

1.8.2. DUTY REQUIREMENTS

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.

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.

DUTIES AND RESPONSIBILITIES

1. Performance of Duty

An officer shall conscientiously strive to enforce the laws of the Commonwealth of Pennsylvania and the ordinances of the City of Johnstown and render service to all citizens and shall be held responsible for the proper performance of all duties assigned to him/ her and for strict adherence to the policies promulgated by the Johnstown Police Department. An officer shall not consider ignorance of the policies as an excuse or justification for any violation. An officer shall be responsible for his/her own acts and he/she shall not attempt to shift the burden of responsibility for executing or failing to execute a lawful order of police duty.

2. Lawful Orders

An officer shall promptly obey and execute any and all lawful orders of a superior officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank. A "lawful order" is any order in keeping with the performance of any duty, issued either verbally or written over the signature of the Chief of Police, Captain of Police or any other superior officer; as provided in the "Johnstown Police Department

Policies”; which is necessary for the preservation of good order, efficiency or proper discipline of the department and its officers.

3. Conflicting Orders

An officer who is given a proper order that is in conflict with a previous order or policy shall respectfully call attention to such conflict. If the superior officer giving the order does not alter or retract the conflicting order then his/her order shall stand under these circumstances, the responsibility shall be his/hers. In such situations the officer obeying the conflicting order shall not be held responsible for disobedience of any order or policy; the officer shall comply with the order unless it is a violation of the law and shall thereafter submit a report stating the facts and circumstances to the Chief of Police, through the chain of command.

4. Competency

An officer shall maintain sufficient competency to properly perform his/her duty and assume the responsibilities of his/her position. He/she shall direct and coordinate his/her efforts in such a manner as will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the department. The fact that an officer was deemed competent at the time of employment shall not preclude a judgment of incompetency as a result of his/her performance of duty, which would indicate a wanting in adequate strength, qualifications or capacity to fulfill the requirements of his/her assigned tasks. Such incompetency may be demonstrated by the lack of knowledge or application of laws required to be enforced; apparent unwillingness or inability to perform assigned tasks; or the failure to conform to work standards established for the member’s rank, grade or position. Apart from or in addition to other methods of proof of incompetency, a written record of repeated disciplinary actions for minor infractions of the policies will be considered prima facie evidence of incompetency.

5. On-Duty Time Restricted to Police Work

An officer shall restrict his/her police duties during working hours to his/her assigned duty area, unless otherwise detailed or granted permission from his/her supervisor. An officer shall not perform any police duty for private gain, or make any purchases, conduct personal business, or devote any of his/her time to any activity other than that which relates to police work, while in uniform and on duty.

6. Carrying of Unauthorized Articles

An officer shall not carry books, magazines, packages, bundles, etc., while on assigned duty, except when necessary in the performance of duty.

7. Reading on Duty

An officer shall not read a book, magazine or other like material while on assigned duty and in view of the public, except as may be required in the performance of duty.

8. Reporting for Duty

An officer shall report for duty at the time and place specified by his/her superior officer and at that time be physically and mentally fit, properly attired and ready to assume on-duty status. Officers not appearing for duty, scheduled hearings, court appearances or other designated assignments on time shall be in violation of this policy and subject to disciplinary action.

9. Conditions of Absence

An officer shall not fail to report for duty due to illegal or improper conduct.

10. Notification of Illness or Injury

An officer who knows that he/she will be unable to report for duty due to illness or injury shall immediately notify the Johnstown Police Department.

a. Officers calling off during the daylight shift shall contact either of the Captains and advise them they are unable to report for duty due to illness or injury. In the event they cannot reach the Captain the Shift Supervisor shall be contacted.

b. Officers calling off during any other shift shall contact the Shift Supervisor by calling the Shift Supervisor's cell phone. In the event they cannot reach the Shift Supervisor the Records Division shall be contacted.

c. The department shall also be advised of any change, which may occur after the original notification was given.

d. Any officer injured while on duty shall report such injury to his/her immediate supervisor as soon as possible. **The**

supervisor is then responsible for preparation of the preliminary injury packets and associated witness forms. Immediately upon their return to duty the injured officer shall report to the Finance Department and prepare the remainder of required reports. This regulation is applicable to incident only claims as well.

- e. An officer who becomes ill while on duty and finds it necessary to leave an assigned post or duty shall report his to his/her immediate supervisor before leaving that assignment.

11. Fictitious Illness or Injury Reports – Deception

An officer shall not feign illness or injury, or otherwise deceive or attempt to deceive any official or representative of the City of Johnstown. Officers shall not report off sick and be outside of their residence during the shift they were calling off, except for medical appointments, to fill prescriptions, or any other matter medically relating to their illness or injury.

12. Courtesy

Courtesy toward the public and other officers will be strictly observed. An officer's conduct shall always be civil, orderly and courteous. An officer shall be diplomatic and tactful in the performance of his/her duties, controlling his/her temper and exercising the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation; however, when required he/she must act with firmness and sufficient energy to properly perform his/her duties. An officer shall at all times while on duty refrain from using coarse, violent, profane or insolent language and from voicing any bias or prejudice concerning race, religion or politics.

13. Addressing the Public

An officer, when on duty in any capacity, shall at all times address the general public by their surname and not by first names. Professionals will be addressed by their titles.

14. Cooperation with Other Agencies

An officer shall cooperate with all agencies engaged in the administration of justice as well as other public agencies and federal and state departments, provided by our Mutual Aid Agreement along with existing laws.

15. Requests for Assistance

When the public requests assistance or advice, makes a complaint or reports, either by telephone 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 existing policies. The person will not be referred to another agency in matters necessitating police action. Instead, all information will be made available to the department or agency having jurisdiction in accordance with existing policies. In cases of emergency, it may be necessary to provide immediate police service and then notify the proper department.

16. Suggestions Pertaining to Services

An officer shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service or commercial service [such as an attorney, ambulance service, towing service, bondsman, mortician, etc.]

- a. In the case of ambulance or towing service, when such a service is necessary and the person needing such service is unable or unwilling to procure same, the officer shall contact the nearest available agency offering the required service.

17. Department Reports

An officer shall submit all necessary reports on time and in accordance with existing policies. Reports submitted by officers shall be truthful and no officer shall knowingly enter or cause to be entered any inaccurate, false or improper information or date, or misrepresent the facts in any department record or report.

18. Altering Notices

An officer shall not mar, alter, mark or deface any printed or written notices, schedules or other official departmental writings placed on the bulletin board, in the roll call book or otherwise posted or brought to his/her attention, except where dictated by established procedure or where initials or names of officers are required.

19. Defacing, Altering or Improper Care of Policies

An officer shall not mar, alter, mark, deface, destroy or fail to care for his/her "Johnstown Police Department" policies. The officer will keep the policies updated, which may be inspected at anytime by a supervisor.

20. Subject to Call: Off Duty

An officer shall have regularly scheduled hours of assigned active duty, and when not so employed shall be considered "off duty". An officer shall, however, be subject to being called to duty as needed.

21. Cheating on Examinations

An officer shall not cheat or tamper with, in any manner an official examination either conducted or sponsored by the department, by obtaining, furnishing, accepting or attempting to obtain, furnish or accept answers or questions to such examinations. Furthermore, an officer shall not photocopy, photograph or otherwise reproduce or remove examination contents; nor shall he/she use any misrepresentation or dishonest method while preparing, administering or participating in such examinations.

22. Protection of Evidence

An officer shall not, under any circumstances, manufacture, destroy, improperly remove from an incident scene or property room, or convert for his/her own use, any evidence or other material found in connection with the investigation of an incident.

23. Use of Official Vehicles

An officer shall not use a city vehicle for personal business or for any other reason except as authorized. Out of state travel will be permitted only in accordance with existing policies. An officer shall not use his/her personal vehicle for official business unless specifically authorized by the Chief of Police. Police vehicles will not be used for conveying property or persons, except when authorized by the Chief of Police or supervisor, and only then for police business. No person other than an officer of the department shall be permitted to ride in a police vehicle except when such transportation is in direct connection with police activity. The seat belt restraint systems will be used at all times.

24. Use of Department Equipment

An officer shall utilize department equipment in the prescribed fashion according to the policies. Any officer abusing or mistreating department equipment shall be subject to disciplinary action.

25. Police Action: Off Duty

An officer has the authority and responsibility to take necessary police action with regard to all serious police matters brought to his/her attention while off duty. Therefore, although certain hours are designed as active duty [on duty] and others inactive duty [off duty], each officer must be cognizant of his/her

sworn duty and shall take appropriate police action when required. The officer will immediately thereafter report such action to the department.

26. Loitering

An officer, when on duty, may enter or frequent a public place only for the purpose of transacting official business or to take regular meal breaks.

27. Meals

Each police officer shall be permitted to take a reasonable lunch break during his/her assigned shift. Said lunch break is to be taken within the officer's assigned patrol zone, unless no public eating facility exists or is open within his/her assigned zone. In which instance he/she may travel to the next patrol zone for their meal. Officers, while on their lunch break, will not be called to handle police calls in their assigned zone, except in the case of an emergency. Officers in other zones will handle calls while that officer is on their break. Officers while on a lunch break will at all times, remain in radio contact.

28. Sleeping on Duty

An officer shall not sleep during an assigned tour of duty except with specific authorization.

29. Use of Tobacco in Uniform

Officers when on duty may smoke or chew tobacco as long as they:

- a. Are not in contact with the public.
- b. Do not have to leave their assignment or post for the sole purpose of smoking or chewing.
- c. Are not in a formation or at an official function.
- d. Are not in an area designated no smoking.
- e. Are not in a city vehicle.

An officer may receive permission to leave his/her assigned post for smoking or chewing from his/her supervisor.

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 style with a large, prominent initial "R".

Robert F. Johnson
Chief of Police