officer when appropriate in the public view. An officer will also salute during any and all ceremonial occasions. A commanding officer will return the salute.
- 522 Officers will not neglect any duty. An officer will perform their duties as required or directed by law, departmental rule, and/or policy. An officer assigned to special duty is not relieved from taking enforcement action outside the scope of their specialized assignment, when necessary.
- 523 Officers will be responsible for updating their knowledge of Executive Orders, Administrative Memorandums, Special Orders, Memos, and other departmental directives, when they return to duty from any absence of more than sixteen (16) hours, (i.e., days off sick leave, injury leave, maternity leave, vacation, or any other absence of more than sixteen (16) hours between consecutive work shifts).
- 524 Officers will not display incompetence in the performance of their duties.
- 525 Officers must be mentally and physically capable of performing their duties.
- 526 Officers will adhere to the chain of command in all departmental matters.
- 527 All correspondence including special reports, memorandums, e-mails or letters generated by departmental personnel must be routed through the Chain of Command to the Chief of Police or their designee for approval prior to being sent outside the department. This does not include standard follow-up letters and similar correspondence.
- 528 Officers are required to administer first aid consistent with their training, contact EMS as needed, and continue administering first aid until relieved by medical personnel when it does not present a danger or risk to the officer or anyone else.

CHAPTER VI - PROTECTION OF THE RIGHTS AND PROPERTY OF PRISONERS AND CITIZENS

- 6.1 No officer will knowingly arrest any person or search any premises or person, except with a warrant of arrest, a search warrant, or where such arrest or search is authorized without a warrant under the laws of the State of Ohio, the United States, or the Dayton Revised Code of General Ordinances.
- 6.2 An officer will protect the rights of any person held in custody. No officer will verbally abuse or use any unnecessary force against any person in custody.
- 6.3 No officer will willfully and falsely detain or direct any malicious prosecution against any person.
- 6.4 No officer will willfully mistreat or give inhumane treatment to any person being arrested or held in custody.
- 6.5 An officer will use only such force as is necessary in effecting an arrest.
- 6.6 An officer will use deadly force in effecting an arrest only as prescribed by the policies of the Department.
- 6.7 An officer will be responsible for safekeeping any property or equipment belonging to a person in custody, or which has come into said officer's possession by reason of office. An officer may be required to make restitution if property loss or damage results from lack of due care.
- 6.8 No officer will use unnecessary force against any citizen.
- 6.9 An officer is responsible for maintaining control and care of their prisoners or a person in their custody at all times.

CHAPTER VII - ACTIVITIES

- 7.1 Officers are prohibited from conducting political activities while on or off duty. No officer will:
- A. Directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political party or political purpose whatever;
 - B. Be appointed, reduced, promoted, or removed or in any way favored or discriminated against because of political opinions or affiliations;
 - C. Serve as an officer or member of the executive committee of a political club or other political organization;
 - D. File a petition as a candidate for public elective office, including ward leader or precinct committeeman; or accept a nomination or appointment to a partisan elective office;
 - E. Circulate nominating petitions for candidates or hold elective office for all Municipal, County, or Township offices;
 - F. Perform partisan or non-partisan political activities on City premises, using City resources, or City equipment;
 - G. Take part in any way in the management or campaign of any person to the office of Mayor or Commissioner of the City of Dayton further than to vote or privately express opinions;
 - H. Take part in a political campaign other than to express privately their opinions. Political campaigning includes any overt public expression or activity for or against a political organization or candidate such as a formal public endorsement, acting as a poll worker, participating in political advertising, circulating nominating petitions, distributing campaign material of any kind, or posting campaign material other than on one's own person or private property.
- 7.2 Activities in support or opposition of any issue or referendum are not considered political and are not restricted.
- 7.3 An officer may provide information only regarding Issues submitted to the vote of the electorate, provided that the information provided is informational only and does not support or oppose the issue.

- 7.4 Any other political activities not specifically prohibited will be permitted so long as the activity is not performed on City time, on City premises, using City resources or City equipment.
- 7.5 No officer will knowingly aid, be a member of, or participate in any group or organization, which uses, advocates, or supports the use of force or violence to deny others their constitutional rights.
- 7.6 An officer will not permit their name, photograph, or image to be used to endorse any product or service, which is in any way connected with law enforcement without the permission of the Chief of Police. An officer will not, without the permission of the Chief of Police, allow their name, photograph, or image to be used in any commercial testimonial which alludes to their position or employment with the Department, including appearances as a Departmental representative at scheduled public meetings and/or TV programs, without prior permission of the Chief of Police.
- 7.7 Omitted 2/2005

CHAPTER VIII - CIVIL, CRIMINAL, JUDICIAL, ADMINISTRATIVE AND INVESTIGATIVE ACTIONS

- 81 The Department has jurisdiction in criminal cases only. No officer will use their office or position to influence the outcome of civil litigation. An officer will only render aid or assistance in civil cases to prevent an immediate breach of the peace.
- 82 An officer will be truthful at all times, under oath or not, when conducting official police business. An officer will not knowingly make a false statement to a supervisor; during an investigation, hearing, interview or court proceeding; or when conducting any other official police business. If an investigation reveals that an officer has made such a false statement, the officer's employment with the Dayton Police Department will be terminated. (Note: This section is not applicable in circumstances when an officer must use misinformation as an investigative tool).
- 83 An officer will answer questions by or render materials and relevant statements to appointed authority in a departmental personnel investigation when so directed. An officer will submit to a polygraph examination when directed by the Professional Standards Bureau, as outlined by the current labor contract.

Professional Standards Bureau has the authority of the Chief of Police to request and/or require all police personnel, regardless of rank or civilian status, to appear for an interview. This does not relinquish an employee's right to representation as outlined in their respective contracts.

- 84 No officer will knowingly misrepresent any matter, sign any false statement or report, commit perjury, or give false testimony before any court, grand jury, board, commission, official hearing / interview or departmental hearing / interview. If an investigation reveals that an officer has violated this section, their employment with the Dayton Police Department will be terminated.
- 85 No officer will knowingly falsify any report, document, or record or cause to be entered any inaccurate, false, or improper information on records, documents, or reports of the Department or of any court or alter any record, document, or report except by a supplemental record, document, or report. If an investigation reveals that an officer has violated this section, their employment with the Dayton Police Department will be terminated.

No officer will knowingly remove or destroy or cause the removal or destruction of any report, document, or record without authorization. If an investigation reveals that an officer has violated this section, their employment with the Dayton Police Department will be terminated.

86 An officer, who for a valid reason, is unable to answer an official summons, must be excused by the court or grand jury, prior to the time they are scheduled to appear.

87 An officer who is subpoenaed or volunteers to testify for the defense in any criminal trial or hearing, against the City or Department, will notify the Chief of Police by Special Report by the end of the tour of duty in which they received the subpoena or prior to appearing to voluntarily testify.

The Special Report should include the case number, date of trial/hearing and a brief synopsis of expected testimony if known. Officers voluntarily testifying will be required to obtain approval prior to testifying in any trial or hearing relevant to their employment with the city of Dayton.

88 An officer will not engage in any of the following conduct:

- A. Officers in uniform, outside of police facilities, will not initiate personal contact nor recognize plainclothes officers, unless the plainclothes officer initiates the contact;
- B. Interfering with or delaying the service of lawful process;
- C. Interfering with the attendance or testimony of witnesses through coercion, bribery, or other means;
- D. Attempting to have any Notice to Appear or traffic citation reduced, voided, or stricken from the calendar without approval of their Commander;
- E. Taking any other action which interferes with the efficiency or integrity of the administration of justice;
- F. Having knowledge of such interference and failing to inform a ranking officer in writing.

89 An officer will not suggest, recommend, advise or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business except for immediate family. In no case may such advice be given where a fee, gratuity, or reward is offered by, solicited, or accepted from the attorney or bail bondsman.

810 An officer will not furnish bail or act as a principal or surety on any bail bond or bail bond application for any person charged with any type of criminal offense except for members of their *immediate* family.

811 No officer will reveal any confidential or unauthorized information to anyone unless authorized to do so.

- A. No officer will make known any information concerning the progress of an administrative or criminal investigation, a known or reported law violation, a condition against which action is to be taken at a future time, or any proposed police operation, to any person not authorized to receive it.
- B. No officer will provide any information that may assist persons who have been accused of or convicted of criminal acts, to escape justice or enable them to dispose of any evidence of unlawful activity.
- C. No officer will release any police report, police record, arrest report, prosecution report, criminal history file, mug shot picture, information obtained from the L.E.A.D.S. computer system or other record or report to any person or agency which does not have a criminal justice function unless ordered by a lawful subpoena or approved by the Chief of Police (except in cases of compliance with Public Records Law, ORC 149.43).
- D. No officer will give any lawyer, bondsman, or their agent(s) any unauthorized or privileged information regarding prisoners in confinement, property in custody, or records of the Department.

CHAPTER IX - DISCIPLINARY OR DISMISSAL ACTION

- 9.1 The tenure of every employee in the classified service will be conditioned on the **satisfactory conduct** of the employee and continued, **efficient performance** of assigned duties and responsibilities. A permanent employee may be dismissed, demoted, or suspended for cause.
- 9.2 The following are among the non-exclusive causes, which will be sufficient for dismissal, demotion or suspension Final discipline will be determined on a case by case basis and may not follow progressive discipline. (Note: this list is for information only, for specific charges, see cited rule #):
- A. Absence without leave or failure to return from leave (See rule 5.6).
 - B. Conduct unbecoming an officer in the public service (See rules 4.1 J, K).
 - C. Inability to perform job duties due to mental or physical disability of a permanent or temporary nature (See rule 5.25).
 - D. Incompetence, inefficiency, or neglect of duty (See rules 5.22 and 5.24).
 - E. Insubordination (See rule 5.3).
 - F. Under influence of drugs or alcohol while on duty or off duty (See rules 5.11 G, 5.15, 5.16A, 5.17, General Order 1.02-2).
 - G. Negligent or willful or wanton damage to public property or waste or unauthorized use of public supplies or equipment (See rule 3.11 A).
 - H. Violation of any lawful or reasonable regulations or orders made and given by a superior (See rule 5.3).
 - I. Violation of any enacted or promulgated statute, ordinance, rule, policy, regulation or other law (See rule 2.2).
 - J. Conviction of a felony or misdemeanor, which adversely bears on the employee's suitability for, continued employment (See rule 2.2).
 - K. Violation of any provision of the City Charter (See rule 2.2).
 - L. Untruthfulness (See rules 8.2, 8.4, 8.5).
- 9.3 Omitted 2/2005.
- 9.4 Any employee who is demoted as the result of disciplinary action will not displace any permanent employee or probationary employee in good standing.

CHAPTER X - EFFECTIVE DATE

- 10.1 Previous revisions of the Rules of Conduct and its amendments are superseded except as provided in Chapter X, Section 10.2 of these Rules of Conduct.
- 10.2 If any section, sentence, clause, or phrase of these Rules of Conduct are for any reason held to be invalid, such decision will not affect the validity of the remaining portions of these Rules of Conduct.

DEFINITIONS

| | |
|------------------------------|---|
| BUSINESS DAY | 8:00 AM to 5:00 PM, Monday thru Friday |
| COMMANDER | Supervisor holding responsibility for a Bureau or Watch |
| CHIEF OF POLICE | Refers to Chief of Police or designee |
| DIVISION COMMANDER | Rank of Major or above unless appointed temporarily by rank of Major or above. |
| LAWFUL ORDERS | Orders which are not in derogation of job description. |
| MEMBER | Refers to either sworn or professional staff employee |
| OFFICER | Refers to male or female sworn employee |
| PROBATIONARY EMPLOYEE | Refers to one who has been employed less than nine (9) months. |
| SUPERVISOR | Either sworn personnel of the rank of Sergeant or above, or clearly enumerated professional staff personnel designated as Supervisor. |
| UNREASONABLE FORCE | Force beyond what is necessary to defend the officer or to overcome resistance to arrest. |

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