

GREENVILLE POLICE DEPARTMENT POLICY AND PROCEDURES MANUAL		
<b>Chapter 26</b>	<b>Disciplinary Procedures</b>	
<b>Date Initially Effective: 10/25/94</b>	<b>By The Order Of:</b> <b>T.D. Sauls, Jr., Interim Chief of Police</b>	
<b>Date Revised: 02/02/15</b>	<b>Date Reissued: 02/16/15</b>	<b>Page 1 of 21</b>

The Greenville Police Department shall maintain a uniform disciplinary system as a process to develop employee performance and gain employee compliance with Department policies and procedures through positive and constructive methods. The Greenville Police Department disciplinary system shall include procedures and criteria for:

- Rewarding employees for exemplary behavior
- Using counseling as a function for discipline
- Using training as a function for discipline
- Taking punitive actions as a function of discipline to include:
  1. Written reprimands
  2. Mandatory reassignments
  3. Suspension
  4. Demotion
  5. Dismissal

## **26.1.1 LAW ENFORCEMENT CODE OF ETHICS / CIVILIAN CODE OF ETHICS**

### **CALEA Standard 1.1.2**

#### **Law Enforcement Officer**

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger; scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

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

#### **Civilian Employee**

As a civilian employee, I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will remain professional in the face of conflict, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions.

I recognize the position of my office as a symbol of professionalism and integrity, and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement civilian service. I will never engage in acts of corruption and bribery, nor will I condone such acts by others. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.

### **26.1.2 CODE OF CONDUCT AND APPEARANCE**

CALEA Standard: 26.1.1, 22.2.7

The Code of Conduct and Appearance provides for employee compliance with the directives, policies, and procedures of the Greenville Police Department as they relate to employee conduct, professionalism, and service to the community. Employees shall obey the Code, policies, and directives and be accountable for any violations. All failures in conduct or appearance not specifically addressed in the Code of Conduct and Appearance shall be referenced to the closest related section for adjudication.

#### **Discipline Philosophy**

Law makers and citizens grant the police considerable authority to act on its behalf in the effort to create a living environment that is as free of crime, the fear of crime, drug abuse, violence, and disorder as possible. Although in almost all encounters with the public, police officers and non-sworn employees use this authority appropriately, there are times when citizens have legitimate questions about the actions or lack of actions taken by an employee of the Police Department. It is essential to have a system of discipline that contributes to minimizing abuse of authority and promotes the Department's reputation for professionalism.

The most effective disciplinary system is one that combines the reinforcement of the right set of values in all employees with behavioral standards that are established in clear policies, procedures and rules that are fairly applied. All employees of the Greenville Police Department are expected to conduct themselves, both on-duty and in their personal lives, in a manner that conveys respect, honesty, integrity, and dedication to service.

The Chief of Police shall have the discretion to adjudicate at a higher level of action, any sum of minor violations occurring in the same course of conduct.

When an employee is on disciplinary probation status, any additional violation of the same type that resulted in the probationary status may result in termination. Employees on disciplinary probation status are not eligible for promotions, awards, educational assistance, or step or merit salary increases.

Violations will apply only to internal administrative actions and will not preclude any criminal actions that might be instituted against an employee.

The Chief of Police has the final Departmental disciplinary authority and responsibility. Grievance of any disciplinary action is made available through Article X, Section 2.0 of the City of Greenville Personnel Policies.

### **Class I Violations –**

<u>Violation</u>	<u>Disciplinary Action</u>
First violation	Written reprimand and counseling on appropriate future action
Second violation	Written reprimand and/or remedial training
Third violation	1-5 day suspension plus 6 months disciplinary probation status
Fourth violation	Dismissal or demotion and/or 6-15 day suspension plus 12 months disciplinary probation status

### **Class I Rules**

1. Safety Rules  
Neglect or carelessness in observance of, or failure to observe, Departmental safety rules or disregard of common safety practices is prohibited.
2. Unexcused Tardiness/Early Departure  
Failure to appear for duty at the scheduled time resulting in an unexcused tardiness is prohibited. Stopping work or leaving work without specific authority before any official break in work, or quitting time, whichever prevails, is prohibited.
3. Unexpected Absence  
Failure to notify the supervisor of an unexpected absence prior to the beginning of the scheduled work shift is prohibited.
4. Unsanitary or Unsafe Conditions and Appearances  
Creating or contributing to unsanitary or unsafe conditions or appearances as a result of poor personal hygiene, soiled uniforms or clothing, or poor housekeeping in the work area, including police vehicles, is prohibited.
5. Telephone  
Habitual and/or excessive personal use of the City telephone, City cell phone, personal cell phone, mobile device and/or internet service while on duty is prohibited.
6. Courtesy/Professional Demeanor  
Employees shall exercise proper courtesy when dealing with the public or other employees and be tactful in the performance of their duties. They shall exercise patience and discretion and shall not engage in argumentative discussions in the face of provocation. Employees shall not use abusive or derogatory language in the performance of their duties, or while on duty or in uniform, or when representing the Department, nor express any prejudice concerning race, gender, religion, politics, national origin, lifestyle, physical appearance, or any similar characteristics.
7. Personnel Identification  
Employees, sworn and civilian, shall furnish their name, any applicable badge or identification number, and their assignment to any person requesting such information regarding matters in which the employee was acting in an official capacity. Names of employees will be given in sufficient form to fully identify the employee. The only exception is if the release of the information would jeopardize a covert operation.

8. Criticism

Employees, while in public or in the presence of other employees, shall not criticize instructions or orders they have received. This does not prohibit employees from providing constructive feedback to their supervisor nor does it prohibit an employee from requesting clarification or an explanation from another employee or their supervisor with respect to an assignment.

9. Gossip/Rumors

Employees are prohibited from participating or spreading potentially destructive or malicious gossip or rumors concerning any employee, supervisor, the Greenville Police Department, the City, or its operation.

10. Address and Telephone Number

All employees are required to provide an accurate, physical address in the Department directory. Employees shall maintain at all times an operable and monitored phone number in the Department directory. Employees shall immediately notify the Chief's office upon any change of their current physical address and/or phone number.

11. Completion of Assigned Duties

Employees shall promptly and accurately complete all assigned duties, reports, records and forms as required before leaving the employee's tour of duty, unless excused by the immediate supervisor.

12. Gifts, Gratuities

No official or employee of the City shall accept any gift (whether in the form of service, loan, thing, or promise) from any person who, to the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the City.

No official or employee shall accept any gift, favor, or thing of value that may tend to influence that employee in the discharge of duties. Furthermore, no official or employee shall grant, in the discharge of duties, any improper favor, service, or thing of value.

No employee will display their badge or credentials or otherwise identify themselves as a Greenville Police Officer or Greenville Police Department employee for the purpose of obtaining gratuities or discounts regardless of the business's willingness to provide such benefits.

13. Court

Any unexcused absence from court for a misdemeanor, traffic, or D.W.I case is prohibited. Failure to honor any reasonable request from the District Attorney's Office for court preparation is prohibited.

14. Off-Duty Conduct

When off-duty, sworn employees shall not use the authority of their position to resolve disputes or make an arrest for personal reason or gain. Employees are prohibited from using their badge or any other law enforcement equipment to resolve personal disputes in any manner.

Off-duty law enforcement personnel shall be expected to use professional discretion in the enforcement of violations when such violations are minor. Officers shall furnish their name and unit number to any person requesting that information when they are acting in an official capacity or otherwise representing the Greenville Police Department.

Employees shall report any personal involvement in civil matters, minor infractions, or misdemeanors not involving personal injury or property damage, to their supervisor immediately upon the employee's return to work. All incidents of a more serious nature are to be reported immediately.

15. City Property

The loss or damage of City property or equipment due to carelessness/negligence is prohibited.

16. Personal Equipment

Use or possession of another employee's personal or city owned working equipment without the employee's or employee's supervisor's consent is prohibited.

17. Vehicle Operation

Employees shall not operate City vehicles in violation of any infraction of the Chapter 20 Motor Vehicle Laws except as provided by Department policy and procedures.

**Class II Violations –**

<u>Violation</u>	<u>Disciplinary Action</u>
First violation	Written Reprimand
Second violation	1-5 day suspension plus 6 months disciplinary probation status
Third violation	Dismissal or 6-15 day suspension plus 12 months disciplinary probation status. Demotion may also be considered.

**Class II Rules**1. Improper Use of Radio

Employees shall not participate in unprofessional dialogue when using the police radio.

2. Personal Injury or Equipment Damage

Employees must report all instances of personal injury on the job or damage to City equipment to their supervisor as soon as reasonably feasible after its occurrence. Vehicle collisions shall be reported immediately as required by 61.2.3.

3. Notices or Solicitation

Employees shall not post notices or solicitations in City facilities without permission from the Department head. Employees shall not remove without prior approval signs or notices on City property.

4. Conducting or Performing Private Business

The work of the City shall have precedence over the other occupational interests of employees. No employee shall conduct or perform private commercial business activity and/or work while on duty.

5. Secondary Employment and Extra-duty Employment (Off-Duty)

No employee shall engage in off-duty or extra-duty employment unless authorized by the Chief of Police or the Chief's designee.

6. Scheduled Overtime and Emergency Callback

Failure to report to scheduled overtime work or to an emergency callback without good reason, as determined by the Chief of Police, is prohibited.

7. Removing Keys from City Vehicles

Failure to remove keys from unattended City vehicles is prohibited.

8. Abuse of City Property

The abuse or negligent operation of City property or equipment, or the property of others, is prohibited.

9. Valid Operator's Permit

Operating any motor vehicle without a valid operator's permit is prohibited.

10. Neglect of Duty

Employees shall devote their on-duty time and efforts to the performance of their official or assigned duties. Employees shall report to work mentally and physically fit to perform their duties and will cooperate with and assist other members of the Department in their Departmental work. Employees shall maintain a working knowledge of laws, regulations, and written directives which pertain to their assigned position.

11. Association with Known Offenders

Employees shall avoid associating with, or conducting business with, persons whom they know, or should know, to be racketeers, sexual offenders, professional gamblers, suspected felons, persons under criminal investigation or indictment, or who have a reputation in the community for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties or where unavoidable because that individual is a close relative of the employee.

12. Firearms While Drinking

Employees are prohibited from carrying firearms when drinking alcoholic beverages

13. Transporting Passenger in City Vehicles

Employees shall not transport any unauthorized passengers in City vehicles except with the approval of a supervisor.

14. Poor Judgment

By failing to exercise appropriate judgment during the performance of a duty

15. Vehicle Operation

Employees shall not operate City vehicles in violation of any misdemeanor of the Chapter 20 Motor Vehicle Laws except as provided by Department policy and procedures.

16. Misconduct

Any activity, behavior, or action of an employee, either in an official capacity or unconnected to official duties, that tends to bring the Department into public discredit, or which tends to have an adverse affect on the employee's ability to perform duties efficiently and effectively is prohibited.

**Class III Violations –**

<u>Violation</u>	<u>Disciplinary Action</u>
First violation	1-5 day suspension or mandatory enrollment in the Employee Assistance Program where appropriate and six months to twelve months disciplinary probation status; demotion may also be considered
Second violation	Dismissal or Demotion and/or 6-15 day suspension plus 12 months disciplinary probation status

**Class III Rules**

1. Sleeping on Duty

Employees shall remain awake at all times while on duty. If unable to do so, they shall report to their supervisor and shall provide appropriate justification.

2. Intoxicants or Drugs

No employee, while on duty, shall store or have in their possession, or bring into any police facility, or carry in any City vehicle, any alcoholic beverages, marijuana, controlled substances, narcotics or hallucinogens, except that which is seized as contraband or evidence and is maintained according to established Department policies and procedures, or authorized by a physician's or dentist's prescription.

Employees shall not at any time accept or purchase any type of alcoholic beverage while in uniform (while on or off duty).

3. Use of City Property, Vehicles, Equipment, Employees

Unauthorized use of City property, vehicles, equipment or other City employees for private work or improper authorization by a supervisor of the same is prohibited.

4. Threatening Other Employees and Members of the General Public

Employees shall not threaten, intimidate, coerce, or harass (sexually or otherwise) any other employee or member of the public.

5. Gambling

Employees shall not engage in, or participate in any form of, illegal gambling at any time.

6. Fighting

Verbal or physical altercations involving employees while on duty is prohibited.

7. Misuse or Removal of Confidential Information

Misuse, removal, or gaining unauthorized access to information such as blueprints, lists, City records, computer data, or confidential information of any nature without prior approval from the appropriate authority is prohibited.

8. Use of Employee Identification

Employees shall not permit another person to use one's employee identification card, nor shall they use another employee's ID card or alter any employee card.

9. Abuse of Radio

Abuse or misuse of radio equipment in violation of any federal law is prohibited.

10. Media Statements

Making any unauthorized statement concerning the Greenville Police Department, the City of Greenville, or any of its employees to any member of the media is prohibited.

11. Report of Arrest

Employees shall immediately report in writing to their supervisor all instances which they are arrested or otherwise charged with a misdemeanor or felony. The employee must submit a letter stating the case disposition to their supervisor within five days of its adjudication.

12. Excessive Force

The use of excessive force against any person is prohibited.

13. Unlawful Orders

No supervisor shall knowingly issue an order that, if carried out, would be a violation of law or contrary to Department policy.

14. Solicitation of Gifts

Employees shall not solicit for personal gain from any business, person, or organization any gift including food, beverage, or entertainment.

15. Unauthorized Equipment

No employee shall use any unauthorized equipment while on duty.

16. Reckless Driving

Employees shall not operate City vehicles in a manner that would be considered dangerous or reckless and in violation of policy.

17. Alcohol Use While Off-Duty

Employees while off-duty shall not consume intoxicating beverages in public to such an extent that it would reflect discredit upon themselves or the Greenville Police Department

**Class IV Violations –**

<u>Violation</u>	<u>Disciplinary Action</u>
First Violation	6-15 day suspension plus 12 months disciplinary probation status. Demotion may also be considered.
Second Violation	Dismissal

**Class IV Rules**

1. Making False Statements, Ridiculing

Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, the Greenville Police Department, the City, or its operation is prohibited.

2. Intoxicants or Drugs

No employee shall report for work under the influence of intoxicants or intoxicating drugs to any degree whatsoever or with an odor of intoxicants on their breath. Employees using medication that could influence the performance of police duties shall report such use to their immediate supervisor upon reporting for duty. Any employee found to be under the influence of alcohol or drugs while on duty shall immediately be relieved from duty.

3. Communicable Disease

Employees shall not knowingly withhold information from their supervisor that they harbor a communicable disease that may endanger other persons, or otherwise fail to use all prescribed safety equipment/practices to avoid endangering others.

4. Confidential Information

Employees shall treat the official business of the Greenville Police Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended. No employee shall communicate to any person or to any other employee not authorized to receive it any information concerning any proposed police action, any order or regulation for the government of the Department, or any other information concerning operations or activities of a confidential nature.

5. Unauthorized Weapon

No employee shall carry or use any unauthorized weapons while on duty.

6. Mishandling Funds  
Mishandling funds resulting in financial loss to the Department due to negligence is prohibited.
7. Gross Misuse of City Internet System  
No employee shall access internet sites containing pornography, gambling, or other inappropriate material using City equipment for non-law enforcement purposes. City equipment and internet services may be used to access such above – described internet sites only for official law enforcement purposes, and only with the expressed authorization from the appropriate Division or Bureau Commander or the Chief of Police.
8. Neglect of City property  
Wanton or willful neglect in the care, use, or custody of City property is prohibited.
9. Gross Poor Judgment  
By failing to exercise appropriate judgment which resulted in potentially serious civil liability to the Department.
10. Conduct Unbecoming an Employee of the Greenville Police Department  
Any activity, behavior, or action of an employee that has the obvious potential to adversely affect, lower, or destroy public respect or confidence in the Department; brings the Department or any Department component or employee into disrepute; brings discredit upon the employee; adversely affects or impairs the operation, efficiency, or morale of the Department; adversely affects the working performance of the employee; or is a gross violation of the law enforcement code of ethics or the civilian law enforcement professionals code of ethics.
11. Disclosure/Hinder Administrative Investigation  
Knowingly and willfully failing to disclose all information in an administrative investigation is prohibited.

#### **Class V Violations –**

<u>Violation</u>	<u>Disciplinary Action</u>
First Violation	Subject to Immediate Dismissal

#### **Class V Rules**

1. False Information for Employment  
Employees shall not give false information or withhold pertinent information called for in completing an application for employment, promotion, reassignment, or other personnel records, or in testimony related to such records.
2. Altering Employee's Time  
Employees shall not alter or falsify one's own time record or another employee's time record, make false claims or misrepresentation in an attempt to obtain sickness or accident benefits or worker's compensation.
3. Falsifying Testimony or Records  
Falsifying testimony or falsifying or assisting in falsifying any Department report or record or court document is prohibited.
4. Refusal to Give Testimony or Other Required Cooperation  
Employees shall not refuse to give testimony, give or prepare a statement, submit to a polygraph examination, or otherwise refuse to cooperate as ordered during administrative investigations. At no

time shall compelled testimonial evidence be used in a criminal prosecution against the employee giving the testimony.

5. Theft of Property

Theft of any property, including money, of the City or others is prohibited.

6. Intoxicants or Drugs

Employees shall not consume or use intoxicating beverages or illegal drugs while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a superior officer authorized by the Chief of Police.

Employees shall not at any time use, possess, distribute or sell marijuana, amphetamines, barbiturates, hallucinogens, or any other narcotic or substance listed in the North Carolina Controlled Substance Act, or any other prescription medicine except when prescribed for medical treatment by a physician or dentist. An exception applies when specifically authorized by the Chief of Police as essential to the effective conduct of an undercover investigation. Employees shall not possess controlled substances without a valid prescription except in the course of official investigations, K-9 training, drug training or other activities approved by the Chief of Police.

7. Unauthorized Lethal Weapons

Employees shall not carry, possess, or use unauthorized firearms, explosives, or any other unauthorized lethal weapons while on duty.

8. Insubordination

The refusal of an employee to promptly obey any lawful order, written or verbal, from a ranking officer or supervisor is prohibited.

9. Unlawful or Offensive Conduct

Engaging in unlawful or offensive conduct, on or off the job that could adversely affect the professional reputation of the Police Department or the City of Greenville is prohibited.

10. Driving While Impaired

Operating a City vehicle or equipment while under the influence of intoxicants or other self-administered drugs is prohibited.

11. Excessive Force – Serious Injury or Death

Any use of excessive force that results in serious injury, permanent disability or death is prohibited.

12. Destruction of City Property

Deliberate destruction of City property or equipment, or the property of others in any manner except as prescribed by law, is prohibited.

13. Unexcused Absence

Unexcused absence from work for three consecutive days without contacting the supervisor is prohibited.

14. Bribes

Employees shall neither solicit nor accept from any person, business or organization any money, service or personal property that is either intended to induce or influence official duty performance, or is reasonably implied or expected to influence official duty performance by corruption of conduct.

15. Untruthfulness

Knowingly and willfully being untruthful in order to conceal or mislead the course of any criminal or administrative investigation is prohibited.

16. Cheating

Knowingly and willfully cheating on any examination is prohibited.

17. Gross Negligence

Gross negligence in the performance of one's duties, or the failure to perform a duty vital to the protection of life or property is prohibited.

### **Intra-Department Relationships**

The Greenville Police Department adopts and follows Article IV, Section 10 of the City of Greenville Personnel Policies concerning the employment of relatives. For the purposes of this policy, immediate family members include: spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren, aunt, and uncle plus various combinations of half, step, in-law, and adopted relationships that can be derived from these named.

Members of an immediate family shall not be employed at the same time or placed in a position if such employment or position would result in the following:

- An employee directly or indirectly supervising a member of the immediate family
- An employee occupying a position which has influence over the family member's employment, promotion, or salary administration
- Operational conflicts within the division or department
- Any adverse management or personnel considerations

The Greenville Police Department neither promotes nor discourages personal (including dating), platonic or familial relationships involving its employees. However, at no time will such relationships create a conflict of interest or the appearance of conflict of interest including but not limited to unprofessional relationships. Relationships are unprofessional, whether pursued on or off duty, when they detract from the authority of superiors or result in or give the appearance of favoritism, misuse of office or position, or the abandonment of organizational goals for personal interest.

Employees with family members who are also employed by the Department, or who engage in a personal relationship with another employee must adhere to the following guidelines:

- If both are assigned to the Field Operations Bureau they shall not be assigned to the same platoon. They may if resources allow, be assigned to the same rotation.
- Employees of rank shall not be assigned in a unit or division where the ranking employee directly or indirectly supervises a family member or employee with whom they have a personal relationship.
- Employees engaged in a personal relationship that creates a conflict of interest or adversely impacts efficiency or effectiveness in the workplace, or creates an intimidating, hostile or offensive work environment, either or both employees may be reassigned to another position for which they are qualified and or be subject to disciplinary action.
- Employees shall not approve promotions, disciplinary actions, or other employment related decisions for a relative or employee with whom they have a personal relationship.

If a personal relationship should develop between a supervisor and a subordinate then the supervisor shall promptly disclose the existence of the relationship through the chain of command. The subordinate may also disclose the relationship; however the burden of disclosure is on the supervisor. The supervisor must withdraw from participation in any decisions that involve the subordinate. The supervisor or the subordinate shall be reassigned.

If a personal relationship should develop between non-supervisory personnel who are assigned to the same platoon, unit, or division both employees shall notify their supervisor of the relationship.

Failure to comply with this policy can result in disciplinary action up to and including termination.

**Uniform and Personal Appearance**

Employees of the Greenville Police Department are expected to present a neat, clean appearance to the general public and to maintain a professional image in hairstyles and dress codes. Therefore, the following regulations will apply to all police personnel while in uniform or while on duty. For purposes of this section, "uniformed civilians" does not include the casual attire worn by Communications Unit or Community Services personnel.

Personnel attending training at the Department, on their day off, are permitted to wear jeans, so long as they are not faded, do not contain writings or graphic designs, fit properly, and do not have holes. Shirts are to be business casual. Personnel attending training outside of the Department are prohibited from wearing jeans of any type, sweatshirts, inappropriate shoes, or any other attire that is not considered "business casual". Violations of the personal appearance policy will be formally addressed.

**HAIRSTYLES/FACIAL HAIR**

Employee hairstyles shall not interfere with, nor prohibit the wearing of, required headgear or other safety equipment. Hair bulk should not be excessive or appear unkempt.

The hairstyles of male officers, both uniformed and non-uniformed, shall be neatly trimmed and tapered, rounded, or boxed at the back and shall not extend over the top of the shirt collar when the officer is standing. This includes non-sworn employees who wear a uniform. The length of a sworn male officer's hair, or any male employee who wears a uniform, shall not fall below the eyebrows in front, nor extend below the top of the ear on the sides. Sideburns will not extend below the ear lobes. Sideburns may not flare wider than their top width.

Male police officers and uniformed civilian employees are permitted to wear mustaches. If worn, mustaches must be neatly trimmed and must not extend below the corners of the mouth. Uniformed police officers and uniformed civilian employees are prohibited from wearing beards, goatees, chin hair patches or any other facial hair excepts as outlined above. Uniformed employees having a medical condition that prohibits shaving must submit a medical profile, verified by a physician, to the appropriate Bureau Commander for a waiver.

Female uniformed police officers and female civilian employees wearing uniforms must wear their hair in a style that does not extend more than six inches below the bottom of the collar when the employee is standing. (Example, the hair may be worn in a pinned-up, off the neck hairstyle.) Pins, barrettes, and hair combs worn while in uniform should be conservative and shall correspond to the employee's hair color.

Scalp sculpturing, exotic styling, and radical or unusual hair dying is prohibited. (An example of radical or unusual hair dying would be green, purple, or multi-colored patterns or anything in a "punk" style.)

All employees may wear wigs that conform to the above standards.

**BODY ORNAMENTS AND ACCESSORIES**

Sworn police personnel and other uniformed employees are prohibited from wearing jewelry or other body ornaments while on duty or while in uniform with the following exceptions: Uniformed employees may wear a wristwatch, medical bracelets, and rings on fingers. Religious or other medallions and chain are permitted as long as the medallions and chain are concealed beneath the shirt. Female officers and other uniformed females employees may also wear conservative, post-style earrings while in uniform.

All employees are prohibited from wearing visible jewelry or ornaments that require piercing of the body, with the exception of earrings for women, while they are at work. Perfumes, cosmetics, and personal hygiene must be professional and must not be offensive to the general public or coworkers.

Visible body tattoos are discouraged; however, if worn, they must not be offensive to the general public in regard to race, religion, politics, gender, or sexual content.

Both male and female fingernails must be neat in appearance and trimmed to a length that allows the proper discharge of duties without injury to oneself or others.

### **CLOTHING**

All employees shall report to work wearing clean, unwrinkled uniforms or other conservative civilian clothing appropriate to their job. Non-uniformed clothing should not draw unusual attention or present an image that would offend the general public. Clothing containing offensive or unprofessional writings, designs, or messages will not be permitted.

All police officers dressed in civilian attire that carry a firearm, while off duty and in public, will carry such weapon concealed so as not to attract attention.

Skirts, dresses, and dressy shorts cut to resemble a skirt (culottes) must not be more than two inches above the knee and must be of appropriate fit projecting a proper public image.

Halter tops or clothing that exposes the torso or can be labeled as provocative will not be permitted. Short pants that are designed for athletic or relaxation purposes are not permitted.

Denim blue jeans are prohibited except when expressly permitted by the appropriate Bureau Commander based on work activity.

### **UNIFORMS**

All uniformed employees shall report to work wearing clean, unwrinkled uniforms or other prescribed clothing to their job in accordance with the following guidelines:

- The uniforms to be worn by sworn personnel while working in a sworn law enforcement uniform capacity is described in the Greenville Police Department Policy and Procedures Manual, Chapter 41, "Patrol"
- Animal Control and Parking Control personnel shall wear the Department issued shirts and pants
- Tele-communicators and Community Service Clerks shall wear appropriate casual business attire or approved Department Polo shirts and black dress slacks.

### **Exceptions**

Police officers assigned to the Special Investigations Unit or otherwise operating in an undercover capacity are excluded from the above hairstyle and appearance standards when such exclusion is approved by their Bureau Commander or the Chief of Police. Any other exceptions will be at the discretion and approval of the Chief of Police.

### **SOCIAL NETWORKING**

For the purposes of this policy, a social networking site is defined as a web-based service that allows individuals to create groups that share common interests, or affiliations, upload files including pictures, music, or videos, hold discussions in forums, and/or host Weblogs ("blogs") for members of the site. A "blog" is a web-based publication where a user can post informal journals on their thoughts, comments, and philosophies.

Greenville Police Department employees are authorized to access social networking sites for legitimate, investigative purposes from City computers as authorized by the City's Computer Use and Privacy Policy. If the site is being used to conduct undercover operations the site should not include any information that would connect the Greenville Police Department or its' employees to the site.

Although employees have the right to use personal social networking sites, employees shall not identify themselves directly or indirectly as an employee of the City of Greenville or a Greenville Police Department employee. Employees are prohibited from accessing personal networking sites while on duty. Employees should remember that information posted on these sites is not private and that conduct or commentary which could adversely affect the employee or the reputation of the Greenville Police Department is prohibited.

Employees shall not post or authorize to be posted any photographs or depictions of Department uniforms, badges, patches, marked or unmarked Department vehicles, or any other item which is identifiable as property of the Greenville Police Department. Dissemination of any official, work-related information on a personal networking site is prohibited.

Employees are prohibited from posting, broadcasting, or otherwise disseminating any sexual, violent, racial, ethnically derogatory material or any other type material that is designed to intimidate, humiliate, denigrate, offend, insult, antagonize or provoke intentionally any other person.

Violation of this policy is Class 1 as covered under 26.1.2 Code of Conduct and Appearance.

### **Voicemail and Email**

The City provides all employees with a voicemail and an email account. In order to ensure the best possible service and communication between members of the public, between coworkers, and to prevent excessive build-up of either the voicemail or email account, all employees shall check both accounts at least once daily during the employee's scheduled work shift. Emails and phone messages should be addressed in a timely manner.

## **26.1.3 ROLE OF SUPERVISORS IN THE DISCIPLINARY SYSTEM**

CALEA Standard: 26.1.4

### **Departmental Response to Violations**

In cases where an employee is charged with a violation of the Code of Conduct, the employee's supervisor will recommend to the appropriate Bureau Commander concerning disciplinary action based on the totality of the circumstances, unless the violation is NIM eligible. The Bureau Commander will submit a recommendation as to disciplinary action through the Chain of Command to the Chief of Police. The Chief of Police shall not be bound by such recommendations.

The first line supervisor is responsible for detecting violations of the Code of Conduct and initiating disciplinary action. Recommendations from the designated level of supervision will be used in the decision-making process, but the Chief of Police will make the ultimate decision as to the appropriate action or an appropriate recommendation to the City Manager.

Upon completion of an investigation, disciplinary actions or written reprimands may be instituted against an employee by adhering to the following procedures:

- The supervisor will advise the employee of the policy or procedure the employee is alleged to have violated
- The supervisor will inform the employee of the evidence concerning the violation
- The supervisor will allow the employee an opportunity to comment on the alleged violation
- The supervisor will counsel the employee about what specific behavior is acceptable in the future and under similar circumstances
- The supervisor will inform the employee of the employee's right to file a grievance pursuant to Greenville Police Department policy and Article 10 of the City Of Greenville Personnel Policies Manual

The Chief of Police has the discretion to terminate or demote employees when circumstances not meeting the criteria of the Code of Conduct occur and the employee otherwise fails to meet the conditions of employment for the position. Such examples are:

- An employee's failure to maintain valid licenses or other qualifications necessary to perform the job
- An employee's inability to perform the work required
- An employee's unsatisfactory job performance

These actions are not considered violations of the Code of Conduct, do not fall under the rules for disciplinary conduct, and are not considered punitive for the purposes of this policy.

If an officer is arrested or charged criminally by any agency, the officer in accordance with Greenville Police Department Policy and Procedure, 26.1.2, Class III, # 11 is required to immediately notify their supervisor of the arrest. Once the supervisor has been notified, the supervisor shall immediately notify the Bureau Commander who will notify the Chief of Police. North Carolina 12 NCAC 09B .0101 (8) requires the agency's executive officer or designee to notify the North Carolina Criminal Justice Education and Training Standards Commission of all criminal offenses for which an officer was arrested or charged with, pleads no contest to, pleads guilty, or is found guilty of. This includes all criminal offenses except minor traffic offenses and shall specifically include any offense of Driving under the Influence or Driving While Impaired.

The executive officer or designee must make the notification in writing and ensure the Division receives the notice within thirty (30) days the case was disposed of in court. Notification must include the specific nature of the offense, the court in which the case was handled, the date of arrest or criminal charge, the final disposition, and the date thereof.

First-line supervisors direct personnel toward the goals and objectives of the Department and are accountable for detecting the instances of positive and negative behavior of the employees under their supervision. First-line supervisors participate in the disciplinary system by:

- Recognizing and documenting instances of exemplary or unacceptable behavior
- Identifying training needs as a function of the disciplinary process
- Implementing commendatory or disciplinary actions
- Investigating allegations of employee misconduct when within the scope of their authority and responsibility, and in conjunction with the Internal Affairs Unit as outlined in Chapter 52 of the Greenville Police Department's Policy and Procedures Manual
- Counseling employees to improve job performance
- Recommending the most effective disciplinary methods to the Bureau Commander.

Bureau Commanders are responsible for reviewing the recommendations of the first-line supervisors and shall either concur with the first-line supervisor's recommendations or recommend a different course of action. The Bureau Commander will report the conclusions of the investigations to the Chief of Police.

The Chief of Police is responsible for reviewing recommendations for disciplinary actions, sustaining or reducing the actions, and imposing the forms of discipline in accordance with the standards outlined in the Code of Conduct.

### **Supervisor Authority to Act**

Supervisors who identify instances of positive or negative behavior shall have the authority to exercise commendatory and disciplinary actions to include:

- Recommendation to the Bureau Commander for a Letter of Commendation or other appropriate reward or recognition following instances of exemplary behavior or action.
- Nomination for an award under the Police Awards Program following instances of exemplary behavior or action.
- Written reprimand and/or referral of the instance to the Internal Affairs Unit for further investigation for serious violations of policies and procedures in accordance with Chapter 52 of the Greenville Police Department's Policy and Procedures Manual.
- Emergency suspension and referral to the Internal Affairs Unit in accordance with the provisions of Chapter 52 of the Greenville Police Department's Policy and Procedures Manual, when negative behavior is so serious that continued immediate service is detrimental to the best interest of the Department. The supervisor shall immediately inform the appropriate Bureau Commander when emergency suspension is imposed.

**26.1.4 HARASSMENT IN THE WORKPLACE****CALEA Standard: 26.1.3**

The Greenville Police Department is committed to providing a work environment that is free of harassment, including sexual harassment. This policy establishes guidelines and responsibilities for addressing complaints and incidents of harassment and sexual harassment.

**Definitions**

**Harassment:** Includes, but is not limited to, unwelcome conduct -- whether verbal, physical, or visual -- that is based upon a person's protected status, such as sex, sexual preference, color, race, ancestry, religion, natural origin, age, disability, medical condition, marital, veteran, or citizenship status to the extent such conduct violates federal or state law. Harassment includes conduct that denigrates or shows hostility or aversion towards an individual because of his/her protected status or that of his/her relatives, friends, or associates.

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when any one of the three criteria is met:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment

**EMPLOYEE RESPONSIBILITIES****Chief of Police**

The Chief of Police shall make every reasonable effort to maintain a working environment free of unlawful harassment as defined above.

**Assistant City Attorney**

The Assistant City Attorney shall advise the Chief of Police and Command Staff on the legal aspects of unlawful harassment. The Assistant City Attorney shall periodically conduct training for the Greenville Police Department on harassment issues and policies. Such training shall occur as necessary to update personnel on changes in the law and policies surrounding harassment. The Assistant City Attorney shall assist in the development of harassment policies and guidelines. The Assistant City Attorney will also assist in the review of alleged harassment complaints or conduct within the Department and advise the Chief and appropriate Commanders and Supervisors on the legal consequences of various courses of action.

**Internal Affairs**

The Internal Affairs Unit shall investigate allegations of harassment and report the findings of such investigations to the Chief, the Assistant City Attorney, and appropriate Commanders and Supervisors for necessary review or action. The Internal Affairs Unit shall receive, document, and investigate all complaints of harassment. If an investigation reveals potential criminal charges are applicable, the Internal Affairs Investigator shall inform the Chief of Police immediately.

**Training Coordinator**

The Training Coordinator shall, in coordination with the Assistant City Attorney, develop educational and preventive programs designed to prevent harassment within the Greenville Police Department.

**All Employees of the Greenville Police Department**

All employees shall immediately report all incidents of suspected harassment through appropriate channels. Employees do not have to report alleged harassment by a supervisor to that supervisor, but shall report such

allegations by other available means to appropriate personnel. All employees shall refrain from sexual harassment of other employees or persons.

### **Complaint Procedure**

It is the responsibility of any employee who believes he or she has been the subject of unlawful harassment to report the alleged act immediately to his or her supervisor, Unit, Division or Bureau Commander, the Chief, Internal Affairs Unit, the Assistant City Attorney, or Human Resource Director. If an employee observes another employee being subjected to unlawful harassment, the observing employee has a responsibility to report such observations. The Greenville Police Department and the City of Greenville have an established procedure for employees to report allegations of unlawful harassment. Such procedures must be followed by any employee who suspects they have been the subject of unlawful harassment.

If a complaint involves a Platoon or Unit Commander or other supervisor within the complainant's chain of command, the complaint should be filed directly with the Internal Affairs Unit, Division, or Bureau Commander, the Chief, or the City Human Resource Director. Any complaints alleging unlawful harassment by the Chief of Police should be filed directly with the City Manager, Assistant City Manager or the City Human Resource Director.

All complaints will be handled in a timely and confidential manner. In no event shall information concerning a complaint be released by the Department to third parties or to anyone within the Greenville Police Department who is not involved with the investigation or who does not have an official need to know concerning the investigation as prescribed in N.C.G.S. 160A-168. Nor shall anyone involved be permitted to discuss the subject outside the investigation. The purpose of this provision is to protect the confidentiality of the employee filing a complaint, to encourage the reporting of any incidents of unlawful harassment, and to protect the reputation of any employee wrongfully charged with unlawful harassment.

All complaints of unlawful harassment shall be fully investigated. All complaints of harassment shall be assigned an Internal Affairs case number. Unlawful harassment complaints require prompt action and documentation of such complaints by the employee receiving the complaint and an investigation shall be completed without unnecessary delay.

Complaints alleging harassing conduct, which may involve criminal conduct, shall be referred to the Chief immediately, who shall decide whether to initiate an appropriate criminal investigation parallel to any internal administrative investigation.

The Internal Affairs Unit shall maintain records of all alleged acts of harassment and sexual harassment reported by complainants or identified by supervisors for a period of time in accordance with state records guidelines. Multiple substantiated or previous alleged incidents of harassment will be considered in assessing disciplinary action subsequent substantiated acts of harassment.

Any complaint alleging sexual assault, forced fondling, unwanted physical contact, rape, or indecent exposure shall be forwarded immediately to the Internal Affairs Unit for investigation, as well as referral to the Chief for criminal investigation as discussed above.

Harassment by a supervisor or retaliation for reporting alleged harassment shall also be forwarded immediately to the Internal Affairs Unit for investigation.

### **Responding to Complaints**

All personnel receiving a complaint of unlawful harassment are held accountable for the effective administration of this policy. Sensitive handling of a harassment complaint is essential. The disciplinary action taken with respect to each violation of this policy will be determined by the seriousness of the particular offense and in accordance with Chapter 26 of the Greenville Police Department's Policy and Procedures Manual. The following guidelines shall apply when handling actual or alleged harassment situations:

- DO NOT assume the victim asked for the behavior directed toward them

- DO NOT tell the victim to ignore the behavior
- DO NOT tell the victim to try to embarrass or outwit the harasser or harass them back
- DO NOT treat the complaint as insignificant or minor
- DO treat sexual harassment complaints as serious employee misconduct
- DO KEEP the victim informed of the status of the investigation.
- TAKE other appropriate steps as defined by this policy to address the alleged conduct

### **Preventive Measures**

Employees shall keep their work areas free of sexually and other offensive photographs, cartoons, “dirty” pictures, or other offensive items. Such items may be possessed as part of official investigations or as evidence but shall not be displayed in the office or work environment. Such items may be used when necessary for officially sanctioned training in areas such as rape investigation, sexual abuse, pornography investigations, death investigation, sexual harassment and other appropriate topics, but only with advance approval of the Chief of Police.

Anyone who violates this policy will be subject to disciplinary action, up to and including, dismissal. It is the policy of the Greenville Police Department that harassment or sexual harassment, if it exists within the Department, will be curtailed and potentially eliminated by handling it at the lowest level possible. All employees must take immediate action when becoming aware of a situation involving harassment. Retaliation against a person legitimately reporting alleged harassment will not be tolerated. While the reporting of harassment allegations is encouraged and required, false accusations will be subject to disciplinary action, up to and including discharge. Unlawful harassment of any kind or retaliation for reporting unlawful harassment are serious matters and will not be tolerated in the Greenville Police Department.

### **26.1.5 AWARD SYSTEM**

CALEA Standard: 26.1.5, 26.1.2

The Greenville Police Department disciplinary system identifies measures to be applied toward employee conduct in the interests of good discipline and service.

### **Advanced Police Officer**

The Greenville Police Department recognizes police officers for their continuous service with the Department and educational achievements. Accordingly, the following criteria will be designated for “Advanced Police Officer”.

- Five (5) years of continuous police service with the Greenville Police Department with no sustained disciplinary action in the past twelve months
- Three (3) years of continuous police service with the Greenville Police Department plus an Associate’s degree with no sustained disciplinary action in the past twelve (12) months
- Two (2) years of continuous police service with the Greenville Police Department and a Bachelor’s degree with no sustained disciplinary action in the past twelve (12) months

The insignia for this position shall be one stripe worn on each uniform shirt and jacket sleeve. This designation is recognition and is not a promotion. Each Bureau Commander shall be responsible for informing the Chief of Police, in writing, of officers qualified to receive the designation of ADVANCED POLICE OFFICER.

### **Sworn Personnel Service Awards**

The Greenville Police Department shall recognize sworn personnel for their service longevity with the Greenville Police Department. This recognition shall be through the issuance of a commendation bar to sworn personnel, which will be displayed on their uniform.

All sworn personnel will be issued a commendation bar reflecting their years of service to be worn on their uniforms. The commendation bar will be issued for service in five (5) year increments as follows:

- Five (5) Years of Service                      Yellow and Blue Service Bar
- Ten (10) Years of Service                      Yellow and Blue Service Bar With One (1) Gold Star
- Fifteen (15) Years of Service                      Yellow and Blue Service Bar with Two (2) Gold Stars

- |                                     |   |
|-------------------------------------|---|
| • Twenty (20) Years of Service      | Yellow and Blue Service Bar With Three (3) Gold Stars |
| • Twenty-Five (25) Years of Service | Green Service Bar With Five (5) Gold Stars            |
| • Thirty (30) Years of Service      | At the Discretion of the Chief of Police              |

Each sworn officer will be issued the appropriate service bar upon the completion of his performance evaluation of the stated increments.

### **Police Awards Program**

The Greenville Police Department shall recognize outstanding performance of employees and citizens who have made a substantial personal contribution to the Department and Community. This includes any other Law Enforcement Officer or agency working with this Department. Awards shall be presented annually by the Chief of Police.

### **Committee Selection**

The Awards Committee Chairperson shall be appointed by the Chief of Police. The Chairperson of the Awards Committee and members shall not serve more than two (2) consecutive years in that capacity.

In addition to the Chairperson, the Committee shall be comprised of:

- One (1) Lieutenant
- One (1) Sergeant or One Corporal
- One (1) Patrol Officer or Detective
- One (1) Civilian Employee

Members of the Committee will be selected by the Chairperson. The Awards Committee shall meet quarterly to review nominations and make recommendations to the Chief of Police.

### **Award Categories**

#### MEDAL OF HONOR

Awarded to a member who intelligently, and in the line of police duty, outstandingly distinguishes themselves by the performance of an act of gallantry and intrepidity at imminent personal hazard of life with knowledge of the risk above and beyond the call of duty.

#### POLICE CROSS

Awarded for the successful performance of an act of extraordinary heroism while in personal combat with an armed adversary at imminent personal hazard of life in the intelligent performance of duty.

#### MEDAL OF VALOR

Awarded for an act of outstanding bravery, intelligently performed in the line of duty at imminent personal hazard of life under circumstances evincing a disregard of personal consequences.

#### LEGION OF HONOR

Awarded for felonious injury or death in the line of duty.

#### POLICE MEDAL

Awarded for an act involving grave personal danger in the intelligent performance of duty.

#### MERITORIOUS POLICE DUTY

Awarded for intelligent and valuable police service demonstrating special faithfulness, attention to duty, and perseverance over an extended period of time.

**EXCELLENT POLICE DUTY**

Awarded for an intelligent act materially contributing to a valuable police accomplishment or for submission of a device or method adopted by the Department to increase the efficiency in administrative or tactical procedure.

**OUTSTANDING POLICE PERFORMANCE**

Awarded to employees of this Department or employees of any other law enforcement agency when a letter of commendation is not sufficient.

**HONORABLE SERVICE**

Awarded to employees of this Department upon their retirement or death prior to retirement, not in the line of duty.

**CITIZEN CERTIFICATE OF APPRECIATION**

Awarded to citizens who either rendered help to a police officer or provided significant assistance in solving a case (or service to law enforcement).

Any other awards as deemed appropriate by the Chief of Police.

**Nomination Procedure**

Nominations for awards shall be submitted in writing by police officers and citizens to the Office of the Chief of Police.

Nominations should include:

- Detailed account of event
- Corroborating statements concerning events
- Photographs, if available
- Any other related factors affecting nomination

The Office of the Chief of Police will forward the nominations to the Chairperson of the Awards Committee.

**Selection Process**

The Awards Committee will review the nominations and, in each case, a majority of committee members must approve the recommendation.

The recommendation for each category will be forwarded to the Chief of Police for his final approval.

The individual selected to receive the award shall be notified in writing by the Chairperson of the Awards Committee. The Chairperson shall inform the individual of the award approved and the tentative date of presentation.

**Placement of Medals**

Employees may be recognized through award medals, years of service commendation bar, or due to a specialized position or training. Therefore, In order to maintain consistency in the placement of departmental approved medals on uniforms, employees who choose to wear their award medals and recognition medals shall do so in increments of two directly above the name tag. The medals shall be worn on the uniform starting at the top and from left to right in the following order; Award Medals, Advanced Certificate Medal, Years of Service Commendation bar, Instructor pin, FTO pin, ERT pin, Traffic pin, Honor Guard pin, Bike pin, and the military branch pin of their choice (Navy, Army, Air Force, Marines, Coast Guard) and the American Flag. Other pins that cannot be altered to fit the rail system or other uniformed system such as the round CIT pin, S.P.I., ERT Operator pin, and the F.B.I. pins may be worn above all other pins.

**26.1.6 APPEALS PROCEDURES**

CALEA Standard: 26.1.6

Article X of the City Of Greenville Personnel Policies Manual describes the City grievance and appeals procedures. The manual lists the initiation procedure, time frame, method of recording, and the scope of the appeals process. Those policies shall apply to employees of the Police Department.

**26.1.7 DISMISSAL**

CALEA Standard: 26.1.7

If an investigation of employee misconduct results in the dismissal of an employee, the Department shall provide the employee with information to include at a minimum:

- The reason for dismissal
- The effective date of dismissal
- The status of employee benefits and retirement after dismissal

Section 26.1.6 shall not apply to probationary employees.

**Statement of Conclusion of Fact**

When a disciplinary investigation has been completed, the supervisor or Internal Affairs Officer conducting the investigation shall be responsible for issuing a written statement about the investigation that contains the conclusion of facts for each allegation. The conclusion of facts shall address, at a minimum, the following issues:

- Proper Conduct
- Improper Conduct
- Policy Review
- Insufficient Evidence
- Unfounded Complaint

The supervisor will distribute copies of the conclusion of facts to the employee who was the subject of the investigation and to the appropriate Bureau Commander.

**26.1.8 RECORDS MAINTENANCE PROCEDURES**

CALEA Standard: 26.1.8

Records of disciplinary actions shall be kept in accordance with the procedures for Internal Affairs records management as outlined in Chapter 52 of the Greenville Police Department's Policy and Procedures Manual. Supervisors who document counseling or oral reprimands for use on a performance evaluation and keep the documentation in the unit file should maintain the documentation no longer than one (1) year.