



# Apex Police Department General Order



<b>Title</b> Code of Conduct		<b>Order Number</b> 301-20
<b>Effective Date:</b> July 17, 2020	<b>Amends:</b> 301-17	
<b>CALEA Standard:</b> 1.1.2, 12.1.3, 12.2.1 , 22.2.7, 26.1.1, 26.1.3, 82.1.7	<b>Rescinds:</b>	
<b>Reference:</b> Town of Apex Drug and Alcohol Policy Town of Apex Personnel Policy Manual Town of Apex Badge Identification Policy GO 205 – Command Authority GO 304 – Leave Time GO 305 – Social Media GO 307 – Compensation, Benefits, Conditions of Work GO 310 – Disciplinary System GO 701- Use of Force GO 1204 – DCI Operations and Security Town of Apex Administrative Policy: 103 - Cell Phone and Mobile Device Policy	<b>Pages:</b> 15 + addendums: Law Enforcement Code of Ethics, Canons of Police Ethics, Oath of Honor, Public Safety Telecommunicator Code of Ethics	
<b>Forms:</b>		

## Code of Conduct

### Purpose

The purpose of this directive is to establish a code of conduct that will govern employees of the Apex Police Department.

### Policy

It will be the policy of the Apex Police Department for all employees to abide by and adhere to the Town of Apex policies, the Apex Police Department Code of Conduct, the adopted

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Codes of Ethics, the laws of the United States and State of North Carolina, Town of Apex Code of Ordinances, and written directives of and relating to the department. (1.1.2)

This Code of Conduct is intended as a general guide to professional behavior. Its provisions will apply equally to all employees and associates, sworn, non-sworn, part-time, Limited-Service, and any other persons regularly associated with the Apex Police Department (i.e. volunteers, interns, Law Enforcement Explorers, etc.). These rules are not all-inclusive and may not be applicable for every incident the department may face, but are enacted to establish a standard of conduct and expectations of employees to promote efficiency and excellence.

### **Procedure**

#### **Code of Ethics (1.1.2)**

1. The *Law Enforcement Code of Ethics* established by the International Association of Chiefs of Police (IACP) is adopted as the official Code of Ethics for the Apex Police Department for sworn and non-sworn employees, other than Telecommunicators.
  - Employees will abide by the Code of Ethics and the IACP Canons of Police Ethics in the performance of their duties.
2. The Telecommunicator Code of Ethics established by the Association of Public Safety Communications Officials (APCO) is adopted as the official Code of Ethics for Apex Police Department Telcommunicators.
  - Telecommunicators will abide by the (APCO) Code of Ethics in the performance of their duties.
3. In conjunction with General Order 502 – *Training Programs* and, when appropriate, the North Carolina Justice Academy, the department will, at least biennially, train all departmental personnel in ethics.
4. Conflicts, if any, in the application of any Code of Ethics or Canon of Ethics will be handled as outlined in General Order 205 – *Command Authority*.

### **Insubordination and/or Disobedience**

1. Employees are prohibited from engaging in any disrespectful, mutinous, or insolent/abusive behavior/action toward a superior officer/supervisor or other competent authority.

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2. Employees will not conduct themselves in a manner that is, or would be, subversive to the good order, discipline, image, or reputation of the department, the Town of Apex, or any employee.
3. Employees will promptly and obediently comply with all lawful orders including any order relayed from a superior by an employee of the same or lesser rank. Non-compliance will be considered insubordination.
4. Insubordination by employees is prohibited whether the employee is in or out of the presence of the superior officer/supervisor or other competent authority.
5. Insubordination and/or disobedience includes, but is not limited to:
  - Use of abusive, indecent, or insulting language to a supervisory officer/supervisor by a subordinate
  - A refusal to obey any lawful order given by any supervisory officer/supervisor
  - Public criticism or derogatory comment to anyone about instructions or orders received from a superior officer/supervisor
  - Refusal to submit to any examination or procedure required during an internal investigation

### **Attention to Duty (26.1.1)**

1. Employees will act in a professional and courteous manner at all times while performing their duties.
2. All employees and persons regularly associated with the department, and specifically police officers, have a duty and obligation to intervene to protect the public, as well as, other employees, as outlined in General Order 701 – *Use of Force*.
3. All employees will remain alert throughout their tour of duty; employees will not sleep while on-duty nor report for duty in a fatigued state as to be unfit for duty.
4. An employee will not drink any alcoholic beverage while on-duty or be intoxicated or have any odor of intoxicants on his/her breath while in uniform or on duty except as authorized by the Chief of Police. Excessive use of alcoholic beverages or use of any alcoholic beverage that renders an employee unfit for duty is strictly forbidden.
5. In addition to complying with the *Town of Apex Drug and Alcohol Policy* employees will adhere to the following:
  - An employee will not use any controlled substance as defined by the North Carolina General Statutes (NCGS) except as prescribed and directed by a licensed member of the medical profession
    - No drug or controlled substance will be taken in excess of the recommended dosage

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- No employee in uniform or while on-duty will enter any ABC store or any other store/place for the purpose of purchasing any alcoholic beverage, except if the purchase is in performance of his/her official duty
  - Officers will not possess/store any alcoholic beverages in any town vehicles or within the police facility except in the regular performance of their duties, such as evidence or seized property
  - Employees will not consume or purchase any alcoholic beverage while in uniform
  - Officers wearing civilian clothing may consume alcoholic beverages on-duty only if:
    - Deemed necessary to protect the officer's identity and safety while conducting a covert investigation
    - The officer is not rendered unfit for proper and efficient performance of their duties
6. Employees will not engage in activity or personal business, which would cause them to neglect or be inattentive while on-duty.
7. Personnel deemed to be "essential" pursuant to General Order 205 – *Command Authority* are required to respond to work when scheduled to work even during adverse weather conditions or during any other emergency when directed to do so by a superior officer/supervisor. Essential employees are also subject to being recalled to duty. Off-duty essential employees will, when given official notice, report for duty immediately upon the receipt of notification and will comply with the instructions or orders given at the time of notification.
8. Essential employees called back to duty will notify the requesting supervisor if they have consumed, within the previous eight hours, the following:
- Any alcoholic beverage or other intoxicant
  - Any medication bearing the recommendation that the user not operate a motor vehicle or with the caution that it may cause drowsiness
  - Is otherwise unfit for duty
  - **(Note:** Employees deemed unfit for duty after they were advised, knew or should have known, due to an ongoing situation, that they might be recalled are subject to disciplinary action)
9. Any employee who is subpoenaed or scheduled to appear in court will report on time and be dressed appropriately as outlined in General Order 315 – *Court Attendance and Procedures*, General Order 306 – *Appearance and Uniform Regulations*, and any other applicable written directive, as well as, any expectations of the court.
10. Employees will not conceal themselves while on-duty, except for required purposes or upon instruction of a competent authority.

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11. Employees will not publicly criticize or ridicule the department, its policies, or other members by speech, writing, or other expression that is inflammatory, obscene, unlawful, or undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truthfulness.
12. Employees will not address public gatherings, appear on radio or television, lecture on police, or other related subjects except in the routine performance of duties, or prepare any articles for publication, act as correspondents to a newspaper or periodical, release or divulge investigative information or any other matters of the department while portraying themselves as having an official capacity in such matters, without the approval of the Chief of Police.
  - This section will not apply to testimony as required by law or the general instruction at a training course approved by the North Carolina Criminal Justice Education and Training Standards Commission by a certified instructor.

### **Reporting for Duty/Absence from Duty**

1. Employees will, unless otherwise directed, present themselves for duty at the time and place specified by their assignment, will be properly equipped and will be physically and mentally fit to perform their duties and responsibilities as assigned.
2. Employees will not, under any circumstances, be absent from duty without first obtaining permission through their supervisory chain of command, in accordance with General Order 304 – *Leave Time* and any other applicable written directives.
3. An employee will remain on-duty until properly relieved by another employee, if applicable, or officially dismissed by a superior officer/supervisor.

### **Relationships**

1. All employees will be courteous and respectful to the public and to other employees whether on or off-duty. While on-duty and in public, a superior officer/supervisor will be addressed by their rank and name.
2. Any employee who engages in harassment or who permits employees under their supervision to engage in such harassment, or who retaliates or permits retaliation against an employee who reports such harassment is guilty of misconduct and will be disciplined accordingly, up to and including termination. Harassment can be on the basis of, but not limited to sex, religion, color, age, disability, national origin, or any other protected status under applicable law. Harassment in any form is prohibited. (**Note:** Refer to Town of Apex Personnel Policy - *Workplace Harassment*) (26.1.3)

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3. Except when necessary in the authorized performance of an employee's duties, employees will not develop personal friendships or knowingly associate with persons engaged in unlawful activities or behaviors that are unlawful, will not commit or participate in an activity that violates criminal or civil law, nor frequent such establishments which are involved in or permit unlawful activities or where violations of the law routinely occur.
4. Employees should not provide law enforcement services in situations involving themselves or members of their family. To prevent the appearance of impropriety, other officers with the appropriate jurisdiction will be requested to handle these situations.
5. An employee will cooperate, support, and assist other employees of this department or any other agency in all ethical endeavors and will not publicly criticize the work or manner of performance of others as to bring dishonor to the them or the department.

### **Personal Conduct (26.1.1)**

1. Employees will not use their affiliation with the Apex Police Department as a means of soliciting or obtaining for personal gain any service or item of value, nor seek any testimonial regarding the performance of their duties.
2. Unless specifically authorized by the Chief of Police, employees will not accept gifts or items of value in payment or reward for services rendered as part of their duties.
  - All gifts and/or items of value received by an employee who is acting in an official capacity or is received as a result of their employment will be reported to the employee's Division Commander and the Chief of Police.
3. The Chief of Police or his/her designee may accept for the department, any donations of money, services, or items of value deemed appropriate.
  - All donations will be acknowledged when the identity of the donator can be established.
  - Cash donations will be processed through the Town of Apex Finance Department.
  - Donated items of value will be included into the department's property inventory system.
4. Employees will not publicly comment on Town of Apex or department policies, procedures, activities, or employees in any such manner as to bring dishonor or discredit to either.

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5. Employees should not express personal opinions to the public or media while presenting themselves as representatives of the department unless authorized to do so by the Chief of Police.
6. Employees will not, while acting as representatives of the department, recommend to the public the services of any particular attorney, bondsman, funeral service, locksmith, towing service, or other business providing paid service to the public.
7. Employees will not, without written permission of the Chief of Police, permit their photographs, names, the name of the department or any department logo, insignia, etc. to be used in an endorsement of any product or service, which is in any way connected with law enforcement or public safety.
8. Employees will not, without the permission of the Chief, allow their names or photographs to be used in any commercial enterprise, which alludes to their employment with the department or as a police officer.
9. Employees will not join or associate with any organization or group that advocates:
  - Engaging in illegal, subversive, or terrorist activities
  - Targets any ethnic, racial, religious, or other legally defined group
10. Any employee charged with any violation of law, ordinance, or any traffic infraction or violation, will notify the Chief of Police, in writing via memorandum (not email or text) within 24-hours, through the chain of command.
11. Employees will comply with applicable Town of Apex Ordinances and policies, and not use nicotine products, including smoked tobacco, e-cigarettes/vapor products, and/or chewing tobacco as follows:
  - Within the confines of any town facility
  - While on-duty in uniform and in view of the public
  - While in or operating a Town of Apex vehicle
  - During departmental training
  - **NOTE:** This does not include the use of nicotine products designed for and being used to aid in nicotine cessation (i.e. nicotine patch, gum, etc.)
12. An employee is required to fully and truthfully disclose the facts in all written and oral reports and will not omit or report any inaccurate, false, or improper information whether under oath or not, during an internal investigation, when talking with a supervisor and/or giving testimony, or in connection with any official inquiry.

### **Courtesy, Attitude and Impartiality (26.1.1)**

1. Employees will be courteous to the public and to other employees.

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2. Employees will be tactful in the performance of their duties, will control their temper, exercise patience and discretion, and will not engage in argumentative discussions even in the face of extreme provocation.
3. In the performance of their duties, employees will not use coarse, rude, violent, profane, or insolent language or gestures, and will not make derogatory comments or express any prejudice concerning race, religion, politics, national origin, lifestyle, or similar personal characteristics.
4. Employees will maintain an objective, impartial, and professional attitude toward all individuals that they contact in their official capacity.

### **Restriction of Activities**

1. Employees will not solicit donations, sell tickets or merchandise, nor collect money or goods of value while on-duty, except for functions approved by the Chief of Police (i.e. Special Olympics or Community Program Golf Tournament, Christmas with a Cop, etc.).
2. Employees are prohibited from lending, loaning, photographing, or reproducing their identification card, badges, uniform, duty belt, or any other issued equipment or uniform item, unless required to do so as a function of their official duties and/or with the approval of the Chief of Police.
3. Employees will not interfere with or attempt to influence any other employee in any investigation or other official action assigned to them.
4. Employees in uniform or while on-duty will not purchase any gaming or lottery ticket, except if the purchase is in performance of their official duty.
5. Employees will not convert to their own personal use or the use of any other, any property found, recovered, or held as evidence or property, which was found, given, or surrendered to the department.
6. Employees who have any criminal or civil action filed against them for an act committed while in the performance of their duties will immediately notify the Chief of Police, in writing via memorandum (not email or text) within 24 hours, and will include a copy of the complaint, as well as, a full and accurate account of the circumstances.
7. Employees will not, at any time, use their official position, official identification card(s), and/or badge(s):
  - For personal or financial gain as a police officer (**NOTE:** This does not apply to departmentally sanctioned fees or hourly rates for off-duty police services)
  - For obtaining privileges not otherwise available to them as private citizens, except in the performance of duty



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- For avoiding the consequences of traffic ticket or other illegal acts (i.e. speeding ticket, DWI, traffic infraction, etc.)
8. Employees will not solicit or agree to accept a bribe except as a part of a departmentally sanctioned undercover operation and at the direction of the Chief of Police.
    - Any offer of a bribe will be immediately reported to a superior officer/supervisor and appropriate criminal charges made.
  9. Employees will not undertake any investigation or other official action, which is not part of their regular duties, without obtaining permission from their supervisor, unless the exigencies of the situation requires immediate police action. Employees taking such action will notify their immediate supervisor as soon as possible after the incident occurs.
  10. Employees will not secretly record by audio, video, or other method, or participate in the secret recording of a conversation or activity, unless it is in conformance with the law and meets one of the following criteria:
    - It is pursuant to an approved, official criminal investigation and under the direction of supervisory personnel
    - It is pursuant to a special investigation sanctioned by the Chief of Police
    - If an Apex Police Department employee intends to record any conversation with another Apex Police Department employee, they must do the following:
      - The recording employee must first verbally inform the recorded employee that the conversation will be recorded
      - The recorded employee must confirm his/her understanding before the conversation can be recorded
      - **NOTE:** This verbal exchange must take place before all subsequent recordings between the same or different employees, as there is no presumption that one verbal acknowledgement pertains to any other recording
  11. Employees will not use departmental equipment, supplies, personnel, funds, or other resources for any non-departmental purpose without the expressed written permission of the Chief of Police. As used in this section, “non-departmental” will be defined as any purpose, which is not in the furtherance of the duties of the Apex Police Department.
  12. Employees will not use official department letterhead for personal or unofficial correspondence.

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### *Sworn Officers Only*

1. While off-duty, officers should refrain from enforcement activities unless loss of life or great bodily harm is imminent. If an officer observes a criminal violation he/she should contact the appropriate jurisdiction through proper means. (i.e., emergency lines (911) or non-emergency lines)
2. On-duty officers, registered to vote in the Town of Apex, are encouraged to vote. However, officers are required to adhere to the Town of Apex policy on voting polls; Town of Apex Personnel Policy Manual; Article V, *Section 2, Political Activity*.
3. Officers instituting a civil action arising from their official duties will notify the Chief of Police in writing prior to taking such action.
4. Officers will not use their official position as a means of forcing or intimidating persons with whom they are engaged in a civil action.

### **Personal Web Page/Social Networking Sites/Internet Activity**

1. Employees, volunteers, interns, Apex Police Department Explorers, or anyone regularly associated with the department who have personal web pages, social networking sites/accounts, or other types of social media postings, which are hosted, available or can be accessed by the public, must comply with the guidelines outlined in General Order 305 – *Social Media*, as well as, any other applicable directive.
2. Employees will not post any improper material or content that is sexual, violent, and/or racially derogatory in nature on the internet, social media, or in any other manner that brings discredit to or may adversely affect the efficiency or integrity of the Apex Police Department.
  - Employees should consider the possible adverse consequences of internet postings, which might include future employment considerations, cross-examination in criminal cases, and public as well as private embarrassment.
  - Employees are encouraged to seek the guidance of a superior officer/supervisor regarding any posting that may adversely reflect upon the department, the Town, or the professionalism or integrity of the employee.

### **Other**

1. All employees are required to maintain a personal phone line and provide the department, through the Administrative Coordinator assigned to the Office of the Chief of Police, with the phone number upon being hired and within 24-hours of any change.

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2. Employees who have an operational need, based upon their current duty assignment/position/title, and if approved by the Chief of Police, may be issued a Town of Apex (TOA) provided cellular phone or given a cellular phone allowance.
  - The Chief of Police or his/her designee will follow the “tier structure” as outlined in the TOA Administrative Policy: 103 - *Cell Phone and Mobile Device Policy* in determining who is eligible and authorized to be issued or given an allowance for a cellular phone.
  - Employees who are eligible and authorized to be issued a TOA provided cellular phone or cellular phone allowance will make such requests to the Chief of Police through their chain of command using the TOA form *Request and Justification for Town-Provided Cell Phone or Phone Allowance*.
  - All department employees who are issued a TOA cellular phone or given a cellular phone allowance are expected to follow the provisions as outlined in this General Order and the TOA Administrative Policy: 103 - *Cell Phone and Mobile Device Policy*.
  - Department employees who are issued TOA provided cell phones will use them for business purposes only, are expected to answer the phone at all times when on-duty, and return phone messages left the same business day.
3. All employees are required to report their correct residential street address to the department upon being hired and to their supervisor within 24-hours of any change in residency. Any changes will be forwarded to the Office of the Chief of Police for updating of departmental records.
  - Employee addresses and telephone numbers are considered confidential and may only be used for official business by Apex Police Department personnel. Release of this information outside the department will only be made by a supervisor in an emergency. Anyone releasing the telephone number of another employee will be held accountable for such release.
4. Employees who are subpoenaed or requested to testify in any trial or hearing where the Town of Apex, the Apex Police Department, or a member of the department is a party, will notify the Chief of Police in writing through the chain of command within 24-hours of receiving the subpoena or request.
  - **Note:** This provision does not apply to regular criminal matters in Wake County Court or the United States Courts of the Eastern District of North Carolina in matters related to the employee’s official capacity.

### Disclosure of Departmental Records and Reports

1. An employee will not disclose and/or release any confidential departmental policies, plans, reports, records, crime records, or other sensitive information except as

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authorized in applicable written directives, and in compliance with state and federal laws. (82.1.7)

2. DCI information will not be released to any individual other than departmental employees or another law enforcement agencies carrying out a law enforcement objective. All releases of DCI information will comply with DCI regulations, pursuant to General Order 1204 – *DCI Operations and Security* and any other applicable written directives. (82.1.7)

## Psychological Evaluations

1. Employees who demonstrate they are under excessive stress or abnormal behavior patterns may be required to take a psychological test at the direction of the Chief of Police.
2. Employees are encouraged to seek immediate help through the TOA Employee Assistance Program (EAP), whenever necessary. (**Note:** Refer to General Order 307 – *Compensation, Benefits, and Conditions of Work*)

## Unsatisfactory Job Performance

1. Employees who display signs of incompetence as defined in the TOA Personnel Policy Manual or who are identified through the Personnel Early Warning System (PEWS) pursuant to General Order 311 – *Personnel Early Warning System* as an employee experiencing a problem that could affect his/her job performance or who is displaying a pattern of concerns that requires the department to intervene is subject to remedial training and/or disciplinary action as outlined in applicable written directives. If necessary, supervisors will forward recommendations in writing through the chain of command to the Chief of Police for employees who require remedial training. If disciplinary action is required, supervisors will take such action in accordance with General Order 310 - *Disciplinary System*. Additionally, supervisors are responsible for ensuring employees receive the appropriate remedial training or action to help the employee correct a lack of skill, knowledge, or the ability to perform assigned tasks.

## Responsibility

1. All employees have the obligation to stay informed of all current rules, regulations, written directives, orders and policies, as well as, all federal, state, and local laws affecting their duties. Any act or omission, which is known, or should have been known, to be improper, is prohibited and will not be condoned.
2. Employees returning to duty from any extended leave will acquaint themselves with all amendments, additions, and/or changes to written directives, orders, and/or other

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instructions of the department, as well as, changes in laws, statutes, and/or ordinances which have been issued or enacted during their absence.

3. Unfamiliarity with, or ignorance of, policies, orders, laws, rules, regulations, and/or written directives will not constitute a defense. It is expected that all employees are familiar with those same laws, rules, regulations, and written directives.
4. Employees are personally responsible to make all directed changes in any manual, text, and reference book that is issued by the department and/or maintained by them as a guide to the performance of their duties.
5. This written directive is not intended as an all-inclusive guide to proper conduct in every situation or activity in which employees may be involved. However, in every instance each employee will be held accountable for his/her conduct.
  - Employees are responsible for their own actions and will not improperly shift the burden of responsibility for executing a lawful order to others or fail to execute a lawful order or duty
  - Employees will use sound judgment in all situations
6. Supervisory personnel are responsible to know the whereabouts of all personnel under their command during their usual tour of duty.
  - Supervisors are responsible for ensuring that this written directive and all other departmental written directives are clearly understood by their assigned staff. Supervisors will address and report any violations and/or allegations of violation of any order, rule, regulation, or written directive to their immediate supervisor.
  - Supervisors will make every attempt to monitor the activities of their personnel and to make reasonable accommodations if they will be out of radio range (i.e. alerting an on-duty Telecommunicator they will not be available by radio and to make contact by phone, if necessary).

### **Identification Required of Employees**

1. All employees are issued an access card and a personal identification card. All identification cards have a unique ID number assigned. (22.2.7 (b))
2. Select department supervisors will be authorized a separate access card for Town facilities.
  - Prior to issue, the employee must file the appropriate forms required by the Town of Apex Human Resources and/or Facilities Management Departments and comply with applicable directives for use of the card.

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3. Information provided on the Apex Police Department identification card includes the following information: (22.2.7 (b))
  - Employee's photograph
  - Employee's name, date of birth, and physical descriptors
  - Employee's ID number
  - Employee's rank and position, or "Volunteer" when appropriate
  - Date issued
  - Apex Police Department and Town of Apex identifiers
  - Employee's right thumb print (sworn and civilian employees only)
  - Signatures of the employee and Chief of Police
4. Sworn personnel will carry their police identification card with them while on-duty at all times except when deemed to be dangerous or harmful to a criminal investigation.
5. Police department access cards will have, at a minimum, the following information provided on the card:
  - Employee's name and rank or position
  - Apex Police Department and Town of Apex identifiers
6. All access cards and identification cards are the property of the Apex Police Department and/or the TOA and are issued to the employee indicated. Cards are to be returned upon termination of employment, conclusion of assignment or duty, upon suspension as required by applicable written directives, or whenever requested by an executive officer at the rank of Captain or higher. Lost or stolen cards will be reported to the Administrative Division Commander within 24-hours. The Administrative Division Commander will ensure access rights on lost or stolen cards are terminated and issue replacement cards when needed.
  - Retirees will be issued a new ID card indicating their status as retired.
7. All employees will furnish their name, any applicable identification number, assignment, and/or a department identification card to any person requesting, when such request relates to the employee's official capacity. (**NOTE:** Names of employees will be given in sufficient form to fully identify the employee. (22.2.7 (a))
  - **EXCEPTION:** An employee is not required to verbally identify themselves or produce a department identification card upon request, if such action jeopardizes a criminal investigation and/or endangers an employee's safety while in the performance of his/her duties.
8. All employees will give verbal identification when answering incoming calls from an outside line or when calling out on an outside line for official purposes by stating, at a minimum the department's name and the employee's name. (**Note:** Sworn personnel

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will also indicate their rank.) (22.2.7 (c))

9. No employee will loan out his/her departmental identification or access card.

Text in “Green” denotes a significant change in policy

**BY ORDER OF:**



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John W. Letteney  
Chief of Police