

PORT OF STOCKTON



# Rules and Regulations

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Port of Stockton Police Department

2/24/2020

## **Mission**

The mission of the Port of Stockton Police Department is to ensure the safety and security of all tenants, customers, employees, and visitors to the Port. We do so by working in partnership with all involved regulatory entities and users of the Port of Stockton to provide the highest level of police service.

## **Core Values**

Our core values guide our actions to accomplish our mission in a manner we can take pride in. The Core Values for the Port of Stockton Police Department are:

- *Integrity:* Both in public and private, members of the Department will be truthful and carry themselves in an honorable manner.
- *Relationships:* Every Department member will work in partnership with our Port community and strengthen our working relationships to maximize transparency, safety, and security.
- *Professionalism:* Department members are trained and held to the highest standard of police service delivery.
- *Innovation:* By utilizing technology, unique funding sources, partnerships, and other force multipliers, we strive to provide service, solve problems, and address issues in the most creative and cost efficient manner possible.

## **Law Enforcement Code of Ethics**

As a Law Enforcement Officer, my fundamental duty is to serve mankind; 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 men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature, or that which 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, 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 constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

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## **Chapter I**

### **Definitions**

#### 1.0 Organizational Definitions

The following definitions will govern terminology to be used in all communications and whenever reference is made to any organizational unit. They are designed to provide uniformity and clarification of terminology commonly used when discussing the operation and organization of the Port of Stockton Police Department.

#### 1.01 Structure

Organizational and geographic units of the Department are as follows:

##### A. Geographic Components

1. Port: The "Port" is that area contained within the district limits of the Port of Stockton.

##### B. Organization Components

1. Department: This word will describe the Port of Stockton Police Department and includes all subdivisions and personnel under the command of the Chief of Police.

2. Unit: Department personnel assigned similar functions for a specific time period for duty purposes.

3. Team: Members of a unit performing the same function.

4. Detail: This is the smallest organizational unit.

5. Assignment: Designation of personnel to specific duty within the department by the Chief of Police.

6. Shift: Personnel of a functional unit assigned to a single watch.

7. Watch: A period of time within a 24-hour day during which personnel are engaged in the performance of their assigned duties.

#### 1.02 Memorandum of Understanding (MOU)

Representatives of the various employee groups and the Port of Stockton meet and confer in good faith concerning wages, hours, and other terms and conditions of employment pursuant to the Meyers-Miliias-Brown Act (Government Code Section 3500-3510). The contractual agreement reached between the groups shall be referred to as a Memorandum of Understanding.

#### 1.03 Member/Employee

The term applies to all personnel in the Police Department, both sworn and non-sworn, either permanent or temporary.

1.04 Officer

Any sworn department member who has been administered the oath of office and who possesses the power to arrest pursuant to Section 830.1(a) and Section 830.33 (b) of the California Penal Code.

1.05 Superior Officer

The officer of highest grade or rank. Those officers of equal grade shall rank according to date of appointment to that grade. Two or more officers appointed to equal grade at the same time shall rank respectively in the order of such appointment. The officer of highest rank shall be in command when assignments place two or more officers together. The commanding officer shall be held responsible. For a special detail and for a specific period, an officer may be designated by the commanding officer to take command without regard to rank.

1.06 Supervisor

A functional title designating any employee who exercises authority over and is responsible for overseeing the work activity of another member or group of members. Supervisors may be either sworn or non-sworn employees.

1.07 Command Officer

An officer who has attained the rank of a lieutenant or higher.

1.08 Commanding Personnel

A functional title designating any employee who exercises authority over and is responsible for the functioning of a subdivision of the Department.

1.09 Seniority

Seniority within the department is established first by rank and second by the aggregate time served in rank on a regular basis. In situations requiring decision or control, in which officers are of equal rank, the senior officer will make the decision and exercise the control unless otherwise directed by a higher ranking command or supervisory officer.

1.10 Acting in Command

A position to which a member is not ordinarily assigned, usually in a position of higher rank. All authority, responsibility, and duties of the higher position falls upon the acting officer. A member in an acting position shall not, except in urgent cases, alter or annul the existing orders of the permanent commander without the authority of a high commanding officer.

1.11 Chain of Command

This is the unbroken line of authority extending from the Chief of Police through a single subordinate at each level or command to the level of execution.

1.12 Through Official Channels

Through the hands of superiors in the chain of command.

1.13 Order

A command or instruction given by a superior officer to a subordinate. It may be either oral or written.

1.14 Lawful Order

Any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law or ordinance.

1.15 General Order

A written order issued by the Chief of Police, or his Designee, which is applicable to the Department. These orders shall be retained in the General Order Manual provided and are effective until cancelled or revised. A Departmental General orders establishes the policy and procedure in dealing with a specific subject.

1.16 Special Order

A written order issued by the Chief of Police or any commanding officer directed to any person or group within the Department to accomplish any one of several short-term objectives. Copies of the orders are to be made available to all personnel who are affected by them. Special Orders will remain in effect until noted otherwise.

1.17 Informational Bulletin

A written bulletin issued at Departmental level, consisting of, but not limited to, memorandums, suggestions or announcements.

1.18 Manual of Rules and Regulations

The police rules and regulations expressed in this manual are applicable to all officers of the Department and, where appropriate, to all members of the Department.

1.19 Report

Any official departmental communication. A report may be written, given orally, communicated via electronic device or any combination thereof.

1.20 Rule

A rule is a specific requirement or prohibition that is stated to prevent deviation from policy or procedure. Rules allow little deviation other than for stated exceptions.

1.21 Policy

Policy consists of principles and values which guide the performance of a Department activity. Policy is not a statement of what must be done in a particular situation; rather, it is a statement of guiding principles which should be followed in activities which are directed toward the attainment of Department objectives.

Policy is formulated by analyzing objectives and determining through research those principles which will best guide the Department in achieving its objectives. Policy is based upon police ethics and experience, the desires of the community, and the mandate of the law.

Policy is articulated to inform the public and Department employees of the principles which will be adhered to in the performance of the law enforcement function. Additionally, policy establishes operational standards to assist Department employees in the necessary exercise of discretion in discharging their responsibility.

An officer in the performance of his duty is confronted with an infinite variety of complex situations which require police action. Since policy is objective rather than situation oriented, it is broad enough in scope to encompass most situations. Policy, therefore, must be stated in general terms.

#### 1.22 Procedure

A procedure is a method of performing an operation or a manner of proceeding on a course of action. It differs from policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy. Both policies and procedures are objective oriented; however, policy establishes limits of action while procedure directs response within those limits.

#### 1.23 Public Service

Often, because there are no other public or private agencies available, the public relies upon the Department for assistance and advice in the many routine and emergency situations which develop in urban society. For this reason and because there is frequently a potential for crime, the Department regularly responds to incidents where it is not contemplated that an arrest will be made. Saving lives and aiding the injured, locating lost persons, keeping the peace, and providing for many other miscellaneous needs are basic services provided by the Department. To satisfy these requests, the Department responds to calls for service and renders such aid or advice as is necessitated or indicated by the situation.

#### 1.24 MISCELLANEOUS DEFINITIONS

- A. Plurality of Words: The singular includes the plural and the plural includes the singular.
- B. Gender: The use of a single gender in any directive, order or manual includes the male, female and neuter, except where specifically indicated otherwise.
- C. Immediately: The term "immediately" is to be construed to mean "as soon as possible and practicable".
- D. Shall and Will: "Shall" and "Will" indicate that the action is mandatory.
- E. May and Should: "May" and "Should" indicate that the action is permissive.

- F. Minor or Juvenile: Any person under the age of 18 years. This does not affect age limitations placed upon the consumption of alcoholic beverages.
- G. On Duty: The state of an employee during a shift or watch when the employee is responsible for performing regular and assigned duties.
- H. Off Duty: The state of an employee when free of the responsibility of performing assigned duties.
- I. Tour of Duty: The shift or watch during which an individual is on duty.
- J. Out of Service: Not available for service because of equipment failure or when withdrawn from normal service for some special assignment.
- K. Common Terms: Terms and phrases commonly used in the Port of Stockton Charter, Department General Orders, Memorandum of Understanding and other official Port and Department documents are applicable to the rules and regulation included in this manual.



## **Chapter II**

### **Command and Supervisory Responsibility and Authority**

#### 2.0 Authority

The Department is established under the provisions of the California Harbors and Navigation Code.

#### 2.01 Organization

The Department consists of a Chief of Police and such other officers, members, and employees as the Port Director shall, from time to time, authorize.

#### 2.02 Responsibility

The Police Department, under the control, management, and direction of the Chief of Police, shall enforce the penal provisions of said Charter, the penal ordinances of the City of Stockton, and the penal laws of the State of California and of the United States. The Department shall further execute all proper orders and processes which are duly issued by courts of competent authority and accomplish such additional duties as are essential for the protection and wellbeing of the community.

#### 2.03 Operational Control

The Department is established on a para-military basis, with the authority descending from superior to subordinate and responsibilities ascending from subordinate to superior. The line of command in the Department is divided into three collateral classifications:

Executive or Command Authority  
Investigative Authority  
Functional or Staff Authority

#### 2.04 Chain of Command

The chain of command of the Department shall be as follows:

Chief of Police  
Command Officer(s)  
Supervisor  
Officer/Member

#### 2.05 Chief of Police

##### A. Authority

The Chief of Police is the Chief Executive Officer of the Department in all matters of policy, operations and discipline. The Chief of Police exercises all of the lawful powers of his/her office and issues such lawful orders and directives as are necessary to assure the effective performance of the Department.

B. Responsibility

The powers and duties of the Police Department are fixed with the Chief of Police as follows:

“Subject to the approval of the Port Director and the rules and regulation of the Port of Stockton, he shall direct and supervise the personnel of the Department and have charge of the property and equipment thereof. He shall have full power to detail any officer or member of the Department to such public service as may be necessary. He shall recommend in writing to the Port Director that formal disciplinary action be taken against members of the Department, when in his judgment, he deems it necessary, stating his reasons therefore.”

2.06 Authority to Adopt Policy and Procedures

The Chief of Police shall have the authority to adopt policies and procedures for the administration of the Department. This authority shall include fixing duties and providing for their enforcement and prescribing penalties for violations for such directives, policies, or procedures.

2.07 Policy and Procedure Changes

Written orders shall not be cancelled, amended or issued without the approval of the Chief of Police, or his designee.

2.08 Chief of Police (Acting)

In the case of absence or disability of the Chief of Police for an extended period of time, a commanding officer of the Police Department designated by the Port Director shall perform the duties and exercise the powers of the Chief of Police.

2.09 Deputy Chief of Police

A. Authority

A Deputy Chief of Police may be appointed by the Chief of Police to provide administrative and executive assistance to the Chief of Police. A Deputy Chief of Police is subject to the authority of the Chief of Police and shall be responsible for the overall operation of the Department.

B. Responsibility

A Deputy Chief of Police will report personally to the Chief of Police and shall submit such reports relating to his/her command as may be required by the Chief of Police. The Chief of Police may select a Deputy Chief of Police to be Acting Chief of Police during the temporary absence of the Chief of Police.

2.10 Commanding Officers

A. Command Responsibilities

Commanding Officers have responsibility and accountability for every aspect of their command, commensurately, within policy guidelines and legal constraints, they have the authority to coordinate and direct assigned personnel and other allocated resources in achieving organizational objectives. In so doing, they must perform the full range of administrative functions, relying upon policy, direction, training, and personal initiative to guide his/her command in achieving the highest level of performance possible.

B. Authority and Responsibilities

Subject to direction from higher command, commanding officers have direct control over all members and employees within their command. In addition to the general and individual responsibilities of all members and supervisory officers, a commanding officer is responsible for the following:

1. Command: The direction and control of personnel under their command to assure the proper performance of duties and adherence to established rules and regulations, policies, and procedures. Providing for continuation of command and/or supervision in their absence.
2. Loyalty and Esprit de Corps: The development and maintenance of esprit de corps and loyalty to the Department.
3. Discipline and Morale: The maintenance of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere.
4. Inter-divisional action: The promotion of harmony and cooperation with other units of the Department. Initiation of proper action in cases not regularly assigned to their command when delay necessary to inform the proper unit might result in a failure to perform a duty.
5. Organization and Assignment: Proper organization and assignment of duties within their unit to assure proper performance of departmental functions and those of their command.
6. Reports and Records: Preparation of required correspondence, reports, and maintenance of records relating to the activities of their command. Assurance that information is communicated up and down the chain of command as required.
7. Maintenance: Assurance that work stations, equipment, supplies, and material assigned to their command are correctly used and maintained.
8. Commendations. The assurance that acts of heroism and outstanding performance receive proper recognition.

2.11 Supervisors

A. Authority and Responsibilities

Supervisors are members in charge of one or more employees.

In the absence of those members of the Department who regularly exercise such authority, shall be designated as the ranking authority within the Department. Such authorization and responsibility is not limited or confined, but includes supervision over and responsibility for all personnel within the Department. In the absence of the Supervisor, the senior officer of the Patrol Section assigned to that watch is in charge, unless otherwise noted.

In addition to the general and individual responsibilities of all members, each supervisor is specifically responsible for the following:

1. Supervision: Supervisors may be assigned to field or office duties. During their tour of duty, supervisors must closely supervise the activities of his subordinates, making corrections where necessary and commanding where appropriate.
2. Leadership. Effective supervision demands leadership. Provision of leadership shall include on-the-job training as needed for efficient operation and coordination of effort when more than one member or employee is involved.
3. Direction: Supervisors must exercise direct command in a manner that assures the good order, conduct, discipline and efficiency of subordinates. Exercise of command may extend to subordinates outside the usual sphere of supervision if the police objective or integrity of the Department so requires; or if no other provision is made for personnel temporarily unsupervised. If a supervisor requires a subordinate other than his/her own to leave a regular assignment, the supervisor so directing will inform the subordinate's own supervisor as soon as possible.
4. Enforcement of rules, etc.: Supervisors must enforce departmental rules and regulations and insure compliance with departmental policies and procedures.
5. Inspection: Supervisors are responsible for inspection of activities, personnel, and equipment under their supervision and initiation of appropriate action in the event of a failure, error, violation, misconduct or neglect of duty by a subordinate.
6. Knowledge of Conditions: Supervisors have the duty to become familiar with conditions which affect work of their subordinates. Supervisors will take measures to correct these conditions and inform their superiors as necessary.
7. Information to Subordinates: Supervisors will inform subordinates of decisions by higher authority which affect them unless such information is confidential. Supervisors will disseminate departmental information concerning policies and procedures.
8. Training: Supervisors will ensure that subordinates are given practical assistance and training in the discharge of their duties. Supervisors will recognize training needs of their subordinates and bring this to the attention of their superiors.
9. Knowledge of Subordinates. Supervisors will closely observe the work of their subordinates and be prepared to evaluate it accurately for their superiors in as much detail as required. Supervisors will prepare a written report to their

superiors of the conduct of a subordinate which may fall into the following categories:

- Misconduct
  - Unfitness
  - Exceptional or outstanding work.
  - Recommendations for awards.
10. Report Review: Supervisors will strive to maintain a high level of quality in reports generated by subordinates. Supervisors will ensure that reports by subordinates are submitted in a timely manner and within established Departmental guidelines.
  11. Morale: Supervisors will take positive steps to create and maintain high morale and a spirit of service among subordinates.
  12. Equal Employment Opportunity: All supervisors have the ultimate responsibility for assuring a nondiscriminatory work environment. When a supervisor observes or is informed of a possible discriminatory action, they shall take authorized and necessary action in accordance with law and Port policies/ procedures; and ensure Department management is notified as soon as practical.

## 2.12 Investigative Authority

Members of the Department when detailed to a criminal or accident investigation will be in complete charge at the scene and elsewhere in connection with the investigation, subject to the Chain of Command.

## **Chapter III**

### **Duty & Conduct**

#### 3.0 General Duties

##### A. On Duty

Officers shall at all times when on duty, and in accordance with law, protect life and property, detect and arrest violators of the law, prevent crime, preserve the public peace and enforce the laws of the United States, the State of California, ordinances of the City of Stockton, and the rules of the Port of Stockton.

##### B. Off Duty

Officers, while off duty and in the Port of Stockton, shall perform necessary police service whenever they are aware of a serious criminal offense or a present threat to life. When outside the Port of Stockton, but within the State of California, officers shall assist any law enforcement officer who appears to be in need of immediate assistance and take appropriate action in situations where there exists a serious threat to life. Officers shall call for services of officers on duty when no emergency or life threatening situation exists.

##### C. Outside of State

Peace officer powers of Port of Stockton Police Officers do not extend beyond this state except as provided for in the Uniform Act of Fresh Pursuit. Officers who are outside the boundaries of this state for extradition or other matters of direct concern to the Port are not to engage in police activities unless necessary in the performance of their duties as an agent of the Port, and only then after consideration of the tactical situation.

#### 3.01 Obedience to Rules

Members shall not perform any act or fail to perform any duty which constitutes a violation of any of the rules, regulations, instructions, directives or orders of the Department whether stated in these Rules and Regulations, Policy and Procedures, or elsewhere. Ignorance of the Rules, Regulations, Directives, Orders, or Policies shall not be considered as justification for any such violations. Members shall be responsible for their own acts, and they shall not shift to others the burden of responsibility for executing or failing to execute a lawful order or police duty.

#### 3.02 Obedience to Laws

Members shall obey all federal, state, county, and municipal laws.

#### 3.03 Insubordination

A. Members shall obey and properly execute any lawful order emanating from a superior.

B. Any member whose speech or conduct to a superior is discourteous, abusive, profane, or threatening shall be deemed to be insubordinate.

### 3.04 Conflicts or Illegal Orders

- A. Members who are given an otherwise proper order which is in conflict with a previous order, regulation, directive or manual, shall respectfully inform the superior officer issuing the order of the conflict.

If the superior officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility shall be upon the superior officer. Members shall obey the conflicting order and shall not be held responsible for disobedience of the order previously issued.

- B. Members shall not obey any order which they reasonably believe would require them to commit any illegal act. If in doubt as to the legality of the order, the member shall bring this to the attention of the issuing officer. The issuing officer shall retract or clarify the order, or confer with higher authority regarding the legality of such order.
- C. Members may appeal for relief from orders which are unjust or improper. Such appeals will be made in writing to higher authority through official channels. The member appealing the order is responsible for justifying the appeal. Irresponsible or capricious appeals will be considered serious misconduct.

### 3.05 Unbecoming Conduct

Members shall conduct themselves both on and off duty, in such a manner as to reflect favorably on the Department. Members shall not conduct themselves in any manner which brings the Department into disrepute or reflects discredit upon the member or the Department, or tends to impair the operation and efficiency of the Department.

Members shall not engage in any conduct which is unbecoming an employee of the Department, nor which tends to impair the operation of the Department.

### 3.06 Gifts or Gratuities

Definition: "Gift" or "Gratuity" as used herein, includes, but is not limited to, meals, beverages, money, property, loans, promises, services or entertainment.

Members shall not at any time solicit nor accept from any person, business or organization any gift or gratuity for the benefit of the member or others if it may be reasonably inferred that the person, business or organization:

- A. Seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty; or
- B. Has an interest which may be affected directly or indirectly by the performance of an official duty.

### 3.07 Solicitation

Members will not use their official position to solicit, collect or receive money or other things of value for charitable, testimonial, or political purposes except as approved by the Chief of Police.

### 3.08 Abuse of Position

#### A. Use of official position or identification.

Members shall not use their official position, official identification cards or badges:

1. For personal or financial gain.
2. For obtaining privileges not otherwise available to them except in the performance of duty.
3. For avoiding consequences of illegal acts, members shall not lend their identification cards or badges to other persons or permit their identification cards to be reproduced.

#### B. Use of name, photograph or title.

Members shall not permit or authorize, without the approval of the Chief of Police, the use of their names, photographs, or official titles in connection with testimonials or advertisements of any commodity or commercial enterprises if such use identifies the person as a member of the Port of Stockton Police Department.

#### C. Members shall not enter into official Department correspondence over a signature other than the Chief of Police, except as authorized by Department procedures.

#### D. Members shall not use the Department's name or address, nor address of any area station, for other than official purposes. Members shall not authorize the use of the Department's name, and Department address or their official titles on any personal correspondence, including, personal checks, credit cards and other items to be deemed for personal use without the prior approval of the Chief of Police.

### 3.09 Endorsements

Members may not, under color of authority or while on duty, recommend or facilitate the sale of commercial products or services to the public. This includes, but is not limited to, the use of tow services, repair firms, attorneys, bail bond companies, or other technical or professional services. This provision does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

### 3.10 Giving Assistance to Criminals

Members shall not communicate in any manner, directly or indirectly, any information which may enable persons suspected or guilty of criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose of or secrete any money, goods, or other valuables unlawfully obtained, or withhold any evidence of unlawful activity.

### 3.11 Visiting Prohibited Establishments

Members shall not knowingly visit, enter or frequent a house of prostitution, unlawful gambling house, or establishment maintained for the purpose of conducting illegal activity except in the performance of duty or while acting under proper and specific orders from a superior.



### 3.12 Public Statements and Appearances

- A. Members shall not publicly criticize or ridicule the Department, its policies or others by speech, writing or other expression, where this is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline or is made with reckless disregard for truth or falsity.
- B. While holding themselves out as an official Department representative in such matters, without the approval of the Chief of Police, members shall not:
- Address public gatherings.
  - Appear on television or radio.
  - Lecture on police or other related subjects.
  - Prepare any articles for publication.
  - Act as correspondent to a newspaper or periodical.
  - Release or divulge investigative information, or any other matters of the Department.

### 3.13 Disparaging Remarks

No member shall make any disparaging remarks, gestures, drawings, etc., toward the nationality, color, creed, beliefs, etc., of any person or group of persons.

### 3.14 Community Activity

Members shall not engage in any political, social or charitable activities while on duty and/or in uniform without the permission of the Chief of Police.

Members shall not represent their individual political, social or charitable activities as being endorsed by the Police Department.

Except for the Armed Forces Reserve components enumerated in the California Veterans Code, members shall not affiliate themselves with any organization or group, the constitution or by-laws of which in any way exacts prior consideration or prevents its members from rendering proper and efficient service to the Department.

No member shall knowingly be connected with, or be a member of, any subversive organization, except in the line of duty.

### 3.15 Employment Outside of Department

- A. Members shall not accept any employment outside the Port service, nor shall they participate actively in the management or operation of any business or enterprise, if such employment or participation would in any way conflict with a member's responsibilities and obligations to the Port, reflect criticism or discredit on the member or the Port, or would affect the efficiency of the member in the performance of his regular duties.
- B. No member shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his

official duties or would tend to impair his independence or judgment or action in the performance of such duties.

### 3.16 Performance of Duty

#### A. Competency

Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by: an unwillingness or inability to perform assigned tasks, or the failure to conform to work standards established for the member's rank, grade or position.

#### B. Dereliction of Duty

Officers shall not fail to take appropriate action on the occasion of a crime, disorder, or other conditions deserving police attention, or be absent without leave or be unnecessarily absent from their assigned area or duties.

Any officer who fails to take effective police action or who fails to aid and protect a fellow officer in time of danger or under circumstances where danger might reasonably be impending, except when actually incapacitated, is deemed to be in gross dereliction of duty.

#### C. Evidence of Unsatisfactory Performance

The following will be considered prima facie evidence of unsatisfactory performance for all members: repeated poor work performance evaluations, or a written record of repeated infractions of the rules, regulations, instructions, directives, or orders.

### 3.17 Attentiveness to Duty

Members shall not engage in activities or personal business which would cause them to neglect or be inattentive to their duty. Such activities include, but are not limited to, recreational reading, playing games, watching television or otherwise engaging in entertainment while on duty, except as may be required in the performance of duty.

Members shall remain awake on duty. If unable to do so, they shall so report to their superior who shall determine the proper course of action.

### 3.18 Reporting for Duty

Members shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Off duty members shall be subject to recall as needed, and shall report for duty as directed by any superior. Judicial or other lawfully issued subpoenas shall constitute an order to appear under this section.

### 3.19 Emergency Duty

Members who are off duty shall report for duty promptly upon notification by a superior that an emergency situation exists. Members will report as directed by the superior or his designee.

### 3.20 Reporting Ill or Injured

Any member who because of illness or injury is unable to report for duty at the proper designated time or is unable to complete his tour of duty shall notify his commanding or supervisory officer in accordance with established Department procedures.

#### A. Fictitious illness or injury reports.

Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health.

### 3.21 Personal Appearance

#### A. Members on duty shall wear uniforms or other clothing in accordance with established Department and Port requirements.

#### B. Except when acting under proper and specific orders from a superior, members on duty shall maintain a neat, well-groomed appearance in accordance with Department policy and procedures.

### 3.22 Identification

Officers shall carry their badges and identification cards on their persons at all times, except when impractical or dangerous for their safety or for an investigation. They shall furnish their names and badge numbers to any person requesting that information when they are on duty or while holding themselves out as having official capacities, except when the withholding of such information is necessary for the performance of police duties or is authorized by the proper authority.

### 3.23 Courtesy

Members shall be courteous to the public, each other, other Port staff, and other law enforcement officers.

Members shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion and shall not engage in argumentative discussion even in the face of extreme provocation. In the performance of their duties, members shall not use coarse, violent, profane or insolent language or gestures, and shall not make derogatory comments about or express any prejudice concerning race, religion, politics, national origin, gender, life-style or similar personal characteristics.

### 3.24 News Media Relations

#### A. Accredited members of the news media are entitled to limited information concerning police reports and criminal investigation. Members of the department shall assist reporters by facilitating their receipt of information in accordance with Port policy and procedures. This can typically be accomplished by referring them to a designated press information officer, police command officer, or the Chief's office.

- B. Members of the department who furnish information to the news media concerning police crime reports are expected to furnish accurate information concerning the case, that remains compliant with current law.
- C. Members shall not, in their official capacity, use the news media for personal or political reasons.

### 3.25 Equal Opportunity

Consistent with Port Policy, no member shall discriminate against another member from any legally protected class.

Members will be permitted a work atmosphere free from discrimination or harassment. It is the responsibility of all supervisors to assure a nondiscriminatory work environment.

### 3.26 Citizen Complaints

Members shall courteously receive all complaints made by persons against other members of the Department in accordance with Department policies. Members shall not attempt to dissuade any person from lodging a complaint. Members shall follow established Department procedures for investigating, reporting and processing complaints.

### 3.27 Request for Assistance

When any person requests assistance or advice or makes complaints or reports, either by telephone or in person, all pertinent information shall be obtained in an official and courteous manner. Such requests shall be properly and judiciously acted upon, consistent with established Department procedures.

### 3.28 Radio Discipline

All members operating the police radio, cellular phone, or other any other communication device shall strictly adhere to procedures as set forth in Departmental policy and by the Federal Communications Commission.

All communications will be made in a clear and professional manner.

### 3.29 Patriotic Courtesy

Patriotic courtesy and respect for the American flag is symbolic for the oath to support and uphold the U.S. Constitution. During the playing of the National Anthem, and when the Pledge of Allegiance is being recited, members shall render the appropriate salute.

Members outdoors and in uniform, or indoors with uniform and cover, shall stand at attention and render a military salute. When in civilian clothes or wearing a uniform indoors but uncovered, members shall stand at attention and place their right hands over their hearts. When in civilian clothes and when wearing a hat, it should be removed and held in the right hand, over the heart.

### 3.30 Use of Alcohol

Members shall not drink intoxicating beverages while on duty except in the performance of duty and while acting under proper and specific orders from a superior. Members shall not appear for

duty, or be on duty, while under the influence of intoxicants to any degree whatsoever or with an odor of intoxicants on their breath.

Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in an obnoxious or offensive behavior which would discredit them or the Department, or render them unfit to report for their next regular tour of duty.

### 3.31 Use of Drugs

Members shall not use any controlled substances, narcotics, or hallucinogens except when prescribed in the treatment of such member by a physician or dentist. When prescribed, members shall notify their supervisor or commanding officer.

### 3.32 Use of Tobacco

While on duty, members shall not smoke or chew tobacco while interacting with others where such use may be detrimental to good conduct, appearance, procedure, or where prohibited.

### 3.33 Alcoholic Beverages and Drugs in Police Installations

Members shall not bring into or store alcoholic beverages, non-prescribed controlled substances, narcotics or hallucinogens into any police facility or vehicle, except in the performance of duties or as authorized by the Chief of Police. Such items shall be processed in accordance with Department procedures.

### 3.34 Residence and Telephone

Members shall keep the Department informed of their correct address and telephone number. They shall report, in writing, any change in their residence and/or phone number to the Office of the Chief of Police within twenty-four hours after such change.

### 3.35 Investigations

Unless relieved, a member assigned to investigate a crime shall be in charge of such investigation. The investigating officer will be responsible for maintaining the integrity of the crime scene, locating and interviewing witnesses, arresting violators and other investigative duties.

#### A. Preliminary Investigation

The scope of a preliminary investigation may be very limited or it may constitute the entire investigation of the crime. The extent of a preliminary investigation shall be based on established department policy, taking into consideration factors such as, but not limited to, seriousness of the offense, suspect information, availability of personnel, pending calls for service, supervisory discretion, etc.

#### B. Follow-up Investigations

Reported crimes will be investigated to their fullest extent. Personnel assigned to follow-up investigations will utilize all legal means available to bring assigned investigations to a proper disposition.

C. Unauthorized Investigations

Members shall not conduct any investigation or other official action not part of their regular duties without obtaining permission from their superior unless the urgency of the situation requires immediate police action.

Members shall not handle calls for service or investigation involving themselves, their relatives, personal friends, or neighbors without express permission of a supervisor.

3.36 Department Reports

Members shall submit all necessary reports on time and in accordance with established Department procedures. Reports submitted by members shall be truthful and no member shall knowingly enter or cause to be entered any inaccurate, false or improper information.

3.37 Confidential Information

Members shall not divulge any information to which they may have access or which may come to their attention, nor shall they make information contained in police reports available to anyone, except as provided by law or by designated authority.

3.38 Removal of Official Records

No member of the Department shall remove or alter any official record of the Department, except as directed by their superior officer or required by law.

3.39 Truthfulness

Members shall be truthful in all matters relating to their duties.

Upon the order of a superior or any officer appointed by the Chief of Police to conduct internal investigations and in accordance with Constitutional, statutory and contractual guarantees, including a right to representation, members shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department.

3.40 Medical Examinations, Photographs and Lineups

Upon the order of the Chief of Police or his designee, and in accordance with Constitutional, statutory and contractual guarantees, members shall submit to any psychological, medical, ballistics, chemical or other tests, photographs or lineups that are specifically directed and narrowly related to a particular internal investigation being conducted by the Department.

3.41 Treatment of Persons in Custody

Members shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with law and established Departmental procedures.

A. Use of Force

Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force in accordance with law and established Departmental procedures.

B. Reporting the use of Force

A report will be made in all cases where officers, whether on or off duty, have used any force on the person of another, except for that force inherent in any athletic competition. Such report shall be in writing, i.e., arrest report, crime report, memorandum etc.

C. Arrest, Search, and Seizure

Officers shall not make any arrest, search or seizures which they know or ought to know is not in accordance with law and established Department procedures or policies.

3.42 Firearms/Weapons

A. Discharge: Officers shall not discharge firearms except as prescribed by law and departmental policy. All discharges will be reported in accordance with Departmental procedures.

B. Carrying: Officers while on duty shall wear required equipment and firearms as established by Department policy and procedures.

C. Handling: Officers shall at no time intentionally display their firearms or draw them in any manner, except for proper inspection or official use.

D. Off Duty: Unless impractical to do so, off duty officers shall carry an approved firearm while traveling about in public places within the jurisdiction of the Department. When wearing civilian clothes, officers shall conceal the firearm from public view. When officers are on vacation or traveling outside the jurisdiction of the Department, they need not carry a firearm, if not on duty.

Weapons shall not be carried by any officer who has consumed any amount of alcoholic beverage or taken any drug that would tend to adversely affect the officer's sense of judgment.

3.43 Prisoner/Suspect Availability of Weapons

Members shall not place weapons or objects adaptable for use as weapons and capable of inflicting bodily injury, or permit such weapons or objects to remain unattended in any locations which may be accessible to a prisoner or suspect.

3.44 Processing Property

Property or other evidence which has been discovered, gathered or received in connection with Departmental responsibilities shall be processed promptly in accordance with established Department procedures. Members shall not convert to their own use, conceal, falsify, destroy, remove, tamper with or withhold any property or other evidence found in connection with an investigation or other police action. Release or destruction of property shall conform with established Department procedures.

### 3.45 Use of Department Equipment

Members shall utilize Department equipment only for its intended purpose, in accordance with established Department procedures, and shall not abuse, damage, or through negligence, lose Department equipment. All Department equipment issued to members shall be maintained in proper order.

Members losing items of Departmental equipment which they have been issued will be required to explain and document the occasion and circumstances of such loss and to take all suitable measures to recover them. If unsuccessful in locating the lost item, the member may be required to pay for the item and/or receive such other discipline as may be appropriate.

Members shall surrender all Departmental property issued to them upon separation from service. Failure to return non-expendable items may require that the member reimburse the Department for the fair market value of the article(s).

### 3.46 Operating Vehicles

- A. Members shall operate official vehicles in a careful and prudent manner and shall obey all traffic laws and all Department orders pertaining to such operation. All members required to drive are required to have a valid California driver's license. Loss, expiration or suspension of their driver's license shall be immediately reported to their superior.
- B. Members shall not use their personal vehicle for any assignment while on duty unless authorized to do so by their commanding officer.
- C. Members shall not permit persons to ride in Department vehicles except in accordance with Department procedures.
- D. Members involved in a motor vehicle accident with Port equipment shall report the accident immediately to a supervisor and shall have the accident fully investigated by members not involved. The investigation will be conducted in accordance with Department policy.

### 3.47 Computer Security

Federal and state laws are applicable to the use of criminal justice computer systems and violations of this section may or may not also violate agreements or statutes relating to the use of those systems.

- A. Members shall maintain the security and confidentiality of the Department's computer systems and the files contained therein.
- B. Members shall not access or utilize the computer systems or information contained in, or available through them, without access authorization from their supervisor.
- C. Members shall only utilize and access those systems, programs, and files authorized for their use by competent authority.
- D. Personal use of Department Computers shall be consistent with Port Policies.



3.48 Correspondence

Departmental Letterheads/Forms: Members shall not use departmental letterheads or forms for other than official departmental business.

3.49 Business or Personal Cards

Business or personal cards which refer to the Department shall be used by members only in connection with official business and shall conform to the approved Departmental design.

3.50 Interference

Officers shall not interfere with cases being handled by other officers of the Department, or by any other agency or person, unless ordered to intervene by a superior officer, or the intervening officer reasonably believes that a manifest injustice would result from inaction.

3.51 Accepting Assignments

Notwithstanding the assignment of specific duties and responsibilities to members of the Department, members will perform all other duties required of them by competent authority.

3.52 Civil Cases and Processes

When representing the Department, members will not serve civil processes nor will they render assistance in civil court cases, except when the Port of Stockton is a party or they have been subpoenaed in the proper manner. They will, however, prevent breaches of the peace or quell disturbances growing out of such matters and advise the parties concerned why police action may not be possible.

3.53 Misconduct Observed by Police Personnel

Whenever any Department member observes or is informed of alleged misconduct or possible criminal activity of another member, they shall take authorized and necessary action, which includes the proper reporting, in accordance with Department policies and procedures.

The officer assigned the investigation of an alleged act of misconduct on the part of a member of the Department shall conduct a complete investigation and report the findings of the investigation in accordance with existing policy.

3.54 Report of Suspected Criminal Involvement

Members who are arrested, cited (excluding traffic infractions), or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to a superior immediately or as soon as possible.

3.55 Testifying for the Defense

All members subpoenaed or asked to testify for the defense in any criminal trial, or against the Port or Department in any type of hearing or trial, shall notify their commanding officer upon receipt of said subpoena or verbal request and before testifying. The Department commander shall in turn notify the City Attorney's Office or District Attorney's Office in regard to the case.

## **Chapter IV**

### **Departmental Discipline**

#### **4.0 General Provisions**

The Port of Stockton Police Department has established standards of performance and conduct that are reasonable, job-related and nondiscriminatory. These standards are intended to facilitate coordination of effort, develop self-control and character, and foster orderliness and efficiency.

Discipline is essential in order to meet and maintain such standards and develop morale and esprit de corps. Discipline may take the form of encouragement, inspiration and training or the imposition of negative sanctions. Policies, procedures, rules, regulations and written and/or oral directives are the means to accomplish acceptable performance and conduct. When violations of such directives occur, members will be subject to disciplinary action.

#### **4.01 Discipline Policy**

It is the policy of this Department to use the concept of "Progressive Discipline" whenever applicable. This means that the corrective action taken for a first offense will generally be less severe than that taken for a subsequent offense. It does not mean that all disciplinary action must follow a prescribed pattern. The appropriate disciplinary action for a given offense will be determined by supervisory or management personnel after consideration of all relevant factors including, but not limited to the nature and severity of the offense, the history of the employee, any mitigating circumstances and the effect on the organization. Generally, the least severe disciplinary action sufficient to produce the desired change in behavior shall be employed.

#### **4.02 Who is Subject to Disciplinary Action**

Any member violating his oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of California, the ordinances of the city of Stockton, the laws and ordinances of any other jurisdiction, or who violates any provision of the Rules and Regulations or Polices of the Port of Stockton, or who disobeys any lawful verbal order, is subject to appropriate disciplinary action.

#### **4.03 Types of Disciplinary Action**

Subject to the provisions of the Port of Stockton, and when necessary the approval of the Port Director, the following penalties may be assessed against any member of the Department as disciplinary action:

- Oral reprimand.
- Memo of Correction.
- Written reprimand.
- Reduction in pay.
- Suspension.
- Demotion.
- Discharge from service.

#### **4.04 Departmental Authority to Discipline**

Final Departmental disciplinary authority and responsibilities rests with the Chief of Police.

Except for oral reprimands and memos of correction, all Departmental discipline must be approved by the Chief of Police.

Other supervisory personnel may take the following disciplinary measures:

- Oral reprimands.
- Memos of Correction.
- Written recommendations for other penalties.

#### 4.05 Levels of Discipline

Disciplinary action within the Department shall be divided into two levels:

##### A. Informal Discipline

This level of discipline will be handled within the respective divisions, informal disciplinary action includes:

- Oral reprimands.
- Memos of Correction.

##### B. Formal Discipline

This level of discipline may be initiated at any level within the Department, but any action must be approved by the Chief of Police. Formal disciplinary action includes:

- Written reprimand
- Reduction in pay
- Suspension
- Demotion
- Termination

#### 4.06 Personnel Files

Personnel files shall be maintained on all members. Informal personnel files shall be maintained at the Shift level. Formal personnel files shall be maintained by Human Resources/Administrative Services. A formal personnel file consists of the following components:

- Files maintained by the Office of the Chief of Police.
- Files maintained by Human Resources/Administrative Services.

#### 4.07 Retention of Disciplinary Records

A record of all disciplinary action will be retained in the member's formal personnel file as required by law and in accordance with the following procedure:

- ##### A. Oral Reprimands.
- Ordinarily oral reprimands are given by a member's immediate supervisor. Records of oral reprimands shall not be placed in formal personnel files.

- B. The Memo of Correction shall be retained in a member's Department file for a period of thirteen (13) months, unless other disciplinary action is pending.
- C. The Written Reprimand, Reduction in Pay, and Suspension will be purged from a member's formal personnel file after the member has had five (5) continuous years of additional service, unless other disciplinary action is pending.
- E. Demotions and terminations are permanent records which will not be purged under any circumstances.
- F. Records of formal discipline related to pending litigation or that have court ordered retention will not be purged until such time as the litigation has been resolved or the court removes the retention order.

#### 4.08 Purging Personnel Files

It is the member's responsibility to advise the Office of the Chief of Police when their personnel file is eligible for purging.

Although records of disciplinary action may be purged earlier, records of personnel investigation shall be maintained for a period of time as required by law.

#### 4.09 Inter-Shift Disciplinary Action

When the improper conduct of a member of one shift is of such a nature that immediate disciplinary action is required of a command officer or supervisor of another shift, such action may be taken at once. The action taken shall be in accordance with established Department policy and procedure.

#### 4.10 Allegations of Employee Misconduct

It is the policy of this Department to investigate all allegations of employee misconduct received from any source outside or inside the Department, within the general procedural guidelines established.

#### 4.11 Reports of Misconduct

Allegations of member misconduct will normally be taken by a supervisory officer. If a supervisory officer is not available, and will not be available for a reasonable period of time, an officer will take the initial information, and advise the individual making the allegation that a supervisor will be in contact with him or her as soon as possible. The officer will then make contact with his or her immediate supervisor as soon as possible, passing on the allegation. The supervisor will then re-contact the complainant for a detailed description of the allegation.

#### 4.12 Employee Status During Internal Investigations

The Chief of Police or his designee may, due to the nature of an allegation of misconduct, place a member on administrative leave with pay, until the culmination of an internal investigation. During this period, the member is relieved from his police duties and ordered to hold himself/herself available to cooperate with the investigation. While in this status the member will

be relieved of shield, credentials, access card, and Port issued firearms and refrain from taking any action as a peace officer.

#### 4.13 Communications with Superior Officers

All members possessing information they desire to forward, or wish to refer a complaint against any other member, may communicate with the Office of the Chief of Police or any command or supervisory personnel. Such communications shall be made through official channels within the member's own chain of command. When the information to be forwarded or the complaint to be preferred is of such a nature that it must be brought to the immediate personal attention of the Chief of Police, the member may bypass official channels and contact the Office of the Chief of Police. Such member may, however, be required to justify this departure from established procedure.

#### 4.14 Reports of Alleged Act of Misconduct

Alleged acts of misconduct or possible criminal activity shall be investigated and reported in accordance with Departmental procedures.

#### 4.15 Report of Disciplinary Action Taken or Recommended

Whenever a disciplinary action is taken or recommended and documentation is to be made in the member's formal personnel file, a written report must be submitted to the Chief of Police through official channels by the person taking or recommending the action. This written report shall conform to established Department guidelines.

#### 4.16 Changes to Disciplinary Reports

Under no circumstances shall any superior officer alter a disciplinary report or order subordinate supervisory personnel to alter or withdraw such a report, unless authorized by the Chief of Police or their designee.

#### 4.17 Informing the Person Being Disciplined

Upon the completion of a personnel investigation, members subject to disciplinary action shall be provided with documentation of the investigation and informed of the recommended discipline.

When the recommended disciplinary action includes Reduction in Pay, Suspension, Demotion, or Termination, the disciplined member is entitled to a pre-disciplinary conference ("Skelly Hearing").

#### 4.18 Surrender of Equipment While Under Suspension

Members, while under suspension, shall surrender their shield, I.D. card, access card, and any Port issued firearms to the supervisor issuing the suspension. While under suspension, the members are subject to the laws regarding concealed weapons which apply to all other citizens. They shall not wear their uniform or any recognizable part thereof during suspension; surrendered items will be retained in accordance with Department policy and procedure.