DAVIS POLICE DEPARTMENT

Rules and Regulations

7.04 GENERAL CONDUCT Members shall conduct themselves at all times in such a manner as to reflect favorably upon themselves, the City, the members of the Davis Police Department and the police profession. Members, whether on or off duty, shall avoid any conduct which could bring disgrace to the Davis Police Department.

7.06 RUDE CONDUCT Members shall treat all members of the public and the Department with courtesy, professionalism, and respect. Members shall not engage in rude conduct towards the public or any member of the Department. Rude conduct is defined as words or acts directed towards, and in the presence of another, that are discourteous, impolite, uncivil, or violent in nature.

7.07 DISCRIMINATION/HARASSEMENT Discrimination and/or harassment against any person because of age, race, color, creed, religion, sex, sexual orientation, gender or identity expression, national origin, ancestry, marital status, physical or mental disability or medical condition is grounds for discipline. Discrimination and/or harassment against any person because of perceived protected characteristics is also prohibited. All members are charged with the responsibility for compliance with this regulation. Any violations by members must be reported immediately to a supervisor. All reported acts of discrimination shall be thoroughly investigated and documented.

7.08 REQUEST FOR INFORMATION All members are expected to respond to public contacts and requests for information in a courteous and accurate manner. A member of the public’s request to speak to a supervisor shall be promptly directed to a supervisor. Absent extenuating circumstances, the supervisor should promptly respond to requests.

When reasonable and feasible under attendant circumstances, members should listen to a member of the public’s questions or concerns and directly address the questions the person may have, including an explanation if relevant.

7.10 LANGUAGE Members shall be professional in their communications and interactions with the public and co-workers.

Members will not use harassing, intimidating, derogatory, or prejudiced language, particularly when related to an individual’s actual or perceived protected characteristics.

Members will refer to all members of the public, including LGBT individuals, using the names, pronouns, and titles of respect appropriate to the individual’s gender identity as expressed or clarified by the individual.

7.13 IDENTIFICATION While on duty, a member shall provide their name, badge number, and/or business card to a member of the public upon request. Exceptions are made for a member working in an undercover capacity. The City provides business cards for this purpose. Similarly, the name of a member’s supervisor shall be given upon request.
While on-duty, all members of the Department shall carry their Davis Police Department Identification Card. The identification card shall be displayed upon demand and/or when appropriate to properly identify the bearer as a police officer or police employee. While off-duty AND carrying a concealed weapon, all sworn members shall carry their police identification card with them on their person.

Members shall not give or loan a Department identification card to another person. No Davis Police badge, be it City owned or personally owned, shall be given or loaned to another person without supervisor approval. Members shall immediately report the loss or theft of any badge, access card or identification card, and prepare an appropriate police report.

7.16 COMMERCIAL TESTIMONIALS Members shall not allow their names or visual representations to be used for endorsement of any commercial product or service, which depicts them as a member of the police profession or a member of the City of Davis. Exceptions are made only with the specific permission of the Police Chief.

7.19 CORRESPONDENCE Department stationary shall be used for all official correspondence. Department stationary may not be used for private correspondence.

7.20 PERSONAL MAIL Members shall not use the address of the Police Department to receive personal mail. Allowance is given for the occasional receipt of packages that require special delivery.

7.21 SUPERVISORY/MANAGERIAL RESPONSIBILITY In addition to having the technical skills and knowledge necessary to perform the duties of their specific assignment, supervisors and managers shall also be responsible for the performance of general supervisory duties, which includes monitoring and directing the work of subordinates. A supervisor shall exercise control over their subordinates in any reasonable manner necessary to accomplish departmental objectives. Supervisors and Managers will be held responsible for their own action or inaction in the training, supervision, or control of subordinates, or for the acquiescence of subordinates’ improper conduct. Supervisors/Managers have an affirmative duty to stop or prevent improper conduct, if there is a realistic opportunity to intervene.

Supervisors/Managers shall organize their own work and that of their subordinates to ensure that tasks and assignments are handled timely and shall monitor workload in order to make changes because of current, unusual, and changing conditions. Supervisors/Managers may delegate to subordinates appropriate portions of their supervisory responsibilities, together with corresponding authority to accomplish the task, but they may not delegate or relinquish their own responsibility for results, nor any portion of their own accountability.

Supervisors/Managers shall be familiar with the contents of State, Federal, and local laws and ordinances; appropriate case law; the Department Manual; procedural changes, instructions, and directives; and shall disseminate such information to their subordinates. Information shall be disseminated in such a manner as to achieve departmental objectives.
7.22 **INSUBORDINATION** Insubordination is defined as a failure or refusal by any member to obey a lawful order or direction given by a superior. No member shall be insubordinate.

7.23 **CHAIN OF COMMAND** Operation of the Davis Police Department shall be in accordance with the following descending hierarchy of authority:

a. Police Chief  
b. Deputy Police Chief/Support Services Manager  
c. Lieutenant/Manager  
d. Sergeant/Supervisor  
e. Corporal  
f. Designated Watch Commander  
g. Full-time Employee  
h. Part-time Employee  
i. Volunteer

The Chain of Command as described above will be applied in conjunction with the Police Department Organization Chart to define organizational responsibility. A member’s station in the Chain does not necessarily equate to their level of job responsibility. Those positions designated above full-time employee are expected to exercise appropriate supervisory/managerial responsibility.

In the absence of the Police Chief, the Deputy Police Chief shall serve as the Acting Police Chief. In the absence of both the Police Chief and the Deputy Police Chief, the manager/supervisor appointed by the Police Chief shall serve as the Acting Police Chief. In the absence of an appointed Acting Police Chief, the most senior in class, highest ranking sworn administrator will serve as the Acting Police Chief.

7.24 **WATCH COMMANDER AUTHORITY** In the absence of those members who regularly exercise administrative authority over the Department, the duty Watch Commander is responsible for the operation of the Police Department.

7.25 **ORDER DEFINED** For the purposes of the Rules and Regulations herein, an order is a request or directive by a member in higher authority to a subordinate member to perform a job task or to cease an undesirable activity.

7.26 **UNLAWFUL ORDERS** No superior shall knowingly issue any order that is unlawful, or is in violation of a Department rule. Obedience to an unlawful order is never a defense for an unlawful act; therefore, no member is required to obey an unlawful order. The subordinate shall call attention to the unlawful order to the superior. If no satisfactory solution is achieved, consultation shall be made to higher authority by either disputant.

7.28 **CONFLICTING ORDERS** Upon receipt of an order that conflicts with any previous order, the subordinate shall advise the person giving the order of this conflict. The superior countermanding an existing order assumes full responsibility for this action. The responsibility includes notification to the member whose order was countermanded.
7.31 GIFTS AND GRATUITIES No member shall solicit or receive any gift, gratuity, loan, fee, price discount, or other item of value arising from their Department position or employment.

Holiday and other similar special occasion gifts of minimal value, in the nature of candy, food, and non-alcoholic beverages may be accepted so long as they are not intended to influence members in their official duties and are openly shared with other members.

Unsolicited purchases made by community members (e.g., a cup of coffee, a snack or beverage) with a total value of $5 or less or anonymous purchases of food/beverages with a total value of $10 or less may be accepted so long as the purchase is not intended to influence the member in their official duties. Members attending hosted events on behalf of the department may receive food/beverages of modest cost while attending the event.

7.34 REWARDS Members must not accept any gratuity, gift, reward for services rendered in the line of duty without the expressed permission of the Police Chief.

7.37 GAMBLING Members are prohibited from participation in gambling or games of chance while on duty. Illegal gambling is prohibited either on or off duty.

7.40 DEBTS Members shall pay all just debts when due.

7.43 FITNESS FOR DUTY All members are required to maintain the necessary level of physical and emotional fitness to safely perform the essential duties of their position. And, each member shall perform their respective duties without physical, emotional, and/or mental constraints.

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers.

7.45 ALCOHOLIC BEVERAGES Members shall not purchase or consume alcoholic beverages while on duty except while in pursuit of a police task, and only then with a supervisor’s permission. Alcoholic beverages may never be purchased or consumed while in uniform. A member shall not report for regularly scheduled duty with a blood alcohol measurement above 0.00.

When a member is summoned to work in circumstances beyond a normal duty assignment, and the member is under the influence of alcoholic beverages, the member must immediately reveal the impairment to the caller.

No member shall transport alcoholic beverages in a police vehicle except when in pursuit of a police task.

7.46 DRUGS Members taking prescribed or self-medication drugs that impair their ability to competently perform job tasks shall not report for duty. Such persons have the burden to determine if this consumption could significantly impair their job performance. The member’s burden of responsibility may include consultation with a qualified physician.
Possession of medical marijuana or being under the influence of marijuana, on- or off-duty, is prohibited and may lead to disciplinary action.

In instances when drug use impairs job performance, the impaired member must advise their supervisor immediately. The supervisor has the option of reassigning the member to less critical tasks, or placing the member on sick leave as appropriate.

7.47 TELEPHONE ACCESS Members are required to have a functional phone, whether landline or cell, where they can be reached. Any changes in address or telephone number(s), including cell phone number(s), shall be immediately reported to the Administrative Assistant to the Police Chief.

Consistent with the responsibilities of an emergency service provider, members may be called to duty or sought for consultation at any time. Members must respond to attempted contacts by Department personnel by telephone, cell-phone, or pager immediately upon receipt or becoming aware of the call or message.

7.48 ELECTRONIC AND VOICE MAIL All members are required to examine their E-mail and Voice mail messages at the beginning of their tour of duty. In addition, members shall again check these message sources just prior to the end of their regularly scheduled tour of duty. Members shall timely respond to E-mail and voice mail.

7.49 ATTENDANCE The Davis Police Department is an emergency services provider and, as such, its members perform essential public safety functions for the City of Davis and/or for its mutual-aid partners. The ability to timely report, and work full and regularly scheduled or rotating shifts, including overtime as needed, is an essential job function for all members. All members shall report for duty at the designated time, date, and location posted in their Division/Unit schedule, or as otherwise directed by competent authority. Members are to be properly groomed and attired, and fully equipped for duty at time of reporting. Sworn members shall be legally eligible to carry a duty-firearm.

Failure to appear for duty without prior consent from competent authority is “Absence Without Leave” (AWOL). The work status, Absence Without Leave, shall be assumed if the member cannot be accounted for after two elapsed hours of a scheduled tour of duty.

Members must report an anticipated absence from duty as soon as possible, but no later than one hour prior to the beginning of the duty day. Absence without leave for 3 consecutive days is considered to be job abandonment and may result in termination.

It is the responsibility of members to track the amount of any vacation, sick, or compensatory time they accrue. If a member schedules or requests more time off than they have accrued, in available leave, leave without pay must be requested and approved in advance of the time off. Members may not use vacation or compensatory time off in lieu of sick leave without the advance express permission of the Police Chief, or his designee, or if FMLA/CFRA qualifying, Human Resources.

7.50 RELIEF Members assigned to a post or duty assignment shall remain on duty until relieved or dismissed by competent authority.
7.51 KNOWLEDGE OF LAWS, POLICY AND PROCEDURE  Members are expected to acquire and maintain a working knowledge of the duties and responsibilities associated with their job requirements as a condition of employment.

Specialized training, roll call training, and information updates will be provided to members as time and resources allow. The absence of such directed training, however, does not relieve the member from possessing the job skill levels described above.

7.52 OBEDIENCE TO LAWS AND DEPARTMENT POLICY/PROCEDURE  Members are expected to police in a manner that is consistent with the U.S. and California Constitutions and federal and state laws, as well as internal policies. Members shall observe and obey all laws, Rules and Regulations, and all Policies and Procedures of the Department and the City of Davis. Any deviation shall be subject to administrative review.

7.53 TIMELINESS OF ASSIGNMENTS  Members shall make every effort to complete all assignments in a timely manner. If a due date is given with the assignment, and the member is unable to meet the deadline, said member will notify the assigning member or supervisor prior to the deadline.

7.54 INEXCUSABLE NEGLECT OF DUTY  The intentional or grossly negligent failure to exercise due diligence in the performance of a known official duty. Inexcusable neglect of duty is grounds for discipline.

7.55 LOYALTY  For the purposes of this regulation, loyalty is defined as allegiance to the Police Department, its membership, and the community we serve. Loyalty is essential to Department morale, trust, and efficiency. Members shall be loyal to the Department and associates consistent with the law and personal ethics.

7.56 NOTIFICATION OF LIABILITY  It shall be the obligation and responsibility of all members to immediately report to their supervisor any situation in which the Department and/or City has the likelihood of incurring liability or when any City property has become inoperable or damaged as a result of the actions of another person. It shall be the responsibility of the supervisor receiving such information to insure that proper documentation has been made and prompt notification of the incident is reported up the chain-of-command.

7.58 COOPERATION AND ASSISTANCE  The efficient and orderly operation of the Police Department requires a high level of cooperation among its members. Members shall assist co-workers in the exercise of the police mission whenever it is necessary or appropriate, provided the ability to cooperate exists.

7.61 REPORTS  Members shall promptly complete and submit all reports and documents required by Department directive or other competent authority. Members that have responded to a critical incident, as determined by the Watch Commander or other competent authority, shall fully document their observations and activities in the associated crime/incident report. All reports shall
be complete and no member shall knowingly submit, or cause to be submitted, any inaccurate, false, or improper report.

7.62 CONFIDENTIALITY Members shall refrain from discussing official police business with the public in instances when the Department’s ability to perform its duties may be compromised. Access, removal, use, and/or copying of official records and reports shall be in accordance with Department policy and existing law. Disclosure of criminal histories, DMV records, DOJ files, and similar state and federal records must be in compliance with existing law and policy governing release of such information. Department personnel rosters shall be kept from public view.

7.63 DISHONESTY Dishonesty in the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another member, including, but not limited to, perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence is strictly prohibited.

Members shall have an affirmative duty to report violations of this Regulation. All complaints or allegations of dishonesty directed towards or received by a supervisor, manager, or administrator shall be investigated pursuant to current Policy and Procedure.

7.64 ATTENTION TO DUTY On-duty members shall remain active in the performance of assigned duties at all times except for authorized breaks or with the specific permission of a supervisor.

If a member is unable to maintain the necessary level of alertness due to fatigue or illness, such circumstance must be immediately reported to the duty supervisor. The member will not be subject to disciplinary action for such reporting, unless a pattern is noticed which may impair the member’s ability to perform their tasks.

Members must respect the obligations and duties of co-workers who are on duty. They shall not interfere with, or impede with, the work, duties and efforts of on-duty members.

Members shall not sexually assault a member of the public. “Sexual assault” means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. The propositioning for or commission of any sexual act while on duty is considered a sexual assault. “Member of the public” includes any participant in the police explorer/cadet program or any other youth program affiliated with the Department.

Members shall have an affirmative duty to report violations of this Regulation. All complaints or allegations of sexual assault directed towards or received by a supervisor, manager, or administrator shall be investigated pursuant to current Policy and Procedure.

7.67 CARE OF EQUIPMENT The inspection, care, and maintenance of job-related equipment is required of all members, regardless of whether it is personally owned or City issued. A member is responsible for the loss of, or damage to, City equipment due to negligence. City equipment may not be loaned to any person except another City employee.
7.68 DAMAGED OR INOPERATIVE EQUIPMENT Immediately upon taking possession or control of equipment (e.g., radios, computers, vehicles), members shall inspect the equipment. Any noted damage or defects shall be immediately reported to a supervisor. Likewise, hazardous work conditions shall be immediately reported to competent authority.

7.69 PRESUMPTION OF RESPONSIBILITY Unless information is received to the contrary, lost, damaged, or missing City property is presumed to be the responsibility of the person last in control of the property.

7.70 BIAS PROFILING A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is to the equal protection under the law.

Racial- or bias-based profiling – meaning an inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, gender or identity expression, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service is strictly prohibited. However, nothing in this regulation is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

Members shall have an affirmative duty to report violations of this Regulation. All complaints or allegations of bias directed towards or received by a supervisor, manager, or administrator shall be interpreted as a complaint and shall be investigated pursuant to current Policy and Procedure.

Darren Pytel
Police Chief
Revised:

7/96
1/99
4/01: R&R 7.70 added
10/01: R&R amended to include Designated Watch Commander and Lead Dispatcher
7/03: Dereliction of duty changed to inexcusable neglect of duty
9/03: 7.70 amended
11/04: 7.49 amended for scheduling vacation
7/05: 7.62 amended
12/05: 7.69 amended to include lost equipment
7/07: 7.23 amended Police Captain to Assistant Police Chief
5/08: 7.23 Police Captain added. 7.47 Reference to cell phones added. 7.49 clarification to leave policy.
12/09: 7.21 added
03/10: 7.23 updated
04/11: 7.23 Corporal added
01/13: 7.07, 7.43, 7.46, 7.49 amended
6/16: 7.70 amended
8/16: 7.23 amended
11/17: updated
4/18: 7.61 updated
6/18: 7.23 updated
01/19: updated
05/19