

DEKALB POLICE DEPARTMENT

Subject: **Rules of Conduct**

Effective Since: 8-21-03

Revision Effective: 1-1-19

Reference Manual: NA

ILEAP Standards Covered: ADM.07.04(e); PER. 02.01- 02.03, 03.05, 03.06, 04.01, 08.01 **Page 1 of 11**

Policy #: **103.5**

Originally Issued As: R1-R8 of various dates

FTO Training Task: # 1

PURPOSE: It is the purpose of this policy to publish the department's rules and regulations

POLICY: It is the policy of this department to furnish its personnel with current rules and regulations of conduct.

DEFINITIONS: For purposes of this section, the following definitions apply:

1. Department: DeKalb Police Department
2. City: City of DeKalb
3. Chief: Chief of Police
4. Supervisor: any rank above Patrol Officer
5. Officer in charge: ranking member of the department on duty
6. Officer: Duly appointed police officer in the department
7. Employee, Personnel or Member: any employee of the department, sworn or civilian
8. Manual: the department manual of policy, procedures, rules, and orders
9. Orders: commands, directives, or instructions, oral or written, given by one member to a member of lower rank
10. Squad Car: any department automobile
11. Police Incident: an occurrence or incident suggesting or requiring police action or service by members
12. Shift: assigned tour of duty

PROCEDURES:

- A. Pursuant to the laws of the United States of America, the State of Illinois, and the City of DeKalb, the attached rules hereinafter set forth are established for the conduct and behavior of the DeKalb Police Department employees. [ILEAP PER.08.01]
- B. The right is reserved by the Chief of Police with the advice and consent of the legislative body of the City to amend or revoke any of the attached rules and to make additional rules from time to time as the circumstances for the good of the service may require. If any provision, clause, or phrase of these rules and regulations, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the remaining rules and regulations which can be given effect without the invalid provision or applications, and to this end the provisions of these rules and regulations are declared to be separable.
- C. Existence of facts establishing a violation of law, rules or regulations, general or special orders, policies or procedures, written or verbal orders is all that is necessary as a basis for departmental discipline.
- D. All rules and regulations contained in this policy are for internal use only and do not create or enlarge an officer's liability in any way. They shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of these rules and regulations, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.

Rules and regulations table of contents :

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Administration of Discipline is located under Policy 202.3

RULES AND REGULATIONS :

A. Professional Conduct and Responsibilities :

- A1. STANDARD OF CONDUCT :** Employees shall not engage in any conduct on or off duty which adversely affects the morale or efficiency of the department, or in the alternative, engage in conduct on or off duty which has a tendency to destroy public respect for the employee and/or the department and/or destroy confidence in the operation of the municipal service.
- A2. COOPERATION :** Employees are strictly charged with establishing and maintaining a high spirit of cooperation within the department. They shall exhibit a sincere consideration and respect for the rights and privileges of fellow workers.
- A3. ASSISTANCE :** Employees are required to take appropriate action toward aiding a fellow employee exposed to danger or in a situation where danger might be impending.
- A4. GENERAL RESPONSIBILITIES :** Within the City, officers shall at all times take appropriate action to:
 - A4.1 - Protect life and property.
 - A4.2 - Preserve the peace.
 - A4.3 - Prevent crime.
 - A4.4 - Detect and arrest violators of the law.
 - A4.5 - Enforce all federal, state, and local laws and ordinances coming within departmental jurisdiction.
- A5. DUTIES and RESPONSIBILITIES :** Employees shall, at all times, respond to lawful orders of superior officers and other proper authorities, including any order relayed from a superior by an employee of the same or lesser rank, as well as calls for police assistance from citizens. Employees assigned to special duties are not relieved from taking proper action from outside the scope of the specialized assignment when necessary. Employees shall perform their duties as required or directed by law, department rule, policy or order, or by order of a superior officer.
- A6. KNOWLEDGE OF LAWS AND REGULATIONS :** Every officer is required to establish and maintain a working knowledge of all laws and ordinances enforced in the city, the rules and policies of the department and the orders of the department. In the event of improper action or breach of discipline, it will be presumed that the member is familiar with the law, rule, or policy in question.
- A7. OBEDIENCE TO LAWS AND REGULATIONS :** Employees shall observe and obey all federal and state laws, municipal ordinances, and rules and orders of the department. Employees knowing of other members or employees violating laws, ordinances, policies or rules shall report same in writing to the Chief of Police through

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official channels. Violations on the part of the Chief shall be reported to the City Manager.

A8. MANNER OF ISSUING ORDERS : Orders from superior to subordinate shall be in a clear, understandable language, civil in tone, and issued in pursuit of department business. No command or supervisory officer shall knowingly issue any order which is in violation of any law or ordinance, or department rule.

A9. OBEDIENCE TO UNLAWFUL ORDERS : No employee is required to obey any order which is contrary to federal or state law or local ordinance. Responsibility of refusal to obey rests with the employee. He shall be strictly required to justify his action.

A10. OBEDIENCE TO UNJUST OR IMPROPER ORDERS : Employees who are given orders which they feel to be unjust or contrary to rules and regulations must first obey the order to the best of their ability in compliance with established policy, statute, or law and then may proceed as provided by regulations in Rules A11 or A12 below.

A11. CONFLICTING ORDERS : Upon receipt of an order conflicting with any previous order or instruction, the affected employee will advise the individual issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed. Conflicting or countermanded orders will be issued only when reasonably necessary for the operations at hand.

A12. REPORTS AND APPEAL : Any employee receiving what they believe to be an unlawful, unjust, or improper order, or who has any question regarding the authority to issue such assignment or directive, shall at first opportunity report in writing to the Chief of Police through the chain of command. This report shall contain the facts of the incident, and the action taken. No member at any level of the chain of command shall refuse to forward such an appeal. [Rules A10-A12, ILEAP ADM.07.04(e)]

A13. GIFTS, GRATUITIES, FEES, REWARDS, LOANS, etc : Employees shall not under any circumstances solicit or accept directly or indirectly any gift, gratuity, loan, fee, or anything of value arising from or offered because of police employment or any activity connected with said employment. (see A15)

A14. OTHER TRANSACTIONS : Employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other persons involved in any case which has come to their attention or which arose out of their departmental employment except as may be specifically authorized by the Chief of Police.

A15. DISPOSITION OF UNAUTHORIZED GIFTS, GRATUITIES, etc. : All unauthorized gifts, gratuities, loans, fees, reward, or other things falling into these categories, coming into the possession of any employee, shall be forwarded to the office of the Chief of Police together with a written report explaining the circumstances connected therewith.

A16. OBEDIENCE TO CITY OF DEKALB ADMINISTRATIVE POLICIES AND PERSONNEL MANUAL : Employees will be familiar with the City of DeKalb

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Administrative Policies and Personnel Manual. All members and employees will comply with the policies contained therein unless otherwise directed by a supervisor.

A17. OBEDIENCE TO ADMINISTRATIVE INSTRUCTIONS: All members and employees shall comply with administrative instructions issued by the Chief of Police or Division Commander. Instructions may be issued verbally, in writing, or through electronic communication. Non-compliance with administrative instructions shall be considered a violation of this rule.

B. **General Conduct on Duty**

B1. PROHIBITED CONDUCT ON DUTY : Employees are prohibited from engaging in the following activities on duty, with exceptions as noted :

B1.1 - Sleeping, loafing, idling.

B1.2 - Recreational reading, except at breaks.

B1.3 - Conducting private business.

B1.4 - Carrying any articles, which distract from the proper performance of duty.

B1.5 - Drinking intoxicating beverages, except in the performance of a police duty, and then only with the specific consent of a commanding officer, and never in uniform.

B1.6 - Gambling unless to further an approved police purpose.

B1.7 - Withholding information on criminal activity.

B1.8 - Personal associations: Frequenting or associating with persons, organizations, or places with a bad reputation, unless necessary for police business, where such associating or frequenting would be detrimental to the image of the department or the City. To this end, personal association with persons who have been convicted of a felony within the last five years or who are under criminal investigation or indictment, or who have an open and notorious reputation in the community for felonious activity.

B1.9 - Public criticism: Public criticism of the department, its policies, or employees by talking, writing, or expression in any manner where such talking, writing, or expression: (a) is defamatory, (b) is obscene, (c) is unlawful, (d) tends to impair the operation of the department by impairing its efficiency, interfering with the ability of supervisors to maintain discipline, or having been made with reckless disregard for truth or falsity. To this end, employees with a grievance shall make maximum utilization of the grievance procedure of the department as described in the union contracts, or through the formal chain of command.

B1.10 - Confidentiality: Discussion of the operations and official business of the department which is of a confidential nature with anyone outside the department without the permission of a superior. For purposes of this section, all department documents and orders are to be considered confidential unless otherwise directed by a superior. This section does not apply to orders that are of such a nature that they must be communicated to others.

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B1.11 - Political utilization of official position: Utilization of one's official position with the department for political purposes. To this end, the use of one's official position for a non-duty related involvement in an election is prohibited. Nothing in this section should be construed to prohibit a member of the department from, as a private citizen (a) exercising the right of suffrage, (b) casting a vote or expressing one's opinion's privately, (c) being delegates to or members of a political caucus, or (d) taking part in political canvass.

B1.12 - Personal appearance: Failure to have a neat, clean personal appearance, which adversely reflects upon the individual's competency, efficiency, and pride as a member of the department and the ability of the city and department to foster and enhance a professional, efficient, effective image/posture. To this end, the wearing of an improper uniform, failure to carry all necessary equipment or to maintain one's uniform and/or equipment in good order is prohibited. This rule shall also apply when employees are on duty for training. Dress for training will be appropriate for the type of training and shall meet the previously stated standards.

B1.13 - Use of force: Use of force which is excessive to accomplish one's lawful purpose. To this end, all prisoners shall be treated humanely and with regard to their legal rights. See Policy 103.03, Use of Force.

B1.14 - Department property, reporting damage, returning property, loss of property: These items are listed in Section C.

B1.15 - Receipt of mail, calls, and visitors at the police station: Consistently receiving personal mail or visitors at the police station; utilization of departmental communications equipment for non-duty related purposes.

B1.16 - Courtroom demeanor: Unprofessional courtroom demeanor. For purposes of this section, employees should be punctual, properly dressed, and prepared (to include consultation with the prosecutor and processing pertinent police reports, notes, and evidence). At all times, employees shall maintain a respectful attitude towards the court and both counsels. Should one be requested/subpoenaed to testify for the defense in any trial or hearing, or against the city or department in any hearing or trial, the one so requested/subpoenaed shall notify the Chief of Police in writing upon receipt of the request/subpoena.

B1.17 - Truthfulness/Cooperation: Testifying, making reports, or conducting official business in a less than truthful or cooperative manner.

B1.18 - Department records/reports/citations: Stealing, altering, forging, or tampering with any type of police record, report, or citation. To this end, the removal of any record, card, report, letter, document, or other official file from the department, except by process of law or as directed by the Chief of Police or a superior, is prohibited. Additionally, the obtaining/duplicating or attempted obtaining/duplication of any information from department files, sources, or reports.

B1.19 - Illness/Physical or Mental Condition/Sick Leave: Failure to notify a superior officer when one becomes ill and cannot report for work, or if there is any change in one's physical or mental health that could disqualify the individual from being employed by the department. Additionally, the use of sick leave without just cause, false statement, or the

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furnishing of any false information with reference thereto by any employee of the department is strictly prohibited.

B1.20 - Absence from work: Absence from work without permission or abstaining wholly or in part from the full performance of one's duties in one's normal manner without permission. Any employee who fails to appear for duty at the date, time, and place specified for so doing without the consent of competent authority is absent without leave. Such absences must be reported as soon as possible in writing to the Chief of Police. Employees claiming physical or mental incapacity relating to their employment shall honor the request of the Chief of Police or his designee to be periodically interviewed as to the nature and extent of a claimed injury or illness and/or submit to a medical or psychological examination. In either event, the examining party must be licensed by the State of Illinois to conduct such examinations and the results of the examination shall be made available both to the employee and the Chief of Police. Failure to honor such a request of the Chief of Police or his designated agent shall be a violation of this rule. Any medical or psychological examination required of an employee will be provided at no cost to the employee. [ILEAP PER.03.05]

B1.21 - Neglect of Duty: There shall be no failure to give suitable attention to the performance of duty. Examples include, but are not necessarily limited to: failure to take appropriate action on the occasion of a criminal offense, disorder, or other act or condition deserving police attention; absence without leave; failure to report to duty at the time and place designated; unnecessary absence from one's assignment during a tour of duty; failure to perform duties or comply with any rule or regulation, general or special order; failure to comply to department operating policies and/or procedures.

B1.22 - Insubordination: Insubordination shall include, but not be necessarily limited to: any failure or deliberate refusal to obey a lawful order given by a superior; or any disrespectful, mutinous, insolent, or abusive language or action toward a superior, whether in or out of the presence of the superior.

B1.23 - Physical and mental condition: Lack of maintenance of good physical and mental condition which interferes with the proper response and handling of assigned departmental business. [ILEAP PER.03.06]

B1.24 - Leaving the city: Going beyond the city limits while on duty unless in the performance of actual police duty, or upon the direct order or permission of a superior.

B1.25 - Rendering aid/furnishing identification: Failure to render aid or furnish information as is consistent with one's duty. To this end, a department employee shall furnish one's name and badge number in a respectful manner when so requested.

B1.26 - Loss of City property/equipment-reporting: Failure to promptly report to the Chief of Police or his designated agent the loss of any city property or equipment that has been furnished to the individual.

B1.27 - Recovered property/evidentiary material: Failure to turn over to the designated agent of the department all lost, stolen, recovered, abandoned, or evidentiary material which comes into the possession of a department member as a result of the performance of departmental duties. To this end, all such material shall be submitted through the proper means prior to departing the present tour of duty.

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B1.28 - Escapes: Allowing a suspect or prisoner to escape from custody due to negligence or inattention to duty.

B1.29 - General responsibilities at crime scenes/arrests: Failure to thoroughly search for, collect, preserve, and identify evidence of persons, property, and locations in any arrest or investigation.

B1.30 - Serving as a character witness: Giving testimony as a character witness for any defendant in a criminal trial without the knowledge of the Chief of Police.

B1.31 - Settlement of duty-incurred expenses/damages: Acceptance from any person of money or other compensation for damages sustained or expenses incurred in the line of duty without first notifying the Chief of Police in writing.

B1.32 - Private benefit from departmental association: Use of the prestige or influence of one's official position, or the use of the time, facilities, equipment, or supplies of the department for the private gain or advantage to oneself or another.

B1.33 Discrimination and harassment: Discrimination and harassment of any type in the workplace is prohibited and can be reported as described below. [ILEAP PER.02.01]

B1.33.1 Reporting of discrimination and harassment: Incidents of discrimination or harassment in the workplace may be reported by any employee to any supervisor. A report may be made verbally, in writing, or through electronic communication. Each supervisor has the responsibility to document the complaint and forward it up the chain of command. The Deputy Chief is responsible for conducting the investigation of discrimination or harassment in the workplace. Guidelines for reporting, investigation and enforcement are further governed by the City of DeKalb Personnel Manual. [ILEAP PER.02.02]

B1.33.2 Investigations: Investigations into allegations of discrimination or harassment shall be kept confidential. [ILEAP PER.02.03]

B2. National Colors and Anthem: Uniformed members will render full military honors to the National colors and anthem at the appropriate times. Employees in civilian dress will render proper civilian honor to the National colors and anthem at appropriate times.

B3. Roll Call: Unless otherwise directed, officers shall report to daily roll call at the time and place specified, properly uniformed and equipped. They shall give careful attention to orders and instructions avoiding unnecessary activity or conversation.

B4. Relief: Employees are to remain at their assignment and on duty until properly relieved by another member or employee, or until dismissed by competent authority.

B5. Reporting: Employees shall promptly submit such reports as are required by the performance of their duties or by competent authority.

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B6. Consumption of intoxicants: Employees shall not consume intoxicants while off duty to the extent that evidence of such consumption is apparent when reporting for duty or to the extent that ability to perform duty is impaired.

B7. Intoxication: Members and employees shall not at any time be intoxicated while on duty. For FOP union members, also see Union Contract Article 29, Drug & Alcohol Abuse Policy.

B8. Smoking on duty: Employees shall not smoke on duty while in direct contact with the public, regardless of the location. Smoking is not permitted in any city-owned vehicle or in any area inside the police station or other city-owned building. Smoking is also prohibited where banned by state law or city ordinance.

B9. Presence at unauthorized places: No employee shall be present at any establishment, or other place on or near his beat, while on duty except for a legitimate official purpose.

B9.1 - Lunch and personal breaks: Lunch and personal breaks will be taken at city buildings, at restaurants within the city, at officer's relative's residences within the city, or at residences of employees within the City. Employees working an 8-hour shift may take two separate 30 minute breaks. Employees assigned to a 10-hour or longer shift assignment may take two separate breaks: one 30-minute and one 45-minute break. Any deviation from the above due to emergencies or personal problems will be reported in writing to the respective Commander before the end of the shift.

B10. Address and telephone numbers: Employees will record their correct residential address and telephone number with the Chief of Police Administrative Assistant and with the Director of Human Resources. Employees are required to have a functional telephone. Changes in address and telephone numbers shall also be reported to the employee's commanding officer within 24 hours of the change.

C. Department Property and Equipment

C1. Property and equipment: Employees shall maintain property and equipment assigned to them in good condition.

C2. Damaged/Lost property or equipment: Employees shall immediately report to their supervisor on the appropriate form or memo any damage to or loss of departmental property assigned to or used by them. The individual in charge of such property or equipment should be notified immediately of such loss or defects.

C3. Manual maintenance: Employees who are issued manuals are responsible for the maintenance and will make appropriate changes or inserts as they arise.

C4. Surrender of department property: Employees are required to surrender all department property in their possession upon separation from service, to include resignation, retirement, or termination. They shall also return any police equipment when ordered to do so because of suspension or other absence from work.

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C5. Departmental vehicle use: Employees shall not use any departmental vehicle without assignment or permission. Departmental vehicles shall not be used for personal business or pleasure.

C6. Avoidable accident: No employee shall operate a city vehicle in a manner that results in an avoidable accident.

D. Guidelines and Limitations for Outside Employment

D1. Permission: Employees must obtain permission from the Chief of Police or his designee for each employment opportunity, to include self-employment. The City will maintain a record of each employee's engagement in outside employment. [ILEAP PER.04.01(a)]

D2. Exceptions: Employees are prohibited from holding another job during periods that would be a violation of the rules and regulations. For example, during an assigned duty time or in cases when absent due to sick leave or disability but working elsewhere.

D3. Prohibited types of employment: Sworn officers shall not engage in any employment dealing in the manufacture or sale of alcoholic beverages. Civilian employees may engage in the manufacture or sale of alcoholic beverages outside the corporate limits of the City of DeKalb, or within the corporate limits of the City of DeKalb upon permission by the Chief or his designee. [ILEAP PER.04.01(b)]

D4. Uniform limitations: Off-duty members of the police department may wear their regulation uniform only when performing off-duty police-type work within the city limits. Uniform or components thereof shall not be worn at any time in connection with other off-duty work or personal appearances unless specifically exempted by the Chief of Police or Operations Commander.

D5. Revocation Process: Should any outside employment interfere with the employee's ability to function their duties and responsibilities, or should outside employment result in operational inefficiencies or negative outcomes, the Chief of Police may invoke a revocation process. The Chief will confer with the City Manager, Human Resources Director and the City's legal counsel, which are authorized to render a decision on whether or not to continue to allow the outside employment. [ILEAP PER.04.01(c)]

D5. Supervision: Uniformed officers will report to the supervising officer before commencing off-duty assignments. The duty sergeant is in charge of off-duty police assignments. The supervising officer is in charge of the off-duty personnel in off-duty police assignments. Department rules and regulations shall apply to conduct occurring in an off-duty assignment. [ILEAP PER.04.01(d)]

D6. Indemnity: The City will require employees engaging in outside employment to sign a secondary employment indemnity agreement. [ILEAP PER.04.01(e)]

E. Committing Unsafe Acts or Endangering Self or Others

Safe conduct in law enforcement is paramount because of the level of public trust and the nature of the equipment and environments involved. Unsafe conduct and unsafe use and handling of tools, equipment, apparatus, and vehicles significantly increases the risk of

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injuries to citizens and associated personnel, and it increases the risk of potential liability for the department.

E1. Unsafe acts: Employees shall not commit unlawful acts or behave in such a manner that has the potential for unnecessarily endangering or injuring themselves, property, or another person.

Enforcement guidelines: Termination if serious injury or death results.
Progressive discipline up to and including termination for other conditions.

Non-exclusive listing of non-violations:

1. Life-threatening situations where the probable consequences or actual consequences (as judged by a reasonable and prudent employee) of committing the unsafe act are less dangerous than the actual or probable consequences of failing to perform, given the nature of the emergency situation.
2. Equipment malfunctions when such malfunction is beyond the control of the employee.
3. An act where risks occur because it was not reasonably anticipated that such risk would occur.
4. Assigning an employee to a task for which he has received reasonable training or assigning equipment to use that is considered adequate under a reasonable standards rule is not a violation of this standard.

Non-exclusive list of violations:

1. All behaviors regulated or prohibited by specific policies and standard operating procedures.
2. Failure to behave in ways in which a typical employee could reasonably be expected to perform, regardless of specific training, orientation, or employment status.
3. Horseplay; using equipment improperly or performing pranks that create the possibility of injury, to include the unnecessary removal or display of a weapon from its holster.
4. Allowing untrained or inexperienced employees or civilians to use equipment that injures or has the reasonable expectation of injuring others.
5. The unauthorized and unnecessary divulging of information, communications, or correspondence that identifies an investigative official of this department.
6. Failing to report damaged or dysfunctional equipment that has the probability of endangering self or others.
7. Failing or refusing to wear a seat belt properly.
8. Failure to give the telecommunicator an appropriate incident appraisal when practical and prudent to do so.
9. Failing to provide known information or withholding information that results in employee injury or subject to an unnecessary safety risk.
10. Leaving security doors open or ajar, or defeating a locking mechanism of such.
11. Purposely making self unavailable for service or taking self out of service, to include going out of service without notifying Communications and immediate supervisor or not answering the radio when called.

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F. Administration of Discipline : This information is located in Policy # 202.3.

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NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.