

# Chattanooga Police Department - Policy Manual

## ADM-16 – CODE OF CONDUCT

**Amends/Supersedes:** ADM-16 (2/17/2020)

**Reviewed:** Annually/April

**Date of Issue:** 06/08/2020

**CALEA 22.1.8, 26.1.1 (6<sup>th</sup> Ed.)**

### PURPOSE

The purpose of this general order is to make employees aware of the actions and attitudes expected of them.

### I. POLICY [26.1.1]

- A. All employees—whether on or off duty—shall be governed by reasonable rules of good conduct and behavior and shall not commit any wrongful, malicious, or criminal act which may bring reproach or discredit upon themselves, their fellow employees, the Chattanooga Police Department, or the City of Chattanooga.
- B. Employees shall at all times take appropriate action in accordance with Department policies and procedures in regard to the protection of life and property, preservation of peace, prevention of crime, detection and arrest of violators of the law, and enforcement of laws within the jurisdiction of the Chattanooga Police Department.
- C. Each department member has the individual responsibility to intervene and stop any other member from committing an unlawful or improper act, including but not limited to, acts of brutality, abuses of process, abuses of authority, and any other criminal acts or major violations of department rules and procedures. Successful intervention does not negate a duty to report.
- D. Allegations of Class I Conduct shall be investigated by the Internal Affairs Unit in accordance with PER-06 and ADM-01. The Office of Internal Affairs, and the officer's chain of command, shall be notified by any supervisor who becomes aware of an officer's alleged violation of a Class I Conduct Offense as soon as practical.
- E. Allegations of Class II Conduct shall be investigated by the Chain of Command in accordance with PER-06, however the Chief of Police reserves the right to assign an investigation to the Internal Affairs Unit when circumstances make investigation by the Chain of Command impractical or unreasonable, based on existing circumstances.
- F. Social Media offenses shall be categorized according to the corresponding Code of Conduct violation which most closely matches the content associated with the infraction.

Examples include the following:

- Discourtesy - when non-protected inappropriate language is directed toward a member of the public,
- Unsatisfactory Conduct - when non-protected social media content detracts from a productive workplace environment
- Unbecoming Conduct - when non-protected social media content brings the Department into disrepute and Insubordination.
- Insubordination Level 2 –when non-protected social media content flouts the authority of someone in the department, resulting in potential loss of department efficiency or function

## II. CLASS I CONDUCT

### Category B

1. **Political Activity-** Every employee is encouraged to exercise the right to vote in all elections. However, Chattanooga Police Department employees shall not:
  - A. Engage in political activities while on duty or in uniform.
  - B. Be required to vote as a duty of office or as a condition for employment, promotion, or tenure of office.
  - C. Be required to contribute funds for political or partisan purposes.
  - D. Use any department supplies or equipment for any campaign for political or partisan elected office.
2. **Extra Employment Violation-** Any violation(s) of the procedures, requirements and/or restrictions established by ADM-06 Extra Employment
3. **Firearms Violation-** Any violation(s) of the procedures, requirements and/or restrictions established by OPS-13 Firearms Regulations. Loss, theft, or abuse of firearms shall be categorized as **Abuse or Loss of Equipment**, as further defined in this policy.

### Category E

4. **Use of force violation/No injury/improper application-** Use of force which falls outside of policy ADM-05 and does not result in injury to the suspect.
5. **Treatment of Prisoners-** Prisoners and suspects shall be treated in a fair and humane manner. Prisoners and suspects shall not be treated in a manner which intentionally causes humiliation, ridicule or embarrassment. Officers have an obligation to provide all prisoners with a reasonable level of protection while in Police custody.
6. **Missing Property/Evidence-** Any violation(s) of the property/evidence procedures, requirements and/or restrictions established by ADM-30 and/or OPS-17 which results in loss of property/evidence
7. **Ethics Violation-** Any violation(s) of the procedures, requirements and/or restrictions established by ADM-15 Ethics.
8. **Abuse of Authority-** The use of the authority to conduct an action which is beyond the scope of responsibility of the person's position, which results in personal gain/loss to someone whom it should not reasonably apply.
9. **Firearms Discharge Level 1-** An unintentional discharge of firearm that is not justified/authorized or administrative in nature.
10. **Abuse of Process-** The use of a legal process to accomplish an unlawful purpose; causing a summons, writ, warrant, mandate, or any other process to issue from a court in order to accomplish some purpose not intended by the law.

### Category F

- 11. Insubordination (Level 1)** - The failure or deliberate refusal of any employee to obey a lawful order given by a supervisor
- 12. Submitting False Reports-** Written submitted by employees shall be truthful and complete, and no employee shall knowingly enter or cause to be entered inaccurate, false, misleading or improper information, or submit reports containing material omissions.
- 13. Alcohol Offense-**1. Employees shall not consume intoxicating beverages while in uniform or on duty unless authorized by their supervisor to do so in the conduct of official duties. 2. Employees shall not appear for duty or be on duty while under the influence of intoxicants to any degree whatsoever or with an odor of intoxicants on their breath, the above exception withstanding.

### Category G

- 14. Biased Policing** - The selection of individuals based solely on a common trait of a group to include, but not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group.
- 15. Unbecoming Conduct-**
  - A. Employees shall conduct themselves at all times—both on and off duty—in such a manner as to reflect favorably on the Department. Conduct unbecoming a public employee includes conduct that is unlawful and/or brings the Department into disrepute, reflects discredit upon the employee as a member of the Department, or impairs the operation or efficiency of the Department or officer.
  - B. Unbecoming conduct may include violations of law even when no charges are brought forth by an agency having jurisdiction. This may include harassment, sexual misconduct or abusive conduct as reflected in PER-05 or defined by the City of Chattanooga Employee Information Guide, depending on the severity of the conduct. Any sustained allegations involving harassment or sexual misconduct will be considered an aggravating factor in determining the level of discipline.
  - C. Unbecoming conduct also includes failing to intervene to stop any other department member from committing an unlawful or improper act, including but not limited to, acts of brutality, abuses of process, abuses of authority, and any other criminal acts or major violations of department rules and procedures. Successful intervention does not negate a duty to report.
- 16. Firearm Discharge Level 2** - A discharge of firearm that is not justified/authorized or administrative in nature and committed with the intent of discharging the firearm in a manner that is reckless and/or negligent.
- 15. False Arrest-** An arrest which is not supported by probable cause or justified by standards set forth in the Tennessee Code Annotated.
- 16. Discrimination-** Treatment or consideration of, or making a distinction in favor of or against, a person or thing based on the group, class, or category to which that person or thing belongs rather than on individual merit. [1.2.9a]
- 17. Criminal offenses /Misdemeanor/Class B and Lower-** Employees shall act in accordance with the laws of the State of Tennessee and the United States of America.

**18. Cooperation during Internal Investigation-** Employees shall answer questions, submit written statements and requested related documents, and participate in recorded interviews during internal investigations related to the employee's duties or fitness for duty. Failure to answer such questions and cooperate with the investigation may form the basis for disciplinary action and may result in dismissal from the department. The intentional misrepresentation of a material fact during an internal investigation may result in the dismissal of the employee from the Department.

**Category H**

**19. Use of Force Violation- Injury/deadly force-** Use of force which falls outside of policy ADM-05 and results in injury to the suspect.

**20. Untruthfulness-** Any answer, response, or piece of material evidence which is determined to be false or fabricated.

**21. Criminal offenses/Felony/Class A Misdemeanor-** Employees shall act in accordance with the laws of the State of Tennessee and the United States of America

**22. Substance Violation-** No employee shall possess or use any illicit drug either on or off duty. The possession and use of controlled substances shall be under the direction of a licensed physician.

**III. CLASS II CONDUCT**

**Category A**

**1. Reporting Change of Address and/or Telephone Number-**Each employee shall keep the department informed of his or her correct address and telephone number. Any change of address or telephone number shall be reported by email within 72 hours after such change to the employee's immediate supervisor, and cc the Chief's Office and Finance Department.

**2. Uniform Violation-** Any violation(s) of the procedures, requirements and/or restrictions established by PER-03 Personal Appearance and Uniforms

**3. Vehicle Use Violation-** Any violation(s) of the procedures, requirements and/or restrictions established by OPS-01 Operation of Police Vehicles

**4. Respect between Ranks-** Employees shall treat all members of the Department, regardless of rank or position, with due courtesy

**5. Abuse of Leave Privileges-** Any violation(s) of the procedures, requirements and/or restrictions established by ADM-22 Compensation and Benefits

**6. Ride along Violation-** any violation(s) of the procedures, requirements and/or restrictions established by ADM-35.

**Category B**

**7. Discourtesy-** Department employees shall treat all members of the public with due courtesy and respect. When requested to do so, an officer shall give his or her name and badge number in a respectful, courteous manner. When requested to do so, a civilian employee shall give his or her name in a respectful, courteous

manner. Any employee, when requested, shall display his/her official department identification in a respectful and courteous manner. [22.1.8a, b]

8. **Unauthorized Use of Department Equipment-** Employees shall utilize Department equipment and property only for its intended purpose in accordance with established Department procedures.
9. **Police Service off Duty-** While off duty and within Hamilton County, Tennessee, an appropriately equipped officer shall perform appropriate and necessary police service whenever or wherever the officer is aware of a misdemeanor that poses an immediate threat to the safety of a citizen or a felony. An off-duty officer who is not appropriately equipped to respond to such a misdemeanor or felony in Hamilton County shall contact the appropriate law enforcement agency to respond. An off-duty officer who responds to a criminal act shall, as soon as practicable, display his or her badge or other law enforcement identification and shall, as soon as practicable, verbally identify himself or herself as a police officer. Any off-duty out-of-uniform officer who responds to a criminal act shall exercise extreme caution to ensure that on-duty law enforcement officers responding to the scene are aware that the off-duty officer is in fact a police officer, and any such off-duty officer shall follow any commands of an on-duty responding officer. If an off-duty officer becomes aware of an offense for which there is no urgent or immediate need for police action or service, the officer shall refer the matter to the appropriate law enforcement agency. Nothing in this paragraph shall authorize an officer to make a traffic stop in a personal vehicle. Nothing in this paragraph shall be construed to require an officer to place any family member or other person with an officer at risk of injury, and in the event an off-duty officer witnesses a criminal act within Hamilton County such officer shall first take reasonable precautionary steps to protect any persons with the officer prior to responding to the criminal act. An off-duty officer who responds to a criminal act outside Hamilton County shall be considered as acting in the capacity of a private citizen, and any injury suffered as a result of such response shall not be considered as job-related pursuant to Chattanooga City Policy. See also ADM-25, Police Authority and Discretion, governing required responses by an officer while traveling to or from work. See also OPS-1, governing required responses by an off-duty officer who is operating a Department Vehicle. The provisions of this paragraph do not apply to an officer who is on duty outside Hamilton County in the course of his or her duties with the Department.
10. **Abuse or Loss of Equipment-** Employees shall not intentionally or negligently abuse, deface, alter, damage or through such actions cause the loss of any department equipment or property, or any other equipment or property to which they are entrusted during the course of their duties. Lost, stolen, or damaged equipment shall be reported to the appropriate supervisor as soon as possible. The affected employee will submit an Exceptional Occurrence Form through Blue Team. It shall be the responsibility of the supervisor to periodically check the equipment used by the employee.
11. **Responding to Calls-** Officers shall respond without delay to all calls within Chattanooga Police Department jurisdiction for police assistance from citizens. Emergency calls take precedence; however, all calls shall be answered as soon as possible consistent with established priorities, normal safety precautions, and vehicle laws. Failure to answer promptly a call for emergency assistance, without justification, constitutes misconduct on the part of the employee(s) involved. The immediate patrol supervisor shall promptly resolve disputes concerning the assignment of calls for service.
12. **Gifts and Favor-** An employee shall refuse gifts, favors, or gratuities, large or small, which may be interpreted as capable of influencing the employee's judgment in the discharge of the employee's duties.
13. **Public Ridicule or Criticism of the Department-** Employees shall not publicly criticize or ridicule the Chattanooga Police Department, its policies, or other employees, by speech, writing, or other expression, where such speech, writing, or other expression is unlawful or is made with reckless disregard for truth or falsity (This may include public social media communication.)

- 14. Submitting department reports-** Each officer shall submit all reports initiated during the officer's tour of duty by the end of such tour of duty or assignment, unless authorized by the officer's supervisor to submit the report(s) at a later time.
- 15. Public Statements and Appearances-** Any violation(s) of the procedures, requirements and/or restrictions established by ADM-13 Communications Office
- 16. Traffic law violation-** Employees shall obey all laws of the United States and of any state and legal jurisdiction in which they are present.
- 17. Identification before Taking Police Action-** Except when impractical or unfeasible or where the identity is obvious, an officer shall identify himself or herself by displaying his or her badge or identification folder before taking police action.
- 18. Knowledge of Laws and Regulations-** Employees shall establish and maintain a working knowledge of all pertinent laws and ordinances, as well as Department policies, procedures, rules, and regulations.
- 19. Reporting Violations of Rules and Orders-** An employee shall report to the employee's immediate supervisor any violation of the rules or orders of the Chattanooga Police Department by any other employee. If the violation is committed by the employee's immediate supervisor, the employee shall report such violation to the Chief of Police, the Deputy Chief, the appropriate Assistant Chief, or the Commander of the Office of Internal Affairs.
- 20. Unsatisfactory Performance-** Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner that shall maintain the highest standards of efficiency and effectiveness in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by the following:
  - A. Unwillingness or inability to perform assigned tasks.
  - B. The failure to conform to work standards established for the employee's rank, grade, or position.
  - C. The failure to take appropriate action on the occasion of a crime, disorder, or other conditions requiring police attention.
  - D. Repeated infractions of rules, regulations, directives, or orders of the Department.

### **Category C**

- 21. Associations-** Employees shall avoid associations or dealings with persons whom they know are under criminal investigation or criminal indictment or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties or where unavoidable because of other personal relationships of the employee.
- 22. Reporting for Duty-**
  - a. Employees shall report for duty at the time and place designated by assignment and shall be physically and mentally fit to perform their duties. Employees shall be properly equipped, dressed in the appropriate uniform or attire of the day, and prepared for the proper performance of duty.
  - b. Any time an employee is determined to be late for duty as prescribed, the said employee shall be considered tardy. The employee's immediate supervisor may appropriately document the tardiness and issue the employee an oral reprimand and/or other appropriate disciplinary action as determined by the supervisor.

**23. Emergency Duty Response-**

- a. Police personnel are “essential employees” and are subject to call-out when off-duty. In order to comply with call-out requests, an employee must maintain an accessible current phone number listing with his or her immediate supervisor and the Communications Center. Off-duty personnel shall report for duty promptly or in compliance with the directive given them upon the receipt of notification that an emergency situation exists. Employees not on call-out status who cannot be contacted shall not be subject to disciplinary action. If an employee is not on call-out status, is contacted, and is deemed to be unfit for duty, the employee shall not be required to report and shall not be subject to disciplinary action.
- b. Personnel who receive a cell phone stipend for cell phone services or are issued city owned cell telephones, and elect to use that telephone as their contact number, shall maintain the cell phone in an active condition to ensure their ability to receive calls for service.

**24. Security of Official Identification-** No employee shall lend to any person the employee’s identification card or badge or permit the employee’s identification card or badge to be photographed or reproduced without the approval of the Chief of Police. No employee may use or authorize the use of the employee’s name, photograph, or official title that identify him or her as a Chattanooga Police Department employee in connection with testimonials or advertisements of any commodity or commercial enterprises unless authorized in writing by the Chief of Police.

**25. Improper procedure-** Procedural actions that fall outside the parameters set forth by present policy and legal guidelines.

**26. Officers' Conduct during Interrogations-** An officer shall not question suspects in a manner that would tend to unlawfully compel a confession. An officer shall not use the threat of physical force or violence, nor shall an officer make any promise of immunity, probation, or lesser degree of prosecution or hold any other inducement to an individual for the purpose of obtaining a confession.

**27. Failure to appear in court-** Officers are required to appear in court to testify when properly notified, and comply with City and Hamilton County Court procedures.

**28. Evidence/property procedure-** Any violation(s) of the procedures established by ADM-30 and/or Ops-17

**29. Supervisory Responsibility-** Any violation(s) of the procedures, requirements and/or restrictions established by ADM-14 Supervisory Responsibility

**Category D**

**30. Insubordination (Level 2)-** Flouting the authority of the supervisor by disrespect or by disputing lawful orders as well as disrespectful, insolent, or abusive language or conduct toward a supervisor is also insubordination.

**31. Dissemination of Information-** Employees shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Department procedures. Employees may remove or copy official records or reports from a police installation only in accordance with state law and with established Department procedures. Employees shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

**32. Improper investigation-** Investigation or techniques that fall outside policies or legal guidelines.

- 33. Improper search-** Any violation(s) of the procedures, requirements and/or restrictions established by OPS-08 Personal Searches.
- 34. Assistance to Other Officers-** Officers shall take proper and effective police action and shall aid and protect a fellow officer(s) in time of danger or under circumstances where danger might reasonably be impending. Any assistance needed outside the Chattanooga Police Department jurisdiction shall first be cleared by a supervisor or by the communications unit, provided that an officer may assist a law enforcement officer outside the Chattanooga City limits without having prior approval if the situation is an emergency involving a threat to the safety of citizen or law enforcement officer; such assistance shall be reported as soon as practicable to the officer's supervisor and/or the communications unit. See also ADM-25 Police Authority and Discretion, Section III, B, D, governing required responses by an officer while traveling to or from work. See also OPS-1, governing required responses by an off-duty officer who is operating a Department Vehicle.
- 35. Work actions-** No employee may engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, the stoppage of work or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purposes of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.
- 36. Unauthorized Employee Recordings-** An employee may only record, by audio or video means, another employee without that employee's consent, if and only if, there is a suspected policy violation or criminal activity, or if the recording employee is equipped with a Body Worn Camera system (or ICVARS) and is in the act of conducting Police related operations. Consent must be obtained, written or recorded, for all other recordings. This section does not include audio or video recordings made in the conduct of an official investigation, undercover operations or Internal Affairs investigations. If consent is not obtained for recordings, other than the specified exceptions, no recordings may be made.
- 37. Negligence-** A willful and intentional failure to perform, a required duty shall be deemed neglect of duty.
- 38. Misrepresentation-** A misstatement, or an incomplete statement, of a material fact which results in the misunderstanding of what actually transpired but does not rise to a level classified in this policy as Untruthfulness. This may generally apply to information and matters internal to the department.
- 39. Unsatisfactory Conduct-** Intentional behavior that detracts from a productive workplace environment but does not rise to the level of Unbecoming Conduct. This may include workplace harassment or abusive conduct as defined by the City of Chattanooga Employee Information Guide, depending on the severity of the conduct.
- 40. Harassment-** An abuse of an officer's authority by continually or arbitrarily stopping someone, aggressively questioning him or her, or by conducting an unwarranted or illegal search and seizure.
- 41. Pursuit Violation-** Any violation(s) of the procedures, requirements and/or restrictions established by OPS-02 Vehicle Pursuits
- 42. Attorney/Bail Bondsman Services/Wrecker -**  
An employee shall not suggest, recommend, advise, or otherwise counsel concerning the retention of an attorney or bail bondsman (by name, firm, etc.) to any person coming to the employee's attention as a result of police business. This prohibition does not apply when a relative or coworker of the employee seeks such service or advice.

Officers are prohibited from "bounty hunting" either on or off duty. No officer shall accept compensation of any kind from a bonding company or representative for serving warrants or assisting with arrests.



Officers shall not go to or initiate contact with a bonding company or a representative of a bonding company for the purpose of picking up warrants to be served.

These restrictions shall not apply to an officer who is dispatched to arrest or assist in the apprehension of a bond jumper, except that the officer shall not accept any form of compensation. If an officer is approached by a bonding company representative during the performance of his or her regular duties, the officer must notify the dispatcher before assisting with an apprehension and shall not accept any form of compensation for performing any duty related to the apprehension

#### **IV. RECOMMENDATION OF DISCIPLINARY ACTION**

Disciplinary action shall follow the process established in PER-06 Disciplinary Procedures.

A handwritten signature in black ink, appearing to read "D. Roddy", written over a horizontal line.

David Roddy  
*Chief of Police*  
Chattanooga Police Department