

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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CODE OF CONDUCT

202.00 PURPOSE

As stewards of the public trust, all employees of the City of Ferguson are expected to uphold the highest standards of conduct, both personal and professional. Consequently, employees must avoid engaging in: activities which create or imply a conflict of interest, dishonesty, unauthorized use of City funds or property, inappropriate use of influence relative to their position, or other improprieties.

202.01 POLICY

A member of the Department will be subject to disciplinary action for the violation of the standards of conduct set forth by the Department herein, for the violation of other rules set out in Police General Orders, for the violation of Special Orders, and for violation of the orders of a superior officer, or for violations of the City Personnel Manual.

202.02 CODE OF CONDUCT "ON DUTY"

All employees of the Ferguson Police Department are expected to perform their duties in a competent and efficient manner. Perimeters of proper conduct on duty, including but not limited to include:

- A. All employees are presumed to have knowledge of the laws of the United States and the State of Missouri, the ordinances of the City of Ferguson, and the rules and regulations of this Department.

In addition to the specific duties of each individual rank and position, the following general duty provisions are applicable to all members of the Department and must be observed:

1. All rules and regulations set forth in General Orders, Special orders and all amendments thereto must be obeyed.
2. Each employee shall properly inform himself or herself about all Orders, regulations, and memorandums governing his duties.
3. All rules and regulations set forth in the City of Ferguson Personnel Rules and Regulations Manual of 2009.
4. Name, rank, DSN or position, and similar identifying information shall be given in a civil manner to any person who may inquire.
5. Aid shall be promptly given to persons requesting service, in so far as is consistent with duty obligations.
6. No police information, of any nature, shall be disclosed unless it is proper and necessary under the circumstances.
7. Interfering with the course of justice in any fashion whatsoever is forbidden.
8. No advice or information shall be given to any arrested person or to others for him, in relation to the defense or prosecution against him.
9. An employee shall not fail to notify his superior of information concerning police matters that comes into his possession.
10. An officer shall remain neutral to both parties in any civil case or dispute and shall act only to prevent breach of the peace or to suppress disturbance.
11. Every officer must assist and protect, and come to the aid of, other members of the Department in need of aid or assistance.
12. Neglect of duty, improper performance of duty, sleeping or loafing while on duty, are prohibited.
13. All employees will maintain expected standards of competent performance. Those employees consistently performing below the expected standard are subject to disciplinary action or non-disciplinary separation from service.

14. All employees shall maintain a courteous, professional demeanor at all times.

202.03 CODE OF CONDUCT “OFF DUTY”

A. Police officers will behave in a manner that does not bring discredit to their agency or themselves. A police officer’s character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he/she lives and serves. The officer’s personal behavior must be beyond reproach.

1. All Department personnel are subject to call-out during an emergency, and are expected to respond to such call-outs. (*G.O. Emergency Operations/Unusual Occurrences – 490.00*)

2. Off-duty weapons – See *G.O. 216.00 Authorized Firearms, Ammunition and Qualification*.

3. Officers or employees are not to become involved in disputes in the neighborhood of their immediate residency. Such incidents will be handled by officers not personally involved in the neighborhood. This rule is not to be construed as meaning that an officer should not take emergency action in a neighborhood dispute when such action is necessary to avoid injury or other serious consequences.

4. When an officer is off-duty or working secondary employment and becomes involved in an incident requiring an arrest, he will detain the subject and request that an on-duty officer respond, evaluate the situation, and if appropriate, arrest the individual. It will be the responsibility of that on-duty officer to investigate the incident, write the report and apply for warrants as he would any other arrest situation.

5. All Officers and employees are not to engage in any prohibited act listed in the City of Ferguson “Personnel Rules and Regulations” Manual 2009, Specifically “Employee Conduct”.

6. Failure to conform to this directive or any directive of this agency may result in disciplinary action.

202.04 PERSONAL APPEARANCE

A. Employees of the City of Ferguson are required to present a neat and professional appearance. This applies, not only to day-to-day business activity, but also to relations with others outside the immediate workplace in business contexts. Employees are expected to exercise mature discretion in appearance, dress and demeanor.

- B. Employees who are assigned uniforms shall maintain and wear such uniforms in good condition and according to departmental regulations. For additional information *see G.O. 214.00 Uniforms and Appearance*.
- C. All clothing accessories and shoes should be functional, safe and appropriate for the type of work performed. Tattoos and facial or body piercings shall not be displayed if they may be construed as offensive to members of the public, city employees, or otherwise present an unprofessional appearance.
- D. Additional standards for Personal Appearance may be found in the City of Ferguson "Personnel Rules and Regulations" Manual October 2009.

202.05 DISCIPLINARY SYSTEM

In order to provide a functional system for handling disciplinary situations, the City has developed a corrective disciplinary action procedure. The disciplinary procedure may include any of the following disciplinary actions. Whether a violation shall be subject to discipline, the sanction imposed shall be evaluated for type of violation, seriousness and recurrence of any violations. Supervisors and Department Heads will determine the appropriate disciplinary action for any conduct. Suspensions or terminations must be approved by the City Manager prior to action.

- A. Commanding Officers and Supervisors will carefully investigate all cases within their commands which may qualify an employee for a letter of commendation, award for merit or valor. Recommendations for awards in writing may be made to a commander of a unit by any of its members or other concerned people who may have witnessed or have knowledge of an incident whereby they believe that some member of that unit is deserving of an award. The recommendation will then be forwarded to the Chief of Police. For additional information on recognition and awards *see G.O. 459.00 Performance Awards*.
- B. The primary responsibility for maintaining and reinforcing officer conformance with the standards of conduct of this Department shall be with the officer and the first line supervisor. Supervisors shall familiarize themselves with the officers in their unit and closely observe their general conduct and appearance on a daily basis. Supervisors should remain alert for indications of behavioral problems or changes that may affect an officer's normal job performance. The supervisor should document such information.
 - 1. Before disciplinary measures are taken, the supervisor may examine all mitigating and extenuating circumstances, previous training, past experience, prior record of performance, conduct of the employee, and seriousness of the offense to render a fair and impartial decision.
 - 2. A supervisor may recommend additional training to refresh and reinforce an officer's skills, or modify a behavior.

3. Counseling may be used by the supervisor as follows:

- a. To determine the extent of any personal or job problems that may be affecting performance, and to offer assistance and guidance;
 - b. To discuss minor and infrequent rule violations, and to discuss the substance and importance of the rules with the officer.
- C. Prior to notifying an employee of disciplinary action, the Department Head should conduct a reasonable investigation. However, in appropriate circumstances, Department Heads may place an employee on administrative leave pending investigation of the alleged violation.
- D. Disciplinary action should occur in a timely fashion and correspond to the degree of the violation, the situation and context in which the violation occurred, the impact on the organization, prior conduct and work history of the employee, and the expected effect of such actions on the future of the employee.
- E. The appropriate Department Head shall have responsibility for all disciplinary action but may delegate this authority to supervisors. Supervisors' authority with regard to implementing disciplinary action should be guided by department policy. Any actions beyond written reprimand should be discussed with the City Manager or his designee prior to implementation.
- F. The supervisor shall meet with the employee to discuss the reasons for the action and explain the disciplinary action taken.
- G. In all cases of disciplinary action, except for verbal reprimands, a written notice of the action signed by the Department Head or supervisor stating the reasons for such action will be given to the employee. The employee shall sign an acknowledgement of receipt and be given an opportunity to provide written comments. The employee's signature does not necessarily indicate agreement. A copy of the written notice and original acknowledgement shall be provided to Human Resources for inclusion in the employee's personnel file.
- H. In cases of suspension, demotion, or termination, the notice of disciplinary action shall contain information explaining the employee's right to have the action reviewed or appealed, if applicable.
- I. As with these general orders and the City of Ferguson "Personnel Rules and Regulations, October 2009, and consistent with the City Charter, the City Manager has the ultimate authority over all disciplinary actions.

J. Types of Disciplinary Action are as follow:

1. Verbal Warning: a verbal warning is an oral reprimand given by the employee's supervisor. All verbal warnings shall be documented.
2. Written Reprimand: a written reprimand is a written notification of the employee's unsatisfactory performance or other violation of City or departmental policies.
3. Suspension: a suspension is the removal of an employee from the workplace for a specified period of time without pay. The length of suspension will reflect the severity of the employee's misconduct.
4. Disciplinary Demotion: a disciplinary demotion is the placement of an employee into a lower job classification as a result of disciplinary action.
5. Termination: a termination is the permanent removal of an employee from the City's employment. Only the City Manager may authorize termination of employment.

202.06 DISMISSALS

- A. In the event an employee is separated from employment, he will be given a written notice of the dismissal stating the effective date, the reasons, if any, and a copy will be sent to Human Resources for inclusion in the employee's personnel file.
- B. The dismissed employee will also have to rectify any financial obligations owed to the City. COBRA information regarding continued health coverage will be provided to the employee as well. The employee must pay the full cost of the premium if he wishes to continue health coverage.
- C. Employment at the City of Ferguson is on an "at-will" basis and is for no definite period of time and may, regardless of the date or method of payment of wages or salary, be terminated at any time with or without cause. No Department Head, supervisor or other person, irrespective of title or position, has authority to alter the at-will status of employment or to enter into any employment contract for a definite period of time.
- D. A notice of any dismissal or resignation shall be made to the POST Commission as required by Missouri State Statue 590.070
- E. A statement of the status of fringe and retirement benefits of the affected person may be provided after dismissal.
- F. A statement as to the content of the officer's employment record relating to the dismissal may be obtained.

202.07 MAINTENANCE OF RECORDS

The confidentiality of internal affairs records is important and proper security precautions will be taken to secure investigative files. A record of all complaints against police department employees and completed internal investigative files will be secured in a locked cabinet in the Administrative Office of the Chief of Police. Officers assigned investigations will be responsible to secure their investigative files in locked cabinets and not left unsecured. (*G.O. 301.00 Allegations of Employee Misconduct/Internal Affairs Investigations*)

202.08 APPEAL PROCEDURES

- A. Any employee who receives a written reprimand may appeal to his Department Head and the City Manager. Thereafter, there shall be no further right of appeal for written reprimands. However, any employee who has a grievance concerning a disciplinary action, or any personnel action resulting in dismissal, reduction in rank or compensation, or suspension without pay may appeal such action to the Personnel Board. The formal appeal process must proceed as follows:
1. Step One – the employee must first make a written appeal of the action to his Department within five (5) working days from the time the action took place. Failure to file an appeal within five (5) working days shall mean that the employee forfeits his appeal. A response to the employee's written appeal must be made by the Department Head in writing within five (5) working days from the time the appeal was received by the Department Head. If no response is received from the Department Head within five (5) working days from the time the appeal was received by the Department Head, or if the employee is not in agreement with the action taken, the employee should proceed to Step Two.
 2. Step Two – if the employee is not satisfied with the results of the written response to his appeal to the Department Head, the employee may appeal to the Personnel Board by filing a written statement of the action, concerns or problems addressed to the Personnel Board either directly or through the City Manager. This appeal to the Personnel Board must be filed within 10 working days from the time the written response to the appeal was received from the Department Head. Upon receipt of the formal appeal by the Personnel Board, a date for the Personnel Board to convene to hear the appeal will be established by the City Manager within a reasonable amount of time from the receipt of the appeal. The employee making the appeal will be notified by certified mail as to the time and place the Personnel Board will convene to hear the appeal.
- B. All written correspondence from employees, supervisors, Department Heads, the City Manager, and the Personnel Board shall have the date conspicuously noted on the correspondence and the time received conspicuously labeled.

- C. At its meeting the Personnel Board will consider the appeal of the employee. At the appeal hearing all parties shall have the right to be heard and present evidence and testimony. After the hearing and consideration of the evidence, the Personnel Board shall issue Findings of Fact, Conclusions of Law, and its Recommendation based upon the facts presented and the applicable rules, regulations, ordinances, and laws. The Board shall promptly file a written report of its findings and recommendations with the City Manager.
- D. The City Manager shall review the findings and recommendations of the Personnel Board and submit a final written decision to the employee.

202.09 DISPOSITION

- A. Investigators completing administrative reports will provide a “finding” or conclusion of fact and will specify the allegation(s) which are to be classified in one of the following categories:
 - 1. **Unfounded** – The complaint was not based on fact, as shown by an investigation or the incident complained of did not in fact occur.
 - 2. **Exonerated** – The action complained of did occur, but the investigation concluded that the actions were reasonable, lawful, and proper.
 - 3. **Complaint Withdrawn** – Complainant withdrew complaint
 - 4. **Not Sustained** – Insufficient evidence available to either prove or disprove the allegations in the complaint.
 - 5. **Sustained** – Investigation disclosed sufficient evidence to support the allegations in the complaint.
- B. In any instance when a complaint is finally disposed of as “Unfounded”, “Exonerated”, or “Complaint Withdrawn”, records pertaining to the complaint and its disposition will be closed and will be expunged after a period of 90 days except for the initial entry in the Administrative Report Log Book. Records of “Not Sustained” complaints will be maintained in the Chief’s administrative files and will be closed records.
- C. For additional information *See G.O. 301.00 Allegations of Employee Misconduct Internal Affairs Investigations.*

202.10 GRIEVANCE PROCEDURES

This directive establishes a grievance procedure, to include the follow:

1. Any employee who has a grievance concerning a disciplinary action, or any personnel action resulting in dismissal, reduction in rank or compensation, or suspension without pay may appeal such action to the Personnel Board.
2. The employee must first make a written appeal of the action to his Department Head within five (5) working days from the time the action took place.
3. The employee must follow the procedural steps and time limitations at each step in the grievance procedure outlined in this general order section 202.08, or the City of Ferguson "Personnel Rules and Regulations" Manual, October 2009.
4. The employee may be represented by legal counsel.

202.11 CONTENTS OF GRIEVANCE

The following information should be included in the written appeal of action to the Department Head (Step One):

1. A written statement of the grievance and facts upon which it is based.
2. A written allegation of the specific wrongful act and harm done.
3. A written statement of the remedy or adjustment sought.

202.12 GRIEVANCE CONTROLS

- A. The agency has a written directive that establishes procedures to be followed in responding to grievances to include at a minimum:
 1. Acknowledging receipt by noting time, date and person receiving the grievance.
 2. Analyzing the facts on allegations.
 3. Affirming or denying, in writing, the allegations in the grievance.
 4. Identifying the remedy or adjustments, if any, to be made.
- B. Corresponding requirement for Grievance Controls are found in 202.07 of this General Order or in the City of Ferguson "Personnel Rules and Regulations" Manual, October 2009, under Employee Appeal Procedure.

202.13 GRIEVANCE BOARD

- A. *Generally.* The personnel board shall consist of five (5) members appointed by the council, one (1) of whom shall be designated by the board as chairman. All members

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- of the personnel board shall serve without pay. The director of the department of human resources shall be an *ex officio* member of the personnel board and shall attend all meetings of the board.
- B. *Qualifications.* Members of the personnel board shall be residents of the city. Members of official political party committees and members of the municipal government shall be ineligible to serve as members of the board.
 - C. The personnel board shall: Hear appeals from disciplinary action as provided by Charter, ordinance, rule or regulation.
 - D. At its meeting the Personnel Board will consider the appeal of the employee. At the appeal hearing all parties shall have the right to be heard and present evidence and testimony. After the hearing and consideration of the evidence, the Personnel Board shall issue Findings of Fact, Conclusions of Law, and its Recommendation based upon the facts presented and the applicable rules, regulations, ordinances, and laws. The Board shall promptly file a written report of its findings and recommendations with the City Manager.
 - E. The City Manager shall review the findings and recommendations of the Personnel Board and submit a final written decision to the employee.

For additional rules and regulations on **Conduct** see *City of Ferguson "Personnel Rules and Regulations" Manual October 2009* and *General Order 304.00 "Standards of Conduct"*.

By order of:

A handwritten signature in black ink, appearing to read "Colonel Thomas Jackson", with a large, stylized loop at the end.

COLONEL THOMAS JACKSON
Chief of Police

Distribution

All Department Personnel

MPCCF Reference: 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 16.7, 16.8, 16.9, 16.10, 16.11, 16.12

General Order 202.00
November 30, 2011

