



1.2.9 BIAS-BASED PROFILING

A. PURPOSE

The purpose of this written directive is to provide guidelines for officers in the enforcement of the traffic laws and ordinances; to ensure that traffic enforcement is carried out in a proactive manner within the dictates of the U.S. and Ohio Constitutions and laws so that all citizens are dealt with fairly; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of the law.

1. All uniformed officers are expected to enforce the traffic laws and stop and detain motorists or pedestrians whenever there is reasonable suspicion that they have committed, are committing, or are about to commit an infraction of the law.
2. Officers must conduct themselves in a dignified and respectful manner at all times when dealing with the public. The Law Enforcement Code of Ethics articulates the professional and personal behavior that is expected of all law enforcement officers.

Bullet C

3. Racial or ethnic profiling is a totally unacceptable patrol tactic and will not be condoned. The department will utilize various management tools to ensure that racial/ethnic characteristics are not being used in traffic enforcement. Any officer suspected to have engaged in bias-based profiling may be subject to disciplinary action as outlined in General Order 26.

Bullet A

4. Officers are prohibited from stopping, detaining, searching, or arresting anyone on the basis of illegal profiling. They shall be similarly prohibited from employing bias-based profiling in all field contacts and in any asset seizure and forfeiture efforts. Officers shall make traffic stops and conduct field interviews only on the basis of reasonable suspicion, and shall make arrests only on the basis of probable cause.
5. This policy shall not preclude officers from stopping a person to offer assistance, such as upon observing a substance leaking from the vehicle, a flat tire, or someone who appears to be ill, lost, or confused. This policy does not prohibit stopping someone suspected of a crime based on a description that includes one or more of those identified attributes, or considering a person's apparent age when investigating curfew or liquor law violations.

B. DEFINITIONS:

Illegal Profiling: Unequal treatment of any person including stopping,

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questioning, detaining, or arresting on the basis of racial or ethnic characteristics, religion, gender, or sexual orientation.

Articulate suspicion: (Also known as reasonable suspicion) More than a mere hunch. Based on a set of articulable facts and circumstances that would warrant a person of average caution in believing that an offense has been committed, is being committed, or is about to be committed by a specific person. It can be based on an officer's observations, training and experience, or information received from credible outside sources or third parties. Police-initiated action must be based on an individual's *illegal behavior* or a situation where an individual matches the description of a specific suspect.

Bullet B

C. TRAINING

Officers will receive initial and ongoing training in conducting professional traffic stops. Training programs will emphasize the need to respect the right of all persons to be treated equally and to be free from unreasonable searches and seizures. In developing these training programs, the department shall consider the following aspects of professional traffic stops:

1. Officer safety;
2. Courtesy;
3. Cultural awareness/language barriers;
4. Search and seizure laws, and other related constitutional issues; and,
5. Interpersonal communications skills.

A. CITIZEN CONCERNS/COMPLAINTS

1. Any person may file a complaint with the department if they feel they have been stopped or searched based on illegal profiling or subjected to ANY improper treatment. No person shall be discouraged, intimidated, or coerced from filing such a complaint or discriminated against because of filing such a complaint.
2. Any officer, including the officer who initiated the stop, who is told by a citizen that the citizen wishes to file a complaint shall record the person's name, address, and telephone number and report the incident to a supervisor as soon as possible. In all cases, the incident will be reported to the shift supervisor prior to the end of the duty shift.
3. All citizen complaints shall be reviewed and acknowledged in writing by the Chief of Police. The complainant and the officer shall be informed of the



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results of the department's review within a reasonable period of time. The report and the reviewer's conclusion shall be filed with the Chief, and shall, whenever appropriate, contain findings and suggestions for disciplinary action, re-training, or changes in policy, training, or tactics. If the reviewer's conclusion is that the complaint was unsubstantiated, unfounded, or if the employee was exonerated, the complainant and the officer shall be informed within a reasonable period of time.

4. The department utilizes proactive methods appropriate to its resources and community characteristics to ensure that traffic stops are being conducted in a safe, legal, and courteous manner. Examples of methods that may be employed include but are not limited to:
 - a. Field supervision;
 - b. Training;
 - c. Report review;
 - d. Regular analysis of police activity that can result in civil rights abuses;
 - e. The citizen complaint process;
 - f. Requirements for officers to intervene and report illegal actions by others;
 - g. Opinion surveys of random samples of persons who have been stopped;
 - h. Collection, analysis, and use of data on officers and units to detect possible illegal profiling. Such data may pertain to offenders' race or ethnicity, the reasons for and disposition of traffic stops, and the number and results of discretionary vehicle searches;
 - i. Performance evaluations, internal investigations, and positive and negative discipline;
 - j. Periodic reports to the community or elected officials.
 - k. The Chief of Police shall administratively review agency practice annually to ensure adequate training is being conducted and the policy is adhered to. This review shall be documented to include citizen concerns.
5. The Chief of Police of the department is responsible for responding to questions from the public, the media, and officials concerning department policy, any allegations of illegal profiling in traffic stops, and the disposition of citizen complaints.

Bullet D



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Supporting Written Directives

General Order 26.1.1

General Order 26.1.4

General Order 52.1.1

Article 7 of the Officer's Collective Bargaining Agreement

Article 7 of the Sergeant's Collective Bargaining Agreement





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POWELL POLICE DEPARTMENT GENERAL ORDER 26.1

DISCIPLINARY PROCEDURES

ISSUED: March 28, 2014

EFFECTIVE: March 28, 2014

RESCINDS: Rescinds G.O. 26.1 January 29, 2014

DISTRIBUTION: Agency Personnel

ISSUED BY: Chief Gary L. Vest

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

This order consists of the following sections:

- 26.1.1 CODE OF CONDUCT AND APPEARANCE
- 26.1.2 COMMENDATION AND RECOGNITION
- 26.1.4 DISCIPLINARY SYSTEM
- 26.1.5 SUPERVISORY ROLE AND AUTHORIZATION IN DISCIPLINE
- 26.1.6 DISCIPLINARY APPEAL PROCEDURE
- 26.1.7 DISMISSAL
- 26.1.8 RECORDS OF DISCIPLINARY ACTIONS

26.1.1 CODE OF CONDUCT AND APPEARANCE

Employees of the Powell Police Department shall conduct their professional and private lives in a manner that does not bring discredit to the City of Powell or the law enforcement profession.

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A. Code of Conduct includes compliance with the Mission Statement, the Code of Ethics (see General Order 1.1.2), and specific rules of conduct established below:

1. Familiarization with Regulations:

- a. All employees will be familiar with and comply with the rules and regulations of the Police Department; and
- b. Violations of these rules and regulations may result in disciplinary action.

2. Integrity:

The community expects that the integrity of its police be above reproach. The dishonesty of a single employee may impair public confidence and cast suspicion upon the entire Department. Employees must conscientiously avoid conduct that could compromise the integrity of the individual employee, fellow employees, the Department, or the City of Powell.

- a. Employees will tell the truth in the performance of their duties except when using legally acceptable methods of interviewing, interrogating, or conducting other official business.
- b. When testifying in court or in administrative hearings, employees will answer questions truthfully.

3. Conduct Unbecoming:

Police employee actions are closely scrutinized by the community.

- a. Employees, on or off duty, will not conduct themselves in a manner that brings discredit to their profession or the Department by doing any of the following:
 - i. Association with known criminals or persons of questionable reputation;
 - ii. By entering or remaining in establishments or residences where illegal activities are suspected or are being committed;
 - iii. By any act of disorderly conduct including, but not limited to, fighting, alcohol consumption resulting in arrest, disturbance of the peace or other action

that brings discredit to the member or the Department.

- b. Employees will refrain from discussing or divulging derogatory or confidential information about City personnel, the Police Department, or the City of Powell unless such information is divulged in the official performance of the member's duty.
- c. Employees are prohibited from participating in any form of illegal gambling, except in the performance of duty and while acting under the specific orders of a member of command staff.

4. Lawful Compliance:

Personnel will obey all laws of the United States and conform to all State and Local laws, statutes or ordinances.

5. Protection of the Constitution:

No person has a constitutional right to violate the law; neither may any person be deprived of their constitutional rights merely because they are suspected of having committed a crime. Employees must always act within the scope of their authority to avoid the possibility of infringement upon the constitutional rights of others.

6. Use of Authority:

Employees of the Department will not use or attempt to use their official position, badge, identification or credentials for personal or financial gain or for obtaining privileges not otherwise available to the general public. Employees will not lend to another person their badge or identification card.

7. Attention to Duty:

Employees must be diligent in their efforts to meet the requirements of their job description on a consistent basis.

- a. Unexcused or unauthorized absences are prohibited.
- b. Failing to report for work on one or more scheduled days without giving proper advance notice, unless such notice was impossible to render, will be considered an unexcused or unauthorized absence.
- c. All employees are required to be ready and dressed for duty at the designated starting time.

- d. While on duty, employees will respond without unnecessary delay to calls for service, requests for police assistance from members of the public, and to telephone or radio calls directed to them, except under extraordinary circumstances.
- e. Employees will be attentive to performing police duties:
 - i. Personal business or recreation will not be conducted on City time except during authorized break periods, but only when it does not interfere with the performance of duty; and
 - ii. Employees will attempt to complete assigned duties in a thorough, efficient manner consistent with the objectives of the task.
- f. Employees will not quit work before the proper time or leave work during working hours without the permission of the appropriate supervisor.

8. Impartiality:

Sworn officers of the Police Department are entrusted with the authority to enforce law. All employees, civilian or sworn, must exercise discretion in situations that may affect the rights of the public; therefore, the employees must refrain from allowing personal motives to affect their decision process. Employees must be impartial when dealing with all persons.

- a. All persons must receive equal protection of the law.
- b. Employees will not express or demonstrate prejudice concerning race, religion, national origin, gender, politics, lifestyle or personal characteristics towards any person.

9. Courtesy:

The public deserves fair and courteous treatment from its police. While urgency in some situations may preclude the normal public amenities, discourtesy under any circumstance will not be tolerated.

- a. Employees will refrain from profane, lewd, or unprofessional verbal communication or conduct.

- b. Employees will maintain their behavior in a controlled manner regardless of the provocation to do otherwise.
- c. When asked questions by a citizen, employees will respond in a courteous and thorough manner.
- d. Employees will supply any person with their name and employee number if it is requested. A business card should be given, when possible.
- e. Whenever practical, Department employees will attend to all reasonable requests made of them by a citizen quickly and accurately, avoiding unnecessary referral to other units of the Department.

10. Gratuities:

Employees shall not solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon them with respect to their duties. With the exception of items specifically addressed in paragraph b of this order, employees of the Powell Police Department will not accept gifts, favors, rewards, or other benefits from any person, business or organization when such benefit is granted either fully or partially as a result of their employment by the Police Department.

- a. Procedures for compliance with this policy are as follows:
 - i. Gratuities given to an employee will be returned to the provider with an explanation of the Department policy;
 - ii. A notation should be directed to the Chief of Police that this action has occurred. When it comes to the Department's attention that the business or individual is reluctant to or refuses to honor this policy, a letter requesting understanding and cooperation will be sent by the Chief of Police;
 - iii. If the provider is unknown, the item will be turned over to the general fund or to a charitable organization, depending on the nature of the item;
 - iv. No member of the Department will solicit, offer, or give special privileges to any other person or

agency in expectation of special benefits to themselves or the Department.

b. Permissible actions include the following:

- i. Employees may accept a meal at the residence of a friend or relative during working hours;
- ii. An employee who is a guest speaker or is being honored by an organization may receive a meal or award, as approved by the Chief of Police;
- iii. A service organization or retail merchant who wishes to donate a gift to a Department sponsored event wherein the gifts are for general public use or recognized charity;
- iv. Employees are permitted to accept a nonalcoholic beverage from an associate, friend, or acquaintance other than at a business establishment (restaurant, convenience store, bar or other location), and where there is not normally a charge for the beverage;
- v. Unsolicited advertising or giveaway material such as pens, calendars, coffee cups or similar items of little or nominal value may be accepted; and
- vi. Unsolicited food items donated to the Department such as cookies, brownies, pizzas, and so on may be accepted provided the items are placed in an open area for general consumption.

11. Command Protocol: The chain of command is an essential element in official Department matters. Whenever police issues require the chain of command be by-passed outside of normal channels, employees will show the courtesy of informing the by-passed supervisor of the reasons that normal protocol was not followed.

- a. Employees of the Department will treat all supervisory personnel, subordinates, and associates with respect.
- b. No employee will fail to report to the next higher authority any act of negligence or poor judgment which they observe from other employees of the Department, regardless of the individual concerned.

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- c. Employees of the Department will give immediate attention and carry out all lawful orders given to them from supervising officers without undue delay.
- d. Employees will address each other in a respectful manner, both in public and private.
- e. Supervisors will avoid criticizing subordinates in the presence of others when possible.

12. Confidential Information:

Department internal affairs investigations and criminal investigations are privileged information. Employees will not discuss these or other confidential matters unless in the course of their official duties.

- a. Members of the Department will not communicate any information of a confidential nature to persons who are not entitled to have such information.
- b. No member of the Department will make a false official report or a false official complaint concerning a member of the Department as to their personal character or conduct.
- c. No person not a member of the Department will have access to official documents or reports unless this request has been processed through the appropriate standard procedures.
- d. Employees will not slander fellow Department employees.
- e. Employees should refrain from criticizing the City of Powell, the Police Department or its members when such criticism could interfere with the efficiency or effectiveness of the Department.

13. Use of Intoxicants, Drugs and Harmful Chemicals:

- a. No employee will consume, permit or have possession of any intoxicating beverages (except for evidence or recovered property) in a City vehicle or on City property.
- b. Department personnel will not consume alcohol while on duty unless necessary in the performance of a police task approved by a member of the command staff.
- c. Members in uniform or partial uniform are prohibited from consuming alcohol on or off duty.

- d. Department personnel will not use intoxicants while off duty to the extent that any evidence of such consumption is apparent when reporting to duty.
- e. Employees will refrain from consuming intoxicants to the extent that it results in impairment, intoxication or offensive behavior which tends to discredit the member or the Police Department or renders the member unfit to report for their next regular tour of duty.
- f. Employees will not use any prescribed drugs, narcotics, or illegal drugs unless such drugs or narcotics are prescribed by a physician or dentist for illness or injury.
 - i. Members will not at any time use any substance that will render them unfit for duty except under a physician order.
 - ii. "Over the Counter" drugs are permitted for use; however, these drugs will not be used if the results render a member unfit for duty.

14. Use of Tobacco:

- a. All police buildings and vehicles are designated no tobacco use areas.
- b. Tobacco products are not to be used when employees are in formation or part of a ceremony, in direct contact with a member of the public, or in view of the general public.

15. Processing of Court Cases/Legal Representation:

- a. Personnel will not recommend the employment of any person or attorney or counsel to prisoners, suspects, or the victim of an accident. In addition, the naming of an attorney or other person to provide legal representation to any suspect, prisoner, or accident victim is prohibited.
- b. After the filing of an affidavit or complaint in any criminal or traffic case, Department personnel will not reduce, alter, or change the original charge without the approval of the Prosecutor, the appropriate court, or a command level officer.

- c. After an affidavit or complaint has been filed, Department personnel will not discuss the circumstances with the defendant's attorney in a manner detrimental to the case, and should courteously refer such attorney to the Prosecutor for information desired when appropriate.

16. Interference in Private Business: Unwarranted interference in the private business of others is prohibited.

Members of the Department will not intervene in civil matters unless it is necessary to protect the public peace.

17. Public Appearances, Statements and Requests:

- a. All requests for the service of a member of this Department for a particular law enforcement purpose (speaking engagements, boards or commissions, charity events, etc.), other than regular or special police duty, will be approved by the Chief of Police or designee prior to committing to participation.
- b. Employees will not authorize the use of their name, photographs, or official title that identifies them as employees of the Police Department in connection with advertisements without prior approval of the Chief of Police.

B. Employees are responsible for the proper care and use of city owned equipment and property entrusted to them.

1. In case of resignation, dismissal, or extended leave of absence, all property belonging to the city will be immediately returned to a designated supervisory staff member.
2. In the case of an administrative suspension, all badges, identification cards, and issued weapons will be turned into the Chief of Police or designee.
3. Employees will not intentionally damage, deface, or destroy any City building, vehicle, or property.
4. Employees are accountable for all city-owned property which is issued to them or used in the course of their duties and may be held personally responsible for damages to property or equipment caused by carelessness or neglect.
5. Damage or loss of city equipment or property will be reported to a supervisor as soon as possible.

6. The Department telephone lines are not to be used for personal calls when it interferes with or affects the operation of the Department.
7. Employees are to operate city vehicles in a safe and reasonable manner with due regard for the safety of other vehicles, pedestrians, and bicyclists. Except for certain management employees, City vehicles shall be used solely for official City business. All traffic laws, including the wearing of seatbelts, shall be obeyed. Any traffic citation issued, parking or moving, shall be the responsibility of the driver.
8. Non-sworn individuals shall not be permitted to operate or have access to police department vehicles unless all weapons are:
 - a. Secured while the vehicle is located at the police department and under the general control of a sworn agency member.
 - b. Removed when the vehicle is leaving the premises to receive maintenance or other services.
 - c. In all cases, the operation/access to the vehicle shall be consistent with police department objectives.
9. All crashes involving city owned vehicles will be recorded on the standard traffic crash report. If a crash involving a city owned vehicle occurs within the City, a Powell officer may investigate the incident.

In the event the perception of partiality exists, the supervisor/OIC should contact an outside agency with jurisdictional authority to complete the crash investigation.

10. Should a crash involving a city vehicle occur outside the municipal boundaries, the law enforcement agency having venue will be responsible for investigating the crash. Employees involved in an accident while operating a City vehicle shall:
 - a. Leave the vehicle in the exact position which it came to rest after the accident unless instructed to move it by a law enforcement official or for public/safety reasons;
 - b. Request that all involved parties and/or witnesses remain at the scene until a law enforcement representative arrives;
 - c. Remain polite and helpful at all times and not speculate about who caused the accident or why it happened;

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- d. Refrain from making any statement about the accident to anyone other than the investigating police agency and the appropriate City representatives; and,
- e. Notify the shift supervisor / officer in charge.

11. Employees shall not use the department mailing address for personal use except as provided by state law.

C. United States Flag and National Anthem procedures include:

1. When the flag of the United States is formally carried in a parade or procession, officers will render the regulation salute to the flag.

- a. Officers need only salute the United States flag at the beginning of the parade.

When the flag is six paces from the officer, the officer will face the flag and render a hand salute until the flag is six paces beyond the officer;

- b. Other groups displaying the United States flag may be saluted if the officer's immediate attention to duty is not necessary;
- c. When the National Anthem is played at any ceremony, or when the Pledge of Allegiance is spoken, officers in uniform and wearing the uniform hat will face the flag, stand at attention and render the regulation salute until the anthem has stopped.

If the United States flag is not present during the playing of the National Anthem the officer should face the source of the Anthem and render the hand salute.

- d. Employees who are in uniform and not wearing a hat will stand at attention when the National Anthem is played or at the passing of the United States flag; and
- e. Employees who are in civilian attire will stand at attention, after removing any head covering, when the National Anthem is played or at the passing of the United States flag.

D. Appearance and Dress Code

- 1. All personnel assigned to wear the uniform of the Powell Police Department will adhere to these standards whenever in uniform, while on-duty, or off-duty and attending court or an authorized outside employment detail.

2. All uniforms will be worn complete as prescribed for the season and will not be worn with any civilian, non-uniform, or unauthorized items of clothing.

The approved list of uniform parts should be referenced by officers prior to purchasing any uniform items to ensure that members are purchasing approved items for uniform wear.

3. Shirt and trousers will be kept clean, neat, in proper repair, with military pleat or press.
4. All short sleeve shirts will be worn with a white crew neck undershirt.

Summer uniform (short sleeves) is mandatory from 0600 hours on the first Sunday of April until 0600 hours on the first Sunday of October. Adjustment can be made at the discretion of a supervisor if weather conditions warrant.

5. Long sleeve shirts will be worn with a tie or with a black turtleneck. Turtlenecks with reasonable marketing logos (including Powell Police logos or unit numbers) will be deemed as acceptable.

Winter uniform (long sleeves) is mandatory from 0600 hours on the first Sunday in October until 0600 hours on the first Sunday of April. Adjustment can be made at the discretion of a supervisor if weather conditions warrant.

6. Officers attending any formal function as a Powell Police representative shall wear a tie with the long sleeve shirt. Short sleeve shirts are acceptable for court and community functions of a less formal setting when weather-appropriate.
7. Uniform shoes or boots shall be worn by employees who are required to dress in the uniform of the day and shall be worn with black socks. A uniform shoe is any all-black (including laces) shoe that does not extend above the ankle, including any all-black tennis shoe, including laces. A uniform boot is any all-black boot, including buckles and/or laces.
8. All leather goods worn, inclusive of gun belt, holster, ammunition, and cuff holders, and other authorized items, are to be properly maintained and shined. All leather goods shall be plain black leather. Specified nylon gear may be worn in lieu of leather gear when authorized.

9. Issued uniform dress hats shall be worn at all formal functions, including traffic details during parades or other ceremonial details. Uniform dress hats are optional for routine patrol duties.
10. Hats and head wear shall be black in color. Low profile marketing logos are acceptable (including Powell Police logos or unit numbers). Only hats and head wear that are consistent with current weather conditions should be worn. Officers will wear the agency provided dress hats for formal functions or when directed by supervisors.
11. Jackets, when worn, shall display the breast badge on the outside.
12. All badges worn on uniforms or hats will be polished. Only designated insignia of rank and/or of achievement, length of service, etc. may be worn on the uniform and shall be polished.
13. Reversible raincoats may be worn in inclement weather.
14. Gloves worn with the uniform shall be majority black with no more than ten percent white or grey marking and shall not display offensive language.
15. The shift supervisor may approve other items of clothing to be worn in inclement weather.
16. Non-uniformed Personnel Standards:

Any employee, including civilians, assigned to duties not requiring the wearing of a uniform will be expected to adhere to the following clothing standards.

- a. Male personnel will be neatly dressed in business attire, to include collared, pressed shirts and pressed pants. Dress shoes and belts should be polished. Business suit will also be permitted.
- b. Female personnel shall wear acceptable office attire which may consist of a dress, skirt and blouse, slack and blouse, or pant suit, and practical office style footwear.
- c. Any weapons worn shall be concealed at all times when outside of the Department facilities.
- d. Any civilian clothing worn shall be neat, clean, and pressed, and ties shall be worn properly, with collar buttoned. Exceptions may occur at the discretion of a supervisor where such clothing standards would interfere with the specific assignment of the officer.

16. Clerical staff uniform standards

The department clerical staff will wear the provided uniform (to include white shirt and black pants). The uniform should be neatly pressed and the wearing of a sweater is optional.

17. Personal Appearance Standards:

Every employee when reporting for duty must maintain his or her personal appearance as neatly as possible, with the following minimum standards adhered to, except where assigned duties require deviation, at the authorization of a commander.

- a. Men's haircuts shall be neat, and tapered on the rear and sides so as not to appear disheveled (with or without uniform hat), and in no case shall the hair on the sides of the head be of such length and/or bulk that it exceeds a line perpendicular to the top of the ear. The hair outline shall follow the contour of the ear, and no hair shall fall over the ear or touch the collar, except for the closely cut hair at the back of the neck. Haircuts or hair coloring of a faddish or unnatural nature or appearance will not be permitted.
- b. Men's sideburns shall not be any greater than a point at a right angle to the midpoint of the ear, and shall be squared at the bottom, and trimmed so as not to appear bushy.
- c. Mustaches shall be neat and trimmed, with the ends not to exceed past the corner of the mouth, nor falling below a line horizontal with the corner of the mouth and shall not cover any portion of the upper lip.
- d. The face shall be clean-shaven, except for mustaches.
- e. Females' hair shall be cut and/or worn in a style which appears neat. Sworn uniformed personnel's hair shall be off the collar and not falling below the midpoint of ear on sides, and the length and/or bulk of the hair shall not interfere with the normal wearing of headgear, nor shall frontal grooming permit the hair to be visible on the forehead when uniform hat is worn. At no time, while in uniform, shall frontal hair grooming allow to fall below the eyebrow line. Haircuts, hairstyles, or hair coloring of a faddish or unnatural appearance will not be permitted.
- f. The moderate use of makeup by females is permissible for uniform wear; however, heavy use of makeup is unacceptable. The use of eye shadow for uniform wear is prohibited.

- g. The wearing of jewelry by male and female officers will be limited to rings, watches and Medical Alert Bracelet, while in uniform. Religious medals, scapulars, other bona fide expressions of religious affiliations, and Medical Alert Tags, may be worn around the neck, provided the item is concealed by either the uniform shirt or an undershirt. Rings will be limited to one ring on one finger on each hand. (Wedding band and engagement ring are considered one.) Except where impractical or when not feasible, or where the identity is obvious, officers shall identify themselves by displaying the official badge or Police Department identification card, or both if requested to do so, before taking police action. At the scene of a police incident, plain-clothes or off-duty officers are to display their ID cards or badges on the outer clothing where it may be visible to the public.
- h. Tattoos shall not be visible to the public while in uniform or while wearing plain clothes. Officers assigned to work investigative details requiring undercover responsibilities may request approval to display tattoos while working said investigations from the Chief of Police.

18. Dress Code - Leisure Attire;

All personnel are expected to dress in proper business attire when representing the Powell Police Department at meetings or other events. At all other times, leisure attire may be worn. Leisure attire **does not** include jeans or t-shirts. If employees are performing an activity such as a property room audit, moving, or cleaning the facility, their supervisor may approve wearing clothing permitted for such occasion. While performing administrative tasks leisure attire may be worn with the approval of the supervisor.

26.1.2 COMMENDATION AND RECOGNITION

- A. It is the intent of the Powell Police Department to recognize employees for exceptional performance. Supervisors and employees are encouraged to document employee activity that reflects favorably on the employee, the Department, and the City.

The following awards are listed in order of precedence:

- 1. Medal of Valor:

The Medal of Valor is awarded to Powell Police Department officers for an act of outstanding bravery or heroism above and beyond the call



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They will be worn in the same prescribed manner of ribbons except for the following:

- a. No ribbons will be worn while wearing the medals.
- b. The bottom row of medals will be worn so the medallions do not fall lower than the pocket lapel of the right breast pocket.
- c. When more than one medal is worn, the medals will be suspended by a holding bar.
- d. If more than one row of medals are worn, the upper row will be mounted so the medallions of the upper row cover the holding bar and suspension ribbons of the lower bar.
- e. A nameplate, if worn, will be worn over the top set of medals.

C. Nominations for awards can be made by any officer.

1. The appropriate form will be filled out, detailing the actions of the officer and forwarded up the chain of command.
2. Once a year, an awards committee will be established by the Chief of Police and will include at least two officers and one supervisor.

The awards committee will review nominations for all awards, except for the Officer of the Year Award, and write a final recommendation for the level of award.

3. All awards will be awarded by the Chief of Police or designee during the annual staff meeting or at any time deemed appropriate by the Chief of Police.

26.1.4 DISCIPLINARY SYSTEM

The employee disciplinary system is based on fairness to the employee and the Department and should stimulate employee morale and motivation.

- A. All union members should refer to the applicable sections of the agreements(s) between the union(s) and the City pertaining to employee discipline. All non-union employees refer to the following procedures.
- B. Training may be used as an alternative or in conjunction with other forms of discipline. Training should be used to rectify an employee's lack of understanding of Department procedures or inability to assimilate needed information.

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1. Training can be requested by the employee or a supervisor in order to correct a training deficiency with an employee.
 2. The employee and the supervisor should work with the Training Supervisor to develop a training curriculum which will meet the needs of the employee and the Department.
 3. Training should be provided in a supportive manner in an attempt to alleviate or remedy a specific deficiency.
 4. Employees may be required to demonstrate competency in order to document the employee's understanding of the training prior to establishing the final outcome of disciplinary proceedings.
- C. Counseling may be used as an alternative or in conjunction with other forms of discipline. Counseling may be used to rectify an employee's lack of understanding of Department procedures or rules of conduct. In addition, counseling can be a valuable tool in preventing the escalation of problems or situations that if left unattended could result in punitive disciplinary actions.
1. Counseling sessions may be held in order to allow the employee or a supervisor to discuss problems, concerns, grievances, or personal problems which may be present in an open, friendly, non-adversarial environment.
 2. Employees should have the opportunity to openly discuss their problems or concerns with their immediate supervisor.
 3. Supervisors should have the opportunity to discuss the employee's misconduct or unsatisfactory performance in order to develop a plan of corrective action.
 4. Supervisors will document counseling in an employee's evaluation file and such documentation shall be removed yearly after an employee's yearly evaluation. This documentation is non-disciplinary, and is not sent to the City personnel files.
 5. Counseling sessions should be always held in a positive and supportive manner in order to allow the employee to develop a favorable understanding of his/her work deficiency.
- D. A serious violation(s) or minor infraction(s) that goes uncorrected may result in discipline. Discipline may include Verbal Reprimand, Written

Reprimand, Suspension, and Termination. The severity of the discipline should be geared to the actions of the offender.

26.1.5 SUPERVISORY ROLE AND AUTHORITY IN DISCIPLINE

- A. The role of supervisors, especially, first line supervisors, is critical in the disciplinary process. First line supervisors have the best opportunity to observe the conduct and appearance of an employee and detect those instances when disciplinary actions are warranted (remedial training, counseling, or punishment). First line supervisors also have the opportunity to understand the personality traits of the personnel under their supervision and to determine the most effective methods of discipline.
- B. Supervisors may give verbal or written counseling.
- C. If a supervisor feels that an employee needs to be removed from duty, the initiating supervisor will notify the Chief of Police by telephone or other means as soon as practical. The supervisor will complete a full written report of the incident prior to going off-duty.
- D. Complaints or incidents that may result in reprimands, suspensions, or terminations may be investigated by a supervisor or referred to the Chief of Police for investigation.

26.1.6 DISCIPLINARY APPEAL PROCEDURES

- A. All union members should refer to the applicable sections of the agreements(s) between the union(s) and the City pertaining to employee discipline. All non-union employees refer to the following procedures.
- B. Any employee upon receiving any form of punitive disciplinary action has the right of appeal to the City Manager.
- C. Discipline issued by the City Manager may be appealed to the City of Powell Board of Personnel Review.
- D. An appeal to discipline must be submitted in writing to the next highest level.

26.1.7 DISMISSAL

Non-probationary employees subject to dismissal will be given a statement citing the reason(s) for dismissal, the effective date of dismissal, a statement of the status of any benefits due to the employee following dismissal, and a statement as to the status of fringe and retirement benefits after dismissal.



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52.1.1 INVESTIGATION OF COMPLAINT

The internal affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the Powell Police Department depends on the personal integrity and discipline of each employee. To a large degree, the public image of the police department is determined by the quality of the internal affairs function and its response to allegations of misconduct by the department or its employees.

All complaints against the Powell Police Department or its employees, including those received anonymously, shall be investigated



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**ARTICLE 6
GRAMMAR/GENDER**

Section 6.1 Grammar/Gender Words, whether in the masculine, feminine or neutral genders, shall be construed to include all of those genders. By the use of either the masculine or feminine genders it is understood that the use is for convenience purposes only and not to be interpreted to be discriminatory by reason of sex. The term “employee” or “member” where used herein, without otherwise being qualified or described, refers to all employees in the bargaining unit.

**ARTICLE 7
INTERNAL REVIEW PROCEDURE**

Section 7.1 Scope All complaints against the Powell Police Department or its employees shall be investigated.

Section 7.2 Notification At any time an inquiry concerning a member occurs when the Employer believes that disciplinary action of record will or may result, the employee will be notified when first questioned, that such result is possible. Prior to any questioning, a member shall be informed of the nature of the investigation (whether disciplinary or criminal) and shall be provided written notice of the allegations made against the member. The member shall be informed of the member’s rights and responsibilities relative to the investigation, in advance of any questions.

Section 7.3 Right to Representation During all questioning, the member may upon request, be accompanied by a representative of the FOP/OLC. If a member desires, the member shall be given a reasonable opportunity to consult with such representative before being required to answer questions. Employees may waive the right to FOP/OLC representation by signing the appropriate FOP/OLC forms.

Section 7.4 Interviews Any questioning, or interviewing, of a member will be conducted at hours reasonably related to their shift, preferably during, or immediately before or after, the member’s working hours. Such sessions shall be for reasonable periods of time, and time shall be allowed during such questioning for rest periods and for a member’s attendance to other physical necessities.

Section 7.5 Responsibility to Respond Before a member may be charged with insubordination or like offense for refusing to answer questions or participate in any investigation, the member shall be advised that such conduct, if continued, may be the basis for such a charge.

Section 7.6 Notification of Completion Any member who has been under an internal investigation shall be informed of the outcome within a reasonable period upon completion of the investigation.

Section 7.7 Access to Tapes and Documents Once the investigation is completed and reasonably in advance of any pre-disciplinary conference, the member who is subject to questioning will be provided access to one copy of any transcripts, records, written statements and tapes generated by the investigation, including but not limited to transcripts of questions and responses to polygraph examinations or other truth testing device at no cost to the employee. The employee will submit the request in writing.

Section 7.8 Unfounded Complaints If a citizen complaint is investigated and found to be unsustainable, unfounded, or if the employee was exonerated, the City shall indicate such to the citizen making the complaint. The employee will be given a copy of the written response, naming the employee, provided to the citizen. If the employee disagrees with the communication, the employee will be permitted to note the disagreement on a separate form. If the investigation shows that the complaint involved a written false allegation and that the person making the complaint knew the allegation was false, the matter, if requested by the named employee, shall be referred by the Department to the Prosecutor's Office for processing.

ARTICLE 8 DISCIPLINE PROCEDURES

Section 8.1 Good Behavior The tenure of every employee shall be during good behavior and efficient service. No employee shall be disciplined except for just cause pursuant to any of the methods listed in this Article.

Section 8.2 Methods of Progressive Discipline Except where more severe discipline is warranted, discipline will normally be applied in a progressive manner. Progressive discipline shall take into account the nature of the violation, the employee's record of discipline, the employee's record of performance and conduct, other relevant considerations, and the nature of the infraction. Discipline may include but is not limited to the following:

- A. Verbal reprimand;
- B. Written reprimand;
- C. Suspension;
- D. Termination;
- E. Working Suspension; and
- F. Other Mutually Agreed Discipline.

The level of discipline shall be commensurate with the infraction and may be advanced discipline on the initial infraction, up to and including removal. The Employer may place an employee on paid administrative leave while investigating a disciplinary matter.



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regular scheduled hours of work. A negotiating committee member shall return to the member's regular assignment if the session ends before the end of the regularly scheduled shift.

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