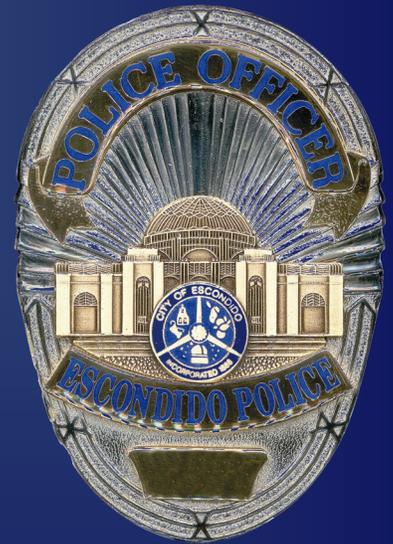




RULES OF CONDUCT



2024

PREAMBLE

Executive Order

The Rules of Conduct have been established to ensure that employees are aware of the governing rules and regulations and the expectations of all members employed by the Escondido Police Department. The document includes conduct on and off duty for sworn officers, community service officers, dispatchers, custody officers, civilian employees, and volunteers. The Rules of Conduct cover moral and ethical issues, member accountability, professional standards, and procedural processes. All members should familiarize themselves with the responsibilities and expectations set forth in the Rules of Conduct.

To maintain the standards and professionalism of the Escondido Police Department, all members of the Department are to adhere to the Rules of Conduct. Dishonorable conduct and behavior negatively affect customer service.

The Rules of Conduct are available on the shared drive and can be downloaded for quick reference. Training officers and management staff shall utilize the Rules of Conduct to govern their subordinates and to ensure that the highest standards of service are met. Violations of the Rules of Conduct may result in disciplinary action. The Rules of Conduct cannot encompass all situations that may arise; theoretical application may prevail as members are encouraged to use good judgment in the discharge of their duties.

Changes, additions, and modifications to the Rules of Conduct may occur over time and are effective upon issuance. It is the responsibility of each member of the Department to stay current and knowledgeable of the changes. Command staff personnel have the authority to issue special orders and to implement changes as necessary to the Rules of Conduct.

As an organization, it is each member's duty to report violations of the policy and preserve the fundamental values of the Rules of Conduct. The Escondido Police Department has an obligation to promote a safe and enjoyable work environment for all members and to hold individuals accountable. Courtesy and unparalleled service are the cornerstones to the success of the Department as reflected by the commitment and dedication of its members.



Edward Varso
Chief of Police

TABLE OF CONTENTS

	<u>Page No.</u>
1.01 General Duties	1
1.02 Performance of Duty.....	1
1.03 Neglect of Duty.....	2
1.04 Reporting for Duty.....	2
1.05 Illness or Injury Reports.....	2
1.06 Obedience to Rules	2
1.07 Obedience to Laws.....	3
1.08 Obedience to Lawful Order	3
1.09 Conflicting Orders	3
1.10 Seniority	3
1.11 Honesty	3
1.12 Unbecoming Conduct	4
1.13 Immoral Conduct	4
1.14 Associations with Known Criminal Offenders	4
1.15 Participation in Law Enforcement Gang.....	4
1.16 Visiting Prohibited Establishments.....	4
1.17 Abuse of Position.....	5
1.18 Gifts or Gratuities	5
1.19 Payment of Debts.....	5
1.20 Endorsements and Referrals	6
1.21 Public Statements and Appearances	6
1.22 Dissemination of Information.....	6
1.23 Political Activity	6
1.24 Labor Activity.....	7
1.25 Employment Outside of Department	7
1.26 Arrests.....	7
1.27 Treatment of Persons in Custody.....	7
1.28 Investigations	8
1.29 Department Reports	8
1.30 Processing Property	8
1.31 Medical Examinations; Photographs; Lineups	8
1.32 Identification.....	8
1.33 Courtesy	8
1.34 Requests for Assistance	9
1.35 Citizen Complaints.....	9
1.36 Alcoholic Beverages and Drugs in Police Installations.....	9
1.37 Use of Alcohol	9
1.38 Use of Tobacco	10
1.39 Personal Appearance.....	10
1.40 Use of Department Equipment.....	10
1.41 Operating Vehicles.....	10
1.42 Use of Safety Belts.....	11
1.43 Carrying Firearms	11
1.44 Patriotic Courtesy.....	11
1.45 Meals.....	11

	<u>Page No.</u>
1.46 Residence and Telephone	11
1.47 Personal Telephone Calls.....	11
1.48 Mail or Auto Registrations Addressed to Station	12
1.49 Use of Police Department Facilities	12
1.50 Dating Relationships.....	12

ESCONDIDO POLICE DEPARTMENT RULES OF CONDUCT

DEFINITIONS:

MEMBER: Includes all employees of the Police Department, sworn and non-sworn.

OFFICER: Includes all sworn personnel.

1.01 General Duties

A. On Duty

Officers shall at all times when on duty, and in accordance with law, protect life and property, detect and arrest violators of the law, prevent crime, preserve the public peace, and enforce the laws of the State of California and the ordinances of the City of Escondido.

B. Off Duty

Officers shall, when off-duty and within the corporate limits of the City of Escondido, *take appropriate action* to protect life and property, preserve the public peace, prevent crime, and cause the apprehension of violators of criminal laws.

When outside the corporate limits of the City of Escondido, but within the State of California, officers shall assist any law enforcement officer who appears to be in need of and/or requests immediate assistance from on-duty law enforcement.

Officers who are outside the boundaries of California do not have peace officer status and therefore have only the rights and obligations of a private citizen.

Appropriate action may be defined as summoning assistance from uniformed, on-duty personnel, and providing information and acting as a witness for responding personnel. Off-duty officers should consider all available options, and the particulars of any developing situation. Uniformed on-duty response is preferable, unless there is imminent peril to life, or circumstances are so compelling that intervention is clearly required.

1.02 Performance of Duty

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner that will maintain the highest standards of professionalism and efficiency in carrying out the functions and objectives of the Department. Members are required to conform to work standards established for the member's rank, grade, or position.

The following will be considered prima facie evidence of unsatisfactory performance; repeated poor work performance evaluations or a written record of repeated infractions of the rules, regulations, instructions, directives, or orders.

1.03 Neglect of Duty

Members shall not engage in any activities or personal business which would cause them to neglect or be inattentive to their duty.

Neglect of Duty may be demonstrated by an unwillingness to perform assigned tasks, failure to take appropriate action on the occasion of a crime or other conditions deserving police attention, absence without leave, or unauthorized absence during a scheduled work day or assignment.

Members shall remain awake while on duty. If unable to do so, they shall report to their superior officer who shall determine the proper course of action.

1.04 Reporting for Duty

An employee is deemed to have resigned if the employee is absent for five consecutive workdays without prior authorization and without notification during the period of absence. On the third working day of unauthorized absence, the supervisor shall send a certified overnight letter to the employee's last known address informing the employee that if the employee fails to report to work within two workdays, or receive authorization for such absence, the employee will be deemed to have resigned.

1.05 Illness or Injury Reports

Members shall call in sick no later than two hours prior than the start of their next shift. The member's supervisor is to be contacted each subsequent workday unless the supervisor indicates that less frequent contacts are satisfactory.

Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health. A representative of the Department may visit a member who is off duty with an illness or injury, and unless otherwise recommended by the attending physician, such persons must be granted access to the member at any reasonable hour, and must be accurately and fully informed of the member's condition.

Members having any contagious disease in their families shall immediately notify their supervisor and shall not report for duty without the approval of their supervisor.

1.06 Obedience to Rules

Members shall not commit any acts or fail to perform any acts which constitute a violation of any of the rules, regulations, instructions, directives, or Department Orders. Obedience to rules apply to orders from the Department or City of Escondido whether stated in these Rules of Conduct, Department Instruction, City manual, or other formal Department or City publication.

1.07 Obedience to Laws

Members shall obey all federal, state, county and municipal laws. Any member who becomes the subject in a criminal or civil investigation is to inform their immediate supervisor or the on-duty watch commander within a reasonable time not to exceed 24 hours. If a member has been arrested or detained for any crime, immediate notification is required, excluding minor traffic infractions.

1.08 Obedience to Lawful Order

Members shall promptly obey any lawful order(s) of a superior officer. This includes orders relayed from a superior officer by an officer of the same or lesser rank. While on duty and in the presence of others, members of the Department should address superior officers by their title, or by “Sir” or “Ma’am.”

1.09 Conflicting Orders

Members who are given an otherwise proper order which is in conflict with a previous order, rule, regulation, or directive shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not alter or retract the conflicting order, the most current order shall stand. Under these circumstances, the superior officer shall be responsible for the conflicting order. Members shall obey the most current order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued.

1.10 Seniority

When a question of seniority may arise, such seniority shall be determined:

- First: By rank
- Second: By continuous service in rank or assignment.
- Third: By continuous length of service as an EPD Officer.

Where two or more officers are working together on the same assignment and are of equal rank, such seniority shall not be exercised except in an emergency necessitating it, unless by competent authority one member has been designated to be in command. All officers will arrive to work in harmony in a spirit of cooperation rather than by authority of seniority.

1.11 Honesty

- A. Members shall be truthful in all matters relating to their duties.
- B. If directed to make a statement in the course of an official Department investigation, members shall make full, complete, and truthful statements, and must provide all knowledge relative to the investigation. Such statements will be made in accordance with all applicable rights and constitutional guarantees.

1.12 Unbecoming Conduct

Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Members shall not conduct themselves in any manner which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or which impairs the operation and efficiency of the Department or the member.

1.13 Immoral Conduct

Members shall maintain a level of moral conduct in their personal affairs, which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any activity or incident involving moral turpitude that impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute.

1.14 Associations with Known Criminal Offenders

Members shall avoid continuous associations or dealings with persons who they know, or should know, are racketeers, sexual offenders, felons, 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.

The aforementioned shall not apply in the following situations:

Members who associate with prior offenders who have rehabilitated or who are reasonably believed to have rehabilitated.

Members who have family that fall into the above categories shall be allowed to associate with said family member(s). Any conversations with those family members shall not include discussions about the business, operations, or tactics of the Department or law enforcement in general.

Any such family member(s) shall not be exempt from enforcement efforts if the family member(s) engages in criminal activity. The member shall not interfere in any way with the detention, apprehension, or arrest of a family member.

1.15 Participation in a Law Enforcement Gang

Participation in a law enforcement gang, as defined per CA Penal Code 13670 (a)(2), is prohibited. Violation of this policy is grounds for discipline up to, and including, termination.

1.16 Visiting Prohibited Establishments

Members shall not knowingly visit, enter or frequent a house of prostitution, unlawful gambling house, or establishment wherein any law of the United States, state, city or county is regularly violated except in the performance of duty or while acting under proper and specific orders from a superior officer.

1.17 Abuse of Position

A. Use of Official Position or Identification

Members shall not use their official position, official identification cards or badges: (1) for personal or financial gain, (2) for obtaining privileges not otherwise available to them except in the performance of duty, or (3) for avoiding consequences of illegal acts for themselves or another person. Members shall not lend their identification cards or badges to another person or permit their identification cards to be reproduced.

B. Use of Name, Photograph, or Title

Members shall not permit or authorize the use of their name, photographs, or official titles in connection with testimonials or advertisements of any commodity or commercial enterprise, or in connection with any local, state, or federal election, if such use identifies the person as a member of the Escondido Police Department, without the approval of the Chief of Police.

C. Members shall enter into official Department correspondence only with the approvals and format listed in Department Instruction 1.1.

1.18 Gifts or Gratuities

A. Definition: "Gift" or "gratuity," as used herein, includes, but is not limited to meals, drinks, money, property, loan, promise, service, or entertainment which is given to members without payment by members for same.

B. Members shall not solicit or accept from any person, business, or organization any gift or gratuity for the benefit of the member or others if it may be reasonably inferred that the person, business, or organization:

1. Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty; or
2. Has an interest that may be affected directly or indirectly by the performance or non-performance of an official duty.

1.19 Payment of Debts

Members shall not undertake any financial obligations which they know or should know they will be unable to meet, and shall pay all just debts when due. Repeated instances of financial difficulty may be cause for disciplinary action.

Non-payment of debts in dispute between officers and creditors shall not be the subject of disciplinary action. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts is undertaken.

1.20 Endorsements and Referrals

Members in an official capacity shall not recommend or suggest to anyone in any manner the employment or procurement of a particular product, or private professional, or commercial service (such as an attorney, ambulance service, towing service, bondsman, etc.).

1.21 Public Statements and Appearances

- A. Members shall not publicly criticize or ridicule the Department, its policies, or other members by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
- B. Members shall not address public gatherings, appear on radio or television, lecture on "police" or other related subjects, prepare any articles for publication, act as correspondents to a newspaper or periodical, release or divulge investigative information, or any other matters of the Department while holding themselves out as having an official capacity in such matters, without the approval of the Chief of Police.

1.22 Dissemination of Information

Members shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Department procedures. Members may remove or copy official records or reports from a police installation only in accordance with established Department procedures.

Members shall not divulge the identity of persons giving confidential information to the Department except as authorized by proper authority in the performance of police duties.

1.23 Political Activity

Members shall not:

- A. Use their official capacity to influence, interfere with, or affect the results of any local, state, or federal election.
- B. Use or give the appearance of using their official status at any time or place for the purpose of soliciting contributions or attempting to exert influence in respect to any local, state, or federal election. This includes, but is not limited to, the use of title, wearing of uniform or other apparel or badge, in campaign related activities.
- C. Engage in any political activity during working hours or in any City work area, except where a work assignment necessitates such involvement and has been approved by the Chief of Police.

- D. Permit the entry into any place under their control, occupied for any purpose of the municipal government, of any person for the purpose of therein making, collecting, or receiving any subscription or contribution, or giving notice of any political activity.
- E. Off-duty political activity is not prohibited by this section and shall be regulated by other sections of these rules, and all other applicable federal, state or local laws.
- F. Superiors shall not coerce or require members to engage in political activity, or discourage members from engaging in legal off-duty political activity.

1.24 Labor Activity

Officers shall not engage in any strike. As used in this section, "strike" means any concerted action to withhold from the full, faithful performance of the duties of employment for the purpose of inducing, influencing or coercing a change in wages, hours or other terms or conditions of employment, including, but not limited to, a failure to report to duty, an absence from duty without authorized leave, sickness unsubstantiated by a physician's statement, or the stoppage or slowdown of work.

1.25 Employment Outside of Department

No member shall accept any outside employment or engage in the management or operation of any enterprise or business without the written approval of the Chief of Police or his/her designee.

Such approval shall not be given if such employment or participation would, in any way, conflict with the member's responsibilities and obligations to the City, reflect criticism or discredit on the member or the City, or would affect the efficiency of the member in the performance of regular duties.

No member shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of the member's official duties or would tend to impair the member's independence or judgment or action in the performance of such duties.

1.26 Arrests

Officers shall not make any arrest that is not in accordance with law and established Department procedures.

1.27 Treatment of Persons in Custody

Members shall not mistreat persons who are in their custody. Members shall handle such persons in accordance with law and established Department procedures.

1.28 Investigations

Members shall not initiate or conduct any investigation or other official action(s) not part of their regular duties without obtaining permission from their superior officer unless the urgency of the situation requires immediate police action.

1.29 Department Reports

Members shall submit all Department reports on time and in accordance with established Department procedures, Department Orders, rules governing watches, and orders received from superior officers orally or in writing. Reports submitted by members shall be truthful and complete. No member shall knowingly enter or cause to be entered any inaccurate, false, or improper information.

1.30 Processing Property

Property or other evidence that has been discovered, gathered, or received in connection with Department responsibilities shall be processed in accordance with established Department procedures. Members shall not convert to their own use, conceal, falsify, destroy, remove, tamper with or withhold any property or other evidence found in connection with an investigation or other police action. Release or destruction of property shall conform to established Department procedures.

1.31 Medical Examinations; Photographs; Lineups

Upon the order of the Chief of Police, and in accordance with constitutional guarantees, officers shall submit to any medical, ballistics, chemical or other tests, photographs, or lineups that are specifically directed and narrowly related to a particular internal investigation being conducted by the Department.

1.32 Identification

Officers shall carry their badges and identification cards on their persons at all times while armed.

Officers shall furnish their name and identification number to any person requesting that information when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

1.33 Courtesy

Members shall be courteous to the public, fellow members and all city employees. Members shall be tactful in the performance of their duties, shall control their tempers and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. While on duty, members should not use coarse, violent, profane or insolent language or gestures.

1.34 Requests for Assistance

When any person requests assistance or advice, or makes complaints or reports, by any means, all pertinent information shall be obtained in an official and courteous manner and shall be properly and judicially acted upon consistent with established Department procedures.

1.35 Citizen Complaints

Members shall courteously and promptly accept any complaint made by any person against any member of the Department.

Members may attempt to resolve the complaint, but shall not attempt to dissuade any person from lodging a complaint against any member of the Department. Members shall follow established Department procedures for processing complaints.

1.36 Alcoholic Beverages and Drugs in Police Installations

- A. All members shall comply with the Citywide drug free workplace policy.
- B. Members shall not bring into or store alcoholic beverages, or non-prescription controlled substances, narcotics or hallucinogens in any police facility or vehicle except in the performance of duties. Such items shall be processed in accordance with Department procedures.
- C. Members shall notify his or her supervisor, before beginning work, when taking any medication or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of equipment. Supervisors shall inquire into the effects of such drugs on job duties and determine the appropriate work assignment, if any exists.

1.37 Use of Alcohol

Members shall not appear for duty, or be on duty, while under the influence of alcohol to any degree whatsoever, or with an odor of alcohol on their breath. Members shall not drink alcoholic beverages while on duty unless in the performance of duty and acting under proper and specific orders from a superior officer.

Any member who creates a reasonable suspicion indicating that the member is under the influence of alcohol or drugs which impairs the member's ability to effectively or safely perform his or her job shall be required to submit to alcohol or drug testing as set forth in the Citywide drug free workplace policy.

Members, while off duty, shall refrain from consuming alcoholic beverages to the extent that it results in a level of impairment, intoxication, or obnoxious or offensive behavior which would discredit them or the Department, or render them unfit to report for their next regular tour of duty.

1.38 Use of Tobacco

Members shall follow all applicable City, State, and Municipal statutes pertaining to tobacco use.

Members, while on duty, shall not use tobacco products when conducting an investigation or interview, contacting the public, or under any other circumstances when it would be obnoxious or offensive to a reasonable person.

Members shall not use tobacco products while inside any police facility or any City operated vehicle.

1.39 Personal Appearance

A. Members on duty shall wear uniforms or other clothing in accordance with established Department procedures.

B. Except when acting under proper and specific orders from a superior officer, members on duty shall maintain a neat, well-groomed appearance and shall adhere to established Department grooming standards.

1.40 Use of Department Equipment

A. Members shall utilize Department equipment only for its intended purpose, in accordance with established Department procedures, and shall not abuse, damage, or lose Department equipment. All Department equipment issued to members shall be maintained in proper order. Members who lose or damage Department equipment shall promptly report such loss or damage to their supervisor.

B. Those items of equipment which are supplied by the Department to the member must be surrendered immediately upon demand, in good condition, to the Chief of Police, *or* designee, before an extended leave of absence, suspension, resignation, discharge or retirement.

1.41 Operating Vehicles

A. Members shall operate official vehicles in a careful and prudent manner, and shall obey all traffic laws and all Department orders pertaining to such operation. Loss or suspension of any driving license shall be reported to the Department immediately.

B. Members shall not use their personal vehicles for any assignment while on duty unless authorized to do so by their supervisor, or as authorized by Department or City policy.

C. Members shall not permit persons to ride in Department vehicles except in accordance with Department procedures.

- D. No assigned Department vehicle shall be taken without the express permission from the assigned member, watch commander, or supervisor. Members shall follow all established protocol for Department vehicle use.

1.42 Use of Safety Belts

- A. Members of the Department, while using or riding in City operated vehicles shall wear seat belts.
- B. This order will also apply to persons who are in custody and are being transported in police vehicles, provided they are riding in seats that are equipped with seat belts.

1.43 Carrying Firearms

Officers shall carry firearms and ammunition in accordance with law and established Department procedures. When traveling out of state, on-duty and off-duty officers will comply with the law of the state in which they are traveling or if eligible, the conditions set forth under HR 218 (Law Enforcement Officer Safety Act). Officers shall not carry firearms outside the boundaries of the United States except in an "on-duty" status with the specific consent of the Department and the host country.

1.44 Patriotic Courtesy

Patriotic courtesy and respect for the American flag is symbolic of the oath to support and uphold the U.S. Constitution. On approach of the flag, during the playing of the National Anthem and when the Pledge of Allegiance is being recited all members of the Department and any uniformed officer shall stand at attention. When wearing a hat, it should be removed.

1.45 Meals

Members shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during their tours of duty, but only for such period of time, and at such time and place, as established by Department procedures.

1.46 Residence and Telephone

All members shall maintain a working telephone number (either a landline or cellular telephone) and keep their supervisor informed of their correct address of residence and telephone number. Members shall report any changes to their supervisors and Administration within 24 hours after making such change.

1.47 Personal Telephone Calls

Members of the Department shall not have personal telephone calls directed to the station except in an emergency or where the calls are of considerable importance.

Personnel shall use Department-issued cell phones in accordance with Department guidelines. Department cell phones are the property of the Escondido Police Department and as such fall within the guidelines of City-owned equipment.

It is generally acceptable to receive personal phone calls while on duty, however, the calls should be held to a minimum and not interfere with job performance.

1.48 Mail or Auto Registrations Addressed to Station

No member of this Department shall use the Departmental address as a depository for personal correspondence. They may, however, for security reasons, utilize the Departmental address for drivers' licenses and vehicle registration for themselves and their spouse.

1.49 Use of Police Department Facilities

All group meetings utilizing police facilities will be scheduled and approved through the police administrative office.

Meeting facilities are to be kept clean and free from trash, food items, and other debris. Anyone using the facility is responsible for keeping the room clean and organizing the tables and chairs in the previously maintained fashion.

Any damage to any Department facility is to be reported immediately to supervisory personnel.

1.50 Dating Relationships

Members will not engage in dating, intimate, or sexual relationships while on duty.

Members assigned to the same shift shall notify their supervisor if they enter into a dating or romantic relationship.

Training officers and supervisors are required to fairly and impartially train and evaluate new members. Personal off-duty relationships between FTOs or supervisors and recruits are strictly prohibited. This policy applies to all members currently on probation. Instructors representing the Police Department are also bound by this policy.

Further, members shall not initiate or advance personal relationships on or off duty with persons who the member knows or should know are named in an active police investigation.