

**CITY OF LYONS POLICE DEPARTMENT**

**POLICE OPERATIONS MANUAL**

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**CHAPTER: 5 - Departmental Personnel Policies**

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I. **PURPOSE** - To establish the standards of conduct for employees of the Department.

II. **DEFINITION**

**LAWFUL ORDER** - Any order of an officer requiring the performance of certain duties provided it is not proscribed by law, departmental rules and regulations.

III. **RULES AND REGULATIONS**

A. General

1. Code of Ethics -The Law Enforcement Code of Ethics is adopted as a general standard of conduct for officers of the Department. It states:

"As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement."

2. Oath of Office

- a. Each sworn law enforcement officer shall be administered the following oath of office upon hiring:

I, \_\_\_\_\_, do solemnly swear that I will faithfully and impartially discharge the duties of a sworn law enforcement officer of the City of Lyons, Georgia to the best of my skill and ability, agreeable to the ordinances of the said city, and the laws and Constitution of the State of Georgia and of the United States, and I will obey all policies and procedures of the Police Department and the City of Lyons, Georgia and all ordinances of the City of Lyons, Georgia and the laws and Constitution of the State of Georgia and the United States both while on duty, and off-duty, and I will faithfully and impartially carry out the instructions and orders of the officers appointed over me, so help me God.

I do further swear or affirm that I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which, by the laws of the State of Georgia, I am prohibited from holding; and that I am otherwise qualified to be a police officer according to the Constitution and laws of Georgia.

I accept the Law Enforcement Code of Ethics of this department as my standard of conduct while on and off duty and swear to faithfully abide by and defend the same.

- b. A signed, sworn copy of the oath shall be maintained in each officer's personnel file. A duplicate copy may also be given to the officer if requested.

3. Commendations -The Department expects a very high level of professional conduct from all employees; however, members of the Department frequently perform their duties in a manner exceeding the highest standards of the Department. The official commendation of such performance and the arrangement of appropriate publicity is to be provided by the Department to give full public recognition to those who have brought honor to themselves and the Department. See **S.O.P. 5 - 2**.

B. Standards of Conduct

1. Violation of Law -The violation or attempted violation by an employee of any Federal, State, County, or Municipal Law is prohibited.
2. Insubordination -The failure or refusal by an officer or other employee to obey a lawful order directed by a superior officer. In those instances when an officer receives a conflicting order from his/her superior, the responsibility for the order shall lie with the superior officer. Officers shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, officers shall request the issuing officer to clarify the order or to confer with higher authority.
3. Possession or Use of Alcohol - Employees shall not possess or use alcoholic beverages while on duty other than in an authorized capacity.
4. Possession Or Use of Controlled Substances -The possession or use of controlled substances by an employee while on or off duty is prohibited. See **Drug Free Workplace Policy**. The only exception to this rule is when the officer is taking the controlled substances under the guidance of a licensed physician or dentist and with the knowledge of his/her superior officer. While on duty, an employee is not to use or be under the influence of any medication that impairs or compromises his/her ability. If an officer is using a medication that impairs or compromises his/her ability to perform his/her regularly assigned duties and responsibilities, he may be assigned, at the supervisor's discretion, to a "light duty" assignment that does not compromise the public safety.
5. Payment of Debts - Employees are expected to meet their civil monetary liabilities. In addition, employees are not to establish any financial relationships that present a conflict of interest or compromises the image of the Department.
6. Prohibited Association, Frequenting - Except as required for performance of their duties, employees of the Department are prohibited from frequenting places that may compromise the Department's image. In addition, officers shall not associate with persons or organizations which would be detrimental to the image of the Department. This includes persons who have been convicted of a felony within the last five years or who are under criminal investigation or indictment, or who have an open and notorious reputation in the community for felonious activity.
  - a. Subversive Organizations - No officer or employee shall knowingly become a member of or be connected to any subversive organization, as defined by the U.S. Department of Justice, except when necessary in the performance of duty and then only under the direction of the Chief of Police.

- b. Allegiance to Organizations - Members of the Department shall refrain from joining or affiliating with any organization, association, or group, whose constitution or bylaws in any matter exacts allegiance which would prevent a full performance of duty.
- 7. Public Criticism - Complaints regarding Department operations should be resolved through internal grievance procedures. Under no circumstances shall an employee of the Department publicly criticize the Department's policies, operations, or staff in a defamatory, obscene, unlawful, or untruthful manner. Criticism that tends to impair the operation of the Department by reducing organizational efficiency and discipline is also prohibited.
- 8. Confidential Information - Employees are not to discuss confidential operations of the Department with persons outside the organization without the permission of their superior. For purposes of this Section, all Department documents and orders are to be considered confidential unless otherwise directed by a superior. This Section does not apply to orders that are of such a nature that they must be communicated to others.
- 9. Political Use of Official Position - Employees shall not use their official position for political purposes. This section does not prohibit employees from exercising their constitutional rights as citizens to vote, expressing opinions privately, be a delegate or member of a political caucus, or take part in political polls.
- 10. Political Involvement - Employees may become a candidate for political office while employed by the Department. Prior to becoming a candidate, however, an employee may request a leave of absence without pay from the Department. During their campaign employees may not represent themselves as a member of the Department nor may they engage in any political activity during on-duty hours or while in department uniform.
- 11. Professional Image - Employees of the Department are to work diligently to maintain a professional image. Any behavior that would reflect negatively on the Department or would violate the public trust is prohibited.
- 12. Unauthorized Persons in Vehicles - Persons who are not government personnel, prisoners, or on official (authorized) business are not permitted to ride in Department vehicles.

13. Altering Records - Stealing, altering, forging or tampering with any police record, report or citation is prohibited. The removal of any record, card, report, letter, document, or other official file from the Department, except by process of law or as directed by the Chief of Police or a superior, is prohibited. Additionally, the obtaining or duplicating or attempted obtaining or duplication of any information from Department files, sources or reports other than that which one is properly entitled in accordance with one's duties or assignments is prohibited.
14. Sick Leave Reporting - Whenever an officer becomes ill and cannot report for work he/she is to personally notify his/her superior officer, unless his/her medical condition prohibits same. The use of sick leave without just cause, or the furnishing of any false information regarding an officer's physical condition may result in an adverse action.
15. Absence from Work - Absence from work without permission is prohibited. Employees claiming physical or mental incapacity relating to their employment may be requested to submit to an examination by a city named physician. Failure to honor such a request may result in disciplinary action.
16. Residence Telephone and Address - The Department is to maintain a listing of each employee's address and telephone number. It is the responsibility of each officer to maintain a phone at his/her residence and to notify the Department of any changes in address or phone number.
17. Gifts and Gratuities - Employees shall not solicit or accept any gifts or gratuities. In addition, employees are to immediately report to the Chief of Police any solicitation or acceptance of gifts, gratuities, or bribes by employees of the Department.
18. On and Off Duty Conduct - Engaging in conduct on or off-duty which adversely affects the morale or efficiency of the Department, or has a tendency to destroy the confidence and respect of the public for the Department is prohibited.
19. Job Related Gains - Buying, receiving, or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case is prohibited, except as may be specifically authorized by the Chief of Police.
20. Solicitation of Favorable Acts - Employees are not to solicit anyone to intercede with City or Department officials regarding Department promotions, assignments or disciplinary proceedings.

21. Abandonment of Duty Assignment - Employees are not to leave their duty assignment unless properly relieved or dismissed by a superior officer.
22. Internal Investigations - Employees are to cooperate with all internal investigations by answering questions, responding to lawful orders, presenting materials and making statements.
23. Participation in Civil Matters - Employees are not to give any deposition, affidavit or appear as a witness in a civil matter stemming from their official duties without a proper judicial summons and the knowledge of the Chief of Police.
24. Leaving Municipal Limits - Officers are not to go beyond the city limits while on duty, unless in the performance of their duties or upon the direct order or permission of a superior.
25. Use of Private Vehicles - Employees are not to use private vehicles or equipment for official purposes unless directed and authorized to do so by a superior officer.
26. Employees will not fight with department member(s).
27. Employees will not use rude or insulting language or unethical conduct offensive in or to the public.
28. Employees will not use profane or insulting language directed to a superior officer.
29. Employees will not fail to take police action when necessary, and/or fail to make a written report of same.
30. Employees will not sleep on duty.
31. Supervisors must properly supervise subordinates and/or take appropriate disciplinary action.
32. Employees must report as a witness when duly subpoenaed or notified.
33. Employees must not allow a prisoner to escape through carelessness or neglect.
34. Employees will thoroughly search for, collect, and preserve and identify evidence of persons, property, and locations in any arrest or investigation.
35. Allowing police vehicle to be stolen due to failure to remove keys when unattended is prohibited.



36. Failure to properly care for assigned equipment and vehicles or any police department property, damaging or causing damage to same due to neglect or carelessness is prohibited.
37. Failure to take appropriate action concerning illegal activity, including vice conditions and/or make a written report of same is prohibited.
38. Failure to be home without legitimate reason after reporting in sick is prohibited.
39. Failure to follow departmental procedures for the handling of evidence, personal effects and all other property taken into custody is prohibited.
40. Operating a private vehicle in zone on duty, or driving to or from zone or post in a private vehicle without authorization is prohibited.
41. Failure to carry badge, weapon, and other required equipment when on duty is prohibited.
42. Carrying unauthorized equipment while on duty is prohibited.
43. Unexcused tardiness is prohibited.
44. Employees will not abuse meal or work breaks in excess of time allotted.
45. Employees are expected to be tidy in appearance and dress while on duty.
46. Employees are expected to be in full prescribed uniform including safety vest and/or protective vest where prescribed.
47. Employees will give name and employee number when properly requested.
48. Employees will not willfully damage police department property or equipment.
49. Employees will not interfere with police radio broadcasting and/or tamper with police radio equipment.
50. Employees will possess and maintain a current valid State Motor Vehicle Operator's License, unless physically unable or not in an assignment which requires the operation of a police department vehicle.
51. Pointing of a firearm at another without justification is prohibited.
52. Improper handling, display, misuse or accidental discharge of a firearm is prohibited.

53. Employees will carry issued or approved weapon and ammunition on duty.
54. Failure to give information on firearm discharge is prohibited.
55. Making unauthorized modifications to firearms or other police department owned equipment is prohibited.
56. Firearms and other issued equipment will be kept clean and rust free.
57. Firearm malfunction(s) will be reported.
58. Person(s) in custody will not be mistreated.
59. Prisoners will only be used for official or authorized functions.
60. Applicable safety procedures and/or safety policy and/or practices will be followed by all employees.
61. Citations once written, will not be dismissed except in open court by the judge and with prior written notice given to the Chief of Police of the intent to dismiss and the reasons therefore.

C. Vacation Scheduling

1. In order to properly manage the workload demands of the department, employees are required to schedule their vacation time with their Supervisors, Division Manager, and the Chief's Office.
2. In scheduling vacation time the following rules apply:
  - a. Preference will be given to the senior most employees within a grade.
  - b. An employee of a higher grade will have preference over an employee of a lower grade.
  - c. An employee must take at least one (1) five (5) day period off for vacation out of his/her vacation time. No vacation time of less than one half ( $\frac{1}{2}$ ) day may be taken.
  - d. A Shift or Division may not be reduced below seventy-five percent (75%) of authorized manning levels due to vacations.
  - e. Vacation schedules for each division will be made up in January for that year. All periods of vacation in excess of four (4) days must be scheduled.

D. Off-Duty/Secondary Employment

The nature of law enforcement requires department employees to have the ability to work irregular duty schedules which are subject to change in meeting manpower needs. Additionally, it is necessary that an employee have adequate rest to be alert during his or her tour of duty. For these reasons, and because certain occupations inherently conflict with an employee's primary responsibility to the Department, the Department may impose conditions on outside off-duty employment, or may prohibit it altogether. Determination of the degree of limitation will be based upon the interest of the Department in furthering professionalization, protecting the reputation of the employee and the Department, and ensuring that the Department receives the employee's full and faithful service in return for employment. Within these principles, the purpose of this policy is to provide department personnel with guidelines for their off-duty or secondary employment.

I. **Policy**

The Department prefers that its officers not work off-duty jobs for other employers. Nevertheless the Department allows officers and other employees to engage in off-duty outside employment so long as such off-duty outside employment does not interfere in any way with their performance of their duties and responsibilities as police officers and employees of the Lyons Police department. In addition, the outside off-duty employment shall not involve the employee in any situation where there may be a risk of real or apparent conflict of interest between the employee's employment as a member of the City of Lyons Police Department, and the employee's outside off-duty employment. The purpose of this procedure is to set forth the guidelines, conditions and restrictions relating to outside off-duty employment. It is the policy of the Lyons Police Department to allow employees to participate in off-duty or secondary employment only within the limitations set forth by law and this directive.

II. **Procedures, Rules and Regulations**

A *Applications:*

An application for approval for outside off-duty employment will be submitted to the Chief of Police or his designee, together with an Outside Off Duty Employment Assurance Agreement completed by the prospective employer before the employee accepts the outside off-duty employment. All requests for approval of outside off-duty employment must be approved by the Chief of Police and the Mayor. All such requests are subject to being investigated by the Department to determine whether the outside off-duty employment is suitable for a Department employee. The Chief of Police retains the authority to approve or disapprove, and to withdraw previously-given approval, for any employee's outside off-duty employment. (O.C.G.A. §16-10-3).

B. *Accountability to Department:*

1. No employee may engage in any outside off-duty employment without the prior explicit approval of the Chief of Police.
2. Any employee engaged in outside off-duty employment shall conduct himself in a manner appropriate for an employee or officer of the Lyons Police Department.
3. Conduct during outside off-duty employment which, if it occurred while an employee was on duty would result in disciplinary action, could result in withdrawal of the employee's permission to engage in the outside off-duty employment.
4. No employee will engage in outside off-duty employment for more than 48 hours in any 14 day pay period.
5. No employee will be permitted to engage in outside off-duty employment where the employee will be wearing his Lyons Police Department Uniform, using equipment issued by the Department, or employing his powers of arrest as a peace officer of the State of Georgia unless his outside off-duty employer has signed an agreement to waive all claims against the Department and to indemnify, hold-harmless, and defend the Lyons Police Department from any liability growing out of the employee's outside off-duty employment with said employer.
6. Unsuitable Outside off-duty Employment: No officer shall participate in outside off-duty employment without written permission from the Chief of Police. Written permission will not be given for:
  - A Off duty employment by, in, or around any establishment where alcoholic beverages are sold for on-site consumption; or
  - B Off duty employment where the employment is on behalf of a labor organization which is on strike, where the employees of the employer are on strike against the employer or where there is a lockout of employees at the location where the employee is to work; or

- C Off duty employment where the outside off-duty employment duty involves the serving of civil process, or the collection of money or repossession of property; or
- D Off duty employment which poses any real or apparent conflict of interest with those of the Department; or
- E Off duty employment which involves the use of Police Department files, records, or other police information not ordinarily available to non-police Department officers; or
- F Off duty employment which will involve the use of Department property or equipment, unless the Chief of Police has specifically granted permission for use of such equipment based on his finding that such use and employment will further the law enforcement efforts of the City; or
- G Off duty employment which will involve the use of Department property or equipment, where said equipment or property will be subject to damage or loss; or,
- H Off duty employment which would jeopardize a pending criminal case or investigation.

7 Employees on Leave of Absence: No Officer or employee will be permitted to engage in outside off-duty employment where the Officer or employee is on leave of absence to recover from an illness or injury, unless the employee or Officer first receives explicit written approval for said outside off-duty employment from the Chief of Police. Written approval for outside off-duty employment which was obtained before the injury or illness will not be sufficient for purposes of this paragraph. It will be the responsibility of the employee or Officer seeking approval of such employment or continuation of employment while on such leave to inform the Chief of Police of said leave status, and to obtain his written permission for the outside off-duty employment before engaging or continuing to engage in outside off-duty employment.

C. *Denial of Permission for Outside off-duty Employment:*

Permission to engage in outside off-duty employment is a privilege and is not any employee's right. It may be granted, denied or withdrawn for the convenience of the Police Department. A decision to grant, deny, or withdraw outside off-duty employment permission is the sole and exclusive right of the Chief of Police, and can not be the subject of a grievance or appeal. An employee who is experiencing behavior or performance problems or inadequacies may be denied the right to engage in or continue outside off-duty employment.

D. *Insurance Coverage:*

While engaged in outside off-duty employment, employees will not be covered under City of Lyons benefit policies or insurance policies (including the City's workers' compensation insurance policy) for illness or injury sustained during engagement in such outside off-duty employment, nor will employees suffering from such illness or injury sustained during outside off-duty employment be eligible to receive leave with pay for such illness or injury. Employees have the obligation to inform the outside off-duty employer of these facts, and to obtain assurances from their outside off-duty employer that they will be covered under that employer's existing insurance policies.

**This policy supersedes any previous policies issued.**

**LYONS POLICE DEPARTMENT APPLICATION FOR APPROVAL  
OF OFF-DUTY EMPLOYMENT**  
(To be completed by employee)

Employees Name \_\_\_\_\_

Present Assignment \_\_\_\_\_

Prospective Off-Duty Employer \_\_\_\_\_

Address \_\_\_\_\_

Type of Business \_\_\_\_\_

Prospective Immediate Supervisor \_\_\_\_\_

Business Phone \_\_\_\_\_

Work Detail From: \_\_\_\_\_ To: \_\_\_\_\_

Employment Duties:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will Employee be required to work more than 48 hours in a 14 day period? \_\_\_ Yes \_\_\_ No

Will Employee be expected to wear Lyons Police Uniform? \_\_\_ Yes \_\_\_ No

Will Employee be expected to use Lyons Police Equipment? \_\_\_ Yes \_\_\_ No

Will Employee be expected to use police powers of arrest? \_\_\_ Yes \_\_\_ No

Will Employee be involved in collection of funds or repossession of property? \_\_\_ Yes \_\_\_ No

Will Employee be involved in service of civil process? \_\_\_ Yes \_\_\_ No

Will Employee be covered by outside off-duty Employers liability insurance policy? \_\_\_ Yes \_\_\_ No

Will employee be covered by outside off-duty Employers Workers Compensation Insurance Policy?  
\_\_\_ Yes \_\_\_ No.

Does Employer sell alcoholic beverages to be consumed on premises? \_\_\_ Yes \_\_\_ No

This form must be completed (both sides) and submitted together with Outside Off-duty Employer Assurance Agreement via chain of command for approval by the Chief of Police.

**OUTSIDE OFF-DUTY EMPLOYMENT APPROVAL APPLICATION**

I \_\_\_\_\_ hereby make this request for approval of my outside off-duty employment. I certify that the information contained in my application is true and correct. I certify that I have read Lyons Police Department S.O.P. Chapter 5 in its entirety. I certify that I will abide by all of its terms and conditions, and that it will not conflict with my oath of office as a peace officer of the State of Georgia or the City of Lyons, and that I will not be working more than 48 hours in my outside off-duty job during any 14 day period.

I fully understand that pursuant to the Lyons Police Department policy, I will not be granted injury leave with pay if I become injured while on this off-duty employment. I will advise my prospective employer of this policy and his/her potential responsibility if I should receive an incapacitating injury; however, I do understand that I may use any sick leave I have accrued if I become physically incapable of reporting for duty due to an off-duty injury.

I fully understand that in working at an outside off-duty employment position I will not be working for the City of Lyons or its Police Department and that my time spent in outside off-duty employment will not be counted toward accrual of any overtime pay or other benefits from the Lyons Police Department.

I fully understand that nothing contained in this request will affect my obligation to the Lyons Police Department to be available for emergency service; and I will not accept this employment or any other employment without the express written consent of the Chief of Police. I understand that the City of Lyons will not be responsible to any person for any injury that I cause while performing my outside off-duty job, and that my outside off-duty employer will be solely responsible for such injury.

I fully understand that the Chief of Police is not obligated to approve my outside off-duty employment and that he may deny or withdraw his approval for my outside off-duty employment at any time and for any reason he deems appropriate including for the convenience of the Lyons Police Department.

\_\_\_\_\_  
Employee Signature/Date

Department employees are NOT permitted to work more than 48 hours of off-duty/regular off-duty employment during any one pay period (14 days).

Date Requested: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_

Division Commander Signature: \_\_\_\_\_

Approved: \_\_\_\_\_  
Chief of Police

Denied: \_\_\_\_\_  
Chief of Police

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**OUTSIDE OFF-DUTY EMPLOYER ASSURANCE AND INDEMNIFICATION AGREEMENT**

(To be completed by prospective off-duty Employer)

\_\_\_\_\_, (employer) hereby agrees that, in consideration for the Police Department of the City of Lyons granting permission to \_\_\_\_\_ (employee) to engage in outside off-duty employment by employer, the undersigned employer will hold the City of Lyons and its Police Department, its Police Chief, managers, supervisors, employees and agents harmless, indemnify them, and will pay for their defense from all liability that they might incur as a result of any action or omission either by the undersigned employer, or by said employee while working for or on behalf of the undersigned.

I understand and agree that neither the City of Lyons nor its Police Department nor its Chief of Police (Lyons Parties) guarantees or makes any representation concerning the ability, competence, training, or suitability of the employee to perform the job duties or to serve in the employment capacity for which we will be employing him/her and I will not attempt to hold the Lyons Parties responsible or liable to me nor to implement them as a joint or a third-party defendant for any liability that I might have due to the willful or negligent acts of said employee while working for me.

I further agree, as a condition of the Chief of Police approving my employment of said employee, that I will cover said employee under my own company's workers compensation insurance policy for any and all illnesses or injuries which the employee may suffer in the course of performing his employment duties for me. I agree to pay all overtime pay due to the employee in any week in which the employee works more than 40 hours for me.

I agree that the City of Lyons Chief of Police may, at any time, and for any reasons which he deems reasonable in his absolute discretion, deny or withdraw permission for said employee to work for me, and that said action will not entitle me to make any claim or engage in any suit against the City of Lyons or its Police Department or its Chief of Police, elected or appointed officials, or their subordinate managers supervisors employees and agents.

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Date

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## **STANDARD OPERATING PROCEDURE**

**EFFECTIVE: February 1, 2012**

### **S.O.P. 5-1 COMMENDATIONS, COMPLAINTS, INQUIRIES**

#### **I. PURPOSE**

- A. To provide the citizens of the community we serve with a formal and informal method of filing commendations, complaints, or inquiring into the behavior of members of the department.
- B. To establish guidelines for the handling of commendations, complaints, or inquiries filed with the department. To establish a procedure that will ensure fairness, prompt handling, and a thorough investigation of all commendations, complaints, or inquiries received. To provide for communicating to the reporting party the results.
- C. To protect the citizens, the individual officers, the department and the city from improper behavior.
- D. To provide a method for executive review on an as needed basis but no less than annually to identify violence-prone officers.

#### **II. POLICY**

- A. It is the policy of this Department to investigate all allegations of employee misconduct, to equitably determine whether the allegations are valid or invalid, to take appropriate action; to respond to all citizen inquires; and to receive and give recognition for commendatory performance.
- B. The first responsibility for conformance with the rules and standards of conduct of this department and the City is the employee.
- C. The role of the Supervisor in the maintenance of the high standards of conduct expected of the employees of this department is of great importance. To this end Supervisors are expected to:
  - 1. Take primary responsibility for maintaining and reinforcing officer compliance with the standards of conduct of this department.
  - 2. Familiarize themselves with the employees in their unit or shift and closely observe their general conduct on a daily basis.
  - 3. Remain alert for indications of behavioral problems or changes that may affect an employee's normal job performance. Such information should be documented by the Supervisor.

4. Where a problem is perceived that an employee may be having or causing problems, should assess the situation and determine the most appropriate action.
  5. Recommend additional training to refresh and reinforce an employee's skills.
  6. Use counseling to determine the extent of any personal or job problems that may be affecting performance; to offer assistance and guidance; to discuss minor and in frequent rule violations; and to discuss the substance and importance of rules with the employee.
  7. Document all instances of counseling or additional training used to modify an employee's behavior.
- D. The City's Personnel Policies as published in this Chapter provide the basis and the procedures to be followed for employee misconduct. The procedures listed in this S.O.P. provide the methodology and responsibility that is utilized by the Police Department.

### III. PROCEDURES

- A. Complaints - A complaint is defined as a citizen's grievance or protest of and employee's behavior or actions. The following apply to complaints:
1. All citizen complaints pertaining to Department policies, procedures or City policies and procedures that allege Police Department employee misconduct shall be documented and investigated by the department. (Minor infraction will be investigated by shift supervisors and repeated infractions may be forwarded to IA for investigation)
    - a. Complaints may be given in person, over the telephone, or in writing.
    - b. Anonymous complaints, or complaints from persons who wish their names to be held in confidence, shall be accepted for investigation.
  2. Citizen complaints may be accepted by any supervisor of the department who is approached for such assistance.
    - a. The supervisor shall promptly document the complaint in writing and promptly forward the complaint to the Office of the Chief.
    - b. The supervisor may attempt to resolve a complaint by an exploration of department rules and procedures, where applicable. Attempts to resolve complaints shall be noted on the AIC report.

- c. Upon becoming aware of, or receiving notification of potential misconduct by an employee under his/her command, a supervisor shall begin an immediate investigation of such allegations.
  - d. The supervisor's investigation shall be limited to questioning the employee, witnesses, and complainants, and securing all relevant evidence.
  - e. Upon completion of the initial supervisory investigation, the supervisor shall forward to the Chief through appropriate channels: a report of the alleged violation; all documents and evidence relating to the investigation; and a recommendation for further investigation or other disposition of the case.
3. Chief's Action on Initial Complaint
- a. Upon receipt of a complaint with the supervisor's and Division Captain's recommendations, the Chief shall assign a case number and proceed as follows:
    - 1). Direct that a full investigation be conducted by an investigator assigned by the Chief to the complaint; or
    - 2). Forward the information to the appropriate state or federal investigative agency with a request for investigative assistance; or
    - 3). Attempt to resolve the matter with the complainant informally through discussions with the employee and the employee's commanding officer; or
    - 4). Close the case.
4. Chief's Action Upon Receipt of the Investigative Report.
- a. Consult with the City Attorney, Mayor, and the District Attorney as to the filing of criminal charges if warranted; and/or
  - b. Initiate disciplinary action if warranted; or
  - c. Initiate changes in the Police Operations Manual, if warranted; and
  - d. Close the case with one of the following findings:
    - 1). Sustained: Evidence sufficient to prove allegations; or
    - 2). Not Sustained: Insufficient evidence to either prove or disprove allegations; or

- 3). Exonerated: Incident occurred but was lawful or proper; or
  - 4). Unfounded: Allegation is false or not factual; or
  - 5). Policy Failure: Flaw in Policy caused incident.
- e. Upon final approval of any disciplinary action recommended, the action will be carried out immediately.
  - f. File the case in the Office of the Chief.

#### B. Inquiries

1. An inquiry is defined as citizen contact with the Department concerning questions about policy, procedure, or tactics used by the Department.
2. When a citizen questions the actions of a Department employee and it is determined by the receiving supervisor that the employee acted within prescribed Department policy, procedure or tactics, the matter shall be handled as an inquiry.
3. The supervisor receiving the inquiry shall obtain all pertinent details from the citizen.
4. The supervisor receiving the inquiry from the citizen shall make every attempt to explain to the citizen the reasons why a particular policy, procedure or tactic is utilized by the Department.
5. All information concerning the inquiry shall be documented on the AIC Report form, including the nature of the inquiry and the response to the citizen. Any related reports or documentation concerning the inquiry shall be attached to the AIC Report form. A copy shall be forwarded immediately to the Office of the Chief.
6. If the citizen is dissatisfied with the explanation, the supervisor shall inform the Division Captain who shall contact the citizen to explain departmental procedure concerning the incident.
7. If the supervisor or Division Captain receiving the inquiry determines that the employee has not acted within prescribed departmental policy, procedure or tactics, the AIC Report form shall reflect the matter as an allegation of employee misconduct, and he shall complete the form as appropriate.
8. If the Division Captain is unable to resolve the inquiry, the matter shall be referred to the Chief of Police for further action.

9. The Chief of Police will take the following action:
  - a. Contact the citizen and attempt to resolve the issue, if not resolved; then
  - b. Refer the matter to the Mayor and City Attorney as appropriate.

C. Commendations

1. Any commendation given to an employee of the Department shall be documented appropriately on the AIC Report form.
2. Specific information about the reporting party and necessary details shall be documented along with an attachment of any pertinent written reports or documentation.
3. The AIC report of a commendation shall be processed through the Division Captain's Office with a copy of the report placed in the employee's personnel file, Division Captain's file, and with the Chief of Police.
4. Based on the actions of the employee meriting recognition, the Chief of Police will either take action to recognize or make recommendations to the City Council to recognize the employee in accordance with S.O.P. 5-2.

**IV. REPORTING** - Any citizen making an inquiry or an allegation will receive a response from the department in writing if the matter is not resolved by a verbal response. All such responses will be over the signature of the Chief of Police.

**V. CASE NUMBERS**

- A. Each allegation/inquiry/commendation will be assigned a case number by the Chief's Secretary. Every allegation that requires action will be assigned a case number. All commendations will be assigned a case number.
- B. Case numbers will be as follows: (Calendar Year) - (four digit number beginning at 0001 each year).

**VI CASE FILES** - All AIC files will be kept under lock and key in the Office of the Chief accessible only to the Chief of Police, and the Assitant Chief. Files will be filed by case number, however, a cross reference list by the name of the employee will also be kept.

**VII REVIEW** - Each time an allegation or inquiry is made against an officer but no less than once a year, all case files on the officer shall be reviewed to identify any patterns of misconduct or violence.



**LYONS POLICE DEPARTMENT**  
**COMMENDATION/ALLEGATION/INQUIRY FORM**

**Case Number:** \_\_\_\_\_  
(will be assigned by Office of Professional Standards)

Date/Time Received \_\_\_\_\_ Person Receiving \_\_\_\_\_

Type of Information \_\_\_\_\_ Date/Time of Occurrence \_\_\_\_\_  
(Commendation/Allegation/Inquiry)

Employees Involved \_\_\_\_\_

Location of Occurrence \_\_\_\_\_

Actions Questioned, Alleged, or Commended \_\_\_\_\_

\_\_\_\_\_

(If More Room Is Needed Attach Separate Sheet)

Name of Person(s) Making Report \_\_\_\_\_  
(Include Witness List on Separate Sheet if Necessary)

Address(es) of Persons Making Report \_\_\_\_\_

Telephone Numbers of Persons Making Report \_\_\_\_\_

Signature of Person(s) Making Report \_\_\_\_\_

Action of Immediate Supervisor \_\_\_\_\_

Date/Time Action Taken by Immediate Supervisor \_\_\_\_\_

Action of Division/Detail Commanding Officer \_\_\_\_\_

Investigation Recommended/Required? \_\_\_\_\_ (Yes/No)

Action of Chief's Office \_\_\_\_\_

Name of Investigator Assigned \_\_\_\_\_ (If Any)

Date/Time Investigation Completed \_\_\_\_\_

Final Disposition \_\_\_\_\_

Type of Final Action Taken \_\_\_\_\_  
(Award, Discipline, Letter to Citizen, Etc.)

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## STANDARD OPERATING PROCEDURE

EFFECTIVE: February 1, 2012

### S.O.P. 5-2 PUBLIC SAFETY AWARDS PROGRAM

- I. **PURPOSE** - To establish procedures to identify and recognize those employees, citizens, or groups who have performed exceptional services in furtherance of the Public Safety mission of the Lyons Police Department and the City of Lyons.
- II. **POLICY** - It is the policy of the Lyons Police Department, Mayor and Council that acts of meritorious service, outstanding achievement, and exceptional bravery performed by Public Safety employees or by private citizens receive formal recognition by the Chief of Police. These acts may occur in any aspect of the department's work: patrol, investigation, special operations, administration, planning or community service.
- III. **IMPLEMENTATION**
  - A. Nomination and Presentation:
    1. Certain awards may be authorized at the discretion of the Chief of Police while other awards will be approved by a vote of the Mayor and City Council on recommendation.
    2. A person or officer may be nominated for an award by the Chief of Police, Mayor, member of the City Council or by a private citizen. Nominations will adhere to a particular format. Nomination forms will be on file at the Lyons Police Department and Lyons City Hall.
    3. Nominations will include the petitioner's name, date of petition, a statement describing the reason for the nomination (articles, additional information, etc. should also be attached), and the rank of the award being nominated. Nominations should be turned in to the Chief of Police or City Hall. Approval lies with the Mayor and City Council or the Chief of Police.
    4. More than one award will not be presented to an officer for one specific performance. However, a series of awards or outstanding performances might be sufficient cause for a second award based on the entire employment history of the employee.
    5. Presentations will be made at the discretion of the Chief of Police or, in the event of special awards, the Mayor.
    6. Presentations to sworn officers will include the award and a framed citation. Civilians receiving awards will receive a plaque of appropriate design.

- B. Manner of Wearing - Awards will be worn over the right breast pocket in line with the upper stitched seam. Awards will be worn in order of rank (of the award) from right to left. No more than three awards will be worn during the normal tour of duty. All awards may be worn on special occasions. When less than three awards are worn, the awards will be centered over the breast pocket. Officers wearing awards will wear their name tag on the upper center portion of the right breast pocket flap.

#### IV. DEFINITION OF AWARDS

- A. Medal of Honor - The department's highest award granted to any employee of the department for an act of outstanding bravery or heroism, by which the employee has demonstrated in great degree the characteristics of selflessness, personal courage and devotion above and beyond the call of duty and which action as demonstrated requires deep self-sacrifice and may or may not be performed in peril of life or safety.
- B. Medal of Valor - The Medal of Valor is an award granted to any officer of the Lyons Police Department who has been seriously, critically or fatally injured under honorable circumstances while in direct performance of police duty. The award will be limited to those serious, critical or fatal cases resulting from an attack by an assailant, personal combat, or the performance of valor, or in critical or fatal cases while performing any police related duty, under honorable circumstances.
- C. Life Saving Award - The Life Saving Award is presented to an officer or civilian for the actual saving of a human life by rescue or medical related efforts. Said award should be presented when the individual's action is the only probable action resulting in the saving of a life.
- D. Distinguished Service Award - The Distinguished Service Award is awarded by the Lyons Police Department for any type of action which brings credit to the individual, the department and/or fellow officers and which displays a high degree of initiative, professionalism, job proficiency and/or outstanding ability in a sensitive situation.
- E. Community Service - The Community Service Award is presented to an officer or civilian for an outstanding act, service, or achievement which brings credit to the City of Lyons, and the community and involves performance above and beyond that which is required by the employee's or civilian's basic assignment.
- F. Civic Achievement - This award may be presented to an officer or a civilian for outstanding service, dedication and participation in civic projects that create a better environment for the citizens of the community.
- G. Meritorious Conduct - This award is presented to an officer or civilian for an accomplishment or outstanding performance in criminal apprehension or investigation or for performing a life saving deed or a life saving attempt.

- H. Officer of the Year - This award is presented to an officer of the department selected as Officer of the Year by any recognized public or civic organizations. There shall be but one such award per calendar year.
- I. Good Conduct - To receive this award an officer must have a minimum of two years service, be certified under POST guidelines and exhibit good character, efficiency, fidelity and exemplary behavior.
- J. Marksmanship Award - Awarded on an annual basis based on an average of firearms scores during the previous year. Minimum score must be 90.0.
- K. Sharpshooter Award - Awarded on an annual basis based on an average of firearms scores during the previous year. Minimum score must be 95.0.
- L. Expert Firearms Award - Awarded on an annual basis based on an average of firearms scores during the previous year. Minimum score must be 98.5.
- M. Purple Heart - The Purple Heart is granted to any officer of the Lyons Police Department wounded as a direct result of hostile action taken either against the public or a law enforcement employee. The wound received must be of such a nature as to require treatment by a licensed physician and may not be an aggravation of an existing physical condition.
- N. Educational Achievement Award - In order to qualify for this award, officers must possess the following formal educational qualifications:
  - 1. A Baccalaureate Degree in Criminal Justice or related field (Social Science, Urban Studies, Political Science, etc.); or
  - 2. A Baccalaureate Degree in any area and possess Basic Certification from POST; and have a minimum of 240 hours of specialized training in police science (FBI National Academy, LEEDS, Southern Police Institute, or any other seminars or subjects recognized by POST); or
  - 3. An Associates Degree in Criminal Justice or related subject and possess Basic Certification from POST and have 300 hours of advanced specialized training; or
  - 4. A minimum of five years experience, possess Basic Certification from POST and have 480 hours of advanced or specialized training.
  - 5. Any employee of the Department who has met the criteria of 1, 2, or 3 above prior to hiring must complete three (3) years of service prior to being eligible.
  - 6. In service training does not apply to the training hours required in 2, 3, or 4.

- O. Advanced Certification - Advanced Certification awards are presented to certified officers who have achieved any of the advanced certification levels as issued by POST. Those levels are: Intermediate, Advanced, Supervisory, Management, and Executive Certification.
  - P. Police Commendation - The Police Commendation award is bestowed for: outstanding proficiency and achievement in the field of law enforcement during the performance of duty or training; elected to a position of leadership within an organization of the criminal justice community; or who performs a task or assignment above and beyond the call of duty.
  - Q. Service Awards - Employees must have at least two years active service with the Police Department to be eligible. Awards will be presented for the following milestones: 2, 5, 10, 15, 20, 25, and 30 years of service.
  - R. Safe Driver Award - These awards are based on the same levels as the Service Awards listed above. The applicant must have an unblemished driving history while on duty or during departmental activities. Said performance will reflect no accidents, no personal injuries or damage to public or private property.
  - S. Instructor Award - To be eligible for this award the applicant must be certified by POST as an instructor.
  - T. Field Training Officer Award - To be eligible for this award the applicant must successfully complete the Field Training Officer's Training Course, be certified by POST, and be assigned as a FTO with the Department. Persons not currently serving as FTOs will not wear the award even though otherwise eligible.
- V. **APPROVAL LEVELS** - Awards in all levels may be approved by the Chief of Police, however, the award of the Medal of Honor, for actions at the peril of the employee's life may only be approved by the Mayor and City Council.

## **STANDARD OPERATING PROCEDURES**

**EFFECTIVE: February 1, 2012**

### **S.O.P. 5-3 RECEIVING CIVIL PROCESS SERVED ON THE DEPARTMENT/ EMPLOYEES**

#### **I. INTRODUCTION**

With increasing frequency, persons at all levels of government are being sued and held individually liable. Whether this arises as a direct result of an "official action" or an incident outside the scope of employment, it impacts the employee and Department. The following procedure addresses the processing of civil processes served on the Department and/or its employees:

#### **II RULES AND REGULATIONS**

##### **A. Acceptance of Civil Process**

All civil process (subpoena, notice of law suit, complaint, or summons) shall be served on and accepted only by the employee named on the process. If only the City is named, the process server shall be informed that service may be made only to the designated official.

##### **B. Employee Receipt of Civil Process**

Any employee who receives a civil process to appear as a defendant or witness in any civil action related to any circumstances arising from the performance of his/her duties shall immediately make one photocopy of the entire civil process and hand deliver the copy to the Division Captain. The civil process shall be handled as any other incoming subpoena.

##### **C. Duties of the Division Captain Upon Receiving Copies of Civil Process:**

1. If the civil process is the result of a work related activity and lists the employee as a defendant, the Division Captain shall immediately telephone the City Attorney's Office and notify him. The copy of the entire civil process shall be hand carried to the City Attorney's Office. The Division Captain shall:
2. Notify the Chief of the civil process;
3. Obtain copies of all Department reports and documents about the action;
4. Ensure the file is complete and review it with the Chief and forward it to the City Attorney's Office and the Mayors Office;

**NOTE: If the Chief determines there may be misconduct by the Department or an employee, the case shall be investigated. The City Attorney's Office will determine whether the City has any legal interest in the matter and return its recommendations to the Chief of Police.**

D. Procedure When Civil Suit is Likely

When an employee has reason to believe that he may be sued due to circumstances arising from the performance of his/her duties as a city employee, but has not been served civil process, he shall immediately notify his/her supervisor by memorandum. The memorandum shall outline his/her actions in the incident and his/her reason for believing a civil suit will result. The supervisor shall then forward the memorandum and related reports to the Division Captain who shall notify the Chief of Police.

E. Civil Process Arising from Non-Official Actions

When any employee has reason to believe that he may be sued due to circumstances not arising from the performance of his/her duties as a city employee, but may have an effect on his/her employment or have an adverse effect on the Department, he shall immediately notify the Chief of Police, whether or not he has been served with civil process.

F. Procedure when an Employee Starts a Civil Suit Related to Employment with the City.

When an employee plans to start any civil action resulting from his/her employment with the city, he shall notify the Chief of Police.



## **STANDARD OPERATING PROCEDURES**

**EFFECTIVE: February 1, 2012**

### **S.O.P. 5-4 NEW HIRES PROCEDURES FOR SWORN OFFICERS**

#### **I. INTRODUCTION**

Selecting an individual to begin the process of becoming a sworn officer with the Lyons Police Department is one of the most important tasks members of the department can perform. While governed to a large extent by the Personnel Policies of the City of Lyons and the Peace Officers Standards and Training Act, it is incumbent on the department to establish high standards for prospective officers. Any part of this S.O.P. found to be in conflict of either the Personnel Policies of the City of Lyons or the Peace Officers Standards and Training Act shall be null and void.

#### **II. RULES AND REGULATIONS**

Eligibility is based upon the following Items A, C, D AND E below are standards that an applicant must pass in order to be eligible for employment. The remaining items are a progressive scale with an overall cumulative value. The selection process will follow the below events in the order listed.

- A. Physical Examination - Each candidate shall be required to complete a physical examination conducted by a MD. of the City's choice. This will normally be scheduled by the Personnel Office.
- B. Psychological Screening - Each candidate shall undergo a psychological screening as scheduled by the Personnel Office.
- C. Drug Screening - Each candidate shall undergo a drug screen as scheduled by the Personnel Office.
- D. Background Investigation - Each candidate shall be subject to a complete background investigation not limited to but to include criminal records check, driver's records and history check, personal references, and work history and shall give the department permission to conduct same. Any omissions or wrong information provided by the candidate may be cause for rejection of the application.
- E. Interview - Each candidate shall be interviewed by a board consisting of the Chief of Police and at least two senior supervisors.
- F. Polygraph/Voice Stress - Each candidate shall be subject to a polygraph examination and/or Voice Stress Test by a certified operator. Any deception on the polygraph may be cause for rejection of the application.

**III. APPLICANT PROCESSING**

- A. All applicants shall be processed through the Personnel Office of the City of Lyons.
- B. Only the Personnel Officer or designee shall advise the candidate of the acceptance or rejection of an application.
- C. Candidate will be notified acceptance or rejection within 60 calendar days.

## STANDARD OPERATING PROCEDURES

EFFECTIVE: February 1, 2012

### S.O.P. 5-5 BACKGROUND INVESTIGATIONS

#### I. PURPOSE:

The purpose of this policy is to establish a uniform procedure to conduct background investigations on applicants.

#### II. POLICY

It shall be the policy of the Lyons Police Department to conduct a background investigation on all applicants for employment with the Department. The background investigation is conducted to determine the suitability and qualifications of the applicant.

#### III. PROCEDURES:

- A. The Chief of Police is charged with the responsibility to conduct a background investigation concerning Police Department applicants. This responsibility is hereby delegated to the Assistant Chief or his designee. This investigation is conducted to determine the suitability and qualifications of the applicant. Information developed during background investigations will be considered **CONFIDENTIAL** for the official use of the Assistant Chief, the Chief of Police, and the Personnel Manager. All background investigations will remain on file permanently. The investigation should develop information to determine the following:
1. Character of the applicant, including but not limited to integrity, habits, associations, self control, temperament, honesty, dependability, and personality;
  2. Previous employment performance, including nature, quality and quantity of work, attendance, attitude, and relationship with other employees.
  3. Arrest and conviction record. Contacts with law enforcement officers to determine past relations with law enforcement officers and attitude concerning enforcement of laws.
  4. Verification of information furnished by the applicant.
- B. Method of conducting the investigations shall consist of, but not be limited to the following:
1. A pre-background interview will be conducted by the investigating officer which has been assigned the background investigation upon referral and after the applicant has met the prerequisites of education, age, physical condition, and the assessment (if required).

2. This interview will be for the purpose of verifying the accuracy and completeness of the information on the application, soliciting any additional information to assist in the background investigation, fingerprinting and photographing the applicant, and obtaining necessary authorization forms for the release of any confidential information required.
  3. The interviewer will review the application with the applicant to ensure that the applicant's background as to employment and periods of unemployment are listed from high school to the present without any omissions.
- C. Verification of a candidate's qualifying educational credentials, i.e. high school and/or college transcripts.
- D. Records of all previous employers will be checked to verify dates of employment and obtain other pertinent information.
1. The previous employer or a logical supervisor at each place of employment will be contacted to determine work habits.
- E. Neighborhood Investigation. Where reasonably practicable a minimum of two neighbors who evidence reasonable knowledge of the applicant should be contacted for purposes of determining conduct (i.e. domestic relations). Additional neighborhood verification may be required to confirm or disprove unfavorable information.
- F. A minimum of three personal references shall be verified.
- G. A complete arrest and conviction record check will be conducted on the applicant.
- H. The Investigator may interview other sources identified during the investigation who may possess relevant knowledge of the applicant's qualifications as set forth above.
- I. Information furnished by the person interviewed should be factual or that person's opinions on the basis of personal observations, etc. Hearsay, rumors, etc. will be unacceptable and will not be documented; however, such information may be utilized as possible investigative lead information to verify or disprove such hearsay, rumors, etc.
- J. Civilian Employees - The extent of the background investigation conducted on applicants for non-sworn positions will be determined on:
1. The basis of the sensitivity of the position;
  2. Access of the potential employee to confidential information.

#### **IV. EVALUATION OF INFORMATION**

- A. At any time the investigation clearly develops conflicting information indicating that:
  - 1. The applicant has falsified the application or;
  - 2. Develops information clearly indicating the applicant does not meet the basic qualifications as set forth in the standards of a police officer, the investigation may be suspended.
- B. The investigator may re-interview the applicant to obtain satisfactory explanation and thereafter conduct any reasonable investigation to clarify or disprove the conflicting or disqualifying information.
- C. If the applicant is re-interviewed and any additional reasonable investigation does not disprove or clarify the conflicting or disqualifying information, further investigation will be discontinued and a report will be prepared in accordance with paragraph "A" and submitted to the Chief of Police. A cover page will reflect that the investigation has been discontinued because the investigation revealed the applicant furnished false information or was otherwise disqualified, setting forth the reasons.
- D. If the investigation clearly reveals the applicant does not meet the basic qualifications, the Chief of Police will review the report and forward the report to the Personnel Manager.
- E. If the investigation does not develop information which clearly disqualifies the applicant, the following evaluation procedure will be followed:
  - 1. An interview with the applicant is scheduled by the Personnel Manager with the Chief of Police, the Personnel Manager, and other members of the Police Department.
  - 2. Upon completion of the interview, the Chief of Police shall make a recommendation to the Personnel Manager as to whether or not the applicant is offered a position, contingent upon the successful completion of other criteria.
- F. Purging the Records - Applicant investigations and records of persons who are not offered a position with the Lyons Police Department shall be kept on file for a period of one year. Applicants who become employed by the City of Lyons Police Department shall have a permanent personnel file, which will be maintained by the Personnel Manager.

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## STANDARD OPERATING PROCEDURES

EFFECTIVE: February 1, 2012

### S.O.P. 5-6 POLICE OFFICER DOMESTIC VIOLENCE

- I. **PURPOSE** - This policy acknowledges that some police officers commit domestic violence against their intimate partners. The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving police officers. This policy will provide guidance in addressing incidents where one (or more) party to a possible domestic violence incident is an employee, whether sworn or civilian, of any rank in the department.
- II. **POLICY** - The policy takes a continuum approach, seeking first to educate at all phases of an officer's career, then prevent, or interdict, domestic abuse situations early on in order to reduce victimization of the partner and increase the chances of officer career stability. Where incidents of domestic violence are alleged to have occurred, the department will act quickly to protect the victim, arrest the perpetrator, and conduct parallel administrative and criminal investigations. This policy delineates a position by the department of absolute intolerance (i.e., zero tolerance) of domestic violence. An officer found guilty of domestic violence, either through criminal court or an administrative hearing, shall have his/her police powers revoked. Once implemented, the policy will apply to past convictions, and existing and future police officer domestic violence crimes.

### III. DEFINITIONS

Domestic violence: For the purposes of this policy, refers to any act of violence (threatened or actual) including but not limited to:

- \* bodily injury or threat of imminent bodily injury
- \* sexual battery
- \* physical restraint
- \* property crime directed at the victim
- \* violation of a court order of protection, or similar injunction
- \* death perpetrated by a police officer (on or off duty) or any police department employee upon his or her partner. Partner is defined as any individual with whom the officer:
  - \* is or was legally married
  - \* has a child in common
  - \* is or has cohabitated
  - \* has or had a dating relationship
  - \* is specified as such by state law.

- IV. **PROCEDURES** - This policy applies to past convictions for domestic violence, as well as existing and future offenses. Federal law prohibits police officers that have been convicted of misdemeanor domestic violence crimes from possessing a firearm.

A. Prevention, Education, and Training - The department will adhere to a zero tolerance policy towards police officer domestic violence and violations of the policy will not be tolerated. The department will provide training to officers on domestic violence and the zero tolerance policy throughout all phases of a police officer's career.

1. Prevention Through Collaboration

- a. The department shall collaborate with local domestic violence victim advocacy organizations, coordinating councils, and state domestic violence coalitions in the development of domestic violence training curricula and shall use local advocates in the training of officers.
- b. The department shall collaborate with local and national law enforcement agencies that have already implemented domestic violence training. The information gathered can serve as a guideline for the development of domestic violence training curricula, and experienced officers from these jurisdictions can assist in training within the department.
- c. The department shall provide copies of all departmental protocols and policies on domestic violence to local domestic violence victim advocacy organizations.
- d. The department shall provide training where requested to local domestic violence victim advocacy organizations on the department's domestic violence policies and protocols.

2. Education - Upon implementation of the policy, all Officers shall receive instruction on the policies and procedures contained herein.

B. Early Warning and Intervention

1. Pre-Hire Screening and Investigation

- a. The Department shall conduct thorough background investigations of all potential new employees to determine if elder abuse, child abuse, and/or domestic violence issues exist.
- b. All candidates shall be asked about past arrests or convictions for elder abuse, child abuse, and/or domestic violence-related incidents and past civil protection orders.
- c. Those candidates with a history of perpetrating elder abuse, child abuse or domestic violence shall be screened out at this point in the hiring process.



2. Post-Conditional Offer of Employment
  - a. The department shall require a psychological examination of all viable candidates to be performed by an experienced psychologist and/or psychiatrist.
  - b. The psychological screening will focus on indicators of violent or abusive tendencies or behaviors in their background.
3. Department Responsibilities
  - a. The department shall either in response to observed warning signs or at the request of an officer provide non-punitive avenues of assistance to officers, their partners, and other family members before an act of domestic violence occurs.
  - b. Employees may seek confidential referrals to confidential counseling services either internally or in collaboration with existing community services that have specific expertise in domestic violence.
  - c. Officers who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality. The report of such criminal conduct must be treated as an admission of a crime and shall be investigated both criminally and administratively.
4. Supervisor Responsibilities
  - a. Demonstration of inappropriate aggressive behaviors while conducting police business shall be documented for consideration by supervisors. These behaviors include the following: stalking and inappropriate surveillance activities, unusually high incidences of physical altercations, injuries, or verbal disputes.
    - 1). Supervisors shall maintain close supervision of officers whose behavior is inconsistent with acceptable standards for on-duty problem resolution.
    - 2). Supervisors shall monitor frequent tardiness and absences.
    - 3). Supervisors shall proactively inquire about all on- or off-duty officer injuries.
    - 4). Supervisors shall immediately make their ranking supervisor aware of any and all such behaviors.

- b. Supervisors shall be cognizant of and document all behavior, on or off duty, where officers may be exhibiting signs of possible domestic violence-related problems; including increased use of force during arrests, alcohol and/or drug abuse, increase in controlling behaviors, stalking activity, citizen and fellow officer complaints of unwarranted aggression and verbal abuse, and inappropriate aggression toward animals.
  - 1). Supervisors shall immediately make their ranking supervisor aware of any and all such behaviors.
  - 2). The Chief of Police shall be informed of such circumstances or concerns in a timely manner through the department's chain of command.
  - 3). Supervisors shall prepare and submit written requests for evaluating an officer's mental and physical well being by suitable professionals when behaviors or circumstances deem appropriate.
  
- 5. Police Officer Responsibilities
  - a. Officers are encouraged and entitled to seek confidential assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
  - b. Officers with definitive knowledge of abuse and/or violence involving fellow officers must report such information in a timely manner to their supervisor. Failure to do so will subject the officer to investigation, disciplinary action, and possible sanction and/or criminal charges.
  - c. All officers shall be aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, he/she shall prepare a written report and immediately deliver it to the investigator in charge of the case through the proper chain of command.
  - d. Officers who engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow officers or intimidate witnesses will be subject to investigation, disciplinary action, and possible sanction and/or criminal charges.
  - e. Officers who fail to cooperate with the investigation of a police officer domestic violence case will be subject to investigation, and possible sanction and/or criminal charges.

- f. An officer who falsely reports that a victim of police officer domestic violence has committed a crime (such as child abuse or neglect) will be subject to investigation, and possible sanction and/or criminal charges.
- g. An officer who is the subject of a criminal investigation, protective or restraining order related to domestic violence, regardless of jurisdiction, is required to report him/herself to his/her supervisor and provide notice of the court dates, times, appearances, and proceedings in a timely manner.
- h. An accused officer who is the subject of any civil protective order proceeding, whether or not the order is issued and regardless of jurisdiction, shall notify his/her supervisor in a timely manner and provide a copy of the order, if issued, to his/her supervisor.

C. Incident Response Protocols

1. Department-wide Response

- a. The department shall accept, document, and preserve all calls or reports, including those made anonymously, involving possible police officer domestic violence as "on-the-record" information.
- b. All reports of possible criminal activity implicating police officers in domestic violence shall be documented in accordance with the policies governing the handling of all reports of domestic violence by citizens. A criminal incident report shall be completed including details on date, time, location, circumstances, names (if known), officials notified, and actions taken; a case file number shall be assigned and the report filed.
- c. A copy of the report detailing the possible criminal activity implicating an officer in domestic violence shall be directed to that officer's immediate supervisor.
- d. All such incident reports shall be made available by the department to the involved victim without cost.

2. Communications Response

- a. Communications officers/dispatchers shall be instructed to assign top priority to all domestic violence calls, including those that involve or appear to involve a police officer of any department.

- b. Communications officers/dispatchers shall document all domestic violence calls received that involve, or appear to involve, a police officer and immediately notify the supervisor, regardless of the involved officer's jurisdiction.
  - c. Communications officers/dispatchers shall prepare and preserve documentation of the facts and circumstances of the call, including the dispatch tape, for use in potential criminal or administrative investigations.
  - d. Communications officers/dispatchers shall have available current lists of local domestic violence victim advocacy organizations for on-scene supervisors to provide to victims.
3. Patrol Response
- a. Upon arrival on the scene of a domestic violence call/incident involving a police officer, the primary patrol unit shall immediately notify dispatch and request a supervisor be sent to the scene, regardless of the involved officer's jurisdiction.
  - b. If the alleged offender has left the scene and probable cause exists, the responding officers shall
    - 1). Search the area as appropriate
    - 2). Obtain information from victim, family, and witnesses as to where the offender may have gone
    - 3). Seek an arrest warrant.
4. On-Scene Supervisor Response
- a. A supervisor shall report to the scene of all police officer domestic violence situations, regardless of the involved officer's jurisdiction.
  - b. The on-scene supervisor shall assume command, ensure that the crime scene is secure and that all evidence is collected, including color photographs. Video documentation of the victim and scene shall be recorded where such resources are available.
  - c. In cases where probable cause exists, the on-scene supervisor shall ensure an arrest is made.

- d. If the offender has left the scene, the supervisor shall ensure a search is conducted and an arrest warrant is obtained.
- e. Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor shall ensure that a thorough investigation is conducted and an arrest of the primary aggressor is made in accordance with state law.
- f. Whenever an officer is arrested, the supervisor shall relieve the accused officer of his/her service weapon regardless of whether the officer is a member of the responding department. Where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer shall be removed to ensure the victim's safety.
- g. Whenever a police officer domestic violence call does not result in an arrest, the on-scene supervisor shall submit a written report explaining any and all reasons why an arrest was not made or a warrant was not sought.
- h. The on-scene supervisor shall ensure the victim is informed of the following:
  - 1). The availability of an on-scene advocate.
  - 2). Confidential transportation to a safe house, shelter, or any other location that ensures victim safety.
  - 3). Procedures for obtaining restraining and/or protective orders and victim rights.
  - 4). The standard of probable cause for arrest including the signature to appear on the complaint.
  - 5). Judicial process, victim rights, and compensation following an arrest.
  - 6). Written information on community resources and local domestic violence victim advocacy organizations.

5. Additional Critical Considerations

- a. When responding to a domestic violence complaint involving a police officer from another jurisdiction, all responding officers, investigators, and supervisors shall follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from their own department. The responding supervisor shall notify the chief of police, or his/her designee, in the accused officer's jurisdiction verbally as soon as possible and in writing within 24 hours.
- b. In the event that the reported incident involves the chief of police, the supervisor shall immediately notify the Mayor.
- c. In responding to domestic violence situations where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.
- d. In responding to domestic violence incidents where the parties involved are both police officers, standard domestic violence response and investigation procedures should be followed. After probable cause and dominant aggressor are determined, an arrest should be made and all service weapons of the accused officer confiscated.

6. Department Follow-Up

- a. The supervisor shall in a timely manner debrief all officers who respond to a police officer domestic violence call. During the debriefing, the supervisor shall
  - 1). Review department confidentiality guidelines.
  - 2). Reaffirm that officers share information only on a need-to-know basis.
  - 3). Establish a clear delineation of assignments in order to assist victims in a coordinated and consistent manner.
- b. Arrest warrants charging police officers with domestic assault and civil protective orders issued at a later time shall be served by no fewer than two officers with at least one being of senior rank to the officer being served.

- c. On-scene and follow-up investigators shall proactively seek out information on existing restraining and/or protective orders and, if found, shall enforce them.
- d. Following the reported incident, the department shall designate a member of the command staff specifically trained in conducting lethality assessment and safety planning to act as a principal contact for the victim. The assigned officer will keep the victim apprized of the case throughout the adjudication process and provide the victim with a copy of the incident report.
- e. A specially trained member of the command staff shall conduct an assessment to determine the potential for further violence on the part of the accused officer. Based on the outcome, the department will need to make decisions concerning referrals, duty assignments, and administrative actions.

D. Victim Safety and Protection

- 1. Working with community resources and advocacy agencies, the department shall make available all necessary and appropriate services to each victim.
- 2. All officers shall keep all information concerning victims confidential, including their whereabouts, safety plan, and any communications.
- 3. The command staff officer shall inquire whether the victim wants any weapons removed from his/her home for safekeeping by the department.
- 4. The command staff officer designated as the victim's principal contact shall conduct a lethality assessment with the victim. The information gained shall be incorporated into the safety plan developed with the victim.
- 5. All officers shall be aware of the increased danger to victims when the victim leaves an abusive partner, and the designated command officer shall caution the victim to be alert to stalking activities on the part of the abuser and assist in safety planning.
- 6. The command staff designated as principal contact for the victim shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.

7. All officers shall be aware of possible witness or victim intimidation/coercion. Whenever an officer suspects this is occurring, he/she shall prepare a written report and immediately deliver it to the investigator in charge of the case through the proper chain of command. In order to ensure coercion is not being attempted, the investigator in charge shall seek out secondary sources of information. Given the likelihood that a victim will recant, supplemental evidence should be sought out and preserved.
- E. Post-Incident Administrative and Criminal Decisions – The Department shall conduct separate parallel administrative and criminal investigations of alleged incidents of police officer domestic violence. If the facts of the case indicate that domestic violence has occurred or any departmental policies have been violated, administrative action shall be taken separate and distinct from any criminal proceedings as soon as practicable. Independent of the outcome of the criminal case, the department shall adhere to all positions and policies relating to the incident. The department will adhere to/observe all necessary protocols to ensure an accused officer's departmental, union, and legal rights are upheld during the administrative and criminal investigations.
1. Administrative Investigations and Decisions - The responsibility to complete the administrative investigation of a police officer domestic violence incident shall rest with the Office of the Chief.
    - a. The investigating official shall conduct an administrative investigation utilizing standard elements of criminal investigations. Witnesses shall be contacted, re-interviewed, and statements recorded; crime scene evidence, photographs and medical records accessed, 911 tapes requested, and all information fully documented.
    - b. Where sufficient information exists, the department shall take immediate administrative action to intervene, which can include removal of badge, removal of weapon, reassignment, administrative leave with or without pay, or termination.
    - c. Where an arrest was not made, but sufficient concern exists, the department shall initiate an independent administrative investigation and decide the officer's status based on the outcome of the investigation.
    - d. In determining the proper course of administrative action, the department shall consider factors such as level of danger an officer poses to the victim (based on risk assessment measures), an officer's history of compliance with departmental rules, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.



- e. Pending the administrative and criminal investigations for alleged acts of domestic violence and/or violation of departmental policies, the department shall assign the accused officer to duties that do not require response to domestic violence cases.
2. Criminal Investigations and Decisions - The responsibility to complete a criminal investigation of an incident of police officer domestic violence shall rest with the criminal investigations division or the GBI at the discretion of the Chief of Police.
- a. The investigating official shall conduct criminal investigations as she/he would for any other criminal violation. Witnesses shall be contacted, statements recorded, evidence collected, photographs taken of the scene and injuries, medical records accessed, dispatch tapes requested, and all information fully documented.
  - b. When appropriate, the investigating official or department shall conduct sufficient interviews (taped) to support criminal charges, to include family members, friends, neighbors, colleagues, or others who may have information in accordance with the officer's and victim's privacy rights.
  - c. Even though an initial report may already exist concerning a police officer, if the victim reports any subsequent or additional criminal activity, each incident shall be documented separately, assigned a case number, and investigated thoroughly.
  - d. The department shall completely investigate the charges and where warranted seek prosecution even if the victim recants the charges.
  - e. The department shall establish a liaison to work with the prosecuting/district attorney for each case. This officer shall present the information to the prosecuting or district attorney for proper action in a timely fashion and request that the prosecuting attorney in turn make timely decisions about the adjudication of the case.
  - f. The investigating officer shall request filing of court papers/complaints, as with any other case for criminal prosecution.

3. Criminal Conviction

- a. Federal law prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms. The department shall ensure compliance with federal law.
- b. Any police officer convicted of a domestic violence crime as defined herein shall have his/her police powers revoked and his/her employment terminated.

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