
RESPONSIBILITY TO DUTY

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400.1 Duty Status - Residential Requirement

All police officers and dispatchers are a part of an emergency operation and, as such, can be expected to be called back to duty on a 24 hour basis (except with certain, specified exceptions). The Department assumes all police officers and dispatchers realize that the "public trust" they accept implies a reasonable response time when called back to duty.

Although no absolute residency requirements are established, the Department will rely upon police officers and dispatchers to bear in mind the above when determining a place of residency.

In addition to the above, it is a condition of employment and continued employment that police officers and dispatchers maintain a working telephone within their residence.

400.2 Reporting for Duty

Employees of the Department shall be punctual in reporting for duty at the time and place designated by their supervisors. The employee is responsible for prior notification if unable to report for duty as assigned (See Section 600 for specific rules). Repeated failure to report promptly at the time directed will be deemed negligence of duty and made the subject of counseling or disciplinary actions.

Police officers are expected to be in full uniform and able to immediately respond to calls at the start time of their shift or assignment. When assigned to special events or other duties, officers are expected to be on-site at the beginning time of their assignment.

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400.9 Illicit and Prescription Drugs

The following rules will be adhered to:

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400.9.9 In regards to employee use of Medical Marijuana, the California Supreme Court decision in *Ross v. RagingWire* defines employer responsibilities in employee use of medical marijuana. The Court ruled that the possession of a medical marijuana prescription by an employee does not provide the employee protection against employment actions for violation of drug policy. Employee use of medical marijuana is subject to all the rules and regulations as outlined in this section.

400.10 Assignment of Wages

No employee of the Department shall sell or assign any wages to be received from the Department, except as provided by law.

400.11 Department Financial Obligations

No employee shall incur financial liability chargeable to the Department without proper authorization of a supervisor. Where an authorized financial liability is incurred, a receipt shall be obtained.

400.12 Personal Aggrandizement - Advertising

Employees shall not permit the use of their photograph or names for advertising purposes; or by testimonial, recommendation or other means, participate in any advertising scheme or enterprise related to or based upon their employment with the Department without advance written approval of the Chief.

400.13 Witness for the Defense

Employees of the Department who may be subpoenaed or required to appear for the defense in any prosecution shall first notify their supervisor and shall also notify the district attorney.

400.14 Change of Address

Employees shall keep the administrative office, their immediate supervisor, and Communications notified of their correct telephone number and home address. Any changes must be reported to the administrative office, their immediate supervisor, and Communications within 24 hours after making such a change. It is the employee's responsibility to notify the appropriate University departments of these changes for personnel related requirements.

400.15 Organizational Membership

As a condition of employment, police officers are required to "enforce all laws and ordinances and to uphold the Constitution of the United States and the State of California." Police officers and other employees shall not belong to or participate in activities of any organization, association, society or group whose activities or purposes conflict with the performance of the employee's sworn duty.

400.16 Relatives

Relatives working in the Department shall not immediately supervise one another. This regulation shall apply equally to same sex relationships.

400.17 Family Involvement

If a police officer, or any immediate family member, becomes involved in situations requiring police attention, the officer shall summon another police officer or agency to handle the situation, unless of an immediate emergency nature.

400.18 Outside Employment/Conflict of Interest

The role of a peace officer is a unique one in society and, as such, some limitations and restrictions regarding off-duty activities apply to those who hold that position. Because peace officers are required to be objective and impartial when carrying out their responsibilities, and rely exclusively upon facts and information provided to them, it is imperative that there not even appear to be a conflict of interest on the part of those officers. Therefore, and recognizing that many peace officers wish to engage in outside employment in order to augment their income, the legislature has empowered chief executives of law enforcement agencies to declare certain types of outside employment as inconsistent with and/or in conflict with the fundamental responsibilities of a peace officer.

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- (d) Involves such time demands as would render performance of his or her duties as an officer or employee less efficient.

400.18.2 Examples of outside employment which are conflicts of interest include, but are not limited to:

- (a) Security guard (the primary consideration to determining if an employment opportunity presents a conflict of interest is whether the officer must rely on his/her training or police credentials to perform the job duties).
- (b) Private investigator, within this or cities directly adjacent to this city.
- (c) Bartender.
- (d) Bouncer.
- (e) Sales clerk position in a liquor store or gun dealership.
- (f) Process server.
- (g) Repossessor
- (h) Debt collection.
- (i) Legal Practice of Criminal Defense.
- (j) Card dealer, handicapper, change maker, caller, machine repair-person, ke-no runner, pit boss, table waitress, or employment in any gaming establishment where the employment is directly related to the primary purpose of the employer.
- (k) Bodyguard.
- (l) Employment as a jailer or “keeper”.
- (m) Funeral Escort where traffic control or the wearing of a uniform which resembles that of a peace officer is required.

400.18.3 Employees who do not receive prior approval to engage in outside employment, or accept employment prior to receiving permission to do so, or who engage in any outside employment listed herein or determined to be a conflict of interest under this policy, may be subject to disciplinary action.

400.18.4 Appeal Process:

- (a) Any employee who has been denied the right to engage in outside employment based on the determination that his or her secondary employment falls within the prohibitions outlined in this policy may, within 5 days from the date of notification of the denial to engage in outside employment, file a written appeal with the Chief of Police.
- (b) If the employee is dissatisfied with the findings of the Chief of Police, he or she may then file a grievance for final adjudication.

400.19 Report Writing

In all situations where reports, either computer-generated, on pre-printed forms or free-hand, are required, employees will make a complete, concise report stating the facts of the situation and avoiding editorializing. The report shall be completed and turned in before the employee goes off duty, unless a supervisor authorizes a delay.

400.19.1 The on-duty supervisor, rank of Sergeant or above will review and approve reports that have been turned in to ascertain if they are correct in substance and

400.23 Employee Speech, Rights and Obligations

Law enforcement employees are entrusted with special responsibilities. They must conduct themselves in a professional manner and are subject to discipline for engaging in "conduct unbecoming of an officer or employee" or "conduct detrimental to the Department." This Department recognizes that employees enjoy constitutional protection to engage in reasonable speech activity, including work-related criticism and complaints. This employee speech policy is designed to provide guidelines for

comments when it is within their authority to do so. Supervisors shall forward the information to the appropriate authority for disposition in a timely manner.

400.23.4 Protection of Confidential Information and Pre-Publication Review Obligation

All employees, as a condition of employment, shall not disclose or divulge any "confidential" information obtained by virtue of their employment to persons not specifically authorized to receive such information. "Confidential" information includes investigations, informal inquiries, internal affairs, personnel files, and any other information relating to Departmental operations or personnel that a reasonable person would consider "confidential".

Uncertainty over whether particular information is "confidential" should be resolved by consultation with a Division Commander or the Chief. Employees are required to submit to the Chief for review any writing intended for publication relating to law enforcement. This pre-publication review in no way serves to censor an employee's writing; rather, it is designed to prevent the improper disclosure of confidential information and to alert employees to the possible consequences of their intended publication.

400.23.5 Whistleblower Protection and Procedures

Employees are required to report immediately any evidence of another employee's criminal wrongdoing to a supervisor, a Division Commander, or the Chief. In the event either is suspected of criminal wrongdoing or of covering up another employee's wrongdoing, employees are required to report such information directly to the appropriate prosecuting attorney. Employees are subject to termination for any activity that interferes with or hinders the successful prosecution of any employee's criminal misconduct. Employees are not subject to retaliatory disciplinary action for reporting under this rule. However, employees are subject to discipline for making frivolous reports.

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presentations to any civic club, religious gathering, private or public organization, or any other organized gathering without the prior approval of the Chief. The off-duty expression of personal views by employees in their capacity as private citizens is not covered by this rule.

400.23.8 On-Duty Speech Regulations

The need for *esprit de corps*, discipline and harmony in a law enforcement organization necessitates some additional restrictions on employee speech when employees are on duty. Employees on duty or in uniform should restrain from using indecent or profane language. Employees shall be courteous to citizens, maintain command of the temper, and refrain from coarse, boisterous, or insolent language. Upon request, employees are required to provide citizens their names and identification number.

Employees shall treat superiors, subordinates, and associates in a respectful manner. Employees are prohibited from making personal attacks that ridicule, belittle, or defame another member of the Department. No employee shall use epithets or terms that tend to denigrate a particular race, religion, gender, sexual orientation, or ethnic group.

- (a) The employee criticized another individual personally in a way that undermined discipline or a close working relationship.
- (b) The employee failed, without justification, to use the chain-of-command grievance procedures prior to engaging in public criticism.
- (c) The speech related only to a personal, internal grievance of the employee and did not concern a matter of significant public interest, such as serious mismanagement, a gross waste of funds, the abuse of authority, or a specific and substantial danger to the public health.
- (d) The speech was delivered in an intemperate, offensive, or unprofessional manner.
- (e) The speech violated a specific provision of Departmental policy.

400.23.10 Digital or Tape Recordings

While officers are encouraged to tape record their contacts with civilians to ensure accuracy, all employees are prohibited from surreptitiously tape recording conversations with other employees of the Police Department or University administrators in the direct chain of command of the Police Department. This section does not apply to telephone recordings of the main dispatch line.

400.23.11 Social Networking

The use of online social networking sites has become a significant part of mo-2 (unpr)-2e P. ideas and thoughts on common interests, both person

command officer or his/her designee-2

The University Police Department organization

The administrative reporting lines of all personnel are defined in the Department's current organizational chart.

400.24.1 For command purposes and under normal circumstances, the rank structure of the Department is as follows:

| Police | Parking |
|-------------------|-------------------------|
| Chief of Police | Chief of Police |
| Captain | Captain |
| Lieutenant | Parking General Manager |
| Sergeant | Parking Field Manager |
| Corporal | Parking Supervisor |
| Officer-in-Charge | Parking Officer |
| Police Officer | |

400.24.2 In all situations where a higher ranking officer is incapacitated, out of town or otherwise unable to act, the highest ranking officer on the campus will assume command until relieved by higher authority.

400.24.3 In situations where personnel of different sections are involved and where prior command authority has not been assigned, the highest ranking officer of the directly affected section shall assume command.

400.24.4 In situations where two officers of equal rank are the senior officials present and where section assignment is not a determining factor, then seniority shall be used to determine who is in charge.

400.24.5 Supervisors of one section are caution62 (c)-1 (e0 Td [(s)1 -)Tj 0.002 o(assi)-1 aenc

“(I) is a misdemeanor under Federal or State law; and

(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.”

Under California law, Penal Code §12021 prohibits a person from possessing a firearm for a 10-year period following a conviction for a violent misdemeanor. A peace officer in California, however, is permitted to petition the court for a waiver in those cases where the officer had been convicted of domestic violence. The federal statute does not provide for any waiver or any exception for peace officers and, therefore, applies to them as well. A conviction of any of the violations articulated in Penal Code §273.5 would fit the definition of a “misdemeanor crime of domestic violence” as articulated in the U.S. Code.

- 400.26.1 All sworn personnel are ordered to immediately notify their immediate supervisor, in writing, if at any time they believe they have become subject to the federal statute outlined above. Supervisors shall immediately notify the Chief of Police.
- 400.26.2 Following final adjudication, officers who are convicted under these statutes will be relieved of their firearms. As carrying a firearm is a condition of employment, the Department will intercede and attempt to permanently reassign the officer to non-police duties. If this is not possible, or in the best interest of operations, the Department will attempt to assist the police officer toward transferring to another area in the state service and, as a last resort, may recommend dismissal.

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