

1.8.1 Code of Conduct

I. POLICY

It is the policy of this department that members shall conduct themselves in a manner that does not damage or has the probable expectations of damaging or bring the Johnstown Police Department's public image and integrity into disrepute. Any employee is subject to disciplinary action if he/she fails to conduct him/herself as prescribed by Federal, State and Third Class City laws; and by the rules and policies of this department.

II. PURPOSE

Effective discipline is a positive process when its purpose is to train or develop by instruction. Many programs have an impact on discipline, such as: selection, training, direction, supervision and accountability. These elements are interdependent and a weakness in any one area is damaging to effective discipline. It is important to correct unacceptable behavior in such a manner as to insure the behavior is not repeated, while keeping the well being of the community, department and employee in mind.

A. General Requirements

1. Unbecoming Conduct

An officer shall not conduct himself/herself in a manner, [either on or off duty] when it is unbecoming of a police officer. Unbecoming conduct is that type of conduct, which could reasonably be expected to destroy public respect for the Johnstown Police Department and/or its officers.

2. Conformance to Laws

An officer shall conform to and abide by the laws of the United States of America, Commonwealth of Pennsylvania, City of Johnstown, all other states of the United States, foreign countries and any political subdivisions of the United States.

3. Loyalty to the Department

An officer shall not publicly criticize the Department, its policies or other officers or employees by talking, writing or expressing in any manner, where such talking, writing or other expression is defamatory, obscene, or unlawful; or when the officer knows that such criticism is false.

4. Dissemination of Information

An officer shall not disseminate, in any manner, any confidential information of the Johnstown Police Department, or its members without proper authority. For the purpose of this policy, confidential information shall be defined as that information which:

- a. A person could foresee that the disclosure thereof could:
 - i. Endanger an officer, or any other person.
 - ii. Impede a just disposition of a case.
 - iii. Aid a person to escape arrest.
 - iv. Delay apprehension of a criminal.
 - v. Permit the removal of stolen property or evidence by a suspect.
 - vi. Compromise or negate the judicial process.
 - vii. Violate a statute of the United States or this Commonwealth pertaining to the release of designated confidential information.
 - viii. Make known the contents of an internal or criminal investigation record or report to an unauthorized person or organization.
- b. Would identify a person who is acting as a confidential informant; except that an officer may divulge such identity to another officer when it is authorized by proper authority and necessary in the performance of duty.
- c. An officer may be assigned to a position or function whereby he/she will come in contact with information pertaining to the internal administration of the Department, development of

procedures and programs or publicly sensitive matters. Such information shall be regarded as RESTRICTED, and an officer shall exercise prudent consideration prior to divulging the substance or other contents of it to any unauthorized person or organization. An office failing to exercise such prudent consideration shall be subject to being assigned to some other position or function within the Department.

5. Seeking Publicity

An officer shall not directly or indirectly seek publicity for himself /herself through the press, radio, television or other news media; not shall he/she furnish information to same for the purpose of gaining personal recognition as a police officer.

6. Badge of Office

The term "badge of office" shall include: The identification card, badge, insignia, official position, title, uniform or any other tangible or intangible thing by which it can be construed that the concept "Johnstown Police Department" is being interjected.

- a. An officer shall not participate in any form of solicitation where use is made of his/her badge of office, without the express written approval of the Chief of Police.
- b. An officer shall not use or permit the use of his/her badge of office for personal or financial gain.
- c. An officer shall not use or permit the use of his/her badge of office for the benefit of any individual or group, except with written consent of the Chief of Police.
- d. An officer shall not seek or accept any form of reward or remuneration, excluding wages paid by the department, as a result of his/her conduct while acting within the authority of his/her badge of office, except as directed by the Chief of Police.
- e. An officer shall not use or permit the use of his/her badge of office in any manner wherein it can be reasonable construed that the officer desires preferential treatment.

- f. It is specific intent of this section to limit the use of the officer's badge of office to matters within the scope of his/her employment.

7. Display of Identification

Whenever an officer takes any police action he/she will promptly and respectfully identify themselves as a police officer and display their badge and identification.

8. Associations

An officer shall avoid associations or dealing with criminals or persons of ill repute, except in the performance of their duty.

9. Visiting Prohibited Establishments

Frequenting, visiting or entering a house of moral turpitude, gambling house or establishment wherein any criminal law of the United States, the Commonwealth of Pennsylvania or any other is violated, is permitted only in the performance of duty as directed by superiors. Or entering establishments where alcoholic beverages are sold or dispensed while on duty is prohibited, except in the performance of duty.

10. Joining Organizations

An officer shall not join or become a member of any organization or society which has a purpose to overthrow, interfere with, any lawfully constituted government of the United States, except in the performance of duty and while acting under proper and specific orders from a superior.

No officer shall join or become a member of any organization, which tends to defame or violate the constitution rights of others due to race, religion, creed or national origin. Except in the performance of duty and while acting under proper and specific orders from a superior.

No officer shall join or become a member of any society or organization, which has an expressed objective or aim to unlawfully interfere with the administration, discipline, operation or control of officer's of the Johnstown Police Department, except in the performance of duty and while acting under proper specific orders from a superior.

11. Politics

An officer shall avoid all political or religious argument while on duty. He/she shall not use his/her position for political influence. An officer shall not sign or circulate any political petition or any other type of petition in his/her capacity as a Johnstown Police Officer unless authorized by the Chief of Police. No officer of the department shall be an officer in a political party or run for or hold a political office during his/her employment, within the City of Johnstown. No officer shall solicit any assessments, contributions or services for any political party. Nothing contained herein shall effect the right of an officer to hold membership in, and privately support, a political party; or vote as he/she chooses; or privately express his/her opinion on any political subject or candidate; or maintain political neutrality; or to attend political.

12. Use of Outside Influence

An officer shall not knowingly use, attempt to use or permit the use of any outside influence to gain promotion, transfer, or change of duty for himself/herself or another officer.

13. Holding Office in Liquor Establishment

An officer shall not own, hold office in, or be employed in any organization or establishment licensed by the Pennsylvania Liquor Control Board to dispense alcoholic beverages within the Commonwealth without the approval of the Chief of Police; not shall he/she do so in any other state.

14. Required Address

Officers shall maintain an address and telephone number known to this department. Any change of address or telephone number shall be reported within twenty-four [24] hours, through channels, to the Chief of Police.

15. Reporting Information

An officer shall report to his/her superior officer all information that comes to his/her attention and which concerns organized crime, racketeering, vice or violations of any laws.

An officer shall promptly report to his/her superior officer any information that comes to his/her attention and which tends to

indicate that any officer or employee of the department has violated any law, rule, regulation or order.

16. Interference with Cases Assigned to Other Officers

An officer shall not interfere with a case assigned to another officer for investigation without the consent of the assignee, except by order of a superior officer; not shall he/she interfere with the operation of any Bureau, Division, Section or Unit.

17. Intervention in Arrest or Prosecution

No officer shall exert, attempt to exert, any influence on any of the participants in departmental disciplinary procedure, except as expressly provided by policy.

18. Interference with Discipline

No officer shall exert, attempt to exert, any influence on any of the participants in departmental disciplinary procedure, except as expressly provided by regulation.

19. Alcoholic Beverages/Illegal Drugs in Police Stations

Alcoholic beverages and illegal drugs are strictly prohibited in any police station, police vehicle or any portion thereof, except in the performance of duty where the beverage or drug is seized property and evidence of a crime.

20. Use of Alcohol

- a. Off Duty: an officer, while off duty, shall not consume alcoholic beverages to the extent that it results in public behavior which could easily be expected to destroy public respect and/or confidence in the officer or the department; or renders the officer unfit to report for his/her next regular tour of duty.
- b. On Duty: The use of alcohol on duty or just prior to duty, in any quantity is strictly prohibited.

21. Use of Drugs

The use of Controlled Substances on or off duty is strictly prohibited. Officers, who are taking prescribed medication that may

affect the performance of their duty, will notify their superior prior to reporting for duty.

22. Payments of Debts

An officer will pay all debts within a reasonable time period and shall not put himself/herself in the position to embarrass himself/herself or the department.

23. Internal Investigations

Whenever there is a public criticism of the Johnstown Police Department, or when complaints are received in connection with any police action, investigation or inquiry indicating misconduct of personnel; harassment or intimidation of subjects, individuals or groups; or dereliction of any nature by the department, all members engaged in such police actions, investigations, hearings or other inquiry shall prepare written statements at once, setting forth the facts in order that a record may be available for future reference. Due to the internal administrative nature of such police action, investigation, hearing or other inquiry, all officers are compelled to fully answer all questions pertaining/relating thereto. Procedures in cases that will result in criminal prosecution will include those rights accorded to all citizens of the Commonwealth and the United States.

24. Carrying of Firearms

An officer will carry the issued firearm when on active duty and in uniform. An officer shall carry an approved firearm when on active duty and in civilian clothes. During off duty hours, when in public and within the Commonwealth, an officer should endeavor to carry a firearm.

25. Use of Firearms

The use or handling of a firearm by an officer in a careless or imprudent manner is strictly prohibited. The use of a firearm in the performance of duty shall be in accordance with the "Use of Force" policy.

26. Operation of Vehicles

An officer shall operate a vehicle in a careful and prudent manner and shall use the seat belt restraint system at all times. Officers shall obey all the laws of the Commonwealth and in conformance to

any and all orders pertaining thereto. Officers shall operate a motor vehicle under these terms as to set an example to the public.

27. Quarreling or Fighting with Members

An officer shall never behave disrespectfully, use threatening or insulting language toward any other officer engaged in the execution of his/her position or duty. Nor shall an officer draw or lift a weapon toward, offer violence against, strike or attempt to strike any other officer.

28. Gambling

An officer shall not engage or participate in gambling in any form while on duty. An officer shall not engage in illegal gambling on or off duty, except in the performance of his/her duty and while acting under proper and specific orders from a superior officer.

29. False Enlistment

The integrity and high moral standards of the department must be maintained; therefore, no person shall procure his/her enlistment in the Johnstown Police Department by willfully misrepresenting his/her qualifications, character, reputation or physical condition.

30. Submitting to Medical or Psychiatric Examination and/or Tests

At the request of the Chief of Police, an officer shall submit to a psychiatric or medical examination and/or alcohol or drug test, to be conducted by personnel trained and competent in the administration of such examination or test, to determine the mental or physical health or condition of the officer. An officer who has suffered an injury, illness or any other debilitating condition which could affect his/her ability to perform required duty assignments, may be required **to report a** condition which could affect his/her ability to perform required duty assignments, may be required by the Chief of Police to obtain and submit a complete medical report from his/her physician concerning his/her physical and/or mental condition. The report shall include a detailed diagnosis and prognosis of the member's illness, injury or condition and any other pertinent information, which would aid a physician in evaluating the situation prior to the officer's return to active duty status.

31. Submitting to Polygraph Examinations

Upon the order of the Chief of Police an officer will submit to a polygraph examination when such examination is relevant to a particular internal administrative investigation or inquiry. Only questions relative to the internal investigation or inquiry will be asked.

32. Surrender of Equipment During Suspension

A suspended officer shall immediately surrender his/her badge, identification card, issued firearm and any other specified equipment to the Chief of Police or his/her representative.

33. Prohibited Action During Suspension

A suspended officer is not permitted to wear any part of the official uniform, or act in the capacity of, or represent himself/herself as a police officer in any manner.

Effective Date: November 6, 2017

By Order Of:

A handwritten signature in black ink, appearing to read "Robert F. Johnson". The signature is written in a cursive, flowing style.

Robert F. Johnson
Chief of Police