

| | |
|--|---|
|  <p style="text-align: center;"> <i>University of Pittsburgh</i> <i>Police Department</i> Rules & Regulations Manual </p> | Reference Number: 2 – 1 (Chapter / Section) PLEAC 1.8.1, 1.4.2 |
| | Issue Date: 10-29-04 Rev. 03-02-09 Revised: 12/2018 |
| | Effective Date 11-01-04 |
| | Rescinds: All Previous |
| | Amends: N/A |
| Title: Standards of Conduct |  <hr/> By Order of James R. Loftus, Chief of Police |

1.0 Policy

It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the law enforcement officer's code of ethics and this department's statement of values so that officers of this department will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty. The rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations or prohibitions on officer conduct and activities established by this department. Rather, they are intended to (1) alert officers to some of the more sensitive and often problematic matters involved in police conduct and ethics; (2) specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of law enforcement officers; and (3) guide officers in conducting themselves and their affairs in a manner that reflects standards and department and professionalism as required of law enforcement officers. Additional guidance on matters of conduct is provided in regard to specific policies, procedures, and directives disseminated by this department and from officers' immediate supervisors and commanders. Violations of these standards of conduct, as determined by the department, may result in disciplinary action in accordance with procedures found in the collective bargaining agreement.

2.0 Performance of Duty

Members shall conscientiously strive to enforce the laws of the Commonwealth of Pennsylvania and the rules and regulations of the University of Pittsburgh. In the course of their duties, members will render service to all citizens they may encounter. Members shall also be held responsible for the proper performance of all duties assigned to them; the appropriate use of delegated authority; and strict adherence to the rules, regulations, and directives promulgated by the police department. Ignorance of the rules, regulations and directives shall not be considered an excuse or justification for any violation of such by a member. Members shall be responsible for their acts and shall not attempt to shift the burden of responsibility for executing or failing to execute a lawful order or police duty. Supervisors shall ensure that members are given commensurate authority necessary for the effective performance of duty.

3.0 Unbecoming Conduct

Unbecoming conduct is that type of conduct which could reasonably be expected to destroy public respect for University of Pittsburgh Police officers and guards and/or confidence in the Department. Members shall not conduct themselves in a manner which is unbecoming to a police officer or guard.

4.0 Conformance to Laws

Members shall conform to and abide by the laws of the United States, Commonwealth of Pennsylvania, all states of the United States, and subdivisions thereof.

While traveling abroad, members shall abide by the laws of foreign countries, insofar as the laws do not conflict with the laws of the United States.

All employees are required to immediately report to their supervisor any of the following occurrences in any jurisdiction: when they are:

- A. The subject of a criminal investigation, criminal non-traffic citation, arrest, conviction;
- B. Order of protection, restraining order, no-contact order and/or anti-harassment order pertaining or related to domestic violence, or
- C. When there is any change to their Pennsylvania driver's license status pertaining to expiration, revocation and/or suspension.

Violation of any law shall be critically reviewed by the Department to determine the appropriate level of discipline, up to and including dismissal.

5.0 Loyalty to Department

Members shall not publicly criticize the department, its policies or other members or employees by talking, writing, or expressing in any other manner, where such talking, writing or other expression is defamatory, obscene, or unlawful, or when the member knows that such criticism is false.

6.0 Dissemination of Information

Members shall not disseminate, in any manner, any confidential information of the Department or its members, without proper authority. For the purpose of this regulation, confidential information shall be defined as information which:

- A. The disclosure thereof could:
 - Endanger a member, or any other person
 - Impede a just disposition of a case
 - Aid a person to escape arrest
 - Delay the apprehension of a criminal
 - Permit the removal of stolen property or evidence by a suspect
 - Compromise or negate the judicial process
 - Violate a statute of the United States or this Commonwealth pertaining to the release of designated confidential information
 - Make known the contents of an internal or criminal investigation record or report to an unauthorized person.

- B. Would identify a person who is acting as a confidential informant; however, members may divulge such identity to other members when it is authorized by proper authority and necessary in the performance of police work.

Members may be assigned to positions or functions whereby they will come in contact with information pertaining to the internal administration of the Department, development of procedures and programs, or publicly sensitive matters. Such information shall be regarded as restricted, and members shall exercise prudent consideration prior to divulging the substance or contents of same to any unauthorized person. Members failing to exercise such prudent consideration shall be subject to being reassigned or otherwise disciplined.

Members may remove or copy official records or reports from the Department only in accordance with existing regulations and procedures and with proper authority. Members may divulge, make known, or exhibit the contents of an official file or record only:

- To duly authorized police officers or agencies;
- As provided by law and with approval of the Chief or Commander;
- Under Subpoena Duces Tecum served on an official of the Department

7.0 Seeking Publicity

Members shall not directly or indirectly seek publicity for themselves through the press, radio, television or other news media; nor shall they furnish information to same for the purpose of gaining personal recognition as a police officer.

8.0 Badge of Office

- A. The term, "badge of office" shall include: the identification card, business card, badge, official position, title, uniform, or any other tangible or intangible thing by which it can be construed that the concept "University of Pittsburgh Police Department" is being interjected. Members shall not:
1. Participate in any form of solicitation where use is made of their badge of office, without written approval of the Chief of Police. "Participate", as used in this subsection, is not limited in its definition to active conduct by the members, but rather extends to tacit approval of the use of the members' badge of office by any other party.
 2. Use any insignia or emblem designating the University of Pittsburgh Police Department, which could be reasonably construed to represent the University of Pittsburgh Police Department individually or as a member of an organization in which the member is an officer, chairperson, etc., in the context with any promotion, solicitation, fund-raiser or merchandising effort without the written approval of the Chief of Police.
 3. Use or permit the use of their badge of office for personal or financial gain.
 4. Use or permit the use of their badge of office for the benefit of any individual or group of individuals, except with the written approval of the Chief of Police.

5. Seek or accept any form of reward or remuneration, excluding wages paid by the Department, as a result of their conduct while acting within the authority of their badge of office, except as directed by the Chief of Police.
 6. Use or permit the use of their badge of office in any manner wherein it can reasonably be construed that preferential treatment is desired by members.
- B. Members shall not appear at any non-department function or engage in any activity while in uniform, off duty, without the prior approval of the Chief of Police or his designee. This does not apply to travel between the member's residence and official details.
 - C. It is the specific intent of this section to limit the use of the members' badge of office to matters within the scope of their employment. This section shall not be construed to restrict members in the free exercise of constitutionally protected freedoms that are not necessarily limited by the conditions of their employment.
 - D. EXCEPTION: The use of the name "University of Pittsburgh Police" or an insignia or emblem designating or representing the Department may be used in conjunction with a publicly accepted, legally constituted, charitable function upon approval and any questions concerning the appropriateness of a charity shall be directed to the Chief of Police.

9.0 Display of Identification

Whenever members take any police action, especially while in plain clothes, they shall promptly and respectfully identify themselves by giving their name, rank and badge number to person(s) involved. Members shall also furnish their name, rank and badge number in a respectful manner to any citizen who may reasonably request the same.

10.0 Associations

Members shall avoid associations or dealings with known racketeers, illegal gamblers, and persons who have a reputation in the community for criminal behavior, except in the performance of duty.

11.0 Visiting Prohibited Establishments

Frequenting, visiting, or entering a house of moral turpitude, gambling house, or establishment wherein any criminal law of the United States, the Commonwealth of Pennsylvania or any other state is violated, is permitted only in the performance of duty.

12.0 Address, Telephone Number and Driver's License

Members shall provide a current address and telephone number to the administrative assistant and any changes must be provided within 48 hours. No one from the department shall release this or any personal information of another employee. All members of the Department must possess a current and valid Pennsylvania Driver's License and in the event of a revocation or suspension of his/her driving privileges, the member must notify the Chief of Police immediately.

13.0 Reports

Members shall submit all necessary reports on time and in accordance with existing regulations. Reports shall be truthful and no member shall knowingly enter or cause to be entered any inaccurate, false, or improper information or date, or misrepresent the facts in any record or report.

14.0 Reporting of Information

Members shall report to their supervisor all information that comes to their attention concerning any crime or violation of any laws on campus. Members shall also report any dangerous conditions or safety concerns for the campus community.

15.0 Interference with Investigations, Arrests and Prosecutions

Members shall not interfere with an investigation assigned to another member for investigation, except by order of their supervisor. Members shall not interfere in any lawful arrest or prosecution brought by another member of the department or by any other agency or person.

16.0 Internal Investigations

Whenever there is public criticism of the Department or when complaints are received in connection with any police action; investigation or inquiry indicating misconduct of personnel; harassment or intimidation of subjects, individuals, or groups; or dereliction of any nature by the department or members of the Department; all members engaged in such police action; investigation; hearing or other inquiry; shall prepare written statements, at once, setting forth the facts in order that a record will be available for future reference. Due to the internal administrative nature of such police action, investigation, hearing or other inquiry, all members are required to truthfully and completely answer all questions relating thereto. Procedures in cases that will result in criminal prosecution will include those rights accorded to all citizens of the Commonwealth of Pennsylvania and the United States.

Members shall not exert, or attempt to exert, any influence on any of the participants in any disciplinary investigation or procedure, except as provided by law or regulation.

17.0 Alcoholic Beverages in Department Offices or Vehicles

Alcoholic beverages shall not be brought into, or stored in, any department office or vehicle, except in an emergency situation, on orders from a supervisor, or when it has been officially seized as evidence or recovered property.

18.0 Use of Alcohol - Off Duty

Members, while off duty, shall not consume alcoholic beverages to the extent that it results in public behavior which could reasonably be expected to destroy public respect and/or confidence in the officer and/or Department; or renders the member unfit to report for their next regular tour of duty.

19.0 Use of Alcohol - On Duty

Members shall not report for duty while under the influence of alcohol. Members shall not consume alcohol while on duty, unless it is necessary to properly perform assigned functions as directed by their supervisor. For members authorized to consume alcohol while on duty, it is incumbent that they do not consume to the extent that they would be in violation of the laws of this Commonwealth of Pennsylvania.

20.0 Use of Drugs

The ingestion of any controlled substance, as defined by Act 64, The Controlled Substance, Drug, Device and Cosmetic Act, or prescription drug by members, either on or off duty, when the substance or drug has not been prescribed by a licensed medical practitioner, is prohibited.

The abuse of any drug, whether on or off duty, and whether prescribed or not, is prohibited.

- A. Abuse of a legally prescribed drug refers to the inappropriate use of a prescription drug by not following the directions of the licensed medical practitioner regarding dosage, intermixing of drugs and alcohol, misappropriation of a prescription, etc.
- B. Abuse of a drug/chemical compound not requiring a prescription refers to the inappropriate use of nonprescription drugs resulting in an adverse effect on a member's job performance or public behavior which could reasonably be expected to destroy public respect of the member and/or the Department.

When members take any legally prescribed drug or nonprescription drug and have reason to believe that it will functionally impair their duty performance, it shall be reported to their supervisor immediately prior to engaging in any duty activity.

The intentional use or ingestion of a controlled substance by members during an undercover assignment for the purpose of furthering an investigation is prohibited. In the event members accidentally, passively or unintentionally ingest or use a controlled substance, or if members intentionally ingest or use a controlled substance in the performance of their official duty, they shall immediately notify a supervisor and submit correspondence explaining in detail the circumstances, including date, time, location, the controlled substance involved, etc.

See The University of Pittsburgh Drug-Free Workplace/Drug-Free Schools Policy as it applies to members of the Department.

21.0 Carrying of Weapons and Ammunition

Police officers, while on duty shall carry the issued or authorized pistol and ammunition. Prior to carrying any handgun on duty, the police officer must be qualified with the weapon in accordance with the department firearm's policy and the weapon shall be registered on the log in sheet at the firearm's range and the record kept with the department.

Police officers, while on duty shall carry only those weapons specifically authorized by the department. Questions concerning what weapons are authorized should be referred to the Chief's standing order.

Police officers who are armed and in civilian clothes shall conceal their weapon(s) from public view.

If the carrying of weapons in a court is restricted by any federal, state or county court judge, officers shall not carry any weapon(s) in that court and may surrender any weapon(s) for secure storage at the court.

The provisions of this section do not apply to officers carrying weapons/ammunition while off duty as permitted by law for purposes such as hunting, fishing, target shooting, etc.

22.0 Use of Firearms and TASER

The use or handling of firearms and TASER's by members in a careless or imprudent manner, or the unjustified endangering of human lives by firearms in violation of the rules and regulations thereto, is strictly forbidden.

23.0 Courtesy

- A. Conduct and Demeanor: Courtesy toward the public shall be strictly observed. The conduct and deportment of members shall always be civil, orderly and courteous. Members shall be diplomatic and tactful in the performance of their duties, controlling their temper, and exercising the utmost patience and discretion. Members shall not engage in argumentative discussions even in the face of extreme provocation. However, when required, they must act with firmness and sufficient energy to properly perform their duties. Members shall at all times, while on duty or in uniform, refrain from using coarse, violent, profane, or insolent language, and from voicing or acting upon any bias or prejudice concerning race, religion, national origin, sex, sexual orientation, age, handicap, or politics.
- B. Addressing the Public: While on duty in any capacity, members shall at all times address the general public, defendants, and all other persons by their surname and not their first name, e.g., Mr. Smith, Mrs. Jones; not Jim or Mary. Professionals shall be addressed by their titles.
- C. Honors to the Colors and National Anthem:

In Uniform, wearing a hat: When the National Anthem is played:

A member, who is not in formation (in formation, hand salute only on the order PRESENT ARMS) or in a vehicle, shall come to attention at the first note, face the flag, and render the hand salute. If the flag is not flying, the member will face the music and salute. The salute is held until the last note of the music is sounded.

In uniform, NOT wearing a hat: When the National Anthem is played:

A member, who is not in formation (in formation, hand salute only on the order PRESENT ARMS) or in a vehicle, shall come to attention at the first note, face the flag, and place their right hand over their heart. If the flag is not flying, the member will face the music and place their right hand over their heart. This position is held until the last note of the music is sounded.

Not in Uniform: When the National Anthem is played:

When the National Anthem is played, a member wearing civilian clothes will stand at attention. If wearing a hat, the hat shall be removed with the right hand and placed and held against the left shoulder.

24.0 Conduct Toward Fellow Employees

Members shall conduct themselves in a manner that will foster cooperation among members of this department, showing respect, courtesy and professionalism in their dealings with one another. Employees shall not use language or engage in acts that demean, harass, or intimidate another person, nor shall they offer violence against, or strike or attempt to strike any other employee.

25.0 Discrimination or Harassment

Members shall not discriminate or harass, for or against, or prepare any communication which makes reference to a person's race, color, religious creed, sex, sexual orientation, age, national origin, ancestry, or non-job-related handicap or disability, unless it serves a specific police purpose in accordance with departmental directives. Members shall not engage in the presentation of any racial, sexual, religious, ethnic or handicap joke, slur or story. See: *University of Pittsburgh Sexual Harassment Policy and Procedures and the Anti-Harassment Policy*.

26.0 Gambling

Members shall not engage in illegal gambling at any time, except in the performance of duty, and while acting under proper and specific orders from a supervisor.

27.0 False Information

No person shall procure any position in the department by willfully misrepresenting their qualifications, character, reputation, physical, or mental condition.

28.0 Teaching, Speeches, and Professional Correspondence

Any member who intends to present any material as the Department's position and/or policy shall first receive authorization from the Chief or designee. The department may require a disclaimer that would expressly state that the views presented are those of the individual and do not necessarily represent the views of the Department or the University of Pittsburgh.

29.0 Competency

- A. **Competency to be Maintained:** Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. They shall direct and coordinate their efforts in such a manner as will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. The fact that a member was deemed competent at the time of employment shall not preclude a later judgment of incompetence arising from their performance which would indicate a deficiency in adequate strength, qualifications, or capacity to fulfill the requirements of their assigned tasks. Such incompetence may be demonstrated by lack of knowledge or application of the laws required to be enforced, apparent unwillingness or inability to perform assigned tasks, or the failure to conform to work standards established for the member's rank or position
- B. **Record of Incompetence:** In addition to other methods of proof, a written record of repeated disciplinary actions for infractions of the rules, regulations, or directives shall be considered prima facie evidence of incompetence.

30.0 Insubordination

Members shall not treat with contempt, or be disrespectful in language or deportment towards, a higher ranking officer in response to official actions taken by that ranking officer, or while that ranking officer is in the execution of their duties.

31.0 Lawful Orders

Members shall promptly obey and execute any and all lawful orders of a supervisor, including any order relayed from a superior officer through an employee of the same or lesser rank. A lawful order is any order, in keeping with the performance of any duty, issued either verbally or written.

(PLEAC 1.4.2)

32.0 Conflicting Orders

Members who are given an order that is in conflict with a previous order or regulation shall respectfully call attention to such conflict. If the supervisor giving the order does not alter or retract the conflicting order, then the order shall stand and, under those circumstances, the responsibility shall be the supervisor's. In such situations, the member obeying the conflicting order shall not be held responsible for disobedience of any order issued. When an order contrary to the provisions of any

previous order, rule, regulation, or directive is given to a member, the member shall comply with the order unless it is a violation of the law, and shall thereafter take recourse through the chain of command, stating the facts and circumstances.

(PLEAC 1.4.2)

33.0 Restrictions

On-Duty Time Restricted to Police Work: Members shall restrict their police duties during working hours to their assigned duty area, unless otherwise directed. Members, while in uniform or on duty, shall not perform any police duty for the purpose of personal gain, which includes financial interest, rewards, gifts, charities, or political activity, or devote any of their time to any activity other than that which relates to police work.

Carrying of Unauthorized Articles: Members shall not carry books, magazines, newspapers, packages, bundles, etc., while on duty, except when necessary in the performance of their duties.

34.0 Suspension

- A. Surrender of Equipment: Suspended members shall immediately surrender their badges, identification cards, issued firearms, **access cards**, and any other specified equipment to the Chief of Police or his designee.
- B. Prohibited Action: Suspended members are not permitted to wear any part of the uniform, or act in the capacity of, or represent themselves as a member of the University of Pittsburgh Police Department in any manner. A suspended member required to appear in court shall immediately notify his or her supervisor.

35.0 Duty Requirements

- A. Reporting for Duty: Members shall report for duty at the time and place specified by their supervisor and at that time shall be physically and mentally fit, properly attired, and ready to assume on-duty status. Members not appearing for duty, scheduled hearings, court appearances, or other designated assignments on time, shall be in violation of this section.
- B. Roll Call: Members, before beginning their tour of duty, shall acquaint themselves with all important matters affecting the execution of their duties. In absence of formal Roll Call members shall be present in the supervisor's location at starting time. The shift supervisor at Roll Call shall inspect the clothing, equipment and general appearance of each officer. S/He shall fix responsibility for all irregularities observed and order that all of them be corrected by the member concerned. Failure of members to obey orders at Roll Call shall be sufficient cause to recommend disciplinary action.
- C. Conditions of Absence: Members shall not fail to report for duty due to illegal or improper conduct.
- D. Alertness: Members shall remain alert on duty at all times.

36.0 Absences

- A. Notification of Illness or Injury (Off duty): Members who know that they will be unable to report for duty due to illness or injury they incurred while off duty shall immediately notify the communication specialist or shift supervisor (or ensure such notification). The notification must be at least one hour prior to the member's scheduled shift. In the event an employee is off duty due to illness for three or more consecutive days, a doctor's return to work notice is required when returning for duty. **Command Staff may also require a doctor's return to work notice when an officer calls off during a designated "black out" period.**
- B. Notification of Illness or Injury (On Duty): Members injured while on duty shall report such injury to their immediate supervisor as soon as possible and comply with the provisions of existing regulations pertaining to such injuries. Members who become ill while on duty and find it necessary to leave an assigned post or duty shall report this to their supervisor before leaving the assigned post or duty.
- C. Fictitious Reports - Deception: Members shall not feign illness or injury, or otherwise deceive or attempt to deceive any university or police department representative as to the facts pertaining to any illness or injury.
- D. Contagious Diseases: Members who have been exposed to an uncommon, contagious disease shall immediately notify their supervisor, who shall take whatever steps are necessary to safeguard exposed members and other personnel from the disease(s).

37.0 Cooperation with Other Agencies and Officers

Members shall cooperate with all agencies engaged in the administration of justice, including federal, state and City of Pittsburgh departments, University of Pittsburgh departments and other public agencies, by providing all the aid and information permitted by existing regulations. Members shall come to the aid of other officers in need of assistance.

38.0 Requests for Assistance

When the public requests assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information shall be obtained in an official and courteous manner and shall be properly and judiciously acted upon consistent with existing rules, regulations, and policies. If the matter does not fall under our purview, the requesting person should be referred to the police agency having appropriate jurisdiction, but if the matter involves an incident of a serious nature within our primary jurisdiction, officers should be available to assist with immediate police service while notifying the proper authority.

39.0 Suggestions Pertaining To Services

Except in the transaction of personal business, members shall not recommend or suggest in any manner, the employment or procurement of a particular product, professional service, or commercial service, e.g., an attorney, ambulance service, towing service, bondsman, mortician, etc. In the case of an ambulance or towing service, when such service is unable or unwilling to procure same, members shall contact the nearest available agency offering the required service.

40.0 Altering Notices

Except where dictated by established procedure or where initials or names are required, members shall not mar, alter, or deface any printed or written notices placed on department bulletin boards or otherwise brought to their attention.

41.0 Subject to Call

Members shall have regularly scheduled hours assigned for active duty, and when not so employed shall be considered off duty. Members shall, however be subject to being called to duty as needed, and subject to orders from competent authority and emergency calls from citizens.

42.0 Protection of Evidence, Found, or Recovered Property

- A. Evidence: A member shall not, under any circumstances, manufacture, destroy, improperly remove from an incident scene, or convert to their own use, any evidence or other material found or recovered in connection with the investigation of an incident.
- B. Found or Recovered Property: Members shall **expeditiously process** all evidence, found, or recovered property coming into their possession as a result of any incident.

43.0 Acceptance of Valuables and Evidence

Acting in an official capacity, members shall not accept valuables for safekeeping from individuals who merely desire to check them for that purpose unless authorized by a supervisor. This does not apply to valuables which have been received as evidence or recovered property in connections with investigations. Items received in these cases will be processed as evidence in accordance with established procedures pertaining to evidence.

44.0 Use of Department Vehicles

Members shall not use Department vehicles for personal business or for any reason except as authorized. Out-of-state travel shall be permitted only in accordance with existing regulations. Members shall not use their personal vehicle for official business unless specifically authorized to do so by the Chief of Police.

45.0 Operation of Vehicles

Members shall: (1) drive a vehicle in a careful and prudent manner; (2) obey all laws of the Commonwealth pertaining thereto; and (3) insist on the same department and compliance from the driver of any vehicle in which the member may be a passenger. Members shall, at all times, set a proper example for other persons by their operation of a vehicle.

46.0 Use of Equipment and Property

- A. Equipment: Members shall utilize Department equipment in the prescribed manner and in accordance with existing regulations and directives.
- B. Property: Whether on duty or off duty, members shall not utilize Department resources to conduct private profit or nonprofit business activities including, but not limited to, sales, negotiations, the taking of orders, or displaying of wares unless specifically authorized by the Chief of Police.

47.0 Meals

Members on continuous duty for a period of eight hours or more shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of consuming one meal during their tour of duty, but only for such period of time not to exceed thirty minutes. Members shall advise the Communication Room of the stop. Supervisor may limit number of members who are on their "thirty" at a given time.

48.0 Police Action - Off Duty

Members confronted with and acting upon situations off duty where police or law enforcement action is taken must submit a written report to their supervisor on their next tour of duty.

49.0 Radio Calls and Radio Discipline

Members shall promptly answer and execute all calls from dispatch. Should there be a question as to the appropriateness of responding to a call a supervisor should resolve the matter. Radio traffic will be limited to official business and communication will be in a professional manner.

50.0 References

University of Pittsburgh Policy 07-01-03
Nondiscrimination, Equal Opportunity, and Affirmative Action

University of Pittsburgh Policy 07-06-04
Sexual Harassment