BILL NO.: **4497** **ORDINANCE NO.:** _____

Introduced by: Council Present

AN ORDINANCE FOR THE BERKELEY POLICE DEPARTMENT GENERAL ORDER #24 "CODE OF CONDUCT AND APPEARANCE" POLICY; AND PROVIDING FOR THE REPEAL OF EXISTING GENERAL ORDER #2016-24 "UNIFORMS AND IDENTIFICATION" POLICY

WHEREAS, The City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

Now, Therefore, Be it Ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1 The City of Berkeley, Missouri, Council hereby adopts the attached General Order 24, Code of Conduct and Appearance Policy, in compliance with CALEA standards; and such shall repeal and replace existing General Order 2016-24, Uniforms and Identification Policy.

Section 2 This Ordinance shall be in full force and effect from and after its passage.

1st Reading this 17th day of October 2016

2nd Reading this _____ day of _____ 2016

3rd Reading, PASSED and APPROVED, this _____ **day of** _____ **2016**

_____
Theodore Hoskins, Mayor

ATTEST:

_____
Deanna L. Jones, City Clerk

_____
Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay __	Absent __	Abstain __
Councilwoman Hoskins	Aye ___	Nay __	Absent __	Abstain __
Councilwoman Kirkland	Aye ___	Nay __	Absent __	Abstain __
Councilwoman Mathison	Aye ___	Nay __	Absent __	Abstain __
Councilman-at-Large McDaniel	Aye ___	Nay __	Absent __	Abstain __
Councilwoman Mitchell	Aye ___	Nay __	Absent __	Abstain __
Councilwoman Williams	Aye ___	Nay __	Absent __	Abstain __

	BERKELEY POLICE DEPARTMENT **GENERAL ORDER**	**GENERAL ORDERS:** 24

CODE OF CONDUCT AND APPEARANCE		
ISSUE DATE: 6/20/16	EFFECTIVE DATE: 11/7/16	DISTRIBUTION: ALL PERSONNEL
AMENDED: 10/14/2016	RESCINDS: ALL PREVIOUS VERSIONS	
ACCREDITATION STANDARDS: CALEA 22.2.7, 26.1.1, 41.3.5, 41.3.6	NUMBER OF PAGES: 10	

PURPOSE: The purpose of this directive is to establish a Code of Conduct by which all members will obey. This directive also establishes rules and regulations governing the wearing of police uniforms, related equipment and acceptable grooming standards. [CALEA 26.1.1]

POLICY: It is the policy of the Berkeley Police Department to hold all members of the Department accountable to a strict adherence of a prescribed code of conduct and to ensure all members are properly attired and well-groomed when representing the Department.

DEFINITIONS:
Chain of Command – Lines of communication going downward or upward within the organization's hierarchy.

Employees or Members – All personnel performing duties for the Department.

RULES AND PROCEDURES:

CODE OF CONDUCT [CALEA 26.1.1]

A. A member of the Department shall be subject to disciplinary action for the violation of the rules of conduct set forth by the Department as described herein. These rules of conduct are neither intended to cover every situation, nor be exclusive of any other Department directive or pronouncement by the Chief of Police, his delegates, or of a superior officer.

B. Every member of the Department shall, at all times, maintain reasonable standards of courtesy in his/her relations with the public and with other members of the Department and shall conduct him/herself in such a manner that no discredit will be brought upon the Department in general or him/herself in particular.

C. All members are expected to have knowledge of and comply with all department directives, general orders, special orders and standard operating procedures relevant to their respective duties, and any additional procedures established by authorized individuals.

D. Members are expected to have knowledge of and comply with the policies and procedures contained with the City of Berkeley Employee Handbook of Personnel Rules and Regulations, Policies and Benefits.

E. Sworn members shall familiarize themselves with and have a working knowledge of all laws of the State of Missouri and Ordinances of the City of Berkeley, which they are required to enforce. Sworn members are required to abide by the standards of the Law Enforcement Code of Ethics and their Oath of Office. Civilian members are required to abide by the Department's Code of Ethics.

F. Members shall maintain sufficient mental and physical competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out their duties and the lawful objectives of the department.

G. Acts contrary to good conduct shall include, but are not be limited to the following:

1. Conviction of a felony, misdemeanor or ordinance violation under any statute or ordinance. A conviction includes a finding of guilt by the trier of fact, a guilty plea, or any acknowledgement of guilt (Suspended Execution/Imposition of Sentence).

2. Use of controlled substances not medically prescribed.

3. Any conduct unbecoming to a member which is contrary to the good order and discipline of the Department, on or off duty. For example, such conduct shall include, but not be limited to:

a. Withdrawing or resigning or absenting him/herself from duty without leave, or failing to report for duty at his/her regularly appointed time.

b. Neglect of duty, improper performance of duty or sleeping or loafing while on duty;

c. Accepting anything of value for permitting/ignoring illegal acts;

d. Using an official position for personal gain;

e. Failing to obey a reasonable order of a superior officer;

f. Insubordination or disrespect toward a superior officer;

g. Abuse of subordinates by superior officers;

h. Reporting for duty in an intoxicated condition (defined by a limit of 0.02) or drinking of alcoholic beverages of any kind, while on duty, or while in any part of the uniform which would readily identify the individual as a member of the Berkeley Police Department;

i. Knowingly associating, on or off duty, with convicted criminals under circumstances which could bring discredit upon the Department or impair an officer in the performance of his/her duty;

j. Any conduct detrimental to the public peace or welfare;

k. Failing to take appropriate action, on or off duty, when an incident requiring action comes to the attention of a police officer;

l. Any member being under felony indictment;

m. Fighting and/or quarreling with Department member while either on or off duty, which would bring discredit upon the Department or disrupt the work place is prohibited.

n. Ingestion/consumption of medication, medicinally prescribed to another.

o. Failure to ensure the civil treatment and the observance of rights of all persons that he/she has contact with (Uncivil Treatment);

p. Failure to make reports in conformity with established procedures, on all matters that come to his/her attention that require reporting (Failure to Make Required Report); and

q. Appearing in a Board Trial or Summary Hearing for the purpose of providing expert/opinion-based testimony without permission of the Chief of Police.

4. In dealing with the public – advising, procuring or in any other manner seeking to solicit the employment of any attorney to prosecute or defend a civil suit or defend criminal proceedings.

5. Receiving money, gifts, gratuities, rewards or compensation for services rendered or expenses incurred, except while engaged in approved secondary employment, without consent of the Chief.

6. Soliciting, collecting or receiving money or other things of value for charitable, gift or testimonial purposes, while in uniform or on duty, or when representing oneself as an employee of the Berkeley Police Department, without consent of the Chief.

7. Soliciting for attorneys, bondsmen or other business persons for personal gain.

8. Borrowing, obtaining, receiving, soliciting or accepting any money, securities, property, other valuable thing, or credit or guarantee of credit either directly or indirectly from any person under investigation or against whom a complaint has been made or an arrest warrant has been issued or in official custody or free on bond or any relative or employee of such persons.

9. Initiating, making or filing a third party claim, suit or other action arising out of a work related injury, in an attempt to obtain, collect, or receive any money, securities, property, or other valuable thing from any person or company without first having notified the Department's Medical/Benefit Office.

10. Soliciting or accepting the aid of any person, or knowingly permitting any person to influence hiring or promotion on the member's behalf, except by established procedures.

11. Failing to devote one's time and attention to the business of the Department during scheduled duty hours.

12. Engaging in any other occupation or business for profit while off-duty, without first obtaining written permission from the chain of command to engage in secondary employment.

13. Failing to properly exercise the duties and functions associated with the Department member's rank or position.

14. Causing or procuring any person other than a licensed attorney to intercede with the Chief or another member of the Department on one's behalf while one is under suspension or under charges; interfering with, or tampering with any person who may be a witness against one while under suspension or under charges.

15. Interfering with, or tampering with a witness, potential witness or one in a position to appear in any capacity in any department hearing.

16. Failing to take appropriate action to prevent any misconduct, against any citizen by another member of the Department. Failing to immediately notify the Chief of Police or the Officer in Command of the misconduct of another Department member.

17. Any civilian member failing to immediately notify the Chief of Police, or the Officer in Command, of any misconduct, against any citizen by another member of this Department.

18. Failing to conduct a proper investigation of suspected criminal activity or a non-criminal incident which requires police action.

19. Permitting a prisoner to escape through carelessness or neglect.

20. Failing to acknowledge a radio call or to respond to a dispatched call for service.

21. Failing to follow radio procedures.

22. Failing or refusal to qualify with a Department owned/approved firearm.

23. Failing upon receipt of proper notice, to attend any trial, hearing, or proceeding before a court, board, bureau or tribunal of the United States, State of Missouri, political subdivision of the State of Missouri, or City of Berkeley, and to remain in attendance until the conclusion of the applicable proceeding or until excused by the person causing such an appearance.

24. Failing to notify his/her supervisor or commander, when reporting for duty, of any recent use or ingestion of potentially behavior influencing prescription material or other medication.

25. Failing to follow, adhere to, or be compliant with prescribed medical protocol during the course of treatment for a work related injury or illness.

26. Failing to promptly report notification (by the Department Medical Provider or private physician) of one's ability to return to duty, to his/her commanding officer

or acting commanding officer, and report at the earliest normal time that he/she is scheduled for duty.

27. Faking illness or excessive undocumented illness shall be subject to disciplinary action.

28. When not on duty, being absent from one's place of residence for a period exceeding forty-eight hours without first notifying the commanding officer and providing information sufficient to permit emergency contact.

29. Changing place of one's residence and/or telephone number without notifying commanding officer within twenty-four hours after the change.

30. Wearing the police uniform while not engaged in the service of this Department on assigned duty, or when going to or from duty, unless otherwise authorized by the Chief of Police. Permission to wear the Department's police uniform while engaged in secondary employment must be approved by the Chief of Police. Non-duty activity (e.g., menial tasks, non-emergency simple manual labor) in uniform is inconsistent with the dignity associated with the uniform and is prohibited.

31. Engaging in a strike, work stoppage, or work slowdown against the Department, with the exception of nonviolent informational picketing.

32. Receiving discipline, in any form, five (5) times within a three (3) year period. This does not include "unsatisfactory inspections" which consists of verbal warnings.

33. Suspension/revocation of driver's license and/or failing to promptly notify supervisor of suspension/revocation.

34. Failing to promptly report to the Chief any legal service in a lawsuit which resulted from official acts or conduct.

35. Electronically recording the conversation or videotaping/photographing actions of another Department member or a member of the public without that person's prior knowledge and approval unless otherwise approved.

36. No employee or member of the Police Department shall engage in partisan political activities on behalf of any candidate or issue, nor shall he/she solicit votes or contributions on behalf of any candidate or issue or display political posters or advertising of any kind or description. Any employee or member of the Police Department who violates this section shall immediately be dismissed from the Police Department. [Berkeley Municipal Code Section 200.100]

EMPLOYEE IDENTIFICATION [CALEA 22.2.7]

Members shall wear their department issued badge, or photo identification card in a manner that is clearly visible to other department members, when in any Department building or facility either on-duty or off-duty.

Members on-duty or off-duty and acting in an official capacity, shall provide their name, rank, duty assignment and/or their official photo identification card in a

courteous manner upon request by any person, unless assigned to undercover or covert duties or when otherwise authorized by the Chief of Police or designee.

APPEARANCE [CALEA 26.1.1]

Each employee of the Department, except Detectives and employees otherwise directed by the Chief, will wear the proper uniform when on duty and when participating in Department ceremonies. For appearances in court (City, State Federal, Juvenile, Grand Jury or any judicial hearing), officers who customarily wear the uniform should, if possible, wear the uniform. If civilian clothing is worn, male and female officer will dress in business attire.

STANDARD UNIFORM [CALEA 26.1.1]

A. Dress Uniform – The dress uniform is worn for special events, ceremonies, funerals, or as otherwise designated by the Chief of Police.

1. Captains and Chief of Police – Elements of the Dress Uniform for staff members is dependent upon the time of year as established by season.

a. *Winter Dress Uniform*. Duty jacket, white long-sleeve uniform shirt, black necktie, round uniform cap and dark blue trousers as issued by the Department. Refer to insignia guide for placement of insignia on duty jacket and shirt.

b. *Summer Dress Uniform*. White long-sleeve uniform shirt, black necktie, round uniform cap and dark blue trousers as issued by the Department. Refer to insignia guide for placement of insignia on shirt.

2. Sergeants and Police Officers

a. *Winter Dress Uniform*. French blue long-sleeve uniform shirt, black necktie, round uniform cap and dark blue trousers as issued by the Department. Refer to insignia guide for placement of insignia on shirt.

b. *Summer Dress Uniform*. French blue short-sleeve uniform shirt, black necktie, round uniform cap and dark blue trousers as issued by the Department. Refer to insignia guide for placement of insignia on shirt.

3. Female officers have the option to wear a black cross bow tie in lieu of the necktie whereas required and permitted.

B. Duty Uniform – The duty uniform is the normal duty uniform for all designated uniformed personnel.

1. Captains and Chief of Police – Elements of the Dress Uniform for staff members is dependent upon the time of year as established by season.

a. *Winter Duty Uniform*. Duty jacket, white long-sleeve uniform shirt, black necktie, dark blue trousers, round uniform cap and duty jacket as issued by the Department. Navy blue t-shirt, turtleneck or Dickie shirt may be worn

as an undergarment. Body armor can be worn with the appropriate exterior body armor carrier. Refer to insignia guide for placement of insignia on duty jacket and shirt.

b. *Summer Duty Uniform*. White short-sleeve uniform shirt, open at the collar, round uniform cap and dark blue trousers as issued by the Department. Jackets will not be worn with the summer duty uniform. Black necktie may be worn if desired. Body armor can be worn with the appropriate exterior body armor carrier. Refer to insignia guide for placement of insignia on shirt.

2. Sergeants and Police Officers - Elements of the Duty Uniform for staff members is dependent upon the time of year as established by season.

   a. *Winter Duty Uniform*. French blue long-sleeve uniform shirt, black necktie, dark blue trousers, round uniform cap and duty jacket as issued by the Department. Navy blue skull cap, navy blue t-shirt, turtleneck or Dickie shirt may be worn as an undergarment. Body armor can be worn with the appropriate exterior body armor carrier. Refer to insignia guide for placement of insignia on duty jacket and shirt.

   b. *Summer Duty Uniform.* French blue short-sleeve uniform shirt, open at the collar and dark blue trousers as issued by the Department. Jackets will not be worn with the summer duty uniform. Black necktie may be worn if desired. Body armor can be worn with the appropriate exterior body armor carrier. Refer to insignia guide for placement of insignia on shirt.

3. Female officers have the option to wear a black cross bow tie in lieu of the necktie whereas required and permitted.

4. Traffic Officers are required to wear the uniform campaign hat during duty.

INSIGNIA

A. Years of Service stars displaying a star for each four (4) years of service. Service citation bars shall be worn with the top edge of the bar at the top seam of the left breast pocket of the shirt and centered, one bar above another. Any service bar may be worn as approved by the Chief of Police in addition to the following;

   a. Red - Medal of Honor Bar
   b. Purple - Purple Heart Bar
   c. Green - Commendation Bar
   d. Red/White/Blue – Flag Bar
   e. Black/Gold/White/Red/Blue - FBI National Academy Graduate Bar.

B. Mourning Bands shall be worn by uniformed employees on National Police Officers Memorial Day and other occasions as designated by the Chief. The band will be placed horizontally around the badge with the Seal of the State of Missouri covered. Uniformed officers shall place the band on the badge affixed to the outermost garment. Mourning Bands shall be worn for one calendar week (seven days) following the line-of-duty death of an employee or following an injury incurred in the line of duty and subsequently ended in death.

UNIFORM ACCESSORIES

A. Sunglasses - Members in uniform may choose to wear sunglasses that are conservative in nature and do not detract from the uniform. Ultraviolet colored frames and mirrored lenses are prohibited. Sunglass accessories such as headbands are to be black in color and conservative in nature.

B. Traffic Vest – Department issued reflective traffic vest may be worn.

C. Badge/Shield – Uniformed officers will wear their department issued badge when in uniform. Gold colored badges will be issued to sworn officers with the rank of Corporal and above. Silver colored badges will be issued to officers.

D. Gloves - Members may elect to wear personally owned black leather gloves for protective purposes. Other colors are not permitted. Gloves are to fully cover the member's hand. Partial gloves (exposing the fingers) are not permitted.

E. Footwear - Shoes or boots, black in color, smooth finish plain toe (NO ATHLETIC RUNNING/TENNIS SHOES), or as approved by the Logistics Commander. Socks, black in color.

F. Duty Belt – The Department issues a leather styled equipment belt, safety firearm holster for department-issued handgun, handcuff case, ammunition carriers, baton scabbard, and belt keepers. Keys and key holders are not permitted on the uniform belt.

NON-UNIFORM REGULATIONS

Officers assigned to duties requiring civilian dress will wear a suit and tie, or sport coat and tie unless otherwise directed by a supervisor or the bureau commander due to a special assignment. Shoes will be kept clean and polished, if applicable. All officers assigned to duties requiring civilian dress will keep in their locker at least one complete uniform and all required uniform items should an emergency situation arise that would necessitate them having to go on the street in uniform. Required equipment while on duty must include a handgun, handcuffs, I.D. card and badge.

CIVILIAN MEMBERS

Civilian employees are required to follow the dress code as outlined in the City of Berkeley Employee Handbook of Personnel Rules and Regulations, Policies and Benefits Section 12.04.

PROTECTIVE VESTS [CALEA 41.3.5, 41.3.6]

A. Issuance - The Berkeley Police Department provides soft body armor to all full time sworn/commissioned officers [CALEA 41.3.5]

B. Wearing – All uniformed officers and supervisors are required to wear body armor during their tour of duty while engaged in patrol or field operations. This requirement includes uniformed officers engaged in extra-duty secondary employment details. [CALEA 41.3.5]

1. It is highly recommended that all officers assigned to investigative, administrative, or support services components wear body armor during their tour of duty. However, all other non-uniform members who are issued body armor are required to have it immediately available at all times during their tour of duty.

2. Body armor is required to be worn by members engaged in pre-planned, high-risk and/or tactical situations. Pre-planned is defined as any situation in which a formal briefing is held. High risk or tactical situations include any situation in which entry is made by force or deemed as such by the briefing supervisor. Examples include but are not limited to planned search warrant execution, drug raids, initial crime scene response, and serving felony arrest warrants. [CALEA 41.3.6]

GROOMING

A. Grooming shall consist of the following:

1. Male Employees

a. Hair - The maximum extension from the top and side of the head shall be two (2) inches, provided that the hair shall be tapered to an overall even appearance. The hair may touch the top of the shirt collar in normal posture but may not cover it. Hair will not interfere with the wearing of the Department approved uniform headgear.

b. Extreme hairstyles (e.g. Mohawk, cornrows, ponytail [males] are not permitted.

c. Sideburns will not extend below the bottom of the earlobe and not wider than one inch.

d. Mustaches - Mustaches shall be trimmed neatly and the outer edges may not extend more than ¼ inch beyond or below the corners of the mouth. The maximum thickness shall be ¼ inch.

e. Goatees and- Beards – Goatees and beards are not permitted unless the Officer is authorized to do so by the Chief of Police due to a special assignment.

2. Female Employees

a. Hair accessories shall be conservative in style and color. For sworn personnel, hair may not extend lower than the bottom of the uniform collar on the shoulder epaulet points on the sides, while standing at normal posture. Hairstyle may not extend out more than three (3) inches from the scalp and must not interfere with the wearing of uniform headgear.

b. There will be no hair length limitations for civilian personnel; however, longer hair shall be worn pulled back from the face.

B. Jewelry

a. The wearing of necklaces and other ornamental jewelry visible around the neck shall be prohibited while in uniform or civilian dress. This does not apply to rings or medical emergency identification bracelets. The following is permitted:

1. One ring on each hand
2. One wrist watch
3. One wrist bracelet per wrist.
4. The wearing of earrings is prohibited, for male uniformed employees unless specifically directed by the immediate Supervisor in relation to special assignments.
5. The wearing of earrings is permitted for uniformed female employees and must be ¼ to ½ inch in diameter, button type.

TATTOOS & BRANDS

Police Officers will not have exposed offensive tattoos or brands depicting or supporting criminal behavior, drug usage, nudity, profanity, promiscuity, subversive groups, bigotry and / or that advocate sexual, racial, ethnic or religious discrimination.

PERSONAL HYGIENE [CALEA 26.1.1]

Members are expected to maintain their personal hygiene in a manner that does not negatively affect co-workers or citizens in the work place. Complaints regarding a member's personal hygiene should be brought to the appropriate supervisor's attention, preferably in writing, for appropriate action. Supervisors should first meet with the affected member privately to discuss the complaint and to allow the member the opportunity to correct the deficiency. Repeated violations may result in disciplinary action.

DRAFTED BY: Eye-Liza Conner	DATE: 10/10/16
BY ORDER OF: **ART JACKSON** **INTERIM CHIEF OF POLICE**	DATE: 10/10/16
APPROVED BY: Public Safety Committee	DATE: 10/14/16
APPROVED BY: Berkeley City Council	DATE: 11/7/16