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## CHAPTER I

# DEFINITIONS

### **1.01 Organizational Definitions**

The following definitions will govern terminology to be used in all communications and whenever reference is made to any organizational unit. They are presented here to provide uniformity and clarification of terminology commonly used when discussing the operations and organization of the Stockton Police Department.

### **1.02 City**

The area contained in the corporate limits of the city of Stockton.

### **1.03 Department**

This term shall designate the Stockton Police Department and includes all subdivisions and personnel under the command of the Chief of Police.

### **1.04 Bureau**

The first organizational level within the Department which is subordinate to the Office of the Chief of Police.

### **1.05 Division**

The first major organizational level within the bureau.

**1.06 Section**

Generally, a section is a subordinate part of a division assigned to perform part of the duties of that division. A section can also be a small, independent, and separate element within a bureau.

**1.07 Unit**

A unit consists of Department members who serve a like function and is usually subordinate to a section.

**1.08 Assignment**

A position, post, or task to which a member has been charged with responsibility for performing.

**1.09 Shift**

The personnel of a functional unit assigned to one watch.

**1.10 Detail**

Members of the Department, grouped together for the purpose of accomplishing a specified mission or task.

**1.11 District**

A geographical area, the boundaries of which are administratively assigned, to which one or more members are specifically assigned during their tour of duty.

**1.12 Sector**

A designated geographic location within a district.

**1.13 Watch**

A period of time within a 24-hour period during which members are engaged in the performance of their assigned duties.

**1.14 Civil Service Act**

Article XXV of the Charter of the City of Stockton, and amendments thereto, which creates a civil service system for the Police and Fire Departments of the City, and authorized the adoption of rules and regulations for Police, Fire, and miscellaneous personnel covered under the civil service system.

**1.15 Memorandum of Understanding (MOU)**

The contractual agreement reached between the representatives of the various employee bargaining groups and the City of Stockton, in accordance with the “meet and confer” process concerning wages, hours, and other terms and conditions of employment in accordance with current labor laws.

**1.16 Sworn Personnel**

The members of the Stockton Police Department with peace officer status as defined in the California Penal Code, beginning at Section 830, who have been administered the oath of office.

**1.17 Civilian Personnel**

“Civilian personnel” shall mean members of the Stockton Police Department not included in the term “sworn personnel.”

**1.18 Classified Service**

The positions and employments which are included under the Civil Service Act.

**1.19 Competitive Service (Civilian Employees)**

The positions and employments occupied by members which are included or which may hereafter be included under the civil service system of the City, as “miscellaneous” employees.

**1.20 Temporary Employee**

A position of a specified/limited duration, made necessary by seasonal workloads, special projects, or other reasons.

**1.21 Appointing Authority**

The City Manager or the City Manager’s authorized representative.

**1.22 Member**

All personnel assigned to the Department, including sworn, civilian, and Department volunteers.

**1.23 Police Reserve Officer**

Members assigned specific police functions under authority of Section 830.6 of the California Penal Code, and by the Charter of the City of Stockton.

**1.24 Police Officer**

A sworn Department member who has been administered the oath of office and who possesses the power to arrest, pursuant to Sections 830.1 and 830.6 of the California Penal Code.

**1.25 Supervisor**

Any member assigned by the Chief to exercise authority over and who is responsible for overseeing the work activity of another member or group of members. Supervisors may be either sworn or civilian members.

**1.26 Command Officer**

An officer who has attained the rank of lieutenant or higher.

**1.27 Superior Officer**

An officer having supervisory responsibilities, either temporary or permanent, over officers of lower ranking.

**1.28 Ranking Officer**

The officer having the highest grade or rank among a designated group. Officers of the same grade should rank according to the date of their appointment to that grade. When two or more officers are appointed to the same grade on the same date, they shall rank respectively in the order of such appointment. When two or more officers are on duty together, the officer of the highest rank is in command and will be held responsible. For a special detail and for a specific period, an officer may be designated by the commanding officer to take command without regard to rank.

**1.29 Seniority**

Seniority within the Department is established first by rank and secondly by the aggregate time served in rank on a regular basis. Where a conflict occurs because of identical service or dates of appointment, the member with the highest position on the Civil Service eligibility list from which the appointments were made is deemed to be the senior. In situations requiring decision or control, where officers are of equal rank, the senior officer will make the decision and exercise control, unless otherwise directed by a higher ranking command or supervisory officer. (This does not, however, relieve less senior officers of their responsibilities to abide by the rules and policies of the Department.)

### **1.30 Acting in Command**

A position to which a member is not ordinarily assigned, usually in a position of a higher rank. All the authority, responsibility, and duties of the higher position falls upon the acting officer. A member in an acting position shall not, except in urgent cases, alter or annul the existing orders of the permanent commander without the authority of a higher commanding officer.

### **1.31 Chain of Command**

A series of administrative ranks or positions in which each has direct authority over the rank immediately below. All official communications of the Department, requests, information, suggestions, or complaints, whether moving upward or downward, shall be confined to official channels and follow the chain of command. Each link in the chain of command shall be respected in this regard.

Unless otherwise directed by the Chief of Police, the chain of command shall be adhered to as follows:

- Chief of Police
- Bureau Commander (normally the rank of a Deputy Chief)
- Division Commander (normally a Captain)
- Section Commander (normally a Lieutenant)
- Supervisor (sSergeant or civilian supervisor)
- Member (officer or civilian personnel)

### **1.32 Through Official Channels**

Through the superior officer in the chain of command.

### **1.33 Order**

A command or instruction given by a superior officer to a subordinate. It may be either oral or written. A "lawful order" is any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law or ordinance.

### **1.34 Manual of Rules and Regulations**

The rules and regulations which set forth a code of conduct to be followed by Department members, are expressed in this manual, and are applicable to all members of the Department. All existing rules and regulations, orders, and instructions in conflict with this manual are canceled.

### **1.35 General Order**

A written order issued by the Chief of Police which is applicable to the Department. These orders shall be retained in the General Order Manual provided and are effective until canceled or revised. A “~~d~~Departmental ~~g~~General ~~e~~Order” establishes the policy and/or procedure of the Chief of Police in dealing with a specific subject.

### **1.36 Divisional or Sectional Order**

An order issued by the commanding officer of a division or section, directed to a subordinate, which dictates policy and procedure for that particular division or section.

### **1.37 Special Order**

A written order issued by the Chief of Police or any commanding officer of a division or section directed to any person or group within the Department to accomplish any one of several short-term objectives. Copies of the orders are to be made available to all members who are affected by them. These orders generally become obsolete when their objective has been accomplished, upon an assigned cancellation date, or when incorporated into a General Order.

### **1.38 Informational Bulletin**

A written bulletin issued at the Departmental, Divisional, or Sectional level, consisting of, but not limited to, memoranda, suggestions, or announcements.

**1.39 Report**

An oral or written communication. Reports shall be submitted promptly in the manner prescribed by Department procedures. Particular care shall be taken in their preparation to assure accuracy and thoroughness, as well as proper usage of language, punctuation, and spelling.

**1.40 Rule**

A rule is a specific prohibition or requirement that is stated to prevent deviation from policy or procedure.

**1.41 Policy**

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

Policy is formulated by analyzing objectives and determining through research those principles which will best guide the Department in achieving its objectives. Policy is based upon police ethics and experience, the desires of the community, and the mandate of the law.

Policy is articulated to inform the public and Department members of the principles which will be adhered to in the performance of the law enforcement function. Additionally, policy establishes operational standards to assist Department members in the necessary exercise of discretion in discharging their responsibility.

A member in the performance of their duty is confronted with an infinite variety of complex situations which require police action. Since policy is objective rather than situation-oriented, it is broad enough in scope to encompass most situations. Policy, therefore, is stated in general terms.

#### 1.42 Procedure

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

#### 1.43 Public Service

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

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

#### 1.44 Department Mission Statement

The Stockton Police Department Mission Statement reads as follows:

~~Our mission is to promote quality of life to the City of Stockton by working in partnership with the community to provide a safe and secure environment, recognizing and respecting the diversity and uniqueness of the citizens of our community, being sensitive and responsive to the public without bias or prejudice, utilizing personnel and financial resources in an efficient and effective manner, and responding to the ever changing needs of our community.~~

To work in partnership with our community toward building and maintaining relationships founded on trust and mutual respect, while reducing crime and improving quality of life.

**1.45 Beginning of Day and Week**

The Department day, for record purposes, shall begin at 0001 hours and shall conclude at 2400 hours. The Department week, for record purposes, shall commence at 0001 hours each Sunday. Any exception to the day and week established for record purposes will be in the form of a written directive.

**1.46 Duty**

Any action required by one's position, or by ethical or legal considerations.

**1.47 On Duty**

The state of a member during the shift, watch, or detail when they are responsible for performing regular and assigned duties.

**1.48 Tour of Duty**

The shift, watch, or detail when an individual is on duty.

**1.49 Incompetency**

The failure to demonstrate adequate qualifications or ability to satisfactorily perform assigned police duties.

**1.50 Sick Leave- Defined**

The period of time during which a member of the Department is excused from active duty by reason of illness or injury which is not service connected, in accordance with current Department policy.

**1.51 Military Leave**

A leave of absence to serve in any of the recognized branches of the military service in accordance with current Civil Service regulations.

**1.52 Bereavement Leave**

The leave granted by the Chief of Police with the approval of the City Manager, in case of death in the immediate family as defined by City policy. This benefit is not automatically granted and does not apply during leave without pay, suspension, or Worker's Compensation leave.

**1.53 Leave of Absence**

That leave granted for an extended period during which a member is excused from active duty and during which they receive no pay. Such leave will be granted in accordance with current Civil Service regulations.

**1.54 Vacation**

The annual leave earned by eligible members of the Department. All eligible members are entitled to a vacation in accordance with the terms set forth in the applicable Memorandum of Understanding. Vacation will be arranged by the respective commanding officers.

**1.55 Plurality of Words**

The singular includes the plural and the plural includes the singular.

**1.56 Immediately**

The term "immediately" is to be construed to mean "as soon as possible and practical."

**1.57 Shall, Will, Must and May**

“Shall, will, and must” isare mandatory, and “may” is permissive. “Shall, will, or must” indicates that the action required is mandatory. “May” indicates that the action is permissive.

**1.58 Minor or Juvenile**

Any person under the age of 18 years.

**1.59 Confidential Police Information**

Information which falls under one or more of the following:

Not a Public Record

Pertains to police personnel matters

Dissemination would or could jeopardize an investigation

## CHAPTER II

### AUTHORITY AND COMMAND

#### **2.01 Department Authority**

The Department is authorized under Article XI of the Charter of the City of Stockton.

#### **2.02 Organization**

The Department shall consist of a Chief of Police and such other officers and members as the Council may, from time to time, prescribe.

#### **2.03 Department Responsibility**

The Department, under the control, management, and direction of the Chief of Police, shall enforce the penal provisions of said Charter, the penal ordinances of the City, and the penal laws of the State of California and of the United States. The Department shall further execute all proper orders and processes which are duly issued by courts of competent authority and accomplish such additional duties as are essential for the protection and ~~well-being~~wellbeing of the community.

#### **2.04 Operational Control**

The Department is established on a command structured basis, with the authority descending from superior to subordinate and responsibilities ascending from subordinate to superior. The line of command in the Department is divided into three collateral classifications:

- (1) Executive or Command Authority
- (2) Investigative Authority
- (3) Functional or Staff Authority

**2.05 Chief of Police- Authority**

The Chief of Police is the chief executive officer of the Department in all matters of policy, operations, and discipline. The Chief exercises all the lawful powers of that office and issues such lawful orders and directives as are necessary to ensure the effective performance of the Department.

**2.06 Chief of Police- Responsibility**

The powers and duties of the Police Department are fixed with the Chief of Police, under Section 5, to Article XI, of the City Charter. It states, in part:

“Subject to the approval of the City Manager and the rules and regulations of the Civil Service Commission, the Chief of Police shall direct and supervise the personnel of the Department and have charge of the property and equipment thereof. In addition, the Chief of Police shall have the following duties: full power to detail any officer or member of the Department to such public service as may be necessary; recommend in writing to the City Manager that disciplinary action be taken against members of the Department pursuant to Article XXXII hereof, when in the judgment of the Chief of Police, it is deemed necessary, stating reasons therefor, and shall immediately file a copy of said recommendations with the Civil Service Commission.”

**2.07 Authority to Adopt Policies and Procedures**

The Chief of Police shall have the authority to adopt policies and procedures for the administration of the Department. This authority shall include fixing duties and providing for their enforcement, and prescribing penalties for violations for such directives, policies, or procedures.

**2.08 Policy and Procedure Changes**

Policies and procedures and written orders shall not be canceled, amended, or issued without the approval of the Chief of Police or the Chief's designee.

**2.09 Chief of Police (Acting)**

In the case of absence or disability of the Chief of Police for an extended period of time, a commanding officer of the Police Department designated by the City Manager shall perform the duties and exercise the powers of the Chief of Police.

**2.10 Deputy Chief of Police- Authority**

Deputy Chiefs of Police may be appointed by the Chief of Police to provide administrative and executive assistance to the Chief. Deputy Chiefs are subject to the authority of the Chief and shall be responsible for the overall operation of their assigned bureaus.

**2.11 Deputy Chief of Police- Responsibilities**

Deputy Chiefs of Police are ordinarily assigned to command a bureau of the Department, but may be assigned additional duties by the Chief of Police. Deputy Chiefs will report personally to the Chief of Police and shall submit such reports relating to their command as may be required by the Chief. The Chief may select a Deputy Chief to be Acting Chief of Police during the Chief's temporary absence or disability.

**2.12 Commanding Officer- Authority**

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

## 2.13 Command Responsibility

Subject to direction from a higher ranking commanding officer, commanding officers have direct control over all members within their command. In addition to the general and individual responsibilities of all members and supervisory officers, a commanding officer is responsible for the following:

Command - Directing and controlling members under their command to assure the proper performance of duties and adherence to established rules and regulations, policies and procedures. Providing for continuation of command and/or supervision in their absence.

Loyalty and Esprit de Corps - Developing and maintaining esprit de corps and loyalty to the Department.

Discipline and Morale - Maintaining discipline and morale within the command, and investigating personnel complaints not assigned elsewhere.

Interdivisional Action - Promoting harmony and cooperation with other units of the Department. Initiating proper action in cases not regularly assigned to their command when the delay necessary to inform the proper unit might result in a failure to perform a duty.

Organization and Assignment - Properly organizing and assigning duties within their unit to assure proper performance of Department functions and those of their command.

Reports and Records - Preparing required correspondence, reports, and maintenance of records relating to the activities of their command. Assuring that information is communicated up and down the chain of command as required.

Maintenance - Assuring that work stations, equipment, supplies, and material assigned to their command are correctly used and maintained.

Commendations - Assuring that acts of heroism and outstanding performance receive proper recognition.

## **2.14 Watch Commander- Authority and Responsibility**

The Watch Commander, in the absence of those members of the Department who regularly exercise such authority, shall be designated as the ranking authority within the Department. Such authorization and responsibility is not limited or confined to the Watch Commander's own division, but includes supervision over and responsibility for all members within the Department. In the absence of the Watch Commander, the senior supervisory member of the Patrol Section assigned to that watch is in charge, unless otherwise provided.

In addition to the general and individual responsibilities of all members, the Watch Commander is specifically responsible for the following:

Good Order - The general good order of their command during tour of duty, to include proper discipline, conduct, welfare, field training, and efficiency.

Roll Call - Conducting prescribed roll calls, communicating all orders or other information at roll call, and inspection and correction of their command as necessary.

Reporting - Making reports and maintaining all records as required by the division commander or higher authority.

Personnel Complaints - Inquiring into personnel complaints against members under their command in accordance with Department policies and procedures.

Training - Recognizing the training needs of subordinates and reporting the same to the appropriate commanding officer(s).

Communication - Ensuring that proper communications are made relative to priority matters to the oncoming shifts, and proper notifications to district and other commanders relative to matters of their concern.

## **2.15 Supervisory Authority and Responsibilities**

Supervisors are members in charge of one or more members.

Civilian supervisors have the same authority over their subordinates, within the chain of command, that sworn supervisors have.

In addition to the general and individual responsibilities of all members, each

supervisor is specifically responsible for the following:

Supervision - Supervisors may be assigned to field or office duties. During their tour of duty, supervisors must closely supervise the activities of their subordinates, making corrections where necessary and commanding where appropriate.

Leadership - Effective supervision demands leadership. The provision of leadership shall include providing job training and development for subordinates, helping to guide and inspire subordinates to achieve team and organizational goals, and creating a positive work environment.

Direction - Supervisors must exercise direct command in a manner that assures the good order, conduct, discipline, and efficiency of subordinates. Exercise of command may extend to subordinates outside the usual sphere of supervision if the police objective or integrity of the Department so requires, or if no other provision is made for temporarily unsupervised members.

If a supervisor requires a subordinate other than the supervisor's own to leave a regular assignment, the supervisor so directing will inform the subordinate's supervisor as soon as possible.

Enforcement of Rules - Supervisors must enforce Department rules and regulations and ensure compliance with Department policies and procedures.

Inspection - Supervisors are responsible for the ~~inspecting~~inspection of activities, personnel, and equipment under their supervision and initiating appropriate action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate.

Knowledge of Conditions - Supervisors have a duty to become familiar with conditions which affect the work of their subordinates. Supervisors will take appropriate measures to correct adverse conditions and inform their superiors as necessary.

Information to Subordinates - Supervisors will inform subordinates of decisions by higher authorities which affect them, unless such information is confidential. Supervisors will disseminate Departmental information concerning policies and procedures.

Training - Supervisors will ensure that subordinates are given practical assistance and training in the discharge of their duties. Supervisors will recognize training needs of their subordinates and will bring this to the attention of their superiors.

Knowledge of Subordinates' Performance - Supervisors will closely observe the work of their subordinates and be prepared to evaluate it accurately for their superiors in as much detail as required. Supervisors will prepare a written report to their superiors of the conduct of a subordinate which may fall into the following categories:

- Misconduct
- Unfitness
- Exceptional or Outstanding Work
- Recommendations for Awards

Report Review - Supervisors will strive to maintain a high level of quality in reports generated by subordinates, by ensuring that reports by subordinates are submitted in a timely manner and within established Department guidelines.

Morale - Supervisors will take positive steps to create and maintain high morale and a spirit of service among subordinates.

Equal Employment Opportunity - All supervisors have the ultimate responsibility for assuring a nondiscriminatory work environment. Supervisors will report complaints concerning discrimination, take appropriate action, and provide any assistance as may be required in investigating.

Personnel Investigations - All supervisory personnel will thoroughly familiarize themselves with the provisions and procedures outlined in the Department's Personnel Complaint Policy.

## **2.16 Investigative Authority**

Members of the Department, when detailed to a criminal investigation, accident investigation, or juvenile case, will be in complete charge at the scene and elsewhere in connection with the investigation, subject to the Chain of Command.

## CHAPTER III

### DUTY AND CONDUCT

#### **3.01 Knowledge of Laws and Regulations**

Every member will establish and maintain a working knowledge of all pertinent laws and ordinances, as well as Department policies and procedures. Members will become thoroughly familiar with the Department Manual of Rules and Regulations. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule, or policy in question.

#### **3.02 Obedience to Laws, Rules, and Regulations**

Members shall not, whether on or off duty, negligently, knowingly, or intentionally commit any act which results in the commission of a criminal act or violates any law or Department policy, rule, regulation, or procedure.

#### **3.03 Unbecoming Conduct**

Members shall not engage in any conduct or activities on or off duty that reflect discredit on the members, tend to bring this Department into disrepute, or impair its efficient and effective operation.

#### **3.04 Truthfulness**

- A. Department members shall be accurate, complete, and truthful in all matters.
- B. No member shall knowingly make false statements to superior officers when questioned or interviewed.
- C. No member shall falsely make any type of official report, either orally or in writing, or knowingly enter or cause to be entered any inaccurate, false, or improper information on the books, records, or registers of the Department.

D. No member shall be intentionally or maliciously deceitful in Departmental matters.

### **3.05 Conduct Toward the Public**

All members of the Department shall conduct themselves toward the public in a civil, courteous, and professional manner that will foster public respect, cooperation, and a community partnership.

Members shall respect and protect the rights of the public and shall perform in a manner consistent with the principles outlined in the Department's Mission Statement-, and shall ensure that they adhere to the tenets of Procedural Justice (Voice, Neutrality, Respect and Trustworthiness).

### **3.06 Conduct Toward Fellow Members**

Department members shall conduct themselves in a manner that will foster cooperation among members of the Department, show respect, courtesy, and professionalism in their dealings with one another.

Members shall not use language or engage in acts that demean, harass, or intimidate another person-, and shall ensure that they adhere to the tenets of Procedural Justice (Voice, Neutrality, Respect and Trustworthiness).

### **3.07 Ridicule/Criticism of the Department**

Members shall not publicly criticize or ridicule the Department, its policies, or other members orally, in writing, electronically, or in any other manner where such expression:

- a. is defamatory or made with reckless disregard for the truth
- b. is obscene
- c. is unlawful
- d. tends to impair the operation of the Department by interfering with the ability of supervisors to maintain order

### **3.08 Obedience to Orders**

Department members shall obey all lawful orders from superiors and shall complete their orders or assignments in a reasonable amount of time.

- A. Should any member be given an order which is in conflict with any previous order or direction, the member shall call the conflict to the attention of the person giving the order. If the superior requires that the order still be carried out, the member shall comply, and the responsibility shall rest with the superior

- officer taking such action.
- B. No member is required to obey any order which is contrary to the laws of the United States, the State of California, or the ordinances of the City of Stockton. Such refusal to obey, however, is the member's responsibility, and the member shall be strictly required to justify their actions.
  - C. Members who are given orders they feel are unjust or contrary to the rules and regulations or established policy must first obey the order to the best of their ability, and then proceed to appeal.
  - D. Members may appeal for relief from orders which they believe to be unjust or improper. Such appeals shall be made in writing to higher authority through official channels. The member appealing the order is responsible for justifying the appeal. Frivolous, irresponsible or capricious appeals will be considered serious misconduct.
  - E. A command officer shall not knowingly issue any order which is in violation of any law, ordinance, Departmental order, or rule.

### **3.09 Insubordination**

The failure or deliberate refusal of any member to obey a lawful order given by a superior officer shall be deemed insubordination. Flouting the authority of the superior officer by manifest disrespect or by disputing their orders as well as disrespectful, mutinous, insolent, or abusive language or conduct toward a supervising officer is also insubordination and in violation of Department rules.

### **3.10 Dereliction of Duty**

All members of the Department shall perform their duties as required or directed by law, Departmental rule, policy, or order. The improper performance of or failure to perform a required police duty, or neglecting assigned duties to conduct unauthorized activities, shall be deemed dereliction of duty.

### **3.11 Assistance to Members**

Any officer who fails to take effective police action or who fails to aid and protect a fellow officer in time of danger or under circumstances where danger might reasonably be impending, except when actually incapacitated, is deemed to be in

gross dereliction of duty.

### **3.12 Communicating with Superior Officers**

Members shall adhere to the Department's chain of command when communicating within their assigned duties. Members possessing information they desire to forward or wish to refer a complaint against any other member may communicate with the Office of the Chief of Police or any command or supervisory officer. Such communications shall be made through the official channels within the member's own chain of command. When the information to be forwarded or the complaint to be preferred is of such a nature that it must be brought to the immediate personal attention of the Chief of Police, the member may bypass official channels and contact the Office of the Chief of Police. Such member may, however, be required to justify this departure from established procedure.

### **3.13 Use of Alcohol**

Members shall not drink intoxicating beverages while on duty, except as required in the performance of their duty or while acting under proper and specific orders from a superior. Members shall not appear for duty or be on duty while under the influence of intoxicants or with an odor of intoxicants on their breath, except as required in the performance of their duty.

Members who, while off duty, consume intoxicating beverages to such an extent that it results in a level of impairment, intoxication, or obnoxious or offensive behavior which discredits the Department, violates the law, or renders them unfit to report for their next regular tour of duty, are subject to disciplinary action.

No alcoholic beverage shall be served or consumed by anyone on Police premises or in vehicles owned by this eCity. If the individual who consumed the alcohol is not a City employee, but is a guest of a City employee, that employee is liable for the non-employee's actions.

### **3.14 Use of Drugs**

Members shall not use any controlled substances, narcotics, or hallucinogens, except when and in the manner prescribed by a physician or dentist prior to reporting for duty. Members must report the use of any such substance that may impair their ability to perform their duties.

### **3.15 Use of Tobacco**

While on duty, a member shall not use a tobacco product unless in a designated area and while not conducting police business. Additionally, members are not permitted to use tobacco products in a vehicle owned or maintained by this eCity.

### **3.16 Gambling**

No games of chance, stakes, or wagers shall be played in violation of any law by any member of the Department, except as necessary in the performance of official duties.

Members shall refrain from all forms of legalized gambling while on duty, except as necessary in the performance of official duties.

### **3.17 Gifts and Gratuities**

Members shall not use their authority or position:

- a. for financial gain
- b. for obtaining or granting privileges or favors not otherwise available to them or others as private citizens
- c. to avoid the consequences of illegal acts for themselves or for others
- d. to barter, solicit, or accept any goods, services, or other gratuity (including gifts, discounts, rewards, loans, or fees) whether for the member or for another

Members shall not solicit or accept contributions for this Department or for any other agency, organization, event, or cause without the express consent of the Chief of Police or the Chief's designee.

### **3.18 Indebtedness**

Members shall keep their personal finances in order so as not to affect their on-duty performance or bring discredit or embarrassment upon the Department.

### **3.19 Giving Assistance to Criminals**

Members shall not communicate in any manner, directly or indirectly, any information which may enable persons suspected or guilty of criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose of or secrete any money, goods, or other valuables unlawfully obtained, or withhold any evidence of unlawful activity.

### **3.20 Prisoner/Suspect - Availability of Weapons**

Members shall not place weapons or objects adaptable for use as weapons and capable of inflicting serious bodily injury, or permit such weapons or objects to remain unattended in any locations which may be accessible to a prisoner or suspect.

### **3.21 Responding to Calls**

Members shall respond without delay to all calls for police assistance from citizens or other officers within the guidelines established by current Department policy.

### **3.22 On-Duty Calls & Investigations - Conflict**

Members shall not handle calls for service or investigations involving themselves, their relatives, personal friends, or neighbors without express permission of a supervisor.

### **3.23 Police Action Based on Legal Justification**

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

### **3.24 Use of Force**

While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, Department members shall adhere to the Department's Use of Force policy, ~~including the requirement to report the force used on or off duty~~, and shall observe the civil rights and protect the ~~well-being~~wellbeing of those in their charge.

### **3.25 Searching of Prisoners**

The searching of prisoners shall be in accordance with Department policy and current law.

### **3.26 Treatment of Prisoners**

Prisoners shall be treated in a fair and humane manner at all times, as provided by law. They shall not be subjected to physical force other than as may be required in subduing violence or assuring detention.

The safety of prisoners, whether arrested or detained, shall be observed at all times unless sound police practice dictates otherwise.

### **3.27 Giving Name and Shield Number**

Members will give their name and shield number in a courteous manner to any person so requesting.

### **3.28 Citizen Complaints**

Members shall be attentive to complaints by citizens and shall adhere to Department policies and procedures regarding the acceptance of citizen's complaints and the complaint investigative process.

### **3.29 Misconduct Observed by Police Personnel**

Whenever any Department member observes or is informed of alleged misconduct or possible criminal activity of another member, they shall take authorized and necessary action, which includes the proper reporting, in accordance with Department policies and procedures.

The officer assigned the investigation of an alleged act of misconduct on the part of a member of the Department shall conduct a ~~thorough and accurate~~complete investigation and report the findings of the investigation in accordance with the existing policy.

### **3.30 Report of Suspected Criminal Involvement**

Members who are arrested, cited (excluding traffic infractions), or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to a superior immediately or as soon as possible.

**3.31 Statement During Departmental Investigations**

Every member of the Department who, when so directed by competent authority, refuses to answer questions or render statements material and relevant in any Departmental investigation will be subject to disciplinary action.

**3.32 Knowledge of Information and Crime Bulletins**

Members shall acquaint themselves, daily, when on duty and immediately upon returning from an absence, with the various crime bulletins, Informational directives and Special Orders, and electronic messages which are pertinent to themselves or their assignment.

**3.33 Maintenance of Manuals**

All members issued manuals (Manual of Rules & Regulations, General Order Manual, Report Writing Manual, Uniform Manual, etc.) are responsible for their maintenance and will keep their manuals current and up to date.

**3.34 Information Concerning Duties**

Members of the Department who are in doubt as to the nature or details of their assignment shall seek such information from their immediate supervisor. Failure on their part to do so, resulting in improper performance or omission of their duty, may result in punitive action.

**3.35 Reporting Illness or Injury**

Members scheduled for duty, who will not be able to report at the designated time due to illness or injury, shall promptly make such reports as are required by the appropriate General Order.

Members will adhere to the Department's Sick Leave Policy and attendance guidelines.

No member shall feign sickness or injury or deceive a representative of the Department or City as to their real condition.

**3.36 Roll Call**

All members, unless otherwise directed, shall present themselves at a daily roll call at the time and place specified. They shall be properly uniformed and equipped. Members will remain at roll call until officially dismissed.

**3.37 Punctuality**

All Department members shall be punctual in reporting for duty at the time and place designated by their supervisor or as indicated on Department schedules.

**3.38 Personal Appearance**

Every member of the Department, except where duties require otherwise, must at all times be neat and clean in person, with clothes clean and pressed. Members will adhere to the dress requirements outlined in the Department's Uniform Manual or related policies.

~~**3.39 Physical Fitness for Duty**~~~~Officers shall maintain good physical condition so they can handle the strenuous physical contacts often required of a law enforcement officer.~~~~**3.39 Supervisor/Commander Office Confidentiality – Restricted Areas**~~~~It is imperative that a high level of security and confidentiality be maintained within supervisors' and commanders' offices and belongings (such as briefcases) to maintain the integrity of supervisory and administrative issues. Such areas are deemed restricted areas, and members will not enter or search such areas without the express permission of the supervisor or commander. If entrance is made based on such permission, the member's activities will be limited to what is required in the performance of a specific task; it shall not be for personal gain or advantage, or for the harm of others. Inappropriate or unauthorized access to, or in, restricted areas is deemed a violation of confidentiality and security.~~**3.40 Specific Assignments Not Exclusive Duty**

Notwithstanding the fact that an officer may be detailed to specific duties, the officer is not considered relieved from taking proper police action when the occasion requires it.

**3.41 Emergency Duty**

Members off duty shall report for duty promptly or in compliance with the directive given them upon the receipt of notification that an emergency situation exists.

**3.42 Remaining On Duty Until Relieved**

All members of the Department are to remain at their post and duty until properly relieved by another member, employee, or until officially dismissed by a superior officer.

**3.43 Maintenance of Communications**

Members on duty, or when officially on call, shall be directly available by normal communications or shall keep the Command Center, their office, or superior officer informed of the means by which they may be reached when not immediately available.

**3.44 Cooperation with the News Media**

Members shall extend full courtesy to the working news media and will adhere to Department policies and procedures relative to the Press Information Officer, the media and information releases, and media access to incident scenes.

Whenever any member is of the opinion that it would be contrary to sound police practice or procedures to permit access to a crime scene or release information, and there is a conflict of opinion on whether to allow access or release information, that member shall refer the media to their immediate supervisor for further decision.

**3.45 Cooperation with Other Agencies**

Members shall cooperate with all law enforcement agencies, other City Departments, and public service organizations, and shall give aid and information as such organizations may be entitled to receive, consistent with Department orders and state law.

### **3.46 Police Service Off Duty**

Officers, while off duty and in the eCity of Stockton, shall perform necessary police service whenever or wherever they are aware of a serious criminal offense or a present threat to life. When there is no urgent or immediate need for police action, they shall call for services of officers on duty.

### **3.47 Carrying of Shield and Weapon Off Duty**

Officers, when off duty and in the eCity of Stockton, unless impractical, shall carry or have in their immediate possession their Departmental identification, shield, and a weapon that is in compliance with current Department policy.

Weapons shall not be carried by any officer who has consumed an amount of alcoholic beverage or taken any drug that would tend to adversely affect the officer's senses or judgment.

### **3.48 Peace Officer Authority Outside of State**

Peace officer powers of Stockton Police officers do not extend beyond this state except as provided for in the Uniform Act on Fresh Pursuit. Officers who are outside the boundaries of this state for extradition or other matters of direct concern to the City are not to engage in police activities unless necessary in the performance of their duties as an agent of the City, and then only after consideration of the tactical situation.

### **3.49 Identification of Plainclothes Officers**

Except in emergencies where it would be neither feasible nor practical, plainclothes officers or officers off duty in plain clothes, when taking any official action, shall identify themselves immediately by displaying their official Department shield and identification card.

### **3.50 Display of Firearms**

Officers shall at no time intentionally display their firearms or draw them in any public place manner, except for proper inspection or official use.

### **3.51 Shield and Credentials**

Officers shall wear or carry the shield issued and bearing the number assigned to them. They shall not carry or wear a shield bearing another number except in emergencies, and then only with authorization.

### **3.52 Weapon Qualifications**

Sworn members shall complete weapon qualification requirements as prescribed in Department policy.

Officers shall examine and clean their duty-issued firearms as often as necessary to keep them in good serviceable condition.

### **3.53 Confidentiality of Department Business**

Members shall not reveal confidential police information outside of the Department except as provided by law or directed by a command officer. Members shall not divulge any police information to which they may have access or which may come to their attention, nor shall they make information contained in police reports available to anyone except as provided by law or by designated authority. Questions regarding the disclosure of information shall be referred to a command officer. Violation of security of Department information constitutes gross misconduct.

### **3.54 Residence and Telephone**

Members shall adhere to current residency requirements and shall maintain telephone accessibility at their residence.

Members shall keep the Department informed of their correct physical address and telephone number. They shall report, in writing, any change in their residence and/or phone number to the Office of the Chief of Police within 24 hours after such change.

### **3.55 Telephone and Address Confidentiality**

Unless authorized by a command officer, no member shall release the name, phone number, and/or address information of a member to a non-member. When the requesting party wishes to contact a member for personal emergency or urgent work-related reasons, the division secretarial staff member or a supervisor will immediately attempt to contact the member and deliver the message. When the request does not require an immediate contact or when the division secretarial staff member or a supervisor is unable to contact the member, they may provide the requesting party with the member's Department voice mailbox number. When there is no Department voice mailbox for the member, a written message shall be taken and forwarded as appropriate.

### **3.56 Confidentiality of Mail**

Personal mail should not be mailed to the Department. Any mail or written communication that is addressed to a member by name shall be considered confidential and shall not be opened or read by any other member without the permission of the addressee. An exception is that mail addressed to a member with the address of the Department may be opened by a Chief's Office representative. This may be done to ensure proper routing and compliance with Department rules and regulations.

### **3.57 Expectations of Privacy**

Members shall not store personal property information with an expectation of personal privacy in such places as lockers, desks, Department-owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this Department. While this agency recognizes the need for members to occasionally store personal items in such areas, these and similar places may be inspected or otherwise entered – to meet operational needs, internal investigatory requirements, or for any other reasons – at the direction of the agency's chief executive or their designee.

### **3.58 Computer Use**

All members shall conform to the Department's policies and procedures and City's administrative directive relative to the utilization of Department computers and the information obtained from such use.

Federal and state laws are applicable to the use of criminal justice computer systems, and violations of this section may also violate agreements or statutes relating to the use of those systems. Therefore:

A. Members shall maintain the security and confidentiality of the Department's computer systems and the files contained therein.

~~B. Members shall not access or utilize the computer systems or information contained in them, or available through them, without access authorization from their supervisor.~~

**CB.** Computer "hacking" is prohibited within the Department. Members shall only utilize and access those systems, programs, files, and information authorized for their use by competent authority.

**DC.** Members shall use Department computer systems, files, and programs and information ~~only~~primarily for official business.

**ED.** Members are advised that they do not maintain any right of privacy in Department computer equipment or its contents, including personally-owned software which has been installed with or without authorization.

1. This agency reserves the right to access any information contained in Department computers and may require members to provide passwords to files that have been encrypted or password-protected.
2. The agency reserves the right to access, for quality control purposes and/or ensuring compliance with this provision, electronic and voice transmissions of members conducting the business of this agency.

**E.** The primary purpose for City employees' access to the Internet is to facilitate the conduct of City-related business. It is the policy of the City of Stockton that personal use of the Internet shall be kept to a minimum. In all cases such use shall be reasonable and primarily limited to breaks, lunch hour, and before or after working hours.

### **3.59 Documentation and Submission of Reports**

The proper documentation of crimes, arrests, and other incidents is essential to the efficient functioning of the Department. Members shall submit written reports (or authorized electronic messaging) as required by Department policies, procedures, orders, or the Department's Report Writing Manual. This includes the requirement to report force used on or off duty.

Members who are responsible for handling calls for service shall document the action taken relative to the call and the disposition. They shall not simply indicate that the call was handled without a description of their action.

Members who are in doubt as to the proper way of documenting a particular incident shall seek guidance from their supervisor.

### **3.60 Removing or Altering Records**

No member shall remove or alter any Department record or photograph except in the line of duty.

No member of this agency shall maintain files or duplicate copies of official agency

files in either manual or electronic formats at their place of residence or in other locations outside the confines of this agency without express permission.

### **3.61 Correspondence**

Members shall not use Department letterheads for their private correspondence, nor shall they send official correspondence out of the Department over their signatures without general permission of the Chief of Police.

All correspondence shall be in accordance with City and Department policy.

### **3.62 Personal Mail Addressed to Department**

Members will not use the Department as a mailing address for private business or correspondence. The Department address shall not be used on any motor vehicle registration or driver's license.

### **3.63 Court Attendance and Testimony**

Attendance at a court or quasi-judicial hearing as required by subpoena is an official duty assignment. Members shall attend punctually as indicated on the subpoena. Request for permission to omit this duty must be cleared with the prosecuting attorney handling the case or other competent court authority. Members failing to appear in court as required by subpoena subject themselves to disciplinary action.

All members, when appearing in court to testify in any case, are responsible for becoming completely familiar with that portion of the case in which they were involved.

Members in court shall testify in a clear and concise manner. Questions shall be answered promptly, truthfully, and without evasion. Personal behavior shall be exemplary, both while in court awaiting call and while on the witness stand.

Members appearing in court in response to a subpoena or other summons shall present a clean and neat appearance. They shall wear their Departmental uniform or professional civilian attire. In the case of male officers, this would include a business suit and tie, or slacks, sport coat, and tie. Female officers will dress appropriately to meet these standards. Weapons or other police equipment shall not be displayed intentionally, except when wearing the Departmental uniform.

Every member, when appearing as a witness before any competent investigative

body, judicial tribunal, hearing board, or person authorized to take testimony, who refuses to testify, will be subject to disciplinary action.

### **3.64 Assisting in Civil Cases**

Members shall not serve civil process or render assistance in civil cases except as required by law as directed by the Chief in the course of their official duty, or where they may be personally involved.

### **3.65 Interviews and Testimony in Civil Cases**

Members of the Department shall not volunteer to testify in civil actions arising out of their employment, nor shall they testify unless subpoenaed. If the subpoena arises out of their Departmental employment, they shall immediately notify their immediate superior of the service of the subpoena, who in turn will then notify the City Attorney's Office. Interviews requested by outside attorneys or investigators in regard to such cases will also be cleared with one's supervisor and the City Attorney.

### **3.66 Instituting or Settling of Personal Civil Actions**

Members shall not institute any civil actions against a third party arising out of their official duties, or accept or agree to accept anything as payment or settlement for personal injuries sustained in the discharge of their official duties without first notifying the Office of the Chief of Police. This is in no way intended to preclude anyone from instituting such actions, but is only an attempt to protect the interests of the City against such third party.

### **3.67 Testifying for the Defense**

All members subpoenaed or asked to testify for the defense in any criminal trial, or against the City or Department in any type of hearing or trial, shall notify their Division/Section Commander upon receipt of said subpoena or verbal request and before testifying. The division/section commander shall in turn notify the City Attorney's Office or District Attorney's Office in regard to the case.

### **3.68 Protecting the Crime Scene**

It shall be the duty of all officers, when assigned to or assuming control at a crime scene, to arrest the violator whenever possible, ~~detain~~identify witnesses, and keep the premises or area secure from intrusion by unauthorized persons and maintain it without change in appearance and character. This responsibility shall terminate and the member shall stand relieved ~~when~~ upon the arrival and takeover by an investigator, a superior officer, or any other member specifically assigned to investigate the crime. However, when required by the officer assuming charge, they will stand by and assist.

### **3.69 Radio Procedures**

All members operating the police radio, MDC, cellular phone, or any other communication device shall strictly adhere to procedures as set forth in Department policy and by the Federal Communications Commission.

All communications will be made in a clear, courteous, and professional manner.

### **3.70 Rendering Honors to the National Colors and Anthem**

Members of the Department in uniform will, at all appropriate times, render full military honors to the National Colors and Anthem. Members on duty in civilian dress will, at appropriate times, render proper civilian honors to the National Colors and Anthem.

### **3.71 Use of Department Vehicles**

Members shall comply with the rules of the road as outlined in the California Vehicle Code. Members shall not violate traffic laws without good and justifiable cause.

Members shall operate official vehicles in a careful and prudent manner consistent with Department policy. All members required to drive shall have a valid California Driver's License. Loss, expiration, or suspension of their Driver's License shall be immediately reported to their supervisor.

Members shall not use any vehicle assigned to the Department without the knowledge and consent of their commanding officers. Such vehicles shall not be used for personal business without prior authorization.

**3.72 Transporting Persons in Department Vehicles**

Transporting persons in Department vehicles shall be performed in conformance with Department policy.

**3.73 Reporting Accidents**

Members involved in a motor vehicle accident with City equipment shall report the accident immediately to a supervisor and shall have the accident fully investigated by members not involved. The investigation will be conducted in accordance with Department policy.

**3.74 Departmental Property**

Any member using Departmental equipment or property shall be held responsible for its proper care and use. Members will immediately report to their immediate supervisor any loss or damage to Department equipment assigned to or used by them. The report shall be made in accordance with Departmental policies and procedures.

**3.75 Loss of Departmental Equipment**

Members losing items of Departmental equipment which they have been issued will be required to explain and document the occasion and circumstances of such loss and to take all suitable measures to recover them. If unsuccessful in locating the lost item, the member may be required to pay for the item and/or receive such other discipline as may be appropriate.

**3.76 Surrender of Departmental Property**

Members shall surrender all Departmental property issued to them upon separation from the service. Failure to return non-expendable items may require that the member reimburse the Department for the fair market value of the article(s).

**3.77 Property - Booking/Disposal**

All property of value, regardless of the circumstances under which it was acquired by the member, will be turned in to the Department and properly booked. The handling and disposition shall be in accordance with Department policy. Property of no monetary or evidentiary value and with no known owner, may be disposed of by the officer concerned. The officer will ensure the appropriate documentation is made.

### **3.78 Membership in Organizations**

Except for the Armed Forces Reserve components enumerated in the California Veterans Code, members shall not affiliate themselves with any organization or group, the constitution or by-laws of which in any way exacts prior consideration or prevents its members from rendering proper and efficient service to the Department.

No member shall knowingly be connected with, or be a member of, any subversive organization, except in the line of duty.

### **3.79 Outside Employment**

Members shall not accept employment with, or participate actively in the management or operation of, any business that would result in a conflict of interest, reflect negatively or bring discredit on said members or the Department, or that would affect members' efficiency in the performance of their regular duties.

### **3.80 Political Activity**

Members shall be guided by state law regarding their participation and involvement in political activities. Where state law is silent on this issue, officers shall be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of this agency:

- a. Place or affix any campaign literature on city/county-owned property
- b. Solicit political funds
- c. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction
- d. Use official authority to interfere with any election or interfere with the political actions of other employees or the general public
- e. Favor or discriminate against any person because of political opinions or affiliations

### **3.81 Endorsements**

Members may not, under color of authority or while on duty, recommend or facilitate the sale of commercial products or services to the public. This includes, but is not limited to, the use of tow services, repair firms, attorneys, bailbond companies, or other technical or professional services. This provision does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

## CHAPTER IV

### DEPARTMENTAL DISCIPLINE

#### **4.01 Who is Subject to Disciplinary Action**

Members who violate their trust by committing any offense punishable under federal, state, or local statute or who violates any provision of the Rules and Regulations or other lawful written or oral order shall be subject to appropriate disciplinary action.

#### **4.02 Department Authority to Discipline**

Final Department disciplinary authority rests with the Chief of Police and/or the City Manager. Except for informal discipline (Oral Reprimands and Memorandums of Correction), all Department discipline shall be taken or approved by the Chief of Police.

#### **4.03 Levels of Disciplinary Action**

Disciplinary action within the Department shall be divided into two levels:

##### 1. Informal Discipline

This level of disciplinary action shall be as the title indicates, informal, and will be handled within the respective divisions. It will consist of the Oral Reprimand and the Memorandum of Correction. No record will be made in the member's formal personnel file of such actions. The Memorandum of Correction will be retained in the division files for a period of 13 months, then destroyed, unless other action is pending.

##### 2. Formal Discipline

This level of disciplinary action shall include the following:

- a. Written Reprimand
- b. Forfeiture of Time Off
- c. Reduction in Pay
- d. Suspension
- e. Demotion
- f. Termination

Any action taken at this level will be documented in the member's official personnel file.

#### **4.04 Penalties**

Subject to the provisions of the Charter of the City of Stockton, the rules of the Civil Service Commission, and, when necessary, the approval of the City Manager, the following penalties may be assessed against any member of the Department as disciplinary action:

1. Oral Reprimand
2. Memorandum of Correction
3. Written Reprimand
4. Forfeiture of Time Off
5. Reduction in Pay
6. Suspension
7. Demotion
8. Discharge from Service
9. Other (i.e., counseling, substance abuse testing)

#### **4.05 Supervisory Discipline Authority**

Supervisors may take the following disciplinary measures:

1. Oral Reprimand
2. Memorandum of Correction
3. Recommend Written Reprimand

#### **4.06 Retention of Formal Disciplinary Records**

~~A record of all formal discipline will be retained in the member's formal personnel file, until purged according to the following procedure.~~

~~1. The Written Reprimand and Forfeiture of Time Off will be purged from the formal personnel file after the member has had five (5) continuous years of additional service with no other formal disciplinary action.~~

~~2. Records of Suspensions and Reductions in Pay will be purged from the formal personnel file after the member has had ten (10) continuous years of additional service, with no other formal disciplinary action.~~

~~3. Demotions and discharges from service are permanent records, which will not~~

~~be purged under any circumstances.~~

A record of Letters of Reprimand, Suspensions, and/or Reductions in Pay will be retained in the member's formal Police Department personnel file in accordance with City Manager Directive HR-08: Progressive Discipline Policy, Section XI. Expungement of Records. Demotions and Discharges from service are permanent records which will not be purged under any circumstances.

It is the member's responsibility to advise the administration when their formal Police Department personnel file is eligible for purging.

#### **4.07 Retention of Internal Affairs Investigations**

All Internal Affairs investigations shall be retained for a minimum of five years, regardless of the findings, in accordance with state law. In addition to the required five-year retention, formal disciplinary action resulting from Internal Affairs investigations shall require that investigations remain on file for the period of time the discipline record is maintained in the member's personnel file.

#### **4.08 Emergency Suspension**

Emergency suspension is accomplished when a serious violation of law, Department order, or rules and regulations has occurred, and a command officer or supervisory officer, with the concurrence of a command officer, feels that the immediate suspension is in the best interest of the Department.

A member receiving an emergency suspension shall be required to report to the Office of the Chief of Police on the next business day at 0845 hours, unless otherwise directed by competent authority.

#### **4.09 Administrative Leave**

The Chief of Police may, due to the nature of a serious incident or allegation of misconduct, place a member on Administrative Leave with pay, until the conclusion of any internal investigation or until otherwise notified by the Chief of Police or the Chief's representative. During this period, the member shall be relieved from their police duties and ordered to hold themselves available to cooperate with the investigation during those hours for which the member remains in a paid status with the Department. While in this status, a sworn member may be relieved of their shield, credentials, and City-issued firearms and shall refrain from taking any action as a peace officer.

#### **4.10 Surrender of Equipment While Under Suspension**

Members, while under suspension, shall surrender their shield, ID card, and any City-issued firearms to the supervisor issuing the suspension. While under suspension, members are subject to the laws regarding concealed weapons which apply to all other citizens. They shall not wear their uniform or any recognizable part thereof during suspension.

#### **4.11 Interdivisional Disciplinary Action**

When the improper conduct of a member of one division is of such a nature that immediate disciplinary action is required of a command or supervisory officer of another division, such action may be taken at once, but shall be limited to the following:

1. Oral Reprimand
2. Memorandum of Correction
3. Emergency Suspension

The command or supervisory officer taking such action shall immediately notify the **member's** immediate supervisor of the member so disciplined. Such other reports shall be submitted as required by current policy.

#### **4.12 Changes to Disciplinary Reports**

Under no circumstances shall any superior officer alter a disciplinary report or order a subordinate supervisory officer to alter or withdraw such a report once the report is finalized.

#### **4.13 Informing the Person Being Disciplined**

The member being disciplined shall be informed of the charges and penalties assigned or recommended at the time documentation is made and forwarded through official Department channels on any formal disciplinary actions.

#### **4.14 Appeals from Penalties**

Appeals from penalties imposed as disciplinary measures may be taken as provided in the Charter of the City of Stockton and in accordance with the rules of the Civil Service Commission.

**4.15 Grievances**

All members who feel that they have been injured or discredited by a superior officer through unreasonable, unjust, or arbitrary conduct or abusive language shall reduce said grievances to writing and direct them through official channels to the Chief of Police.

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