



YORKVILLE POLICE DEPARTMENT

100 – Code of Conduct

SUBJECT: Code of Conduct
EFFECTIVE DATE: January 6, 2020
DISTRIBUTION: All Personnel

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I. CODE OF CONDUCT	1
ARTICLE II. LAW ENFORCEMENT CODE OF ETHICS	4
ARTICLE III. OBEDIANCE TO LAWS, DIRECTIVES & ORDERS.....	4
ARTICLE IV. RULES AND REGULATIONS	6
A. ATTENTION TO DUTY	6
B. ACCOUNTABILITY AND RESPONSIBILITY	13
C. CONDUCT TOWARD FELLOW EMPLOYEES AND AGENCIES.....	14
D. CONDUCT TOWARD THE PUBLIC	15
E. USE OF ALCOHOL, TOBACCO AND DRUGS	16
F. ABUSE OR MISUSE OF POWER OR POSITION	18
G. USE OF DEPARTMENT PROPERTY AND EQUIPMENT	19
H. RELATIONS WITH COURTS AND ATTORNEYS	20
I. COMMUNITY AND PUBLIC ACTIVITY	21
J. COMPLIANCE	23
K. EFFECTIVE DATE	23

ARTICLE I. CODE OF CONDUCT

This Code of Conduct was established to provide information to the sworn officers and other members (including civilian staff members) of the Yorkville Police Department (“Department”) to familiarize them with many of the more sensitive and critical standards of performance and behavior that they are required to follow as a condition of employment with the Department. The information, statements, policies, rules and regulations set forth in this Code of Conduct is not intended to serve as an exhaustive list of all personnel and operational requirements that govern member conduct and behavior. Further, there is nothing in this Code of Conduct that precludes or limits the authority and responsibility of the Chief of Police and supervisory staff from exercising alternate forms of disciplinary or remedial action designed to help correct or improve the conduct of any member of the Department.

Scope of Coverage

Like all General Orders, the terms of this Code of Conduct are under periodic review and subject to revision to conform to changes in the law and other factors that affect the Department and the community we serve. If any member has a question about any of the information in this Code of Conduct, the member is urged to promptly clarification from the Chief of Police. Failure to be aware of or to fully understand any of the guidelines in this Code of Conduct (including revisions thereto that are adopted from time to time) will not excuse any violation of these terms.

Responsibility for Compliance

It is the responsibility of all sworn officers and other members of the Department (unless expressly stated otherwise in this Code of Conduct) to comply with all terms of this Code of Conduct while on and off duty.

Officers in a supervisory capacity are required to comply with these terms themselves and they have the responsibility of ensuring that these guidelines for conduct and professionalism are adhered to by all individuals under their supervision.

Reservation of Rights

The right is reserved to the Chief of Police to amend, or revoke, any of the attached rules and regulations and to make additional rules and regulations from time to time as the circumstances for the good of the service may require. If any provision, clause or phrase of this Code of Conduct or the application thereof, to any person or circumstance, is held invalid or unlawful, such invalidity shall not affect other provisions, or applications, of the remaining rules and regulations which can be given effect without the invalid provision, or application, and to this end, the provisions of these rules and regulations are declared to be separable. As of the effective date of this Code of Conduct, all prior rules and regulations that conflict with an express provision of this Code of Conduct should be considered revoked and replaced with these terms.

DEPARTMENT MISSION STATEMENT

THE MISSION OF THE YORKVILLE POLICE DEPARTMENT IS TO WORK IN PARTNERSHIP WITH THE COMMUNITY TO PROTECT LIFE AND PROPERTY, ASSIST NEIGHBORHOODS WITH SOLVING THEIR PROBLEMS AND ENHANCE THE QUALITY OF LIFE IN OUR CITY.

STATEMENT OF DEPARTMENTAL VALUES

To fulfill its Mission, the Yorkville Police Department (“Department”) places high value on the following principles:

- Community Awareness;
- Excellent Customer Satisfaction;
- Ethical Conduct;
- Honesty and Integrity;
- Innovation;
- Public Relations Self-Directed Work;
- Teamwork and Organizational Pride;
- Tolerance of Dissenting or Differing Views;
- Moral Work and Personal Habits;
- Public Confidence;
- Productive Dialogue with the Public;
- Mental and Physical Alertness of Officers; and,
- Faithful and Dedicated Performance

FUNCTIONS OF THE YORKVILLE POLICE DEPARTMENT

The primary function of the Yorkville Police Department, and the reasons for its existence, is the enforcement of the laws of the State of Illinois and the ordinances adopted by the United City of Yorkville in conformity with the Constitutions of the United States of America and the State of Illinois. The Department has identified the following goals and objectives for this purpose:

- a. Preserve the public peace, prevent crime, detect and arrest offenders against of any criminal law and/or ordinance effective within the City.
- b. Reasonably suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages.
- c. Protect the rights of all residents, visitors and employees of the City, preserve order at all elections and assemblages, and promotion of respect and cooperation of all citizens to the laws and ordinances as well as those who are sworn to enforce the laws and ordinances.
- d. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of streets by vehicles and persons.
- e. Adhere to rules and regulations which shall facilitate the lawful goals of the Department.
- f. Take appropriate steps to remove or reduce nuisances in public places, inspect and observe all places of public amusement or assemblage and all places of business within the jurisdiction of the Department and/or which require any Federal, State, County or City permit/license.
- g. Provide for the attendance of officers and/or civilian employees in court as reasonably necessary and appropriate (or requested by authorized agencies) for the prosecution and trial of person charged with crimes and/or other violations of the applicable laws or ordinances.
- h. Cooperate fully with the law enforcement and prosecuting authorities of Federal, State, County and Municipal Governments.
- i. Attain and maintain maximum efficiency and effectiveness in conjunction with the Department's authorized budget in a fiscally sound manner.
- j. Arrest of law violators and assembling competent evidence of an alleged violation of a law or ordinance.

ARTICLE II.
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 to 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 both in 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 or 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 police 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.

Note: This Code of Ethics was adopted by the International Association of Chiefs of Police and stands as a preface to the mission and commitment Law Enforcement agencies make to the public they serve.

ARTICLE III.
OBEDIANCE TO LAWS, DIRECTIVES & ORDERS

Members of the Department are frequently required to make decisions affecting human life and liberty with limited time for reflection. Therefore, the Department requires all members to have the stamina, intelligence, moral courage and emotional stability necessary to fairly and impartially deal with human beings in the difficult situations they encounter while carrying out their job responsibilities.

1. Obedience to Laws

Employees, whether on or off duty, shall obey all laws of the United States and of any state or local jurisdiction in which the employee is present, except to the minimal extent necessary for the proper performance of duty pursuant to an authorized directive of a supervising officer.

2. Adherence to City Policies

Employees shall comply with all provisions of this Code of Conduct, any applicable guidelines and the personnel policies applicable to other employees of the Department as adopted and revised from time to time pursuant to the authority of the City Council. *(Note: In the event of a conflict between a personnel policy in the City Handbook and an express term of the collective bargaining agreement, the collective bargaining agreement will govern, except as provided by the Uniform Peace Officer's Disciplinary Act).*

3. Insubordination/Disobedience

Employees shall promptly obey all lawful orders and directives given by supervisors. The failure or refusal of an employee to promptly comply with a lawful order shall be deemed to be insubordination and/or disobedience that may result in disciplinary action, up to and including termination. The foregoing shall not apply when an employee intervenes to prevent or stop another peace officer from using any authorized force or force that exceeds the degree of force permitted or any unconstitutional or unlawful acts.

4. Pride and Respect

Ridiculing, mocking or minimizing the authority of a superior officer (supervisor) by displaying acts or making statements that demonstrate disrespect of the status or authority of a ranking officer is considered disrespectful conduct. Likewise, any act or conduct that is viewed as disputing or resisting his/her orders also may be deemed to constitute disobedience.

5. Issuance of Unlawful or Improper Orders

- a. No commanding or supervisory officer, or civilian supervisor, shall issue an order that violates a federal or state law, City Ordinance, or which is contrary a provision of this Code of Conduct.
- b. No employee will be required to obey an order that is unlawful or requires that an unlawful act be committed. However, an officer who follows an order that he/she knows is unlawful and/or reasonably should know is unlawful (without first reporting the matter to a higher-ranking officer) is not a defense to and does not relieve the member from criminal or civil prosecution or administrative discipline for such conduct.
- c. If the legality of an order is in doubt by the member, the affected member shall ask the issuing supervisor to clarify the order and/or he shall immediately confer with a higher authority to resolve the dispute (and without delay).

- d. The responsibility for refusal to obey a lawful directive or order rests with the member, who shall subsequently be required to justify any refusal and to face the consequences of any refusal to comply with a lawful directive subject to subparagraph (f) below.
- e. If an employee receives a conflicting order or directive from two supervisors, the employee shall notify the supervisor who was the last person to make the order that a conflicting order was previously received (and the member will provide an explanation of the basis of the conflicting order and the circumstances involved). The last supervisor will then consider the totality of the circumstances involved and direct the member accordingly; the member is expected to comply with the last supervisor's order or directive in all cases.
- f. In no event shall an employee be disciplined for intervening, preventing, or stopping another peace officer in their presence from using any unauthorized force or force that exceeds the degree of force permitted or for failing to follow what the employee reasonably believes is an unconstitutional or unlawful directive.

**ARTICLE IV.
RULES AND REGULATIONS**

The professional and private lives of all members must be beyond reproach while on and off duty. Therefore, all members of the Department shall become familiar with these Rules and Regulations ("Rules") and shall abide by these Rules while on and off duty. Any violation of any portion of these Rules by an officer (or other portion of this Code of Conduct) will be grounds for disciplinary action if deemed appropriate by the Chief of Police. Depending on the circumstances involved, the Chief also may file charges with the Board of Police and Fire Commissioners of the United City of Yorkville (the "Board") seeking a suspension in excess of three (3) days, removal or discharge of a sworn Officer who engages in a violation of these Rules (or any portion of the Code of Conduct) and may further report to the Illinois Law Enforcement Training Standards Board ("ILETSB"), as required by law. Of course, there is no list that can cover every possible type of conduct and these Rules are not intended to limit or restrict the rights of the Department (through the Chief or an authorized designee) to pursue disciplinary or other action for offenses or acts that are not listed below.

Disciplinary action for a violation of these Rules (or any portion of the Code of Conduct) by a non-sworn member of the Department may include an oral or written reprimand, suspension, demotion, transfer and/or termination by the Chief of Police (or authorized designee) and may be reported to ILETSB. In the case of non-sworn members of the Department, disciplinary action will be addressed pursuant to the then-applicable guidelines that govern other non-sworn employees of the City.

A. ATTENTION TO DUTY

1. Reporting to Duty

Employees shall promptly report for duty properly prepared at the time and place as required by assignments, court notifications, subpoenas, or orders and shall be mentally and physically fit to

perform the duties required. Situations involving an officer's apparent, actual or potential conflict of assignment shall be reported to the employee's supervisor as soon as possible (and prior to the end of the tour of duty in all cases) for resolution and disposition of the conflict.

Employees shall not feign illness or injury, falsely report themselves ill or injured, intentionally or negligently cause themselves to be injured or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health and/or the health or condition of a covered family member in those instances when an employee is away from work when scheduled due to a medical condition of a family member.

2. Fitness to Perform

Every employee is required to be and remain mentally alert and physically fit at all times while on duty, including break periods, to safely perform the essential functions of his/her position and assigned work responsibilities. Employees who are disabled (including those who are pregnant or have a medical condition related to pregnancy or childbirth) and in need of a reasonable accommodation to safely perform his/her essential job functions are required to notify the supervisor in advance to discuss the available options. An after-the-fact request for a reasonable accommodation will not excuse a violation of these Rules or any other policies or rules applicable to employees of the City and/or YPD.

Any employee involved in law enforcement activities is deemed to be unfit to work if he/she has consumed cannabis during his/her on or off duty time. Employees who are not involved in law enforcement services will be deemed to be in violation of this Rule if they report to work under the influence of or impaired by any illegal drugs, alcohol and/or cannabis during "Working Time" which includes all time the employee is working, break and lunch periods, and periods when the employee has been given at least 24 hours' advance notice that he/she is designated to be in "on call" or "standby" status.

3. Adherence to Directives

Employees shall not leave their assigned posts during a tour of duty except when authorized by the employee's immediate supervisor or when dictated by the exigencies of the situation.

Employees shall not participate in criminal, dishonest, or disgraceful conduct, whether on or off duty that adversely affects the member's employment relationship with this Department or the City and/or the reputation of the YPD or the City.

Employees must maintain current licenses or certifications required for the assignment or position as required by the YPD and all applicable state and federal laws. If any employee has a required license or certification suspended or revoked, he/she must notify his/her supervisor prior to the start of the shift when notice is received.

Employees must maintain good physical condition sufficient and adequate to safely perform all essential functions of the position. Officers shall perform at or above the established activity level as necessary with respect to all essential job functions.

Failure to work diligently or with an actual or potential negative influence/bearing to the standards and image of a professional Police Officer or employee – which includes but is not necessarily limited to the following:

- a. Smoking (or use of tobacco, vaping or other products) while in uniform and on working time;
- b. Unnecessary or inappropriate shouting, raising of voice, sarcasm/disrespect toward others, and/or the use of obscene language or swearing;
- c. Leaning on walls, posts, cars, etc. while talking to persons about work or non-work-related activities during working time;
- d. Tardiness in reporting for work, leaving work early and/or failure to notify supervisor when an officer will be unable to report to work on time.
- e. Conducting personal business while on duty or misuse of YPD or City equipment or vehicles while on duty.
- f. Sleeping, loafing, excessive eye closing or resting, or being idle while on duty and/or loitering in station or while on duty in locations other than the station.
- g. Taking long or unauthorized (or unreported) meal or break periods.
- h. Failure to respond promptly to a request for police service whenever on duty (including break and meal periods).
- i. Failure to return promptly to service after finishing or handling a call for police service.
- j. Taking a meal or socializing in a public place with another on duty member of the Department without the prior approval of the employee's immediate supervisor.
- k. Any act or statement or gesture that is or could be viewed as a lack of courtesy or disrespect to an individual, either on the phone or in person while on Working Time.
- l. Gambling, illegal lottery, etc. (unless to further a legitimate police purpose as assigned).

4. Neglect of Duty

No officer or member shall fail or neglect to give suitable attention to the performance of duty. Examples of neglect of duty include, but are not necessarily limited to: failure to take appropriate action on the occasion of a criminal offense, disorder, or other act or condition deserving police attention; absence, tardiness or leave early without authorization, failure to report to duty at the time and place designated; unauthorized absence from one's assignment during a tour of duty for any purpose other than lawful police functions; failure to perform duties or comply with any Rule,

regulation, general or special order; or failure to conform to Department operating policies and/or procedures including those set forth in this Code of Conduct.

5. Officers Always Subject to Duty

Officers and other YPD employees shall promptly respond to the call of citizens in need of police assistance. The fact that they may be technically off duty shall not relieve them from the responsibility of taking prompt and proper action, including rendering or requesting aid (i.e. being a good witness).

6. Weapons Use

Employees shall not use or handle weapons in a careless, negligent or imprudent manner as necessary for the proper performance of their job duties. Employees shall use weapons in accordance with law and Departmental procedures.

7. Duty of Supervisors

Supervisors shall enforce the General Orders and Special Orders of the Department. They will not permit, or otherwise fail to prevent violations of the laws or Department General or Special Orders. They will report violations of Department directives to their immediate supervisor without delay (prior to the end of the shift). Where possible and appropriate, the supervisor will actively prevent such violations or interrupt officers or members as necessary to ensure efficient, orderly operations in the line of duty or while performing any activities for or on behalf of the Department.

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- a. Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control at a scene or when responding to a call.
- b. Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor prior to the end of the shift AND to document such misconduct thoroughly through the chain of command.
- c. Directing a subordinate to violate or disregard a policy or directive of another supervisor, including acquiesce to such a violation and/or being indifferent to any such violation by another officer or member of the Department.
- d. The disparate exercise of authority on the part of a supervisor toward any member or officer for malicious, retaliatory or other improper purpose.
- e. Misrepresenting or failing to provide fact, withholding knowledge, or any other act of a supervisor that has the result or intention of misleading, withholding, or hiding relevant information that could be evidence of a violation of any Rule by the officer, the supervisor or any other member.

8. Duty of Employees

Whenever an employee observes or is informed of the conduct of another employee that is or could reasonably be construed as a violation of any Rule or law (e.g. unreasonable/unauthorized use of force or unconstitutional or unlawful conduct), he/she shall take necessary action and report the incident to his/her immediate supervisor prior to the end of the shift. In the event observed misconduct was committed by a higher-ranking officer, the officer shall forward a report of the same to the Chief of Police via a sealed envelope prior to the end of the shift. Any report filed pursuant to this Rule in good faith (e.g. with reasonable belief) will not be the basis of disciplinary action against the reporting officer/member – regardless of the outcome of the investigation of any information reported.

9. Conduct and Behavior (Unbecoming Conduct)

Employees, while on duty or off duty, shall follow ordinary and reasonable rules of decency and behavior and employees shall not commit any act in an official or private capacity that does or could tend to bring reproach, discredit or embarrassment to their profession or the Department. Examples of conduct and behavior that would be viewed as “unbecoming” of an employee of the Department including the following (not an all-inclusive list of offenses):

- a. Unwelcome solicitation of or acceptance of a personal or sexual relationship (even if consensual) while on duty or through the use of one’s official capacity.
- b. Engaging in on duty sexual activity including, but not limited to, sexual intercourse or other sexual or romantic acts, displays of personal affection or other sexual contact (even if consensual).
- c. Establishing or maintaining an inappropriate personal or financial relationship, as a result of any assignment or status as an employee of the Department with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct or indirect result of any official contact.
- d. Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

10. Public Criticism of the Department

Employees shall not criticize its policies or members by talking, writing, or expression in any manner where such talking, writing or expression: (a) is defamatory, (b) is obscene or in violation of the City’s policies against harassment, (c) is unlawful, (d) tends to impair the operation of the Department by interfering with its efficiency or the ability of Supervisors to maintain discipline, or (e) which statement was made with reckless disregard for truth or falsity. This Rule #10 will be construed broadly and to the fullest extent allowed by law. Any person with questions about whether conduct is in violation of this Rule should seek guidance in advance.

11. Responsibility to Service the Public

When any person applies for assistance, or makes complaints or reports either by telephone, writing or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Departmental procedures, provided it does not interfere with the discharge of their police responsibilities or other obligations to the Department.

12. Responsibility to Respect the Rights of Others

Employees shall be courteous and respectful to the public and to other employees. Employees shall be tactful in the performance of their duties, control their emotions, exercise the utmost patience and discretion and shall not engage in argumentative discussion of their duties. Employees shall not use coarse, violent, profane or insolent language or gestures and shall not express prejudice concerning race, religion, gender, sexual orientation or sexual preference, politics, national origin, lifestyle, age, disability, or similar personal or legally protected characteristics (actual or perceived in nature).

Employees shall not allow their personal convictions, beliefs, prejudices or biases to interfere with their official acts or decisions as an employee of the Department.

13. Truthfulness

Employees shall not make any false, misleading, malicious, defamatory or untrue statement(s), whether under oath or not, in connection with any official order or duty and/or when otherwise requested by a supervisor for business related purposes of the Department (or any authorized agency). Any violation of this Rule that is or could be reasonably calculated to harm the reputation, authority or official standing of the Department or its members is strictly prohibited. (An exception is made for undercover investigations or obtaining legal objectives during the course of a criminal investigation when directed by an authorized supervisor).

14. Responsibility to Know the Laws and Procedures

Employees shall know the laws and ordinances they are charged with enforcing. All employees shall know Department directives that cover duties and procedures governing their specific assignments and/or their conduct while on or off duty.

15. Assisting Criminals

Employees shall not communicate in any manner, directly or indirectly, any information that may hamper or delay the arrest or service of a criminal process (i.e. search warrant) or enable any suspect in a criminal act to escape arrest or punishment, dispose of property or goods obtained illegally and/or that could destroy or alter evidence of any unlawful activity.

16. Recommending Services

Employees shall not, during the course of their duties, recommend or suggest in any manner attorneys, bonding companies, towing companies or other competitive commercial services to

members of the public. When such service is necessary and the person needing the service is unable to procure it or requests assistance, employees shall proceed in accordance with established this Rule unless prior approval is received from an authorized Supervisor.

17. Reporting Accidents or Injuries

Employees shall immediately report the following:

- a. All on duty accidents in which they are involved;
- b. All personal injuries received in the line of duty;
- c. All personal injuries not received in the line of duty, but which are likely to interfere with the performance of police duties; and
- d. All property damage or injuries to other persons which result from the performance of police duties or other activities for or on behalf of the Department.

18. Reporting Address and Telephone Number

Employees shall maintain a telephone or cellular device in their residences or on their person and shall immediately report any changes of the number(s) for the device to the Office of the Chief of Police via the chain of command within two (2) calendar days of the change of number. Likewise, every employee is required to maintain an accurate and up to date address that identifies the employee's primary residence where he can be reached if necessary, by the Department for business purposes; change of primary residence/address also must be reported within two (2) calendar days of the change.

19. Department Reports

Employees shall submit all necessary reports on time and in accordance with established Department procedures. Reports submitted by employees shall be truthful and complete and in accordance with all applicable Rules. No employee shall knowingly enter or cause to be entered any inaccurate, false or improper information, wrongfully alter, conceal, destroy, mutilate, obliterate, remove or steal any report or record of the Department.

20. Dissemination of Information

Employees shall treat the official business of the Department as confidential. Only those who are authorized in accordance with established Department procedures shall disseminate information regarding official business. Employees shall not divulge the identity of persons giving confidential information, except as authorized by proper authority.

21. Restriction LEADS and NCIC

The LEADS and NCIC computerized information systems shall not be used for private benefit of oneself or another. Any dissemination of any data obtained from LEADS or NCIC shall be in complete compliance with the rules, regulations and policy of the LEADS and NCIC computer

systems. Violations of this policy will result in disciplinary action, up to and including termination or criminal prosecution.

22. Activities on Duty

Employees shall not actively play games, watch television or movies or otherwise engage in non-work-related acts of entertainment while on duty, except as may be required in the performance of duty, or as properly authorized by the Department. They shall not engage in any activities or personal business that would cause them to neglect or be inattentive to duty. The only exception is occasional use while on authorized breaks and completely relieved of duty.

23. Failure to Pay All Just Debts and Legal Liabilities

No member or employee shall borrow any money from, or otherwise become indebted to, any other member or employee, shall solicit other members or employees to co-sign, endorse or, in any way whatsoever, guarantee any promissory note or other loan, or shall offer to act as co-signatory, endorser or guarantor of any promissory note or other loan for another member or employee of the Department.

24. Mail & Visitors

No employee shall receive personal mail or visitors at the police station or utilize departmental telecommunications equipment for non-duty related purposes.

25. Soliciting to Intercede

Soliciting to intercede with the Chief of Police, Mayor, City Council or any elected/appointed official in relation to promotions, departmental assignment, disposition of pending charges or findings in a disciplinary proceeding are prohibited.

26. Duty & Care for Prisoner Escape

Employees shall not allow a suspect or prisoner to escape from custody due to negligence, Rule violation(s) and/or inattention to duty.

B. Accountability and Responsibility

1. Employees are directly accountable for their actions, through the chain of command, to this Department's Chief of Police.
2. Employees shall cooperate fully in any internal administrative investigation conducted by this or other authorized agency and shall provide complete and accurate information in regard to any issue under investigation.
3. Employees shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.

4. Employees shall not publicly criticize or ridicule the Department, its policies or personnel by speech, writing or other expression where such expression is defamatory, obscene or unlawful.
5. Engaging in conduct on or off duty which adversely affects the morale or efficiency of the Department or in the alternative engaging in conduct on or off duty which tends to destroy public respect for the employee and/or the Department and/or destroy confidence in the operation of the municipal service.
6. Employees shall immediately notify, in writing, the Chief of Police, via the chain of command, of situations where an employee knew or should have known that he was: (a) arrested or indicted, (b) identified as a suspect in a criminal offense, (c) is interviewed regarding a criminal matter in another jurisdiction, (d) has his driver's license suspended or revoked, or (e) is issued a traffic citation.

Note: Although the Department will not make any employment decision based on a record of arrest alone, this information must be reported to determine if further investigation or action is necessary to comply with applicable laws or ordinances.

7. Employees shall immediately (prior to the end of the shift) turn over to the designated agent of the Department all lost, stolen, recovered, abandoned or evidentiary material which comes into the control or possession of the employee as a direct or indirect result of the performance of duties or any activities for the Department.

C. Conduct toward Fellow Employees and Agencies

1. Employees shall conduct themselves in a manner that will foster cooperation among members of the Department, showing respect, courtesy, and professionalism in their dealings with one another.
2. Employees shall not use language or engage in acts that demean, harass or intimidate another person. (Employees should refer to the policy against harassment if he/she was made to feel uncomfortable by statements of another employee).
3. 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 government agencies.
4. Employees, whether requested through job assignments or called upon individually, shall render needed assistance to any other employee in the proper performance of their duty.

5. Employees are required to share with appropriate personnel all information that will facilitate the achievement of criminal justice goals and/or objectives of this Department (or another authorized agency).
6. Fighting, threatening to fight with or quarreling with another member of the Department is strictly prohibited (even if joking or horseplay is involved).
7. Making any vexatious or retaliatory complaint against a Department member is prohibited. A report of a complaint is not considered a violation of this Rule if made in good faith.

D. Conduct toward the Public

1. Employees shall conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation.
2. Employees shall treat violators with respect and courtesy; employees shall guard against demonstrating any conduct that suggests the employee has an overbearing or condescending attitude or which may tend to belittle, ridicule or intimidate a member of the Department or the public.
3. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, employees shall adhere to the Department's general order specific to response to resistance and shall observe the civil rights of all persons and protect the wellbeing of those in their charge.
4. Employees shall courteously and promptly receive any complaint made by a citizen against any officer of the Department. Authorized employees may attempt to resolve the complaint but shall never attempt to dissuade the citizen from lodging a complaint. Employees shall follow established Departmental policy for processing complaints.
5. Failure of any employee, while on duty or in uniform, or when otherwise recognized as a member of the Department, to give their name, rank or position in a respectful and courteous manner to any person requesting such identification unless engaged in covert duties is prohibited.
6. All employees are issued an identification card that shows a photograph of the member, members name, rank, badge number and the name of the Chief of Police. The employee's identification card will be accessible at all times while on duty (or in uniform). When a request is made to view an employee's identification, this card will be displayed by the employee to the person making the request without delay.
 - (a) Verbal identification may include his/her name, rank and badge number, when requested or otherwise required, over the phone.

- (b) Requests to view physical identification shall be provided through a Department issued identification card, business card and/or badge.
 - (c) Officers who take official action while off duty or not in uniform must properly identify themselves as an officer and display their badge and/or identification.
- 7. Employees shall not use their official position, identification cards or badges for:
 - (a) Personal or financial gain for themselves or another person;
 - (b) Obtaining privileges not otherwise available to them except in the performance of duty; or
 - (c) Avoiding consequences of illegal acts.
- 8. Employees shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief of Police.
- 9. Discrimination, Oppression or Favoritism: Discriminating against, oppressing or providing favoritism to any person because of actual or perceived age, race, color, creed, religion, sex, sexual orientation, gender identify or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.
- 10. When speaking with a person via the telephone on duty, employees shall verbally identify themselves. An employee is not required to display an identification card or provide verbal identification over the phone when such an action would jeopardize the employee's safety or a criminal case, however, the employee will comply with the request as soon as practical if and when it is safe to do so.

E. Use of Alcohol, Tobacco and Drugs

- 1. Employees in law enforcement positions are prohibited from using cannabis while on or off duty. Any law enforcement officer in violation of this Rule is subject to discipline up to and including termination for even a first offense.
- 2. It is also a separate violation of this Policy for any Employees shall not be under the influence of or impaired by alcohol or any drug(s) -- including cannabis -- on "Working Time". For purposes of this Code of Conduct, the phrase "Working Time" includes all time the employee is on duty on break

or meal periods, while performing activities for the City or YPD while in a City owned or leased vehicle and/or periods when an employee is “on-call” and has received at least 24 hours’ advance notice of such on-call status).

3. Employees shall not enter any place where alcohol is sold or furnished or conduct any activity related to alcohol purchase or consumption while on or off duty and/or while in uniform except in the proper performance of duty and while acting under specific orders from a superior officer. The only exception is during authorized break and/or lunch periods when no alcohol and/or drugs are consumed.
4. No employee shall have the odor of alcohol or on his/her breath during Working Time.
5. Employees shall not possess any controlled substances, hallucinogens or steroids except in the proper performance of duty and while acting under specific orders from a superior officer.
6. Employees shall not store or bring into any Village or Department owned or operated facility or vehicle any alcohol, drugs or drug paraphernalia (including cannabis).
7. If a non-sworn employee who is not covered by a collective bargaining agreement is required to submit to a test to determine if a violation of this Code of Conduct has occurred based on the Department’s good faith belief that an employee may be impaired by or under the influence of cannabis on Working Time, the employee will have a right to appeal the request to the Chief of Police (or an authorized designee) before any disciplinary action is imposed.
8. Employee shall not use a tobacco product unless in a designated area that is at least 15 feet from the entrance to any Village or public building and only while authorized to be relieved of his/her obligation to conduct police business. Additionally, employees are prohibited from using tobacco products in a vehicle maintained or used by the YPD or the City.
9. The only exception to the guidelines referenced abuse with is with prior approval of the Chief of Police for employees who are patients authorized to consume cannabis while not on active duty pursuant to the Illinois Compassionate Use of Medical Cannabis Program Act, 410 ILCS 1301/1.
10. All references to “cannabis” in this Code of Conduct means “adult use cannabis” and cannabis infused food that is subject to tax under the Illinois Cannabis Cultivation Privilege Tax Law and/or the Illinois Cannabis Purchaser Excise Tax Law.
11. Employees who are directed to submit to a drug or alcohol screen to determine if a violation of any Rule has occurred will be required to

promptly comply with such directive. Any delay, refusal or tampering with a test sample will be grounds for termination of the employee. This Rule also extends to directives to submit to alcohol and/or drug testing for officers who discharge a firearm while on working time as provided by the Illinois Police and Community Relations Improvement Act., 50 ILCS 727.

F. Abuse or Misuse of Power or Position

1. Giving Testimonials and Seeking Publicity

Employees shall not give testimonials or permit their names, photographs or titles that identify them as employees to be used for advertising or testimonial purposes. Employees also shall not seek personal publicity either directly or indirectly in the course of their employment. (Requests for statements or comments from the YPD should be directed to the applicable Deputy Chief for response).

2. Undertaking of Self-assigned Police Action

For purposes of this section, “self-assigned” means action undertaken at the discretion of a member of the Chief of Police (or authorized designee) under less than emergency circumstances, or action initiated by any member of the Department without the request, direction or by the instruction of a superior. All emergency self-assigned police action shall, within twenty-four (24) hours after commencement, be reported in writing to the Chief of Police (or authorized designee).

3. Impartial Conduct

All employees must remain impartial toward all persons coming to the attention of the Department. Exhibiting partiality for or against a person because of race, gender, creed, age, sexual preference or influential position is prohibited. Derogatory symbols or statements, including racial slurs, racist or sexist humor, or any form of sexual harassment are prohibited and conduct unbecoming a public officer or employee of this Department.

4. Use of Force/Response to Resistance and Aggression

Employees shall only use that amount of force that is minimally necessary to accomplish their police mission of diffusing an incident or protecting an employee or other person from harm and strictly follow the terms of the Department’s general order specific to response to resistance. The use of excessive force is strictly forbidden.

5. Gratuities

Employees will not solicit or accept from any person, business or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the benefit of the officer or the Department, if it may be reasonably inferred that the person, business or organization seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty; and/or has an interest that may be substantially affected directly or indirectly by the performance or nonperformance of an official duty.

6. Notices

Employees shall not mark, alter or deface any posted notice of this Department. No notices of a derogatory or insubordinate nature will be posted at any time. Supervisors shall remove any nonconforming notices and report the matter to the Chief of Police (or designated Deputy Chief) immediately.

7. Telephones/Cellular Devices

Department telephone/cellular equipment may not be used for the transmission of private messages. Long distance calls and calls from cellular phones may only be made in accordance with City procedures and for City business with prior approval of the Chief of Police.

8. Internet Access

Those employees having internet access to Department Internet service shall only use these services for the authorized performance of their assigned duties.

G. Use of Department Property and Equipment

1. Use of City Property or Services

Employees shall not use or provide any City equipment or services other than for official City business and in the proper performance of their duties to the Department.

2. Responsibility for City/Department Property

Each employee is responsible for protecting City/Department property and equipment against loss, damage, destruction or defacement. Department members are responsible for the care and safe-keeping of City-owned equipment and vehicles issued and/or assigned to them. Department members shall operate official vehicles in a careful and prudent manner. Employees shall not deface, damage or alter City property.

3. Reporting Needed Repairs

Employees shall promptly report to their supervisor the need to repair any City-owned property (prior to the end of the shift in all cases).

4. 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 except as authorized by City Ordinance, State and/or Federal law.

5. Care of Quarters

Employees shall keep their offices, lockers, city vehicles and desks neat, clean and orderly. These areas are subject to inspection in the discretion of the Department for business purposes and to help ensure compliance with Department Rules and this Code of Conduct.

Therefore, employees should not have any expectation of privacy with respect to any items brought with them to work or stored in these areas.

6. Property and Evidence

Property or evidence that has been discovered, gathered or received in connection with Departmental responsibilities will be processed in accordance with Departmental procedures. 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 of official action, except in accordance with established procedures.

H. Relations with Courts and Attorneys

1. Attendance in Court

Employees shall arrive on time for all required court appearances and be properly attired and prepared to testify. Employees shall truthfully, completely and impartially testify and present evidence in all matters of an official nature. At all times, members of the Department shall maintain a respectful attitude toward the court, all witnesses and counsel. In the event that there is any unusual circumstance or event that occurs in court related to or concerning a statement or conduct made by any employee of the Department, the employee is required to immediately report the matter to his or her supervisor to determine if follow up action is necessary and appropriate (prior to the end of the shift).

2. Recommending Attorneys

Employees shall not suggest, recommend, advise or counsel the retention of a specific attorney to any person (except relatives) coming to their attention as a result of police business.

3. Testifying for a Defendant

Any employee subpoenaed or requested to testify against the City of Yorkville, or against the interests of the Department, in any hearing or trial shall immediately notify the Chief of Police in writing through the chain of command. Giving testimony as a character witness for any defendant in a criminal trial without the prior knowledge of the Chief of Police is prohibited. Be assured that the Department will not interfere with the lawful rights to testify for another person provided there is no direct or indirect conflict of interest to the employee's obligations to the Department or any law or Ordinance.

4. Notices of Lawsuits against Employees

An employee who has had a civil lawsuit, claim, charge or other cause of action filed against him or her based on any alleged acts or statements that were made or performed in the line of duty shall immediately notify the Chief of Police in writing through the chain of command and furnish a copy of the lawsuit, complaint, charge or other cause of action as well as a full and accurate account of the circumstances involved.

5. Initiation of Lawsuits

Employees must first notify the Chief of Police before initiating any civil action against the City or Department or a City resident in his personal capacity as a plaintiff in a lawsuit seeking recovery of any damages or injuries incurred in the course and scope of employment or appointment. (This does not apply to a charge filed by an officer in his status as an employee of the City alleging a violation of an applicable employment or labor law.)

6. Notice of Arrest or Investigation

Employees who are arrested, cited (for anything other than a petty offense), indicted or come under investigation for any criminal offense in this or another jurisdiction shall immediately notify the Chief of Police in writing through the chain of command. Loss or suspension of any driving privileges shall be reported to the employee's supervisor immediately. (As noted earlier, the Department will not make any employment decision based on a record of arrest alone.)

7. Notifications of Investigations

When an employee becomes aware that he/she is the subject of an investigation by a government agency other than this Department, he/she shall notify his/her immediate supervisor without delay and inform him/her of the circumstances surrounding the incident being investigated, the Department conducting said investigation and what action he/she has taken to resolve the matter.

I. Community and Public Activity

1. Membership in Organization

Employees shall not affiliate themselves with any group that has a constitution or bylaws which would prevent or restrict the employee from rendering proper and efficient service to the Department and/or which could tend to create an actual or potential conflict of interest to the employee's services to the Department.

2. Confidentiality

Employees shall refrain from discussing business activities of the Department that are confidential in nature and/or not generally known to the public with anyone outside the Department without the permission of a superior. (For purposes of this section, all Department documents and orders are to be considered confidential unless the employee has obtained written authorization from a superior to use or disseminate such information to others for non-business purposes). This section does not apply to orders that are of such a nature that they must be communicated to others.

3. Public Appearances

Employees shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as a correspondent to a newspaper or periodical, or release or divulge investigative information or any other matters without prior proper authority when such communications are based on their employment as a police official.

4. Press Releases

Only the Police Chief (and designated Deputy Chief) are authorized to respond to inquiries from the press about Department activities.

5. Public Statements

An employee who is asked to lecture or make a presentation to others about law enforcement or other related subjects before a professional organization or to serve as professional instructors or panelists for educational or similar purposes, may do so only after obtaining prior permission from the Chief of Police (or authorized designee) to ensure no actual or potential conflict of interest is involved.

6. Associations

Employees shall avoid regular continuous associations or dealings with persons they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or Department for present involvement in felonious or criminal behavior except as necessary to the performance of official duties and/or with prior authorization after full disclosure to a supervisor.

7. Political Influence

a. Department members are prohibited from using their official capacity as City employees or member of the Department to influence, interfere with or affect the results of any political campaign or election. Employees are also prohibited from conducting any political activity while representing themselves as members of the Department or while on duty (including break periods) or while using Department or City owned property or equipment.

b. Utilization of one's official position with the Department for political purposes is prohibited. Employees are also expected to understand that:

- (i) The Department will not, in any way, inhibit or prohibit any employee from exercising his full political rights to engage in political activities, including the right to petition, make speeches, campaign door-to-door, and to run for public office, so long as the employee does not use his official position to coerce or influence others and does not engage in these activities while he/she is on duty at work (or with the use of City or YPD equipment or resources).
- (ii) The Department and City rules related to conflicts of interest also govern such conduct and an employee may be asked for relinquish his/her employment status upon becoming an elected official in appropriate cases.

8. Labor Dispute Involvement

Employees are prohibited to enter into any buildings, structures, or premises where persons have been placed to respond to or assist to ensure peace and legal compliance during a labor dispute in progress, except when necessary in the performance of duty. To this end, strict impartiality related to the labor dispute shall be followed to be sure we are in compliance with all legal obligations and to protect the rights of the affected employees involved in the labor dispute.

J. Compliance

It is the responsibility of all Officers, Supervisors, and Administrative Personnel to comply with all sections of this directive. This Policy supersedes all previous written and unwritten policies and procedures of the Yorkville Police Department on the above subject.

K. Effective Date

This order shall become effective on: **January 6, 2020**

By order of,



James Jensen
Chief of Police