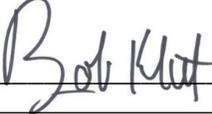


	<b>SAN MARCOS POLICE DEPARTMENT</b>	
	<b>Policy</b> 2.1 Rules of Conduct	
	<b>Effective Date:</b> June 28, 2019 <b>Revised Date:</b> July 3, 2020	<b>Replaces:</b> GO 106
	<b>Approved:</b> <div style="text-align: center; margin-top: 10px;">             _____ <b>Chief of Police</b> </div>	
	<b>Reference:</b> 1.08, 2.02, 2.12, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19, 2.20, 2.21, and 2.22	

**I. POLICY**

The San Marcos police department and the public expect all employees to maintain high standards of appearance and conduct. The mission of the department is to work with all members of the community to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.

**II. PURPOSE**

The purpose of this policy is to define departmental expectations for on and off-duty personal behavior. This order applies to all employees both sworn and non-sworn. (TBP: 2.12)

**III. CODE OF ETHICS (TBP: 2.02)**

All officers shall display the integrity required by the Law Enforcement Code of Ethics:

As a law enforcement officer, my fundamental duty is to serve the community; 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 to liberty, equality, and justice.

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 my agency. I will 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 law 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, political beliefs, aspirations, 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, 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 police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. 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 – law enforcement.

#### **IV. DEFINITIONS**

- A. Affirmative Duty: The personal responsibility and obligation of an employee to report wrongdoing rather than providing such information only when requested.
- B. False Report: A report that is not made in good faith, based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or made with the purpose of harassing or wrongly incriminating another employee.
- C. Good Faith Report: A report that provides allegations concerning an employee who is reasonably believed to have purposely committed a serious violation of departmental policy, procedures, rules, or laws.
- D. Retaliation: Retaliation of the following kinds is designed to serve as retribution against an employee who, in good faith, has filed a complaint against another employee. In the context of this policy, retaliation includes any deliberate, purposeful actions or failures to act, directed against employees that cause, or that could reasonably be expected to cause, physical harm, property damage, significant emotional stress, or otherwise negatively affect another employee's terms or conditions of employment or that could seriously impair the efficiency, safety or effectiveness of that employee, this department, or both. Such adverse actions may take many forms, including but not limited to, bullying; persistent offensive comments, threats, or intimidation; false accusations; isolating; ostracizing; or acts that malign or disparage an individual's reputation.
- E. Serious Acts of Misconduct: Deliberate acts or failures to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action would be reasonably likely to adversely affect that employee's terms or conditions of employment up to and including termination of service.

#### **V. GENERAL DUTIES**

- A. Officers shall, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States,

the laws of the State of Texas, and all local ordinances, according to the rules, regulations, and general orders of the department. Officers must know that when they act under color of law, they are enforcing the law according to statutes, written administrative guidance in the department, ordinances, common usage, and custom. Further, officers shall exhibit good moral character in the administration of their duties according to departmental orders.

- B. The department maintains the right to establish oral and written orders to govern and control the efficiency, effectiveness, and safe operation of law enforcement. Officers shall be trained in the rules and expectations of professional conduct prior to assuming law enforcement duties.
- C. The department reserves the prerogative to discipline employees for violations of the rules listed in this order as well as violations of all other departmental orders and directives. The decision to discipline and the measure of discipline employed depend on the rule or law violated, the consequences of the employee's actions, and the employee's prior history and experience.
- D. Duty to Report
  - 1. All employees of this department have an affirmative duty to report serious acts of misconduct or failures to perform actions, defined in departmental policy, procedures, and rules. Failure to report shall result in corrective or disciplinary action.
  - 2. Acts of retaliation against employees who make good faith complaints or disclosures of misconduct against another employee are strictly forbidden. Such acts will form the basis for charges of misconduct resulting in serious disciplinary action.
  - 3. All employees have an affirmative duty under this policy to cooperate fully during the investigation of any allegation of employee misconduct whether conducted by this department or another authorized authority. Protection from retaliation is extended under this policy to all employees who cooperate in good faith.
  - 4. All complaints of retaliation shall be submitted to any supervisor. If the supervisor is the subject of or is involved in the complaint, an employee shall submit the complaint to the next higher-ranking employee in the chain of command.
  - 5. In uncommon situations involving highly egregious offenses or illegality that may have departmental or governmental implications, a complaint may be made directly to the chief. Examples include but are not limited to broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.

## **VI. PERFORMANCE PROHIBITIONS**

- A. As appropriate, disciplinary action may be taken for any of the following reasons:
  - 1. Incompetent or inefficient performance or dereliction of duty.
  - 2. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature that discredits or injures the public.

(Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work.)

3. Mental or physical unfitness for the position that the employee holds.
  4. Conviction of a felony or misdemeanor involving conduct amounting to moral turpitude (see III), or a pattern of misconduct as displayed by a series of misdemeanor convictions.
  5. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of misconduct or negligence of which the employee has knowledge.
  6. Failure of a supervisory employee to take corrective action regarding employees under his or her supervision who may be guilty of any form of neglect of duty or misconduct where the supervisor knows or should have known of the dereliction.
- B. Nothing in these rules and regulations limits the charges against employees because the alleged act or omission does not specifically appear in this manual, other orders, or policies of the department, or in the laws or ordinances that the department has the responsibility to enforce.
- C. No employee shall be a member of any organization that advocates the violent overthrow of the government of the United States, the State of Texas, or any unit of local government.
- D. No employee shall participate in any organization that has as its purpose, aim, objective, or has any practices that are contrary to the obligations of a law-enforcement officer under these rules and regulations.

## **VII. OBEDIENCE TO RULES OF CONDUCT, LAWS, AND ORDERS**

- A. All employees, regardless of rank or assignment, shall be governed by the following general rules of conduct. Violation of any of these rules by any employee of the department shall be considered sufficient cause for dismissal, demotion, suspension, or other disciplinary action.
- B. Obedience to Laws. Employees shall abide by the laws of the United States and the State of Texas as well as the ordinances of the City of San Marcos.
- C. Adherence to Departmental Rules. Employees shall abide by the rules of the Civil Service Commission, the City Personnel Rules, and the Policy and Procedures Manual and other properly issued internal directives of the police department.
- D. Applicability of Rules. Certain rules may not apply in undercover police assignments specifically authorized by supervisors in accordance with this policy manual. Officers will be strictly accountable for justifying their actions.
- E. Insubordination. Employees shall promptly obey all lawful orders and directions given by supervisors. The failure or deliberate refusal of employees to obey such orders shall be deemed insubordination and is prohibited. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing his or her orders shall likewise be deemed insubordination. (TBP: 1.08)

- F. Issuance of Unlawful Orders. No commanding or supervisory employee shall knowingly or willfully issue an order that violates a federal or state law, a city ordinance, or a departmental rule or policy.
- G. Obedience to Unjust or Improper Orders. An employee who receives an order they believe is unjust or contrary to a departmental general order or rule must first obey the order and then may appeal the order to the chief of police via the proper chain-of-command.
- H. Obedience to Unlawful Orders. No employee is required to obey an order that is contrary to the laws of the United States or the State of Texas or the ordinances of the City of San Marcos. An employee who receives an unlawful order shall report in writing the full facts of the incident and any action taken to the chief of police via the chain-of-command.
- I. Conflicting Orders. If an employee receives an order that conflicts with one previously given by a supervisor, the employee receiving the order shall respectfully point this out to the supervisor who gave the second order. If the supervisor giving the second order does not change the order in a way that eliminates the conflict, the second order shall stand and shall be the responsibility of the second supervisor. If the second supervisor so directs, the second order shall be obeyed first. Orders shall be countermanded only when necessary for the good of the department. (TBP: 1.08)

## **VIII. ATTENTION TO DUTY**

- A. Performance of Duty. Employees shall be attentive to their duties at all times and shall perform all duties assigned to them, even if such duties are not specifically assigned to them in any departmental rules or procedures manual.
- B. Duty of Supervisors. Supervisors will enforce the rules, regulations, and policies of the department. Supervisors will not permit, or fail to prevent, violations of the law, departmental rules, policies, or procedures. They will report violations of departmental rules, policies, or procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations.
- C. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall at all times use sound judgment.
- D. Responsibility to Serve the Public. Employees shall promptly serve the public by providing direction, counsel, and other assistance that does not interfere with the discharge of their duties. They shall make every attempt to respond personally to the inquiry or request for assistance.

- E. Responsibility to Respect the Rights of Others. Employees shall respect the rights of individuals, and shall not engage in discrimination, oppression, or favoritism. Employees shall maintain a strictly impartial attitude toward all persons with whom they come into contact in an official capacity. (TBP: 2.17)
- F. Truthfulness. Employee shall be truthful in all official verbal and written communications and reports. Employees will be truthful in any court related testimony or agency investigations. (TBP: 2.14) Officers who are undercover or conducting interviews or interrogations may find it necessary to provide inaccurate information in order to maintain their cover or determine the truthfulness or veracity of a subject.
- G. Officers Always Subject to Duty. Officers shall at all times respond to the lawful orders of supervisors, and to the call of individuals in need of police assistance. The fact that they may be off-duty shall not relieve them from the responsibility of being recalled to duty as needed.
  - 1. The above shall not be construed to include enforcement of laws of a Class "C" misdemeanor nature or traffic offenses except for breach of the peace, theft, or assault.
  - 2. While off-duty or in their personal vehicle, officers shall not enforce or take any police action to enforce Class "C" traffic offenses.
  - 3. When off-duty, officers responsibly must shift to self-defense and protection, including the protection of other persons.
  - 4. Before intervening in a situation off-duty, officers shall consider if the intervention is necessary, urgent and important enough that someone will suffer serious harm if no action is taken.
  - 5. If an off-duty officer is involved in, observes or becomes aware of an incident requiring police action, they will:
    - a. Report the incident to the Department to be handled by an on-duty officer when it is not necessary to act immediately to protect life or property; and
    - b. Act in his official capacity and take appropriate police action only to safeguard life or property or prevent the escape of a criminal.
- H. Officers Required to Act. While on duty, except where expressly prohibited, officers are required to take prompt and effective police action conforming to departmental policy with respect to violations of laws and ordinances coming to their attention or of which they have knowledge. Officers shall promptly and punctually perform all official duties. Officers shall render, or cause to be rendered, medical assistance to any injured person.
- I. Reporting for Duty. Employees shall promptly report for duty properly prepared at the time and place required by assignments, training, subpoenas, or orders. Line officers shall remain at their posts or place of assignment until properly relieved by another officer or dismissed by a supervisor. All other officers and employees shall promptly report for duty properly prepared at the time and place required by assignment and shall remain at their post, place of assignment, or otherwise engaged in their duty assignment until having completed their tour of duty as set by established procedures or dismissed by a supervisor.

Employees are subject to emergency recall and shall report for duty during emergencies when so notified by a supervisor or the chief of police. (TBP: 2.16, 2.22)

- J. Exceptional Leave. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible. If unable to report to work, employees shall notify the on-duty supervisor at least one hour before reporting time.
- K. Remaining Alert to Duty. While on duty or at training, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.
- L. Prohibition of Personal Business while on Duty. While on duty, officers shall not engage in any activity or personal business that would cause them to neglect their duty.
- M. Availability While On-duty. Employees while on-duty shall not conceal themselves except for some authorized police purpose. Employees shall keep themselves immediately and readily available at all times while on-duty.
- N. Assistance to Fellow Officers. An officer shall not display cowardice in the line of duty or in any situation where the public or another officer might be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might be impending.
- O. Prompt Response to All Calls. Officers while on-duty shall respond without delay to all calls for police service. Calls shall be answered in compliance with normal safety precautions, traffic laws, and departmental policy.
- P. Duty to Report All Crimes and Incidents. Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations, and police information that come to their attention. Employees shall not conceal, ignore, or distort the facts of such crimes, violations, emergencies, incidents, and information.
- Q. Responsibility to Know Laws and Procedures. Employees shall know the laws and ordinances they are charged with enforcing, all departmental orders and rules, and the duties and procedures governing their specific assignments.
- R. Responsibility to Know Districts and Locations. Officers shall know the location and boundaries of their assigned areas. Officers also shall be familiar with the names and general locations of San Marcos streets and highways and the names and locations of hospitals and major public buildings.
- S. Keeping Posted on Police Matters. Each day while on-duty and immediately upon returning from an absence, employees shall study and become familiar with the contents of recently issued communications and directives.
- T. Sleeping On-duty. Employees must be alert throughout their tours of duty. Sleeping while on-duty is forbidden unless specific supervisor approval has been granted.
- U. Assisting Criminal Activity. Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.

- V. Reading On-duty. Employees shall not read newspapers, books or magazines while on-duty and in the public view unless a supervisory officer has assigned such reading.
- W. Studying On-duty. Employees shall not study for promotional exams while on duty.
- X. Maintaining Communications. While officers are on-duty or officially on call, they shall be directly available by normal means of communication, or shall keep their office, headquarters, or supervisors informed of the means by which they may be reached when not immediately available.
- Y. Reporting Accidents and Injuries. Employees shall immediately report the following accidents and injuries: all on-duty traffic accidents in which they are involved, all personal injuries received while on-duty, all personal injuries not received while on-duty but which are likely to interfere with performance of assigned duties, all property damage or injuries to other persons that resulted from the performance of assigned duties, and all accidents involving city equipment whether on or off-duty.
- Z. Report Address and Telephone Number. Employees shall have a working telephone or other means of communication in case of emergency, and shall register their correct residence address and telephone number with the department on the prescribed form. Any change in address or telephone number must be reported immediately.
- AA. Testifying in Departmental Investigations. When directed by a competent authority to make a statement or furnish materials relevant to a departmental administrative investigation, officers shall comply with the directive.
- BB. Carrying of Firearms. Except as approved by the chief of police or established procedures, all officers are required to carry sidearms while on-duty. While off-duty, officers may use their own discretion as to whether to carry sidearms.

## **IX. COOPERATION WITH FELLOW EMPLOYEES AND AGENCIES**

- A. Respect for Fellow Employees. Employees shall treat other members of the department with respect. They shall be courteous, civil, and respectful of their superiors, subordinates, and associates, and shall not use threatening or insulting language whether spoken directly to a specific individual, a third party, or a social media, or other electronic format.
- B. Interfering with Cases or Operations. Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the department or the work or operations of other governmental agencies. Employees against whom a complaint has been made shall not directly or indirectly contact or attempt to contact for any reason, the complainant, witness or any other persons related to the case in an attempt to intimidate or to secure the abandonment or withdrawal of the complaint, charges, or allegations.

## **X. RESTRICTIONS ON BEHAVIOR**

- A. Interfering with Private Business. Employees, during the course of their duties, shall not interfere with the lawful business of any person.
- B. Use of Intimidation. Employees shall not use their official positions to intimidate persons.

- C. Soliciting and Accepting Gifts and Gratuities. Unless approved by the chief of police, employees may not accept any reward, gratuity, gift, or other compensation for any service performed as a result of or in conjunction with their duties as employees of the department regardless of whether the service was performed while said persons were on or off-duty. Food items may be accepted only if reasonably consumable in one sitting. Employees also shall not solicit any gift, gratuity, loan, present, fee, or reward. (TBP: 2.21)
- D. Soliciting and Accepting Gifts from Suspects and Prisoners. Employees are strictly prohibited from soliciting or accepting any gift, gratuity, loan, fee or other item of value, or from lending or borrowing, or from buying or selling anything of value from or to any suspect, prisoner, defendant or other person involved in any case, or other persons of ill repute, or professional bondsmen, or other persons whose vocations may profit from information obtained from the police department. (TBP: 2.21)
- E. Reporting Bribe Offers. An officer who receives a bribe offer shall promptly make a written offense report of the incident. (TBP: 2.21)
- F. Accepting Gifts from Subordinates. Without approval from the chief of police, employees shall not receive or accept any gift or gratuity from subordinates, other than customary celebratory times such as holidays or birthdays. (TBP: 2.21)
- G. Soliciting Special Privileges. Employees shall not use their official positions or identification to solicit special privileges for themselves or others, such as free admission to places of amusement, discounts on purchases, or free or discounted meals or refreshments. (TBP: 2.21)
- H. Personal Use of Police Power. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police employees and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
- I. Giving Testimonials and Seeking Publicity. Employees representing themselves as members of the Department shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees also shall not seek personal publicity either directly or indirectly in the course of their employment.
- J. Soliciting Business. Employees shall not, while on-duty, solicit subscriptions, sell books, papers, tickets, merchandise, or other items of value nor collect or receive money or items of value for any personal gain to themselves or others. Employees may solicit for projects related to charitable fundraising, but only when done in a manner not to disrupt the workplace and only with the approval of the chief of police.
- K. Drinking On-Duty. Employees shall not drink any intoxicating beverages while on-duty. (TBP: 2.19)
- L. Intoxication. Employees shall not be under the influence of any intoxicating beverage or substance during their tour of duty or immediately prior to their tour of duty. Nor shall

officers be intoxicated off-duty while in the public view. While off-duty, officers that have consumed an alcoholic beverage to the extent that their mental and physical faculties are impaired shall refrain from exercising any police authority. Officers assigned to special units, or assignments where they may consume alcoholic beverage during the performance of their duties, shall not do so to the extent that their mental and physical faculties are significantly impaired. (TBP: 2.19)

- M. Drinking While in Uniform. At no time shall any officer consume alcoholic beverages while in uniform. (TBP: 2.19)
- N. Beverages on Official Premises. Employees shall not bring or possess open containers of intoxicating beverages into a police department building or vehicle except as evidence or a training aid. (TBP: 2.19)
- O. Entering Bars, Taverns, and Liquor Stores. Officers on-duty or in any part of the uniform shall not purchase intoxicating beverages. Officers on-duty or in uniform shall not enter or visit any bar, lounge, parlor, club, store or other establishment whose primary purpose is the sale and on-premise consumption of liquor unless for the purpose of official duties, and shall not otherwise enter, remain in, or frequent such places. (TBP: 2.19)
- P. Drug Usage. While on or off duty, employees shall not use any illegal drug or any controlled drug not prescribed by a physician. Employees shall notify their supervisor if they are using any prescribed drug or any other medication or medical device that the employee believes (or has been informed by a physician or prescription label) might impair their driving or critical decision-making. (TBP: 2.20)
- Q. Public Tobacco Use Prohibited. Officers shall not smoke or otherwise use tobacco or vaping products while engaged in traffic control, on an investigation, or while otherwise in contact with or in view of the public.
- R. Playing Games On-Duty. Officers on-duty or in uniform shall not engage in any games of cards, billiards, pool, dominoes, electronic arcade games, portable electronic games, computer games including both internally programmed games such as solitaire or internet-based games, or other games.
- S. Political Activity. While in uniform or on-duty, officers are not allowed to actively participate in political campaigns (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes). Civilian employees are not allowed to actively participate (e.g., make political speeches, pass out campaign or other political literature, write letters, sign petitions, actively and openly solicit votes) in political campaigns while on-duty. (TBP: 2.15)
- T. Improper Release of Information. Employees shall not communicate to any person who is not an employee of this department any information concerning operations, activities, or matters of law-enforcement business, the release of which is prohibited by law or which may have an adverse impact on law enforcement operations or officer safety.
- U. Seeking Personal Preferment. Employees shall not solicit petitions or influence, or seek the intervention of any person outside the department for purposes of personal preferment,

advantage, transfer, advancement, promotion, or change of duty for themselves or for any other person.

- V. Criticism of the Department. Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or its policies, city officials or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, bigoted, or unlawful, or if it undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
- W. Disruptive Activities. Employees shall not perform any action that tends to disrupt the performance of official duties and obligations of employees of the department or which tend to interfere with or subvert the reasonable supervision or proper discipline of employees of the department.
- X. Operation and Use of Police Radios. Operation and use of police radios is restricted to authorized and official police business. Personal conversations, or using vulgar, sarcastic, bigoted, or obscene language, or making unnecessary sounds are not permitted.
- Y. Use of Racial or Religious Jokes and Slurs. No employee shall engage in any form of speech likely to be construed as a racial, ethnic, or religious slur or joke, whether in the presence of the public or of other employees.
- Z. Indebtedness to Subordinates. Supervisors shall not become indebted to their immediate subordinates.
- AA. Personal Relationships Prohibited with Certain Persons. Employees shall not become personally involved or develop a personal or social relationship with a victim, suspect, witness, or defendant while any case is being investigated or prosecuted as a result of such investigation. (TBP: 2.18)
- BB. Duty to be Kind, Courteous, and Patient. Employees shall at all times be courteous, kind, patient, and respectful in dealing with the public. Employees shall strive to win the respect of all members of the community in the discharge of their official duties. When addressed, employees shall avoid answering questions in a short or abrupt manner, and shall not use harsh, coarse, violent, profane, indecent, suggestive, sarcastic, bigoted, or insulting language.

## **XI. IDENTIFICATION AND RECOGNITION**

- A. Giving Name and Badge Number. Employees shall courteously give their last name, badge or employee ID number to any person requesting such facts unless doing so would jeopardize the successful completion of a police assignment.
- B. Carrying Official Identification. All employees will carry their official identification on or about their persons while on-duty.
- C. Personal Cards. Employees are not permitted to have or use personal cards showing their connection to the department if such cards bear any information not directly pertaining to their work as police department employees.

- D. Exchange, Alteration, or Transfer of Badge. An employee's issued badge shall not be altered or exchanged between employees or transferred to another person except by order of the chief of police. Employees retiring or resigning will not be permitted to retain their badge when doing so will hamper normal operations of the department. All badges must be purchased unless exempted by the chief of police.
- E. Plainclothes Officers – Identification. A uniformed officer shall neither acknowledge nor show recognition of another police officer in civilian clothes unless that officer first addresses the uniformed officer.

## **XII. MAINTENANCE OF PROPERTY**

- A. Use of City Property or Service. Officers shall not use or provide any city equipment or service other than for official city business.
- B. Responsibility for City Property. Employees shall be responsible for the proper care and use of department property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein.
- C. Departmental Vehicles. Employees shall operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator shall notify a supervisor immediately. Under no circumstances shall an officer investigate his or her own accident.
- D. Responsibility for Private Property. Employees are responsible for protecting private property or equipment that has come into their possession by reason of their office against loss, damage, or destruction.
- E. Care of Quarters. Employees shall keep their offices, lockers, and desks neat, clean, and orderly.
- F. Property and Evidence. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence held in connection with an investigation or other official action except in accordance with established procedures. Any evidence coming into the possession of an employee shall be submitted to the property room prior to the end of shift unless there is a need for additional processing.
- G. Alteration or Modification of Police Equipment. Officers shall not use any equipment that does not conform to departmental policy or specifications. All equipment shall be carried and utilized only as issued and authorized, and no changes, alterations, modifications, or substitutions shall be made to such equipment unless approved by the chief of police.

## **XIII. RELATIONSHIP WITH COURTS AND ATTORNEYS**

- A. Attendance in Court. Employees shall arrive on time for all required court appearances and be prepared to testify. Each employee shall be familiar with the laws of evidence and shall testify truthfully on any matter.

- B. Recommending Attorneys or Bondsmen. Employees shall not suggest, recommend, advise or counsel the retention of a specific attorney or bondsmen to any person (except relatives) coming to their attention as a result of police business.
- C. Testifying for a Defendant. Any employee subpoenaed or requested to testify for a criminal defendant or against the City of San Marcos or against the interests of the department in any hearing or trial shall immediately notify the prosecuting attorney.
- D. Interviews with Attorneys. Interviews between an officer and a complainant's attorney about a case arising from the officer's employment by the department shall be done in the presence of or with the knowledge and consent of the officer's commanding officer, department legal counsel, or prosecutor.
- E. Assisting and Testifying in Civil Cases. Officers shall not serve civil-process papers nor render assistance in civil cases except as required by law. No employee shall volunteer to testify in civil actions.
- F. Notice of Lawsuits against Officers. Employees who have had a suit filed against them because of an act performed in the line of duty shall immediately notify the chief of police in writing and furnish a copy of the complaint as well as a full and accurate account of the circumstances in question.
- G. Notice of Contact, Arrest or Citation. Other than for receipt of a traffic citation or involvement in a minor motor vehicle collision, employees are required immediately to notify their supervisor if they are involved in an off-duty incident that results in a response from any law enforcement agency.
- H. Arrest of Officer from Another Agency. An officer who arrests an employee of another law enforcement agency shall immediately notify their own supervisor of the fact. Officers shall take whatever action is appropriate to the circumstances including issuance of summonses or making a physical arrest.
- I. Arrest of San Marcos Officer. If an officer has probable cause to arrest a sworn officer of our department, the officer shall first contact their own immediate supervisor to review and confirm probable cause. In most cases, the officer may obtain a warrant against the suspect officer. Some occasions may demand an immediate custodial arrest.

#### **XIV. EXPECTATION OF PRIVACY**

- A. Employees shall have no expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While the department recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational needs, internal investigatory requirements, or for other reasons—at the direction of the chief of police or their designee.
- B. No member of this department shall maintain files or duplicate copies of official department files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.

