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RULES

DR 100 CONDUCT

DR 101 COMPLIANCE WITH REGULATIONS

Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, or directives of the Department.

DR 102 PENALTY FOR VIOLATION OF DEPARTMENTAL REGULATIONS

The Department may take disciplinary action against a member found guilty of violating any stated policy, rule, regulation, order, or directive of the Department. Minor offenses and major offenses shall be distinguished by the maximum penalty which may be meted out. Minor offenses may result in a loss of compensation up to a maximum of ten (10) days. Major offenses may result in the termination of employment of the offender.

DR 103 AID ANOTHER TO VIOLATE REGULATION

A member shall not aid, abet, or incite another member to violate departmental regulations, duties, orders, policies or prescribed procedures.

DR 104 PERSONAL CONDUCT

The conduct of each member, both on and off-duty, is expected to be such that it will not reflect adversely on other members, the Department, the City of Memphis, or the law enforcement profession. This regulation applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of departmental policy and procedure which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also acts which, although not unlawful in themselves, would violate the Law Enforcement Code of Ethics, and would degrade or bring disrespect upon the member or the Department.

DR 105 ADHERENCE TO LAW

A member shall act in accord with the constitution, statutes, ordinances, administrative regulations and the official interpretations thereof, of the United States, the State of Tennessee, the County of Shelby, and the City of Memphis. When in another jurisdiction, members will obey applicable local and state laws. Ignorance of such laws cannot be regarded as a valid defense against failure to meet the requirements of this regulation.

Any member who (1) is convicted of, (2) pleads guilty to, or (3) pleads nolo contendere to any federal, state, or local violation involving a felony or other crime related to force, violence, theft, dishonesty, gambling, liquor, or controlled substances (including Driving Under the Influence of an Intoxicant or Drug), is subject to termination from employment.

DR 106 LEWD / OBSCENE CONDUCT

A member shall not indulge in lewd, obscene, or immoral public conduct.

DR 107 COURTESY

A member shall be courteous, civil, and respectful in his conduct and manner towards all persons.

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Prisoners and suspects shall be treated in a fair and humane manner. They shall not be humiliated, ridiculed or taunted. The use of coarse, profane, vulgar, racial, derogatory, or discourteous language to any member or any citizen is prohibited.

Special respect for privacy shall be accorded to prisoners taken into custody. If in unclothed or disheveled condition, they shall be protected against public embarrassment to whatever extent feasible.

DR 108 TRUTHFULNESS

A member shall not give any information, either oral or written, in connection with any assignment or investigation that is either knowingly incorrect, false, or deceitful.

DR 109 IMPARTIAL ATTITUDE

A member shall at all times consider it his or her duty to be of service to anyone in danger or distress and shall neither discriminate against nor show partiality for any person because of race, sex, religion, friendship, fraternal or social affiliations, or for any reason.

DR 110 CONSORTING WITH PERSONS OF BAD OR CRIMINAL REPUTATION

A member of this department shall not knowingly socialize or have a business relationship with another person, who has been imprisoned or convicted of a felony, or who are known criminals, except in the performance of their official police duties.

DR 111 DISOBEDIENCE OF AN ORDER

No member shall willfully disobey a lawful order or directive, either written or oral. This regulation prohibits disobedience by a member of any lawful written or oral order or directive of a superior officer or another member of any rank who is relaying the order of a superior.

DR 112 SLEEPING ON-DUTY

Sleeping on-duty, giving the appearance of sleeping on-duty, or inattention to duty is prohibited except as authorized by a Commanding Officer.

DR 113 ALCOHOLIC BEVERAGES

- A. While on-duty, a member shall not consume or possess alcoholic beverages except in the proper performance of his or her duty.
- B. A member shall not report for duty under the influence of alcohol or have the odor of alcohol on their breath.
- C. While off-duty, a member shall not consume alcoholic beverages to the extent which renders him unfit to report for their regular tour of duty.
- D. A member shall not consume alcoholic beverages in his or her police uniform, either on or off-duty.
- E. A member shall not transport alcoholic beverages on or in Department property, except in the performance of police duty.
- F. An officer can be tested to determine the percent of alcohol in the blood when the officer is in

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violation of statutory law, such as TCA 39-17-1321 (Possession of Handgun While under Influence).

- G. If a member is arrested, on or off-duty, for an alcohol related incident, including but not limited to driving under the influence, they will immediately be relieved of their duties and placed in a non-enforcement status. Inspectional Services will conduct a complete investigation into the incident and forward their findings along with a statement of charges, if applicable, to the Deputy Director of Police Services.

When a member is administratively charged with DR 113 under section “G”, the disciplinary hearings dealing with violations of this policy must be heard at the level of Deputy Chief. If disciplinary action is sustained by the respective Deputy Chief, a first time violation will result in a **minimum thirty (30) day suspension**. The member will be required to attend an approved alcohol treatment program via CONCERN and sign a last chance letter.

A second sustained violation under section “G” **will** result in termination of employment.

This policy does not preclude legal prosecution of the member and subsequent convictions, which decertify the employee under the Tennessee Police Officers Standards (POST) and will lead to separation of the employee based on their decertification.

DR 114 FINANCIAL OBLIGATIONS

A member shall maintain good credit relations with creditors. All federal laws that apply to wage or salary garnishments will be followed by the City in its handling for garnishments.

DR 115 PUNCTUALITY

A member will report for scheduled duty assignments on time, including roll call, training, special events details and court appearance, unless emergency police actions prevent it. In the latter case, every effort will be made to notify the Supervisor/ Commanding Officer concerned.

Progressive discipline shall be administered in accordance with this DR and established procedures in the Tardiness Policy.

Tardiness Policy

Employees must arrive at their worksite on time, prepared to perform the duties required of them. Punctuality is a requirement for continued employment with the Memphis Police Department. Tardiness will be evaluated over a twelve month period from the time of the first occurrence. Frequent or excessive tardiness will result in disciplinary action up to and including termination.

Definitions

- 1. Tardiness:** An employee will be considered tardy if they are not at their duty assignment ready for duty when the supervisor begins roll call.
- 2. Excessive Tardiness:** When an employee’s tardy occurrences exceeds (4) four within a (12) twelve month period.

Disciplinary Action

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Incidents involving punctuality must be documented and maintained on a consistent and systematic basis. Such a standard is also necessary in order to validate the disciplinary process.

All work stations within the Department will record punctuality/ tardiness violations. These occurrences should be tracked for a 12-month period, which requires supervisors to maintain accurate and consistent documentation. A tardy/late for duty slip found on the MPD KIOSK will be completed and placed in the employees work file for each occurrence. The tardy slip will reflect the date, officer's name/IBM, work station and shift, time of arrival, reason for tardiness and action taken, i.e. verbal warning, advisement, negative OBR or statement of charges.

Progressive disciplinary action shall be administered in accordance with procedure established in this policy:

1st occurrences - Verbal Warning and the employee's pay will be docked the time tardy. (Example: the Comments section of the roll call for an employee 15 minutes tardy would reflect 7.75 P, .25 LWOP)

2nd occurrence – Oral Counseling and the employee's pay will be docked the time tardy.

3rd occurrence - Negative OBR and the employee's pay will be docked the time tardy.

4th and subsequent occurrences will result in a statement of charges and the employee's pay will be docked the time tardy. (A sustained violation of DR-115, 4th occurrence, will result in a suspension of one to three days. Subsequent sustained violations will follow progressive discipline.)

An employee involved in a police action or in court before arriving for duty will not be considered tardy if such action is documented. The employee should contact communications and log on as on-duty as soon as possible. (Example: a police employee stops to aid traffic crash victims or like incident.)

Tardy/late slips will be completed for employees tardy for court, training or special events and such documentation will be forwarded to the officers work station to be placed in their work file. The appropriate action will be taken by the work station supervisor upon receipt of the documentation based on the number of previous occurrences.

****Tardy/late slips older than 12 months shall be purged from an employees work file as soon as feasible.**

Depending on the gravity of an infraction, the supervisor may request discretionary authority to deviate from the prescribed number of occurrences which must occur before an employee may be charged. The supervisor requesting to change/alter the disciplinary procedure established herein is to submit in writing to their Deputy Chief the facts and reasons that support extenuating circumstances for a greater or lesser course of action.

DR 116 AMUSEMENT PLACES RESTRICTIONS

A member shall not solicit free admission to any theater or other place of amusement or entertainment except in the line of duty.

DR 117 MPD PHOTO ID/ GIVING NAME OR OTHER INFORMATION

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All members are issued MPD Identification Cards with the member's photograph by the MPD Photo Lab. All commissioned personnel must have their photo taken in their Class A uniform minus hat displaying their current rank insignia and assignment. All members are required to maintain a current photo ID card at all times. ID cards should be updated with new photos every two years or immediately upon promotion. Officers must adhere to policy regarding "Appearance Requirements" (see P&P Ch. XIII, Sec 3, subsection VIII) for their photo identification cards.

A member must present their current photo ID card upon request by any citizen or by any MPD Supervisor unless such action is likely to jeopardize the successful completion of a police assignment or undercover operation.

A member shall give their name, rank, badge number, or other identifiable information when so requested by other members of the Department or by a private citizen who has a legitimate need for the information, unless such action is likely to jeopardize the successful completion of a police assignment or undercover operation. (22.2.7)

DR 118 OFF-DUTY RESPONSIBILITY

A member is always subject to orders from a supervisory officer and to calls for assistance from private persons. Being technically off-duty does not relieve him/her from the responsibility of taking proper police action in any matter coming to their attention. When there is no urgent or immediate need for police action, a member may request the Dispatcher to turn the matter over to officers on-duty; but the member shall take such interim action as may be required prior to the arrival of the dispatched officers.

Off-duty officers will yield control and authority of a scene to on-duty officers when the on-duty officer arrives on the scene. When on-duty officers are present on a scene off-duty officers will not assume an active role on the scene, unless it is requested by the on-duty officer or directed by a supervisor.

DR 119 NEATNESS AND ATTIRE

- A. A member shall always be neat and clean in person and dress while on-duty, except as otherwise instructed in the performance of his or her duty, and shall be attired and equipped according to Department regulations or instructions from a supervisory officer.
- B. A member shall maintain personal habits of cleanliness and hygiene. Hair and moustaches shall be groomed according to Department regulations.
- C. A member shall not use tobacco products when in court, conducting field interrogations, addressing complaints, victims or witnesses or on any public post.

DR 120 NEGLECT OF DUTY

- A. Each member, because of his or her rank and assignment, is required to perform certain duties and assume certain responsibilities. Failure to properly function in these areas constitutes neglect of duty. This regulation prohibits any omission or failure to act by any member of the Department, whether on-duty or off-duty, when such action is required by the stated policy, goals, rules, regulations, orders, and directives of this Department. It applies to

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any member who, through carelessness, inefficiency, or design, fails to implement the policy, goals, rules, regulations, orders, training, and directives of this Department.

- B. A member with supervisory responsibility is required to properly supervise their subordinates in compliance with the above, and the failure of any supervisor to do so through deliberateness, carelessness, neglect, or inefficiency shall be a violation.

DR 121 NARCOTICS

A member shall not use or possess drugs in violation of any statute or ordinance, whether on-duty or off-duty. A member shall not report for duty under the influence of any drug or narcotic which would interfere with the proper performance of his or her duty. A member taking prescribed medication which would hinder his or her performance of duty shall immediately notify his or her supervising officer.

If a Supervisor has reasonable suspicion to believe that a member is performing official duties while under the influence of drugs, the supervisor will initiate a reasonable suspicion drug test as outlined below:

- Clearly document behaviors and factors that led to the reasonable suspicion.
- Confer with Deputy/Duty Chief and get authorization prior to testing.
- Complete Reasonable Suspicion Form.
- Escort member to collection site. Escort should be at least one rank higher than member and preferably of same gender.
- Advise collection site which testing panel to use.
- Relieve member of duty and drive them home. (Member should not drive when there is reasonable suspicion they are under the influence of drugs.)

Any disciplinary hearings dealing with violations of this policy must be heard at the level of Deputy Chief. If disciplinary action is sustained by the respective Deputy Chief, a first time violation will result in a **minimum thirty (30) day suspension**. The member will be required to attend an approved drug treatment program via CONCERN or other established treatment programs and sign a last chance letter. Members who fall in Category A test group as defined in Chapter I, Section 4: Drug Policy, will be removed from the specialized unit to which they were assigned.

A second sustained violation **will** result in *termination* of employment.

DR 122 RADIO COMMUNICATIONS

Each member equipped with a radio shall monitor his or her frequency and give immediate response to radio dispatched calls.

DR 123 ENTERING BUSINESS HOUSE WITH LIQUOR LICENSE NOT IN PERFORMANCE OF DUTY

A member shall not enter any business house licensed to sell beer, wine, or liquor for on premises consumption while on-duty or in uniform, except in the performance of a police duty or

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to consume a legitimate meal.

DR 124 OFF-DUTY EMPLOYMENT

A member shall not engage, directly or indirectly, in the ownership, maintenance, or operation of any business that is prohibited by departmental orders and directives. All instances of off-duty employment must be approved by the appropriate authority.

DR 125 MEMBER UNDER INVESTIGATION

A member shall immediately submit a written memo to their supervisor/ commanding officer that they are under investigation by any law enforcement agency, or any regulatory agency. A member shall immediately submit a written memo to their supervisor/ commanding officer that they have been issued a misdemeanor citation or citation for any misdemeanor offense (including traffic citations while off-duty), arrested for any misdemeanor/felony offense or is being sued in a court of law.

DR 126 REPORTING INFORMATION

A member shall promptly report to the Department any information concerning any crime or other unlawful action, when such information is relevant to an investigation by another member.

DR 127 REPORTING IMPROPER CONDUCT

A member shall immediately report to the Department any violation of Policies and Regulations or any other improper conduct which is contrary to the policy, order, or directives of the Department.

DR 128 RESIDENCY POLICY

Each member shall comply with the residency policy of the City of Memphis.

DR 129 LEAVING DUTY ASSIGNMENT

A member shall not leave his duty assignment without being properly relieved or without proper authorization.

DR 130 INVENTORY & PROCESSING RECOVERED PROPERTY

All members shall properly inventory and process recovered stolen property, evidence, found property, or personal property in conformance with departmental orders and directives. This regulation includes property in vehicles that are taken into police custody.

DR 131 STRIKE, DEMONSTRATION, OR SLOWDOWN

A member shall not participate in, encourage the participation of others in, or otherwise support any strike, demonstration, slowdown, or other such concerted action against the Department.

DR 132 INSUBORDINATION

A member shall not display disrespect to, or disregard for, a supervisory member of this Department, either on or off-duty. This includes cases of verbal abuse, abruptness, or rudeness toward a superior or failure to promptly and courteously respond to suggestions, counseling, or disciplining of a superior officer.

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DR 133 GO OUTSIDE CITY LIMITS

A member shall not go outside the City limits or drive or take departmental equipment outside the City except in cases of hot pursuit of a felon, or when sent by proper authority, on request of the Sheriff, or because there appears to be a grave emergency and urgent need for assistance, or when authorized to do so by a supervisory member, or in conformance with current policy or procedures.

Members should refer to MPD Policy and Procedure, Chapter XIII Section 6, subsection VII, A, which states in part:

“Pursuits will not continue outside of the boundaries of Memphis, Tennessee unless there is probable cause to believe that the individual being pursued poses a threat of death or serious bodily injury to others if not immediately apprehended. When it is likely that a pursuit will continue into a neighboring jurisdiction, the primary unit will notify dispatch of the jurisdiction being entered, request assistance from that jurisdiction and update critical information to the dispatcher. As soon as practical, after a pursuit has left the Memphis City limits, dispatch and officers will relinquish primary responsibility for the pursuit to the agency having jurisdiction. When at least two vehicles from the other jurisdiction have joined the pursuit, MPD primary and secondary units will discontinue their pursuit, unless authorized by a Supervisor to continue the pursuit.”

DR 134 INTIMIDATION

A member shall not use or direct violence, abuse, force, or threats against, or otherwise intimidate any person or member of this department.

DR 135 HARASSMENT

A member shall not abuse their authority or official position in order to embarrass, degrade, oppress, torment, sexually harass, discriminate predicated on gender, or persistently without due cause take action against any person to prevent that person from exercising lawful or constitutionally protected conduct or exercising the same. Nor shall any member falsely report untrue allegations of sexual harassment or gender discrimination when no basis for such allegations exists.

DR 136 SOCIAL MEDIA SITES/ INTERNET CONTENT

The integrity of the Memphis Police Department must be above reproach. All employees must avoid any conduct which would compromise the integrity of the Department and undercut public confidence in the Department. This includes conduct related to materials posted on personal websites, social media and networking sites (such as Twitter, Facebook, Youtube, MySpace, etc.) or any material disseminated electronically.

Employees will not post any Memphis Police Department nomenclature, images, logos, emblems, patches, uniforms, or reference the Department on any personal website, social media or networking site, web pages, or on any other electronically transmitted or hard copy material without the expressed permission of the Director of Police Services.

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Employees are prohibited from posting, transmitting, or disseminating any digital media that:

- Could reasonably be interpreted to express the opinions of the Memphis Police Department. A member may comment on a subject of general interest and value or concern to the public, provided that the member does not suggest or imply that the views expressed are those of the Memphis Police Department.
- Has a reference to the member being affiliated with the Memphis Police Department **and** contains content that is unprofessional, unbecoming or illegal (i.e. lewd sexual conduct, excessive alcohol consumption, or other behavior depicting the member or department in a negative way). Members are reminded that courts may scrutinize the credibility of a witness from external sources such as the internet.
- Could be reasonably interpreted as having an adverse effect upon agency morale, discipline, operation of the agency, or safety of department personnel.
- Contains any audio or video recordings, or images, obtained while engaged in the performance of enforcement activities, department training, tactical situations, or anything having an adverse impact on the Memphis Police Department. This includes, but is not limited to, crime scene photos of any item, photos of victims, witnesses or any evidence. Under no circumstances are photos of minors, (suspects/witnesses/victims) allowed to be reproduced or posted.

Digital images of official departmental ceremonies (i.e. promotional ceremonies or recruit graduations) that do not contain any negative material are permissible.

Clarification on appropriate postings, if needed, shall be directed to the Command Staff.

DR 137 DOMESTIC VIOLENCE

Members determined to be primary aggressor involving a domestic incident as outlined in policy and procedure, Chapter II, Section IX shall be subject to disciplinary action.

It is the policy of the Memphis Police Department to fully enforce laws dealing with Domestic Violence involving any employee of the police department and to take appropriate action to prevent or ameliorate domestic violence situations within the families of employees. Members of the department shall not violate state domestic violence statutes and shall take every measure to prevent Domestic Violence situations either on or off-duty.

When a member is administratively charged with DR 137 the disciplinary hearing dealing with violations of this policy must be heard at the level of Deputy Chief. If disciplinary action is sustained by the respective Deputy Chief, a first time violation will result in a **minimum thirty (30) day suspension**. The member will be required to attend an approved domestic violence and or anger management treatment program via CONCERN or other established treatment programs and sign a last chance letter.

A second sustained violation **will** result in *termination* of employment.

This policy does not preclude legal prosecution of the member and subsequent convictions. Federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms. Officers found guilty of a qualifying domestic violence through criminal proceedings shall be subject to decertification under Tennessee Police Officers Standards and Training (POST) and will be *terminated* based on their decertification and federal laws.

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Members of the department who after final adjudication are subject to a final order of protection/restraining order involving domestic violence, which prohibits a member from possessing a firearm, shall be subject to decertification under Tennessee Police Officers Standards and Training (POST) and will be *terminated* based on their decertification and federal laws.

DR 138 POLITICAL INTELLIGENCE

The Memphis Police Department and the City of Memphis do not engage in political intelligence. No member shall intercept, record, transcribe or otherwise interfere with any communications by means of electronic or covert surveillance for the purpose of political intelligence gathering.

No member shall engage in any action or disseminate damaging, derogatory, false or anonymous information about any person which will deprive any individual of their First Amendment Rights; nor will any member encourage, cooperate with, or contract with any local, state, federal or private agency to plan or conduct any investigation involving political intelligence.

Any member conducting or supervising a lawful investigation of criminal conduct (governed by 28 CFR Part 23*) in which the investigation may result in the collection of information about the exercise of First Amendment Rights, or interfere in any way with the exercise of such First Amendment Rights must immediately bring such information to the attention of the Director of Police Services for review and authorization. If approved, the investigation will not exceed more than ninety (90) calendar days. An extension may be granted by the Director for an additional ninety (90) days if necessary.

The regulations for this DR are in accordance with the judgment and decree for Civil Case 76-449 (which can be found on the opening page of the MPD Kiosk website).

- * The fundamental principles found in 28 CFR Part 23 operating policies provide law enforcement with the guidance needed to operate criminal intelligence information systems effectively while safeguarding privacy and civil liberties. The Memphis Police Department will operate within the confines of 28 CFR Part 23.

DR 139 REFUSAL TO PROVIDE GARRITY STATEMENT

A member who refuses to answer all pertinent questions that are specifically relevant to an investigation, whether as a participant or as a witness, after receiving the Garrity Advisory, may be subject to disciplinary action including termination.

DR 140 MULTIPLE POLICE VEHICLES AT LOCATIONS

Under no circumstances will more than two police vehicles gather at any location at the same time unless:

- They are answering a call for service;
- They are on official police business; or
- They have received a supervisor's approval.

DR 141 PUBLIC RECORDINGS

A. Members shall not, under any circumstances, erase or delete, or instruct or require any other person to erase or delete, any recorded images or sounds from any camera or other recording

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device that is in the possession of a non-member, or that has been voluntarily turned over or seized for law enforcement purposes.

- B. Members shall maintain cameras and other recording devices that are in Department custody so that they can be returned to the owner intact with all images or recordings undisturbed in a timely manner.
- C. In the case that a recording in the Department's custody is considered contraband or has been determined to be contraband by the AG's office, the recording and/or device will not be returned.

DR 200 REWARDS AND GRATUITIES

DR 201 SOLICITING, ACCEPTING GIFTS, GRATUITIES

- A. A member shall not accept a gift or any item of value for the performance or nonperformance of an official duty. A member can accept a gift or other item of value if given or officially sanctioned by the department. (Ex. retirement party)
- B. A member shall not receive any article whatsoever by any means from suspects, prisoners, persons recently arrested, or gamblers, prostitutes or other persons of bad character or ill repute, or professional bondsmen or other persons whose vocations may profit from information obtained from the police, or from relatives, employees, or associates of any of these persons.
- C. With specific written approval of the Director of Police, soliciting funds or goods of a benevolent or charitable cause by members will be permitted.

DR 202 GIVING TESTIMONIALS, SEEKING PUBLICITY

A member shall not give testimonials or permit his or her name or photograph to be used for advertising purposes without the approval of the Director of Police. A member shall not seek personal publicity either directly or indirectly in the course of his or her employment.

DR 203 SOLICITING BUSINESS, INTRA DEPARTMENT

A member shall not solicit subscriptions, or sell books, papers, tickets, merchandise or other things, or collect or receive money or other things of value for any purpose whatsoever from fellow employees while on-duty or on police property, except as authorized by appropriate authority.

A member shall not solicit business by exhibiting advertisements on his person or on police property, except when specifically authorized to do so.

A member shall not give or receive from any other member any gift, present, or gratuity excluding gifts accepted from relatives, close friends and upon appropriate occasions. (Ex. Christmas, transfers etc.)

DR 300 RESPONSE TO RESISTANCE & ARRESTS

DR 301 EXCESSIVE FORCE/UNNECESSARY FORCE

Excessive Force/Unnecessary is defined as the amount of force which is beyond the need and

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circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.

DR 302 POSTING BAIL

A member shall not post bail for any person arrested, except immediate family members.

DR 303 SUGGESTING BONDSMEN OR ATTORNEYS

A member shall not suggest or recommend specific bondsmen or attorneys to any person arrested, except to members of officer's own family.

DR 304 COMPROMISING CRIMINAL CASES

A member shall not make any promises or arrangements with prisoners or between a suspect and his victim intended to permit the offender to escape the full penalty provided by law, or interfere with the courts, or for personal gain or benefit, use their official position to make any arrangements for any suspect or prisoner to escape prosecution.

DR 305 COMPROMISING INTERNAL INVESTIGATION PROCEEDINGS

A member acting in the capacity of an advisor or representative during the course of any internal investigation shall not release information to anyone concerning those matters under investigation.

DR 400 FIREARMS

DR 401 DISPLAY OF FIREARMS

A member shall not unnecessarily draw, use, or display any firearm.

DR 402 CARELESS HANDLING OF FIREARMS

A member shall not carelessly handle a firearm at any time. Weapons shall be used in accordance with the law and established department policy and procedures.

DR 403 UNAUTHORIZED WEAPONS

A member shall not carry unauthorized weapons, either on his or her person or in police vehicles. This regulation includes any type of unauthorized offensive or defensive weapon.

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DR 404 DISCHARGING FIREARMS

A member shall immediately report to a supervisory officer in the prescribed manner whenever a firearm is discharged in accordance with departmental orders and directives,

DR 405 UNAUTHORIZED POSSESSION

A member shall not relinquish control / possession of their firearm to any unauthorized person.

DR 500 COURT

DR 501 ATTENDANCE IN COURT

All commissioned members of this Department are considered officers of the court and shall testify or give evidence before any Grand Jury or court of law when properly called upon to do so and when there is no properly asserted constitutional privilege, or when immunity from prosecution has been granted.

- A. Members required to appear in such cases shall be punctual in reporting, alert, dignified, and calm in demeanor.
- B. If an emergency prevents attendance, the designated authority will be notified by the member.

DR 502 PERSONAL APPEARANCE IN COURT

A member shall dress appropriately for attendance in court, Grand Jury or any other function where the member appears as a representative of the Memphis Police Department.

DR 503 RELEASE OF UNAUTHORIZED INFORMATION

A member shall not release unauthorized information regarding any criminal or administrative investigation or arrest, to any attorney, bondsman, media personnel, or unauthorized agency / person. A member shall not have any contact with any of the above mentioned persons regarding any information pertaining to the Memphis Police Department without prior approval or subpoena. All requests must be submitted in writing to the employee's immediate supervisor, which will then forward the request to the PIO for approval.

DR 600 REPORTS & COMMUNICATIONS

DR 601 COMPLETING OFFICIAL REPORTS

A member shall make reports promptly, accurately, completely, and in full conformity with specifications of the Department. A member shall make all necessary reports as soon as possible and practicable before going off-duty.

DR 602 REMOVAL OF REPORTS & RECORDS

A member shall not disseminate, release, alter, deface, or remove any departmental record or information concerning police matters, except as provided by departmental orders and directives.

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DR 603 INFORMATION CONCERNING POLICE BUSINESS

A member shall not communicate information relating to official police matters without prior approval or subpoena, except to authorized persons. A member shall treat the official business of the Department as confidential.

DR 604 PUBLICATION OF ARTICLES

A member of the Department shall obtain permission from the Director of Police prior to publishing articles as an official representative of the Police Department.

DR 605 POLICE BULLETIN BOARDS

A member shall familiarize himself or herself daily with official information posted on Police Department bulletin boards. Commanders of precincts and bureaus are specifically responsible for maintaining an orderly, up-to-date posting of essential information in a conspicuous and accessible location in order for members to comply with the requirement to keep themselves informed on departmental and City policies and procedures.

DR 606 REPORTING CHANGE IN PERSONAL STATUS

A member shall report immediately to the supervisor and to the Memphis Police Department Personnel Bureau any change in address, telephone number, legal change of name, changes in educational level, notification upon receipt of new certificates, permits or licenses should also be reported.

DR 607 UNAUTHORIZED PUBLIC STATEMENTS

A member shall not engage in any public statement, interview, activity, deliberation or discussion pertaining to the Police Department which reasonably can be foreseen to impair the discipline, efficiency, public service, or public confidence in the Department or its personnel by, but not limited to:

- A. False statements or reckless, unsupported accusations.
- B. The use of defamatory language, abusive language, or epithets.

A member shall not have any contact with any attorney, bondsman, or media personnel regarding any information pertaining to the Memphis Police Department without prior approval. All requests must be submitted in writing to the employee's immediate supervisor for approval.

DR 700 POLITICAL ACTIVITIES

DR 701 POLITICAL ACTIVITY ON-DUTY

A member shall not participate in any partisan political campaign or activity while on-duty, except in compliance with applicable City and State laws and City Civil Service regulations.

DR 702 SOLICITING FOR PROMOTION OR TRANSFER

A member shall not solicit petitions for promotion or reassignment of himself or herself or other members.

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DR 800 UNIFORMS & EQUIPMENT

DR 801 UNIFORM RESTRICTIONS WHILE OFF-DUTY

Off-duty members are restricted in the use of their uniforms as follows:

- A. They may wear their full uniform in going to and from work.
- B. They shall not wear their uniform or identifiable parts while off-duty.
- C. The uniform shall not be worn while a member is under disciplinary suspension.
- D. Members shall not use another member's badge or official police credential without permission of the Director of Police nor shall they permit any person to use their official badge or credentials at any time.

DR 802 PERSONAL USE OF EQUIPMENT OR PROPERTY

A member shall not convert to personal use any money, property, or any other items belonging to the City, except in the performance of his or her official duty or approved by competent authority.

DR 803 ROUGH OR CARELESS HANDLING OF EQUIPMENT

A member shall use due care in handling City, State, County or Federal government equipment, or property issued to them in the performance of their duties. A member shall immediately report any damaged, lost or unserviceable equipment or property in their care. A member shall not willfully or negligently lose, alter, damage, or destroy City, State, County or Federal government issued equipment or property in their care.

DR 900 VEHICLE OPERATION

DR 901 SIRENS & BLUE LIGHTS

A member shall not indiscriminately sound sirens or display blue lights on police vehicles except when responding to emergencies or when it is deemed necessary to the proper performance of police duties.

DR 902 UNAUTHORIZED OPERATION OF DEPARTMENT VEHICLES

- A. All Take-Home vehicles must be approved in writing by the Director of Police Services. A member shall not operate any department-issued vehicle as a take-home car without proper authorization to do so. When a member is administratively charged with DR 902 under section "A", the disciplinary hearings dealing with violations of this policy must be heard at the level of Deputy Chief. If disciplinary action is sustained by the respective Deputy Chief, a first time violation will result in a **minimum** 15 day suspension.
- B. A member shall not allow any non-member of the Department to operate any vehicle of this Department, unless specifically authorized by competent authority.

DR 903 UNAUTHORIZED PASSENGERS

A member shall not allow unauthorized passengers to ride in any vehicle of this Department, unless specifically authorized by competent authority and in compliance with Department orders and directives. Passengers may ride in take-home vehicles if they meet the criteria identified in

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the vehicle take-home program contract.

DR 904 DAMAGE TO MOTOR VEHICLES

- A. All members shall operate City, State, County or Federal government motor vehicles in a careful and prudent manner in order to avoid involvement in traffic accidents resulting in the loss of, or damage to motor vehicles or other property.
- B. Members shall see that vehicles assigned to them are ready for immediate service at all times with tires inflated, oil and fuel at proper levels, and all special equipment and supplies present for efficient performance of duties.
- C. Members shall utilize department equipment for its intended purpose in accordance with established policy and procedures, and shall not intentionally or willfully alter, abuse, misuse, or damage equipment or vehicles.

DR 1000 CIVIL CASES

DR 1001 TESTIFYING IN CIVIL CASES

A member shall not testify in civil cases in his or her official capacity as police officers, unless legally summoned.

DR 1002 INITIATION OF CIVIL CASES

A member shall not initiate civil action arising out of his or her official duties without first notifying in writing the Director of Police.

DR 1003 TESTIFYING FOR DEFENDANT

A member subpoenaed to testify for the defense in any criminal trial, or against the City of Memphis or interest of the Department in any hearing or trial, shall forthwith notify his or her supervisor/ commanding officer and District or City Attorney.

DR 1100 LEAVE, SICKNESS, & INJURY

DR 1101 FEIGNING ILLNESS OR INJURY

A member shall not feign illness or injury in an effort to escape duty.

DR 1102 CALLING OFF DUE TO ILLNESS OR INJURY

A member shall report promptly any anticipated absence from duty in conformity with Departmental procedures.

DR 1103 CALLING ON-DUTY FOLLOWING ILLNESS OR INJURY

A member shall notify the proper authority of his or her return to duty in conformity with Departmental procedures.

DR 1104 LOCATION WHEN ILL

A member reporting sick or injured shall be confined to his or her residence, clinic or hospital during his or her scheduled duty hours except to visit his or her physician (supervisor notification required) or by permission of his or her supervisor. All members are subject to in person or

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telephone verification of his/her convalescent location during duty hours.

DR 1105 A.W.O.L.

A member shall not be absent from duty without proper authorization.

DR 1106 SICK ABUSE POLICY

Sick leave is a benefit granted by the city to its employees. (*See City Policy PM-46-03.*) Therefore, employees must notify their particular work station of a non-work-related injury or illness requiring absence from work. The employee must provide this notification at least two hours prior to the beginning of **each** shift that the employee will be absent. This notification shall include the specific job duties and responsibilities that the employee will not be capable of performing. However, if an employee has medical documentation noting a block of time that the employee will need medical leave, the employee should immediately forward the documentation to his or her supervisor. Once the documentation has been submitted to the employee's supervisor, the daily notification is no longer required during the time frame notated.

When returning to work, employees must notify their particular work station at least two hours prior to the beginning of their shift.

Sick occurrences will be evaluated over a twelve month period from the time of the first occurrence. Any violations of the frequency of these occurrences will result in disciplinary action.

Supervisors may require medical documentation of the sick / injury occurrence regardless of the time of absence from the work place. **However, supervisors shall require that employees present medical documentation for any absence in excess of two consecutive days.**

Recognized medical professionals (licensed physicians) must provide the appropriate documentation of the illness.

An employee medically cleared to return to work is required to immediately report to work. Failure to report to work is an unauthorized leave of absence and will result in disciplinary action up to and including termination.

An employee absent for three days will be sent FMLA paperwork by their supervisor. Family Medical Leave Act leave may be taken intermittently whenever medically necessary to care for a seriously ill family member or because the employee is seriously ill and is unable to work. A "serious health condition" is an illness affecting an employee's health to the extent that he / she must receive in-patient care, or that absences are necessary on a recurring basis, or for more than a few days for treatment or recovery from an extended illness. Adherence to these Family Medical Leave Act conditions is mandatory.

Progressive discipline shall be administered in accordance with this DR and established procedures in the Sick Abuse policy.

Sick Abuse Policy

The Memphis Police Department Sick Abuse Policy is designed for the monitoring of sick leave use, and to establish the level of authority for progressive disciplinary action in cases of abuse.

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The City sick leave benefit is designed to provide the continuation of income during times of legitimate illness.

Sick leave is not to be considered as an alternative form of vacation time, "comp" time, holiday leave or time off for personal business. Progressive disciplinary action shall be administered in accordance with procedure established in this policy:

Advisement at the 4th sick occurrence, within a 12-month period.

Oral Reprimand – 10 days suspension at the 6th sick occurrence, within a 12-month period

10 – 30 days suspension at the 8th sick occurrence, within a 12-month period

30 days suspension – Termination at the 10th sick occurrence, within a 12-month period

Termination at the 12th sick occurrence, within a 12- month period

A twelve-month time period is the standard utilized with reference to total sick occurrence accumulation. For example, a 12 month period begins with any employee absence attributable to non-job related illness or injury, and continues for 12 months. Anytime six (6) or more sick occurrences exist within a 12 month period, the policy becomes active and disciplinary action shall be taken in accordance with D.R. 1106. An employee who repeatedly violates the policy may be subject to disciplinary action beyond that specified above.

It shall be the responsibility of the employee's commanding officer to administer, charge, conduct hearings, and impose disciplinary action for violations of this policy.

Employees may be required to submit a doctor's note/excuse for each sick occurrence beginning with the first one. Failure of an employee to furnish same after having been previously advised in writing to do so may result in the denial of sick leave benefits for the days in question.

It should be noted that a supervisor may request discretionary authority for the purpose of altering the severity of disciplinary action as stated in this policy. The supervisor requesting to change/alter the disciplinary procedure established herein is to submit in writing to their Deputy Chief the facts and reasons that support extenuating circumstances for a lesser course of action.

DR 1107 FAILURE TO REPORT TO OVERTIME DETAIL

A member shall not be absent from an overtime or Special Events Detail without proper authorization.

DR 1108 USE OF TOBACCO

1. Smoking, including all types of personal vaporizer products with or without nicotine (i.e. electronic cigarettes, e-hookahs), is prohibited in any City/County owned facility, building, vehicle, and at any designated work station.
2. Smoking, the use of smokeless tobacco products, and all types of personal vaporizer products are strictly prohibited while engaged in official duties with the public.

DISCIPLINARY PROCEDURES

Uniformity in discipline will enhance the integrity of this department. It should be noted that the purpose of discipline is to stop inappropriate behavior. Prior to rendering a decision for

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discipline, the officer's disciplinary resume should be considered. Progressive measures should be considered in an effort to correct the behavior.

However, management can waive progressive discipline after factoring the severity and impact of an employee's infraction. This departure can lead to increased disciplinary actions, which may lead up to and including termination.