

Policy 320

Standards of Conduct

POLICY The cornerstone of the professional reputation of a law enforcement organization is the organization's ability to maintain the public's trust. The misconduct of the employees of that organization, on or off duty, could erode that public trust. When the employee's conduct falls below the organization's expectations, the organization has a responsibility to the community to correct their behavior. The intent of this policy is to provide employees with the expectations of the organization in regard to their on duty and off duty conduct which might reflect negatively on the Police Department.

PURPOSE This policy establishes standards of conduct expected of all Department members that are consistent with the values and mission of the Broomfield Police Department and the City and County Personnel Merit System (2-14-140 Conduct and 2-14-160 Causes of Disciplinary Action). 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. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by the Department or a member's supervisors.

DEFINITIONS None

SOP [SOP 320 Restorative Sleep/Rest](#)

320.1 DIRECTION AND ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with lawful direction and orders from any Department supervisor or person in a position of authority.

320.1.1

Supervisors shall not knowingly issue orders or direction that, if carried out, would result in a violation of any law or Department 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.

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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. An officer who fails to follow what the officer reasonably believes is an unconstitutional directive shall not be disciplined or retaliated against in any way. (CRS § 18-8-802(1.5)(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, Department policy, or other direction 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 direction, 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 direction that was initially issued. The person countermanding the original order shall notify the person issuing the original order, indicating the action taken and the reason.

320.1.2 SUPERVISOR RESPONSIBILITIES

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 the member's immediate supervisor or to document such misconduct appropriately or as required by policy.
3. Directing a subordinate to violate a policy, acquiesce to such a violation, or indifference 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 purposes.

320.2 GENERAL STANDARDS

Members shall conduct themselves, whether on or off duty, in accordance with the United States and Colorado Constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

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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.

Members must immediately notify supervisors of any known conduct violations by other members.

Corrective action or discipline may be initiated for any 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.

320.3 CAUSES FOR DISCIPLINE AND CORRECTIVE ACTION

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

Employees comply with the rules established in Broomfield Municipal Code section 2-14-140 (Conduct) and 2-14-160 (Causes for Disciplinary Action).

320.3.1 LAWS, RULES AND ORDERS

1. Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, requirement, or failure to follow instructions contained in Department or City and County manuals.
2. Disobedience of any legal direction or order issued by any Department member of a higher rank.
3. Violation of federal, state, local, or administrative laws, rules, or regulations.
4. Any misrepresentation of material facts in a police report, official documentation, or civil/criminal legal proceedings.
5. Failure to disclose or misrepresentation of 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.

320.3.2 ETHICS

1. Using or disclosing one's status as a member of the Broomfield Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Department business or activity.
2. 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.

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3. 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).
4. Acceptance of fees, gifts, or money contrary to the rules of this Department and/or laws of the state.
5. Offer or acceptance of a bribe or gratuity. See Gratuities and Non-Pecuniary Gifts policy.
6. Misappropriation or misuse of public funds, property, personnel, or services.
7. Any other failure to abide by the standards of ethical conduct.

320.3.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

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.

320.3.4 RELATIONSHIPS

1. Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
2. Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact.
3. 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.
4. 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 Department, including for official business related activities such as an undercover operation.
5. 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 Department.

320.3.5 ATTENDANCE

1. Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
2. Abandoning assignment or location without the permission of a supervisor.
3. Unexcused or unauthorized absence or tardiness.

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4. Excessive absenteeism or abuse of leave privileges.
5. Failure to report to work or to the place of assignment at time specified or inability to be fully prepared to perform duties without reasonable excuse.
6. Members of the Department that are receiving on-call pay are required to be available by phone or pager, not be intoxicated (or have the odor of an intoxicating beverage on their breath), and be able to respond to the scene or Police Department within sixty (60) minutes.
7. When sickness or unforeseen circumstances prevent a member of the Department from reporting for duty as scheduled, the member should notify their supervisor at least sixty (60) minutes prior to duty time, when possible.

Every member of the Department who fails to appear for duty on the date, time, and place specified without the consent of competent authority is "absent without leave." Members absent without leave must submit a memorandum as to the reason for the absence to their supervisor within one day. Supervisors must report absences without approved leave in excess of one day in writing to their division commander on the next business day.

Every member of the Department absent without leave for three or more consecutive days shall be deemed to have resigned.

320.3.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

1. 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 Department.
2. Disclosing to any unauthorized person any active investigation information.
3. The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this Department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
4. Members shall not divulge any home telephone numbers, addresses, or personal information regarding themselves or other employees to arrestees/inmates, or the family or friends of arrestees/inmates.
5. Loaning, selling, allowing unauthorized use, giving away, or appropriating any Department-issued property, including a Broomfield Police Department badge, uniform, or identification card for personal use, personal gain, or any other improper or unauthorized use or purpose.
6. Using Department 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.
7. Members shall not discuss sensitive police or detention operations with anyone, except other Department members or law enforcement personnel.

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8. No citizen or applicant shall be given information or access to any area of the Police Department or Detention Center, which could compromise the safety or security of its operation, employees, or arrestees/inmates.
9. Members shall not use any Department vehicle without permission of a supervisor.

320.3.7 EFFICIENCY

1. Neglect of duty: Employees shall not engage in any activities or personal business that would cause them to neglect or be inattentive to duty.
2. 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.
3. Concealing, attempting to conceal, removing or destroying defective or incompetent work.
4. Unauthorized sleeping during on-duty time or assignments. Officers and Sergeants regardless of assignment, as well as Communications Center staff, may engage in Restorative Sleep/Rest, only when in compliance with SOP 320 Restorative Sleep/Rest.
5. Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers, or emergency contact information.

320.3.8 PERFORMANCE

1. 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 Department record, public record, book, paper, or document.
2. 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 Department-related business.
3. Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this Department or its members.
4. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this Department or subverts the good order, efficiency, and discipline of this Department or that would tend to discredit any of its members.
5. Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - a. While on Department premises.
 - b. At any work site, while on-duty or in uniform, or while using any Department equipment or system.

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- c. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
6. Improper political activity including:
 - a. Unauthorized participation or attendance while on-duty at official legislative or political sessions.
 - b. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on Department property, except as expressly authorized by City and County policy or the Chief of Police.
7. Engaging in political activities during assigned working hours except as expressly authorized by City and County policy or the Chief of Police.
8. Members of the Department must maintain competency to properly perform their duties and meet the responsibilities of their positions.
 - a. Unsatisfactory performance may be demonstrated by:
 - i. Lack of knowledge of the application of laws required to be enforced;
 - ii. Unwillingness or inability to perform assigned tasks; or
 - iii. Failure to take appropriate action on any situation deserving police attention.
 - b. Prima facie evidence of unsatisfactory performance includes, but is not limited to the following:
 - i. Repeated poor evaluations;
 - ii. Written records of corrective actions or recommendations and failure to correct unsatisfactory performance;
 - iii. Excessive or unjustified sick leave, excluding FMLA leave; and
 - iv. Disciplinary records.

320.3.9 CONDUCT

1. Failure of any member to promptly and fully report activities on their part or the part of any other member where such activities resulted in contact with any other law enforcement agency that may result in criminal prosecution or discipline under this policy.
2. Unreasonable and excessive force to a person encountered or a person under arrest.
3. Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.
4. Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
5. Engaging in horseplay that reasonably could result in injury or property damage.
6. Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this Department or the City and County.
7. Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
8. Criminal, dishonest, or disgraceful conduct, whether on or off duty, that adversely affects the member's relationship with this Department.

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9. Unauthorized possession of, loss of, or damage to Department property or the property of others, or endangering it through carelessness or maliciousness.
10. Attempted or actual theft of Department property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of Department property or the property of another person.
11. Activity that is incompatible with a member's conditions of employment or appointment as established by law to include fraud in securing the appointment or hire.
12. 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 Chief of Police of such action.
13. Covertly recording, using either audio or video, conversations or conduct of any member of the Department. If a conversation needs to be recorded, it will be done with the full knowledge and consent of all parties to the conversation.
14. Members of the Department politely give their name, rank, and identification number to any arrestee/inmate or other person when requested to do so, unless such action is likely to jeopardize the successful completion of a police assignment.
15. Members of the Department on duty or in uniform do not enter bars, taverns, theaters, or other amusement places except to perform a police function. Members of the Department are not prohibited from eating in restaurants licensed to serve liquor, but members should be mindful that frequenting any establishment while on duty reflects on the image of our organization and in some cases can cause our community to question the professionalism of our officers.

320.3.10 SOCIAL MEDIA

Limitations on the use of social media are designed to provide guidance in relation to social media use, both on and off duty, where statements of positions could place the Department in a negative light or be cause for corrective action as outlined in the personnel merit rules.

1. As public employees, members of the Department are cautioned that content on social media, whether on or off duty, made pursuant to their official duties may not be protected under the First Amendment and may form the basis for discipline, if deemed detrimental to the Department.
2. Members of the Department are free to express themselves as private citizens on social media sites to the degree that posted content does not impair working relationships of this Department, impede the performance of duties, impair discipline, impair effective working relationships among coworkers, or negatively affect the public perception of the Department.
3. For safety and security reasons, members of the Department are cautioned not to disclose on social media their employment with the Department.
4. Members of the Department may post their Department portrait photograph on professional websites such as LinkedIn.

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5. Members of the Department are prohibited from posting personal identifying information of any other member of the Department without their permission.
6. Members of the Department are prohibited from posting any photographs, video, wording, or content that is unethical, slanderous, derogatory, that which is likely to adversely affect the discipline, good order, or reputation of the agency, or that tends to compromise the integrity or the safety of any other member of the Department.
7. Members of the Department are prohibited from posting materials of official Department training, activities, employment status, or work-related assignments, without the permission of the Chief of Police or designee.
8. Members of the Department are prohibited from posting any pictures, videos, wording or content related to any past or present investigation or police action conducted by the Department on a personal social media website.
9. Members of the Department are prohibited from posting on social media any disparaging, slanderous or inappropriate pictures of themselves or others in a Broomfield Police Department uniform that would bring harm, ridicule, or damage to the Department's reputation.
10. Members are prohibited from posting any content that could reasonably be considered to represent the views or positions of the Department, without express authorization from the Department.
11. Members of the Department becoming aware of, or having knowledge of, posting on any website, webpage, or social media in violation of this policy must notify a supervisor immediately.

320.3.11 SAFETY

1. Failure to observe or violation of Department safety standards or safe working practices.
2. Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
3. Unsafe handling of a Department-issued or Department-registered firearm, including an unintentional discharge, either on or off duty.
4. Unsafe or improper driving habits or actions in the course of employment or appointment, including any personal action contributing to a preventable traffic accident.
5. Concealing or knowingly failing to report any on-the-job or work-related disease, injury, or death as soon as practicable but no later than 24 hours (CRS § 8-43-102).

320.3.12 INTOXICANTS

1. 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.
2. Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment or while at a City and County-approved

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function (e.g., receptions, parties, gift exchanges, etc.). A member who is authorized to consume alcohol shall not consume alcohol when in uniform and is not permitted to do so to such a degree that it may impair on-duty performance. Gifting an unopened container of alcohol is permitted as long as the container is not opened while on duty or at any work site.

3. Unauthorized possession, use of, or attempt to bring a controlled substance, illegal drug, or non-prescribed medication to any work site.

320.3.13 ASSOCIATION WITH ARRESTEE/INMATES

1. Employees must immediately notify their supervisor upon becoming aware of any friends or family members of the employee being arrested or lodged at the Broomfield Detention Center. Supervisors will make appropriate arrangements to ensure the safety and security of the Detention Center.
2. Employees must refrain from maintaining personal associations with current arrestees, inmates, or the family and/or friends of current arrestees or inmates at the Broomfield Detention Center. If the arrestee or inmate is an immediate family member, extended family member, or personal friend, the employee may have a personal association with that individual and their family as long as there is no active protective order, or the association would cause a conflict of interest as described in the Personnel Merit System 2-14-140(B)(4).
3. Employees must refrain from maintaining personal associations with former arrestees or inmates in situations where the association would cause a conflict of interest as described in the Personnel Merit System 2-14-140(B)(4).

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