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## Standards of Conduct

### 339.1 PURPOSE, SCOPE AND PHILOSOPHY

This policy establishes standards of conduct that are consistent with the values and mission of the Vancouver Police Department and expectations of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

The public demands exemplary conduct from all police personnel and, although public scrutiny is particularly intense for uniformed personnel, it includes all members of the Department. The actions of any one member of this Department which are found or perceived to be excessive, unjustified or illegal will be criticized more severely than with comparable actions by person in other occupations. For these reasons, rules must be established to govern the conduct of all members both on and off duty.

This policy applies to all employees (full, part-time), and volunteers.

### 339.2 DEFINITIONS

**Bad Faith:** A dishonest belief or purpose or a fraudulent intent.

**Criminal Offender:** Includes any person convicted of a felony or anyone on parole or probation or required to register as a sex offender.

**Employee:** Any certified law enforcement officer, professional staff or volunteer.

**Good Faith:** An honest belief or purpose and an absence of fraudulent intent.

**Intoxicants:** Any substance which, when taken into the body, impairs a person to a perceptible degree either physically and/or psychologically.

**Office of the Chief:** The Chief of Police and Assistant Chiefs of Police.

**Procedurally Just Conduct:** Procedural justice is a core organizational value. Procedural justice is about fair processes and experiences. It applies to supervisor-employee relations, community-police interactions, and the criminal justice system. The pillars of procedural justice have application throughout the organization at all levels (executive, supervisor, frontline, and community). Perceptions of procedurally just encounters are based on four central features:

1. **Voice:** Individuals are given a chance to express their concerns and participate in decision-making processes by telling their side of the story
2. **Respect:** Decisions are unbiased and guided by consistent and transparent reasoning
3. **Neutrality:** Decisions are unbiased and guided by consistent and transparent reasoning

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4. Trustworthiness: Decision-makers convey trustworthy motive and concern about the well-being of those impacted by their decisions

**Sexual Contact:** As defined in RCW 9A.44.010

**Sexual Intercourse:** As defined in RCW 9A.44.010

**Wrongdoing:** Conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature. For purposes of this policy, de minimis means "too trivial or minor to merit consideration."

### **339.3 POLICY**

The Vancouver Police Department is committed to a culture of excellence and providing quality public safety services to the community. It is the policy of this Department to provide expectation to all employees regarding their conduct and performance. All employees must report suspected or actual violations of Department orders, policies, directives or misconduct by any Department employee. Supervisors must take appropriate action as soon as a potential or actual violation of rules, regulations, policies, or laws comes to their attention. Employees shall not knowingly or negligently violate the provisions of the Vancouver Police Department policy manual, operating procedures or other written directive of an authorized supervisor.

Certain rules of conduct concern behavior off-duty; these are limited to the extent that official status, police authority or other job relatedness is involved. The standards set forth in this policy are not exclusive, and members are expected to meet the standards of the law enforcement profession at all times, to uphold the public trust and to act in a manner which is a credit to the Department and the profession at all times.

Ignorance of the law, rule, regulation, directive, order or policy of the City of Vancouver or of the Vancouver Police Department shall not be considered justification for any violation or omission.

### **339.4 CONDUCT**

Employees shall follow this Department's mission and values statement, oath of office, and code of ethics. If an employee experiences an ethical conflict with these items, they should consult a supervisor for further clarification. All employees will be knowledgeable of City of Vancouver and Vancouver Police Department policies, procedures, and orders that apply to their duties. Any employee who questions the clarity or intent of a policy, procedure, or order will seek immediate clarification through the chain of command. Employees will, within their authority, enforce City of Vancouver and Vancouver Police Department policies, procedures, and orders. Employees will be judged under this policy based on an objectively reasonable standard.

General conduct includes the following:

#### **339.4.1 PROFESSIONAL CONDUCT**

Following the tenants of procedurally just conduct, employees are expected to:

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1. Conduct themselves in the discharge of their duties and their relations with the public and each other in a tactful and professional manner.
2. Not publicly criticize the Vancouver Police Department, its policies, programs, actions, or employees. Nor must they perform any or make any written or oral statements that would impair or diminish the orderly and effective operation, supervision, or discipline of the Department. Nothing herein prohibits employees from engaging in protected union activities or protected speech/association.
3. Only comment on matters related to the Department that are of general public concern to the community after taking reasonable steps to check the truth of the facts. If an employee is not speaking as an official representative of the Department, the employee must clearly state that he or she speaks only as a private citizen.
4. Maintain command bearing and strive to maintain a professional relationship with the public.
5. Seek affirmative ways to cooperate and work with each other, public officials, and employees of other agencies to deliver lawful, effective, efficient, and safe services.

### 339.4.2 RESPECT FOR DIVERSITY

Staff must show respect for the diversity of our community and coworkers. Derogatory remarks, gestures, or other negative actions against anyone based on a person's nationality, race, religion, sex, sexual orientation, gender, gender identity, disability, veteran's status, physical attributes or age are prohibited.

### 339.4.3 ADHERENCE TO LAWS, REGULATIONS, AND ORDERS

1. Employees shall abide by all laws, regulations, policies, rules, directives, orders and procedures of the City of Vancouver and Department.
2. Employees shall obey all lawful orders.
3. Employees who are arrested or come under investigation for any criminal offense in any jurisdiction shall immediately report this fact to their supervisor. (This does not include minor traffic violations.)
4. Employees who are subjects of a protection or restraining order shall immediately report this fact to their supervisor.
5. A court conviction for a crime that carries a possible sentence of incarceration shall be prima facie evidence of a violation of this policy.

### 339.4.4 COMPETENT PERFORMANCE

1. Employees must perform the duties of their rank or assignment at a level that meets the performance expectations of the Department as defined by policies, procedures and performance dimensions of the evaluation system.
2. Incompetent performance such as inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse is unacceptable.

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3. Employees in supervisory or management positions must exercise leadership and demonstrate ownership of their areas of operation and report/document known misconduct as required by policy. They must take appropriate action to ensure employees adhere to Department/City policies and procedures, and all personnel comply with all laws. They must never exhibit unequal or disparate exercise of authority toward any employee and will consider and apply principles of procedural justice in the workplace.
4. Employees are expected to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.
5. Employees are expected to exercise sound judgment and safe tactics. This includes demonstrating proper driving habits.
6. If an employee is unsure how to complete a task, they should immediately seek out guidance from their supervisor.

### 339.4.5 UNBECOMING CONDUCT

Employees shall not conduct themselves in a manner, on or off duty that:

1. Materially and directly impacts the employee's integrity, honesty, moral judgment, or character.
2. Brings discredit to this agency. This includes:
  - A. Acceptance of a bribe or gratuity.
  - B. Misappropriation or misuse of public funds.
  - C. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
  - D. Violating any misdemeanor or felony statute or any other law.
3. Is criminal or dishonest behavior adversely affecting the employee/employer relationship, whether on or off duty.
4. Materially and directly impairs the agency's efficient and effective operation.
5. Intentionally or recklessly divulges information to any person, directly or indirectly, that may enable that person to avoid arrest.
6. Causes them to engage in unauthorized or unlawful behavior such as fighting, threatening, or attempting to inflict unlawful bodily injury on another.
7. Causes them to sleep while on duty.
8. Exerts or attempt to exert any influence on any of the participants in a Departmental disciplinary procedure, except as expressly provided by regulation or contract.

In addition, any employee who has been suspended from duty is subject to all rules and regulations of the Department. A suspended employee shall not wear any part of their official uniform or act in any official capacity except as ordered by the Office of the Chief. Upon order of the Office of the Chief, an employee who has been suspended shall immediately surrender his/her

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department issued weapon and official identification to the command-level person placing them on suspension.

### 339.4.6 TRUTHFULNESS

1. Absent legitimate safety or investigative purposes, employees must not purposely lie, give misleading information, withhold, or obfuscate information, falsify written, verbal, or electronic communications in an official report or in their actions with another person or organization. Employees will impart the whole truth when giving testimony or rendering an official report or statement.
2. Employees shall never purposely make false, misleading or malicious statements or bad faith complaints that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or any employee thereof.
3. Employees shall never purposely fail to disclose information or make a false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.
4. Employees will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness.

### 339.4.7 INSUBORDINATION

1. Employees are required to observe and obey the lawful verbal and written rules, work instructions, policies, procedures, and practices of this Department and to be respectful toward supervisors, managers and the Office of the Chief.
2. Employees must subordinate their personal preferences and work priorities to the lawful verbal and written rules, duties, policies, procedures, and practices of this Department, as well as the lawful orders and directives of supervisors and higher-ranking personnel.
3. Employees must perform all lawful duties and tasks assigned by supervisory or higher-ranking personnel.
4. Insubordination can include a verbal refusal, a non-verbal refusal, or an excessively unreasonable delay in complying with an order.
5. If in doubt as to the legality of an order, an employee shall request the issuing supervisor to clarify the order or confer with higher authority. Employees shall not obey any order that a reasonable officer would believe is clearly unlawful.
6. Employees who are given an otherwise proper order that is in conflict with a previous order shall respectfully inform the supervisor issuing the new order of the conflict. When informed of the conflict, the supervisor shall determine the appropriate course of action and notify the employee accordingly. Under these circumstances, the responsibility for resolving the conflict shall be upon the supervisor issuing the new order, and employees shall follow the supervisor's resolved direction and shall not be held responsible for deviation from the previous order.

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7. Any supervisor may immediately relieve a subordinate from duty for violation of any part of the Vancouver Police Department Policy and Procedure Manual if continuation of duty by that subordinate would cause dissension in the Department.

### 339.4.8 NEGLECT OF DUTY

1. All employees shall perform their duties faithfully and diligently and shall take responsibility for and exhibit attentiveness, care, and thoroughness in the completion of assignments and performance of their responsibilities.
2. Employees shall conduct themselves in an expeditious manner to avoid any unreasonable delays to the public in the performance of law enforcement duties and activities.

### 339.4.9 ENGAGING IN SEXUAL CONDUCT

1. Employees are prohibited from engaging in "sexual intercourse", "sexual contact" or engaging in "sexually explicit conduct" of any kind while on duty
2. Employees are prohibited from engaging in "sexual intercourse", "sexual contact" or engaging in "sexually explicit conduct" at any time on/in City of Vancouver property, buildings or vehicles.

### 339.4.10 RUMORS

Employees must not knowingly spread rumors (*circulate a clearly false story or report or a story or report of unknown or doubtful truth*) about Vancouver Police Department policies, activities, staff, public events, or crimes. Reporting possible employee misconduct or concerning behaviors to a supervisor is required and will not be considered spreading rumors if it is consistent with section 330.4.6 (Truthfulness) of this policy and reported in good faith.

### 339.4.11 INTOXICANTS

1. Employees shall not report to work under the influence of intoxicants.
2. Employees shall report fit for duty at all times. If an employee is called out for duty and is impaired from any cause (alcohol, drugs, medication, etc.), they shall notify their supervisor prior to reporting for duty. A supervisor will not assign to duty a subordinate in an unfit condition.
3. Employees shall not bring intoxicants to work for purposes of consumption or consume any such substance while on duty. Exceptions to this must be approved by the Office of the Chief.
4. Employees shall not report to work following the use of alcohol, a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
5. Employees shall promptly disclose to an immediate supervisor the use of any over-the-counter or prescription or medication containing a controlled substance with warning labels or notices which have reported side effects that could reasonably be expected to affect the ability of the employees to safely perform the essential function of the job.

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6. If a supervisor has reasonable grounds to believe that an employee is adversely affected by having used an intoxicant while on duty, that employee may, at the discretion of the supervisor, be required to submit to tests for drug or alcohol intoxication. If a blood/urine sample is to be tested, the supervisor must take the employee to a medical facility for extraction of such a sample by competent personnel. The time lapse between the initial report of the condition of the member and the tests for intoxication must be accurately recorded.

### 339.4.12 SMOKING AND CHEWING TOBACCO

Employees must not carry or smoke of any kind of lighted, vaping instrument, pipe, cigar, cigarette, or any other lighted tobacco product within the Vancouver Police Department building or vehicles. Employees must not smoke or chew tobacco in a manner that may offend either the public or fellow employees, or that may detract from the appearance of an employee. VPOG employees are subject to Article 30 of the VPOG collective bargaining agreement.

### 339.4.13 GAMBLING

Generally, no employee may engage in any form of gambling while on duty or while in uniform unless related to a legitimate law enforcement purpose. The Officer of the Chief may approve other exceptions.

### 339.4.14 ACCOUNTABILITY AND RESPONSIBILITY

1. Employees are directly accountable for their actions, through the chain of command, to the Office of the Chief.
2. Any identifiable on-duty peace officer who witnesses any wrongdoing committed by another peace officer, or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to their supervisor or other supervisory peace officer in accordance with VPD's policies and procedures for reporting such acts. A Department member shall not discipline or retaliate in any way against a peace officer for reporting wrongdoing in good faith as required by this section.
3. Employees have a duty to report any misconduct of which they become aware and shall notify a supervisor as soon as possible when another member of this Department is violating law or policy. Law enforcement employees are required to immediately report to the Office of the Chief any pending criminal charges and any conviction, plea, or other case disposition they are subject to.
4. Employees shall cooperate fully in any internal administrative investigation conducted by this agency or any other department or agency authorized by the Office of the Chief and shall not attempt to conceal, divert, or mitigate any culpability of theirs or others by falsehoods or omissions.
5. Employees shall utilize Department supplies, property, and equipment only for their official purpose and in accordance with established Department rules, policies, and procedures and shall not intentionally abuse, destroy, dispose of, or damage these items.

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6. Employees must notify the Department by the completion of their next work shift of any change in residence address, home phone number, or marital status.
7. Employees shall devote their on duty time to official matters only. Private business must not be engaged in during a tour of duty unless express permission is granted by a supervisor or as otherwise allowed by law.
8. Employees are required to maintain current licenses (e.g., driver's license) and certifications (e.g., first aid)
9. Employees shall observe posted rules, signs, and written or oral safety instructions while on duty and/or within Department facilities or to use required protective clothing or equipment.
10. Employees shall report any on-the-job or work-related accident or injury within 24 hours.
11. Employees shall not engage in horseplay.

#### 339.4.15 ABUSE OF LAW ENFORCEMENT AUTHORITY OR POSITION

1. Employees may not accept goods, services, or discount of value not available to the general public and shall report any unsolicited goods or services they receive and the circumstances of their receipt to a supervisor.
2. Employees shall not use their authority or position:
  - A. For financial gain.
  - B. To obtain or grant privileges or favors.
  - C. To avoid the consequences of illegal acts for themselves or others.
  - D. To barter, solicit, or accept any goods or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others.
3. Employees shall not purchase, convert to their own use, or have any claim to found, impounded, abandoned, or recovered property or any property held or released as evidence.
4. Employees are prohibited from using law enforcement sensitive information gained through their position to advance financial or other private interests of theirs or others.
5. Employees shall not steal, forge, or tamper with any official law enforcement document. Documents shall not be altered or duplicated unless such actions are approved by a supervisor.
6. Employees shall not take or release photographs capturing sensitive information or images unless authorized to do so.
7. Employees shall not use any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the expressed authorization of the Office of the Chief.
8. Employees shall not undertake any investigation or other official action that is not part of their regular duties without first obtaining permission from their supervisor, unless the exigency of the situation requires immediate law enforcement action.



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9. Employees must issue business cards for official purposes only. A business card must not bear any notations or endorsements other than those pertaining to the official functions of the Department. Business cards shall not be issued for the purpose of obtaining special privileges or benefits from any other person, to request that the bearer receive any type of favorable consideration, or to indicate the relationship of an individual to the member named on the card.
10. Employees shall never allow unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

### 339.4.16 PROHIBITED ASSOCIATIONS AND ESTABLISHMENTS

1. Employees should avoid regular or continued association or dealings with person whom they know, or should know, to be under criminal investigation or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior. Exceptions to this policy may be those contacts necessary to the performance of official duties, or where unavoidable because of other personal relationships of the members.
2. Employees shall not knowingly engage in off duty, personal social or romantic relationships with confidential informants, victims, or witnesses involved with investigations.
3. Employees shall not knowingly participate or interfere in investigations involving family members or persons with whom they have a close personal or business relationship.
4. Except in the performance of official duties, employees shall not enter any establishment or premises in which the employee knows the law is being violated.
5. Employees shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.
6. Any employee engaging in a personal intimate relationship with a subordinate shall immediately report this, either verbally or in writing, to the Office of the Chief. Additionally, any employee in such a relationship shall report to the Office of the Chief when the relationship is terminated.

### 339.4.17 POLITICAL ACTIVITY

Employees shall follow applicable laws regarding their participation and involvement in political activities. Where legal mandates are silent on this issue, employees shall be guided by the following examples of prohibited political activities while on duty, in uniform, or otherwise serving as a representative of this Department. Employees shall not:

1. Place, affix, or display any campaign literature or other paraphernalia in or on City-owned or controlled property, to include offices and vehicles.
2. Solicit political funds from any employee of this Department or another governmental agency of this jurisdiction.

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3. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures.
4. Use official authority to interfere with any election or with the political actions of other officers or the general public.
5. Favor or discriminate against any person seeking employment because of political opinions or affiliations.

#### 339.4.18 ATTENDANCE

1. Employees may not leave a job to which they have been assigned during duty hours without a reasonable excuse and proper permission and approval.
2. Employees shall not have unexcused or unauthorized absences or tardiness on scheduled day(s) of work.
3. Unless otherwise directed, employees shall report for duty at the designated time and place.
4. Employees shall be punctual in reporting for duty and shall remain in their assigned duty assignment until properly relieved unless directed otherwise by a supervisor. If an employee requires relief from duty, they shall notify their supervisor immediately. *(Does not include normal/routine breaks or lunch)*
5. Employees shall report for duty with all required equipment.
6. In case of an emergency affecting the Vancouver community, employees are expected to comply with and follow the instructions of the Department Special Occurrences Manual.