

	CLAY COUNTY SHERIFF'S OFFICE		Policy 324
	SUBJECT: CONDUCT		Approved by: Sheriff Will Akin 10/27/2022
	ISSUED: 09/29/2016	REVISED:	CANCELS:
	CALEA References:		

324.1 PURPOSE AND SCOPE

- (a) This policy establishes standards of conduct that are consistent with the values and mission of the Clay County Sheriff's Office and are expected 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 Sheriff's Office or the member's supervisors.
- (b) This policy applies to all employees (full- and part-time), reserve deputies, volunteers and members of the CCIS.

324.2 POLICY

- (a) The continued employment of every employee of this office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

324.3 DISHONESTY

- (a) Public support is based on public trust and confidence. Performance standards in this area are much higher for public members than for the ordinary citizen. History has shown that having lost trust in its elected or appointed officials, the public is quick to react, often resulting in reductions in operating budgets, creation of external review boards, replacement of officials, and in some cases abolishment of the organization. It shall be the policy of the Clay County Sheriff's Office to protect the public trust by requiring its personnel to be honest and truthful at all times.
- (b) Members shall not lie, give misleading information or half-truths, or falsify written or verbal communications in official reports or in their statements or actions with supervisors, another person, or organization when it is reasonable to expect that such information may be relied upon because of the member's position or affiliation with this organization.

324.3.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a non-violation of standards for Dishonesty or Untruthfulness:
 1. Filing information that proves to be wrong when the member can provide substantial evidence that he or she had no intent to be in error.
 2. Minor omissions or errors on reports or cases that have no significant impact on outcome and when the member has not been working with or has not worked with such reports or cases for a long period of time.
 3. Using legitimate interrogation or investigation techniques to solicit information from a criminal suspect.

324.3.2 NONEXCLUSIVE LISTING OF VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a violation of standards for Dishonesty or Untruthfulness:
1. Conducting a performance evaluation in a manner that does not comply with the policies governing performance evaluations or does not comply with the spirit or intent of the evaluation process.
 2. Covering up or purposefully failing to report violations of directives.
 3. Failing to conduct a professional investigation and, because of it, allowing an innocent person to be prosecuted. (Note: This may also be a violation of the competency standard.)
 4. Falsifying a job application, activity reports, attendance records, certification records, public documents, and the like.
 5. Giving or receiving money, services or other valuable considerations in exchange for special treatment (e.g., transfers, hiring, promotions, job assignments and the like).
 6. Improperly influencing or interfering with another's appointment, promotion, merit, assignments, working conditions and the like.
 7. Falsifying a sick leave report, workers compensation or accident claim.
 8. Falsifying any report in part or whole or failing to provide a complete and accurate report or account when it is evident to a reasonable and prudent person that a complete report would lead to a different conclusion.
 9. Giving untruthful or misleading statements or partial truths during a legal proceeding, internal investigation, or administrative proceeding.
 10. Making untruthful or misleading statements or partial truths about any member, supervisor, command staff or their operations.
 11. Providing citizens with misleading or false information to avoid performance of duties or delivery of an expected service.
 12. Requesting others to change or withdraw a report or notice without proper cause, or causing the delay of any official communications.

324.3.3 ENFORCEMENT GUIDELINES

- (a) Personnel who behave in manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Termination is likely if it is determined that it is no longer reasonable to expect that the member can be effective or efficient in his or her current job assignment.

324.4 UNSAFE ACTS

- (a) Safe behavior is paramount due to the level of public trust and the nature of the equipment involved (e.g., motor vehicles, tools, chemicals, firearms, etc.) in public work. Unsafe behavior or unsafe use and handling of equipment significantly increase the risk of injuries to all and unnecessarily exposes the department to the risk of liability. It shall be the policy of the Clay County Sheriff's Office to require personnel conduct themselves in a safe manner.
- (b) Personnel shall not unlawfully commit acts or behave in such a manner that has the potential for endangering or injuring one's self, property, or another person.

324.4.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

- (a) The following is a nonexclusive listing of behavior that would be considered a non-violation of the standards regarding Committing Unsafe Acts or Endangering Self or Others:
1. An act where risks occur because the member has not received training comparable to that of others.
 2. Assigning a member to perform a task or duty for which he or she has received reasonable training or to assign equipment to use that is considered adequate under a reasonable standards rule.

324.4.2 NONEXCLUSIVE LISTING OF VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a violation of the standards regarding Committing Unsafe Acts or Endangering Self or Others:
1. Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
 2. Unsafe or improper driving habits or actions in the course of employment.
 3. Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
 4. Any personal action contributing to a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
 5. Failure to observe or violating sheriff's office safety standards or safe working practices.
 6. Exhibiting behaviors regulated or prohibited by specific guidelines, policies, procedures and practices that are designed to prohibit unnecessary risk to all persons' safety.
 7. Allowing untrained or inexperienced members or non-sworn to use equipment that has the potential of being damaged or injuring any person.
 8. Failing to keep aware of and attending to events and circumstances ongoing during work hours that have reasonable expectation of causing a safety concern for others or self.
 9. Continuing an activity once conditions create an unreasonable safety hazard (an example for deputies would be to continue a chase for a minor violation once a license number and driver identification are known and substantial evidence exists to indicate the person who can then be apprehended later with less public endangerment).
 10. Failing or refusing to wear a seat belt properly or any other protective or safety equipment.
 11. Failing to drive defensively resulting in a chargeable motor vehicle collision, in nearly causing a motor vehicle collision or resulting in a chargeable complaint.
 12. Failing to provide information or withholding information that creates a personal hazard or placing another member or person at risk to being injured or subject to an unnecessary safety or health hazard.
 13. Failing to report damaged or broken equipment that has the probability of creating a safety hazard.
 14. Mishandling of equipment that results in or creates a potential safety or health risk.
 15. Horseplay or pranks that create injury or the probability of injury.
 16. Using equipment for purposes not specifically designed.

17. The unauthorized possession or handling of dangerous or explosive devices (e.g., firearms, chemicals and the like).
18. Leaving security doors open, ajar, or defeating the locking mechanism.
19. Tampering with equipment making it unsafe.
20. Leaving unsecured or improperly stored equipment, causing a potential safety hazard.
21. The unauthorized or unnecessary divulging of information that creates a safety risk for another.

324.4.3 ENFORCEMENT GUIDELINES

- (a) Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination for other conditions. Termination will occur if serious injury or extensive property damage occurs to the member or another.

324.5 AIDING OTHER MEMBERS

- (a) The nature of public work frequently requires the support and assistance of other members. Knowing this support will be rendered in time of need promotes and maintains morale, a sense of well-being among all members, and advances our mission, goals, and objectives. It shall be the policy of the Clay County Sheriff's Office to require personnel support and assist other personnel.
- (b) Members shall, during work hours, come to the aid of another member when a legitimate request or need is made known or should have been known.

324.5.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a non-violation of standards regarding Aiding Other Members:
 1. Not responding to a call for assistance if response would create an unreasonable safety hazard for which the member has not been adequately trained. (Note: Members are considered to be adequately trained when others in their job categories perform successfully with or without training.)
 2. Avoiding response to a request for assistance when already committed to a higher work priority. (Note: responding to emergencies or ensuring a member's safety always has the highest work priority).
 3. Being ill or injured to such an extent that assistance would be impossible or impractical.
 4. Not assisting another when others who are more capable of providing the assistance required are available and respond properly. (Note: Members are responsible for the consequences of failing to assist another should their judgment in these situations be found in error.)
 5. Not responding to situations in which a request for assistance is not made and it is reasonable to believe assistance is not necessary.
 6. Refusing to assist another in what would amount to a violation of law

324.5.2 NONEXCLUSIVE LISTING OF VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a violation of standards regarding Aiding Other Members:
1. Establishing a pattern of being habitually unavailable to assist others.
 2. Failing to self-initiate an immediate and appropriate response in an emergency situation or waiting to be told to do so by a supervisor.
 3. Offering assistance, then malingering by waiting around to be told what to do, letting others do the work.
 4. Habitually letting others take the lead in difficult, injurious, dangerous or potentially dangerous situations.

324.5.3 ENFORCEMENT GUIDELINES

- (a) Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Termination will occur if another member's safety is seriously jeopardized or a member is seriously injured or killed.

324.6 COOPERATION

- (a) The need to work in a cooperative manner with members of other agencies or public officials is self-evident. In today's society, the effective, efficient and safe delivery of public services requires a coordinated effort of all members and public service agencies. It shall be the policy of the Clay County Sheriff's Office to require that personnel seek affirmatively ways to cooperate and work with other personnel and law enforcement agencies.
- (b) Members are required to seek affirmatively ways to cooperate and work with other members, other public officials, and members of any organization with whom there needs to be a good working relationship in order to achieve our mission, goals or objectives.

324.6.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

- (a) The following is a nonexclusive listing of behavior that would be considered a non-violation of standards of conduct regarding Cooperation with Members and Other Officials:
1. Directing requests through the established lines of authority when upper management approval is necessary.
 2. Members are not required to compromise professional integrity to gain the cooperation of another individual or organization.

324.6.2 NONEXCLUSIVE LISTING OF VIOLATIONS

- (a) The following is a nonexclusive listing of behavior that would be considered a violation of standards of conduct regarding Cooperation with Members and Other Officials:
1. Failing to seek affirmative ways to establish a friendly working relationship or share work-related information with another member, section, division, bureau, work unit or other agency and its members when it is found that such failure resulted in ineffective, inefficient, or unsafe performance of any member's duties and responsibilities, or another agency's duties and responsibilities.

2. Refusing to turn over a case, investigation or incident to another member or authority that has greater or more appropriate jurisdiction.
3. Threatening, intimidating, coercing or interfering with the work performance of another or another agency.

324.6.3 ENFORCEMENT GUIDELINES

- (a) Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Termination will occur if a working relationship is severely damaged or destroyed.

324.7 SUPERVISOR RESPONSIBILITIES

- (a) Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:
 1. Failure to take appropriate action to ensure that employees adhere to the policies and procedures of the sheriff's office and that the actions of all personnel comply with all laws.
 2. Failure to promptly and fully report any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
 3. The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

324.7.1 DEMONSTRATING RESPECT

- (a) Personnel who are treated with respect and concern are typically better performers and have higher morale. Supervisors who respect subordinates and limit criticisms to unsatisfactory work performances obtain greater member cooperation than those who direct their criticisms at the member's character or personality. Because supervisors are management's representatives, it will be the policy of the Clay County Sheriff's Office to hold its supervisors to a higher standard in this area and require that they set a positive example for others to follow.
- (b) Supervisors shall treat subordinates with the same courtesy and respect that is required of subordinates toward supervisors. Criticisms of a member or of a member's performances will be made directly to the subordinate and, when practicable, in a private setting.

324.7.2 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a non-violation of standards of conduct regarding Supervisors Shall Display Respect Towards Subordinate-Ranked Personnel:
 1. Humor of a non-offensive or illegal nature to relieve tension or stress. (Note: Should a member become the victim of targeted harassment, a violation of this standard, as well as others exists.)
 2. Performing supervisory duties with respect to reprimands, counseling, etc., as long as it conforms to good personnel relations practices.

3. An atypical reaction to a subordinate during the excitement stage of an emergency; or, when a member's unprofessional conduct or behavior provokes disrespectful behavior from a supervisor.

324.7.3 NONEXCLUSIVE LISTING OF VIOLATIONS

- (a) The following is a nonexclusive listing of behavior that would be considered a violation of standards of conduct regarding Supervisors Shall Display Respect Towards Subordinate-Ranked Personnel:
 1. A supervisor discussing a private conversation with another individual who has no legitimate need to know about the conversation. (Note: The supervisor is required to inform the member prior to engaging in such a conversation whether or not the conversation will be relayed to other parties as well as the reasons for such actions.)
 2. Criticizing the member and not the member's performance or performance results (e.g., "there is no place here for your kind," and the like).
 3. Failing to take advantage of opportunities to speak with a member about performance problems or criticizing the member or the member's performance in private.
 4. Gossiping, or condoning gossip by others, about a member to other members or supervisors.
 5. Having a problem with a subordinate and not coming to the member to deal with it directly, using another person to convey dissatisfaction with the subordinate's performance.
 6. Admonishing a subordinate without full knowledge of the situation or circumstances of the situation or problem.
 7. Using group meetings to criticize other members. (Note: This does not prohibit discussing important information of a performance nature when others at the meeting need to know the information to perform their jobs.)
 8. Threatening or intimidating a subordinate member on or off-duty at any time for any purpose.

324.7.4 ENFORCEMENT GUIDELINES

- (a) Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Demotion or removal could occur if the supervisor's credibility or the effectiveness or efficiency of the work unit is severely damaged or compromised.

324.8 DISCRIMINATION IN THE PERFORMANCE OF DUTIES

- (a) Public members must strive to maintain neutrality in the performance of duties and delivery of services to all persons regardless of their personal characteristics, life styles, social status, or work conditions. Discrimination in services or treatment creates a serious threat to the wellbeing of all as well as exposes our organization to the possibility of civil and criminal action. It shall be the policy of the Clay County Sheriff's Office to require all personnel provide law enforcement services fairly and equally regardless of the characteristic of an individual or group.

- (b) In words, deeds, gestures, performance of jobs, duties, tasks and delivery of services, members shall not discriminate; nor shall they establish a pattern of adverse impact in the delivery of services when such discrimination has a basis in such areas as a person's sex, ethnic background, race, color, national origin, lifestyle, preferred sexual orientation, religion, criminal history, age, disability or social status.

324.8.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a non-violation of standards of conduct regarding Discriminating or Establishing Patterns of Discrimination in the Performance of Duties:
 1. Lawfully conducting a detention interview with a person closely fitting the physical characteristics of a suspect.
 2. Concentrating enforcement efforts or conducting selective enforcement programs for specific violations of codes or ordinances.
 3. Denying service to any person who has not qualified for the service such as failing to follow prescribed procedures for obtaining the service or failing to pay the required fees for a service charge and the like.

324.8.2 NONEXCLUSIVE LISTING OF VIOLATIONS

- (a) The following is a list of behavior that would be considered a violation of standards of conduct regarding Discriminating or Establishing Patterns of Discrimination in the Performance of Duties:
 1. Not servicing selected neighborhoods in proportion to their demonstrated needs.
 2. The disproportional enforcement of codes against specific demographic groups or individuals.

324.8.3 ENFORCEMENT GUIDELINES

- (a) Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Termination will occur if actions or inactions result in civil liability because of member culpability.

324.9 COMPETENT PERFORMANCE

- (a) In a public organization where much of the work effort involves citizens' liberties, physical safety, and expenditures of public resources, incompetent performance (defined as performance that fails to meet standards) cannot be tolerated. When incompetent performance is discovered, its source must be dealt with effectively and efficiently. When this potential occurs, we run the risk of incurring severe criticism, the loss of public trust, and the potential for civil liability.
- (b) It shall be the policy of the Clay County Sheriff's Office to require that personnel perform their duties in a competent manner. Knowledge, skill, and attitude are useless to the organization if the member is unable to apply them in a productive manner.
- (c) Members shall perform competently all assigned or assumed job responsibilities, duties and tasks.

- (d) As the term is used here, competency is a characteristic of a performance, not a characteristic of an individual. To say that a member's performance lacks competence does not mean the member is incompetent. Competence is based on performance, not member fault. Personnel are hired to achieve results; and if they bring about an acceptable performance result, they have displayed the ability to apply their combination of knowledge, skill, and attitude competently within the context of the situation.

324.9.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a non-violation of standards of conduct regarding Competent Performance:
1. A member who asks questions and is not able to competently perform a duty or task because he or she has not had the training or experience available to the typical successful performer who does similar duties or tasks.
 2. A member whose performance drops for a short period of time because of personal problems provided the member recovers in a reasonable period of time (e.g., a few days or weeks).

324.9.2 NONEXCLUSIVE LISTING OF VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding Competent Performance:
1. A regular member has to be repeatedly told how to do the routine tasks of the job.
 2. A supervisor when he or she fails to correct a subordinate's infraction when such infraction is first made known or when the supervisor could have been reasonably expected to be aware of the problem.
 3. Accepting or reporting information related to duties as true or factual without taking reasonable steps to verify the correctness and accuracy of the information.
 4. Consistent failure to enter accurate report data on reports or into information storage files.
 5. Consistent failure to pass regular qualifying exams or tests within the established time periods (e.g., firearms, emergency medical, knowledge of policies or procedures, certification examinations).
 6. Consistent inability to comprehend or understand supervisory instructions, explanations, or directions for work performance through normal communication channels.
 7. Failing to consistently produce a fair share of the work unit's productivity. (Note: Fair share is defined here as that level of productivity for any unit of measure that is within 20% of any other member's productive output for the work unit.)
 8. Failing to conduct a performance evaluation according to procedure.
 9. Failing to satisfy performance standards on any assigned or assumed duty or task after receiving comparable training and experience as the typical member.
 10. Habitually making the same types of mistakes and being defensive about accepting constructive criticism.
 11. Consistently failing to respond to calls in a normal and timely manner.
 12. Failing to control temper or composure or overreacting to another's verbal comments or physical gestures.

13. Repeated failure to complete reports in a timely manner when necessary information is available and/or after receiving notice to correct a report.
14. Taking frustrations out on others or failing to prevent such frustrations that lead to injury or damage to persons or property.

324.9.3 ENFORCEMENT GUIDELINES

- (a) Personnel who behave in a manner that violates this standard of conduct may be subject to task removal, retraining in problem areas and/or reassignment if the member's performance is satisfactory in all other areas, and the member does not have an ongoing or serious disciplinary problem. In some situations termination may be the result of incompetent performance.
- (b) ***Performance failures that are caused by the member's lack of desire to perform properly are acts of insubordination covered by Clay County Standard Operating Policy #339 Insubordination.***

324.10 COURTESY AND RESPECT WITH SUPERVISORS

- (a) The purpose of supervisory positions is to ensure that the mission, goals, and directives of the Clay County Sheriff's Office are carried out in an efficient, effective, and safe manner as well as to provide accountability for the performance of the work unit. Management requires subordinates to display respect and courtesy to higher positions because it provides a sense of order as well as serves as a tangible indication that subordinates are willing to subordinate personal priorities, goals, and objectives to the organization's needs. Furthermore, displaying respect and courtesy to a supervisor is a reasonable assessment of the member's capabilities to set aside personal feelings and priorities when dealing with citizens.
- (b) It shall be the policy of the Clay County Sheriff's Office to require that personnel behave in a respectful and courteous manner to persons holding positions of higher authority.
- (c) Members shall display courtesy and respect in words, deeds, gestures, and actions towards personnel holding higher levels of authority.

324.10.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a non-violation of standards of conduct regarding Courteous and Respectful Behavior toward Positions of Authority:
 1. Contacting a federal, state, or local civil rights commission to report a legitimate violation of civil rights without first going through management personnel.
 2. Merely asking questions concerning a supervisor's directions is not a violation; however, consistently challenging legitimate directions does display disrespect for authority.
 3. Going over a supervisor's head when the supervisor is the problem or part of the problem (particularly in cases of harassment) provided the member follows established procedures to bring a problem to the attention of other management personnel.

324.10.2 NONEXCLUSIVE LISTING OF VIOLATIONS

(a) The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding Courteous and Respectful Behavior toward Positions of Authority:

1. After being instructed to do so, not addressing a superior-ranked member by his or her title, particularly while in public.
2. Failing to follow the designated chain of command to achieve work goals, objectives, mission, or otherwise resolve individual work-related differences (NOTE: Does not apply when the person in the member's chain-of-command is violating the member's employment rights).
3. Failing to keep a supervisor in authority informed of pertinent information that affects or has the probability of affecting the effectiveness, efficiency or safety of the work unit.
4. Using abusive language or gestures at, towards, or about a superior-ranked member. This is particularly serious if committed in the presence of other members or made known to other members or members of the public.
5. Threatening or intimidating a superior-positioned member on or off-duty at any time for any purpose.
6. Displaying negative attitude in the label of verbal tone, which would be considered offensive or disrespectful.

324.10.3 ENFORCEMENT GUIDELINES

(a) Personnel who behave in a manner that violates this standard of conduct will be subject to progressive discipline up to and including termination. Termination will be considered if the supervisor-subordinate relationship is seriously damaged.

324.11 OBSERVANCE OF LAWS

- (a) Service and protection of the public, impartial administration and carrying out of duties, observing and obeying the laws, and providing equal service to all are covenants public members have with citizens. Members are bound to honor their obligations in these areas if they wish to remain in public service. Members who lose or destroy public faith and respect weaken our ability to achieve our mission, goals and objectives. It shall be the policy of the Clay County Sheriff's Office to require that personnel obey all constitutional, criminal and civil laws.
- (b) Members shall obey all federal and state constitutional, criminal, and civil laws imposed on them as personnel and as citizens.

324.11.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

(a) There are NO exemptions to the standards of conduct regarding the Observance of Laws.

324.11.2 NONEXCLUSIVE LISTING OF VIOLATIONS

(a) The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding Observance of Laws:

1. Committing an unlawful search, seizure, or detention of another person or person's property.

2. Committing non-exempted infractions of traffic codes (e.g., driving over the speed limit, failing to observe traffic control devices, parking in unauthorized locations, failing to wear seat belts, etc.).
3. Inflicting punishment or mistreatment (includes both physical as well as mental) upon a prisoner, or person in custody or detention, or member of the public.
4. Unlawfully copying or distributing computer software, publications or other documents or copyright materials.
5. Unprivileged publication of a false statement that harms the reputation of another member or any person in general.
6. Interfering with the service of lawful process or the attendance and/or testimony of witnesses through coercion, bribery or other means.
7. Assisting person's charged or suspected of criminal acts in any manner which enables them to escape detection, arrest, punishment or, which may enable them to dispose of or hide evidence.

324.11.3 ENFORCEMENT GUIDELINES

- (a) Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination. Termination will occur if substantial evidence exists to establish that personnel acted with malice, intent, or blatant disregard for another's civil rights.

324.12 KNOWING, OBSERVING, AND OBEYING DIRECTIVES AND EXPECTATIONS

- (a) Directives are management's fundamental tools to achieve work efficiency, effectiveness and safety in day - to- day operations and decision-making. The purpose of directives is not to boss members around, but to instruct them in their jobs to ensure that their duties and responsibilities are properly achieved.
- (b) It shall be the policy of the Clay County Sheriff's Office to require that personnel self-initiate acceptable ways to observe and comply with the lawful directives and expectations of the agency.
- (c) Members shall make affirmative and consistent efforts to observe and comply with the lawful directives and expectations (e.g., work rules, policies, procedures, practices, traditions) established for the effective, efficient, and safe operations.
- (d) The term "affirmative effort" means to self-initiate acceptable ways to comply with a lawful directive. In other words, the member is expected to actively seek and find proper ways to comply with a directive and not dwell on reasons why the directive should not or cannot be performed.

324.12.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

- (a) There are NO exemptions to the standards of conduct regarding Knowing, Observing, and Obeying Directives and Expectations.

324.12.2 NONEXCLUSIVE LISTING OF VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding Knowing, Observing, and Obeying Directives and Expectations:
1. Consistently failing to know information in operational manuals, files, and directives. Being the member who consistently gives the excuse, "I did not know it or see it," when no such problem exists for other members.
 2. Habitually challenging policies, procedures, or practices without providing objective and documented facts (in written label) to support justification for such challenges.

324.12.3 ENFORCEMENT GUIDELINES

- (a) Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination for all other conditions. Termination will occur if the results of such deviations cause serious or the potential for serious injury to another or severe damage to property.

324.13 PRODUCTIVE WORK PATTERNS

- (a) The concept of expecting a full day's work for a full day's pay is central in American labor management. Although public work is typically reactive in nature, a large portion of non-responsive work time can be spent performing self-initiated work. It is during self-initiated work periods that the mission, goals and objectives are achieved and provides the greatest opportunities to effectively and efficiently deliver services.
- (b) The concept of a full day's work for a full day's pay does not mean members are expected to have identical levels of work from one day to the next. However, work patterns do exist and an analysis of data on a monthly, quarterly, semiannual, or annual basis provides a descriptive picture of the amount and quality of work that can be reasonably expected from members who are truly giving a full effort. It shall be the policy of the Clay County Sheriff's Office to require that personnel give a full day's work for a full day's pay.
- (c) Members shall give a full day's work for a full day's pay and not establish patterns of nonproductive work time.

324.13.1 NONEXCLUSIVE LISTING OF NON-VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a non-violation of standards of conduct regarding Giving a Full Day's Work for a Full Day's Pay:
1. Substandard work effort of a short-term nature (e.g., a day, week and perhaps even a month), that does not adversely affect other members when atypical work conditions or personal situations such as a death in the family, divorce, family illnesses, severe injury on the job, or other serious job-related traumatic events occur.

324.13.2 NONEXCLUSIVE LISTING OF VIOLATIONS

- (a) The following is a nonexclusive list of behavior that would be considered a violation of standards of conduct regarding Giving a Full Day's Work for a Full Day's Pay:
1. Acting or behaving in such a manner that unnecessarily disrupts the performances of other members of the work force.

2. Analyzing a member's work record shows an established pattern of work productivity or nonproductive work that is consistently associated with specific periods of time.
3. Consistently taking a longer than normal time on a task or job assignment which results in others having to handle the extra workload (i.e., "milking" the job to avoid carrying a fair share of the workload).
4. Failing to commence productive work at the beginning of the shift or stopping productive work prior to the end of the shift.
5. Failing to immediately resume normal duties (e.g., continuing to hang around for an additional period of time) after completing a call, normal break or other assigned detail.
6. Consistently failing to self-initiate work designated as priority during times the member is not committed to assigned tasks (e.g., dispatched calls, assignments and the like).
7. Initiating a nonproductive work period grouped around the beginning or ending of a shift or a pay day; the last day of the work week; the first day back from normal weekly time off; days preceding, following or in between holidays.
8. Parking or hiding in out-of-the-way locations to avoid performing one's job duties.
9. Spending an atypical amount of time on low priority duties, forcing others to do more than their share of priority assignments.

324.13.3 ENFORCEMENT GUIDELINES

- (a) Personnel who behave in a manner that violates this standard of conduct are subject to progressive discipline up to and including termination.

324.14 DIRECTIVES AND ORDERS

- (a) Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

324.14.1 UNLAWFUL OR CONFLICTING ORDERS

- (a) Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.
- (b) No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.
- (c) Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

- (d) The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

324.14.2 SUPERVISOR RESPONSIBILITIES

- (a) Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:
 - 1. Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
 - 2. Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
 - 3. Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
 - 4. The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

324.15 GENERAL STANDARDS

- (a) Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Missouri Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.
- (b) Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.
- (c) Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

324.16 CAUSES FOR DISCIPLINE

- (a) The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient office service.

324.16.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in office or County manuals.
- (b) Disobedience of any legal directive or order issued by any office member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

324.16.2 ETHICS

- (a) Using or disclosing one's status as a member of the Clay County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for nonoffice business or activity.

- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

324.16.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

- (a) Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

324.16.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.

324.16.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

324.16.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this office.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Clay County Sheriff's Office badge, uniform, identification card or office property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

324.16.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Sheriff's Office within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Sheriff's Office Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

324.16.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work--related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any -office-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.

- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 1. While on office premises.
 2. At any work site, while on-duty or while in uniform, or while using any office equipment or system.
 3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on office property except as expressly authorized by County policy, the employment agreement, or the Sheriff.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the employment agreement, or the Sheriff.
- (i) Any act on- or off-duty that brings discredit to this office.

324.16.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the County.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office.
- (i) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

324.16.10 SAFETY

- (a) Failure to observe or violating office safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

324.16.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.