

Chapter	7
Section	7.01
Title	Professional Standards and Evaluations
Subject	Code of Conduct/Code of Ethics
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Revised By	Captain Clifford Mathews
Authorized By	Chief Darren L. Goodman

I. POLICY

All Department employees shall conduct their professional and private lives in a manner that presents a favorable image of the community, the Police Department, and the individual. Courteous and businesslike demeanor shall be observed at all times.

II. PURPOSE

To insure that employees fulfill their duties in a manner that is commensurate with the high level of public faith and trust placed upon the law enforcement profession by the citizens of Upland. The degree to which each Police Department employee demonstrates acceptance of authority and discharge of his or her responsibilities will determine whether or not the Department achieves and maintains the high standards that are necessary in the police service.

III. APPLICATION

The following policies should be viewed as guides to effective action rather than as constraints or barriers. It is recognized that no set of policies and procedures will be sufficiently comprehensive to cover all aspects of the authority, responsibility, and demeanor of those whom it seeks to govern. Of necessity, much must be left to individual qualities of loyalty, integrity, and discretion. It is expected that each employee will exercise judgment and initiative in coping with the extraordinary situations he or she encounters. At all times, employees shall conduct themselves in a reasonable and prudent manner.

IV. DUTY

- A. **Performance of Duties.** Members of the Department shall be held strictly accountable for the proper performance of duties assigned to them, and for adherence to the rules and regulations adopted for the good order of the Department.
- B. **Hours of Duty.** Members of the Department shall have regular hours of assigned active duty, and when not so engaged, they shall be considered off duty. They shall, however, always be subject to call for extra duty any time the Chief of Police or any Division or Watch Commander may direct and order.
- C. **Telephone and Residence.** Employees are required to have an activated telephone whether cellular or landline. The employee's current address and telephone number shall be filed with the Administrative Secretary. Changes in address or telephone number shall be reported to the Administrative Secretary within 72 hours of the change, whether the employee is working or on leave.
- D. **Roll Call.** Unless otherwise directed, employees shall report to daily roll call at the time and place specified, properly uniformed, and equipped. They shall give careful attention to orders and instructions.
- E. **Sickness.** Any member of the Department who anticipates being off duty due to illness or other reasons shall report the fact immediately to an on-duty dispatcher. Dispatch will then note the employee's absence in a CAD entry and notify the ill employee's immediate supervisor.
 - 1. All employees are required to familiarize themselves with City of Upland Administrative Policy Number 409, Family and Medical Leave (FMLA)/California Family Right Act (CFRA).
 - a. It will be the Department's policy that when any employee who qualifies for Family Medical Leave uses more than three (3) consecutive days of sick leave, his or her supervisor will notify them of their rights under FMLA/CFRA.
 - b. They will sign the Department FMLA/CFRA Advisory form either acknowledging that they wish to exercise their FMLA/CFRA rights, or they do not.
 - c. If they choose to have it considered FMLA/CFRA time, they will complete the City of Upland Request for Leave of Absence form and the City of Upland Application for Family or Medical Leave.

- d. They will also need to have their Physician or Practitioner complete either a Physician or Practitioner Medical Certification Employee-Serious Health Condition or a Physician or Practitioner Medical Certification Family Member-Serious Health Condition form.
- e. They will also need to submit a Fitness for Duty to Return from Leave form when they return to work (to be obtained from Physician) if the time used for the employee's own injury or illness.
- f. Illness of a child, parent, spouse or domestic partner.
 - 1) Per City of Upland Administrative Policy and Procedure #403 and California Labor Code Section 233, employees may use, during any calendar year, up to ½ of their yearly accrued sick leave to care for an ill child, parent, spouse or domestic partner.

- F. **Personal Cleanliness.** It shall be the duty of all members of the Department to keep their persons in a clean and sanitary condition. When reporting for duty, officers shall be clean shaven, with their uniforms pressed and cleaned, nylon gear in good order, and shoes shined.
- G. **Shift.** Employees shall acquaint themselves daily when on duty, and immediately upon return to work after an absence, with information pertinent to the operation of the Department. At the end of his or her shift, the employee shall report all facts and conditions of relevant police business to the on-duty Watch Commander.
- H. **Availability When On Duty.** Employees shall be immediately and readily available to the public during duty hours. They shall not conceal themselves, except for some approved police purpose.
- I. **Sleeping On Duty.** No employee shall sleep while on duty.
- J. **Absence From Duty.** Any employee who fails to appear for duty at the date, time, and place specified without consent of competent authority, is "absent without leave" and is subject to disciplinary action. No employee shall absent himself from duty without permission.
- K. **Inspections.** Periodically, the Chief of Police or a staff member may call for full dress inspections of the Department, or shift inspections. Employees directed to attend such inspections shall report, at the indicated time and place, in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection is chargeable as "absent without leave".

- L. **Fitness For Duty.** All employees shall maintain that degree of fitness which will enable them to accomplish the physical requirements of their job classification. When, due to a physical injury or illness, an employee's ability to perform their duties may be affected, the employee may be subject to a fitness for duty examination if required by the Chief of Police.

M. **Court Duty**

1. Court Subpoenas. Obedience to all legal subpoenas is required. Requests for non-appearance must be processed through the Division Commander to the agency or person initiating the subpoena. EMPLOYEES WHO FAIL TO APPEAR IN COURT AFTER BEING SERVED WITH A TRAFFIC OR CRIMINAL SUBPOENA WILL IMMEDIATELY NOTIFY THE ON-DUTY WATCH COMMANDER.
2. Adherence to Subpoenas. Employees who are on scheduled vacation or scheduled to attend a Department approved school are excused from accepting a subpoena when the court appearance date coincides with the scheduled vacation or school date. Subpoenas not served due to vacation or school will be returned to the Records Division indicating the reason for non-service. EXCEPTION: On occasion, an employee's scheduled vacation or school could be canceled due to circumstances demanding that employee's presence in court, i.e., high profile or murder case.
3. Requesting Dismissal. Employees appearing on a traffic or criminal subpoena will ensure that they are properly prepared to testify. Under no circumstances will an employee request that a traffic or criminal matter be dismissed for any reason without prior approval from their Division Commander.
4. Illness. When an employee is too ill to attend court, the ill employee will call the on-duty watch commander to advise him/her of their illness. Immediately upon the employee's return to regular duty, the employee will forward a memorandum, via the chain of command, to his/her Division Commander indicating the reason for missing court.
5. Court Attendance. Employees concerned in cases before the courts shall be punctual in attendance and shall appear either in full uniform or civilian dress of businesslike appearance (Males: ties, dress shirts, suits or slacks, and matching coat).
6. Court Demeanor. Officers shall have the cases with which they are concerned properly prepared and all articles to be used as evidence suitably arranged for presentation to the court. Employees shall give utmost attention and respect to the court at all times. Gum chewing is forbidden while giving testimony. Testimony shall be given with strict accuracy confined to the facts of the case at hand, and no overstatements or suppression of facts or suppression of facts or circumstances shall be made which favor or discredit any person.

7. **Compromising Criminal Cases.** Employees shall not interfere with the administration of criminal justice. They shall not participate in any activity which might interfere with any legal process of law, except in the interest of justice, and then, only according to Departmental procedures. Employees shall not attempt to have any legal process dismissed, reduced, voided, or stricken from official records, except when solely in their capacity as private citizens engaged in personal business.

N. Personal Involvement

1. **Personal Cases.** Employees shall not make arrests in cases in which he or she may be personally involved, except under grave circumstances involving the safety of their person or family. In instances of personal involvement, final determination of arrest shall be made by the on-duty Watch Commander or Sergeant.

- O. Civil Cases.** Employees shall not, in the capacity of Police Officer for the City of Upland, testify or concern themselves with civil cases, unless legally subpoenaed or summoned to do so. Employees shall confer with their commanding officer before giving a deposition or affidavit on a civil case. If the commanding officer determines that the case is of importance to the City, he shall inform the Chief of Police before the deposition or affidavit is given.

P. Off-Duty Employment. From Article 10, Section 1126 of the Government Code:

1. "A state officer or employee shall not engage in any employment activity or enterprise which is clearly inconsistent, incomparable, in conflict with, or inimical to his or her duties as a state officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed.
2. "Each appointing power shall determine, subject to approval of the Department, those activities which, for employees under his or her jurisdiction, are inconsistent, incompatible, or in conflict with their duties as state officers or employees."
3. This policy is adopted as the official policy of the Upland Police Department. All off-duty police officer employment must be approved, in advance, by the Chief of Police.

Q. Conduct Unbecoming an Officer.

1. Sworn employees shall not conduct themselves in a manner or participate in any activity which, if it were known to the public, would tend to bring discredit upon or reflect poorly on, the professional image of the Police Department.

2. **Fraternization:** Officers shall not fraternize with suspects, victims, or witnesses of an official police investigation on duty, or make arrangements for fraternization after normal duty hours, unless such fraternization is for the purpose of conducting an official investigation, and the officer's immediate supervisor is aware of the investigation.
- R. **Truthfulness.** All employees of the department are required to be truthful. No employee shall give a false or misleading statement; write a false or misleading police report; or give a false or misleading statement during an internal affairs investigation.
- S. **Alcoholic Beverages and Medications.**
1. **Sobriety**
 - a. Employees shall not report for or perform duty:
 - 1) While under the influence of liquor, prescribed or non-prescribed drugs, or compounds that may affect job performance or bring discredit to the Department.
 - 2) Before dissipation of any effects, resulting from prior use of alcohol or medication, which may affect motor skills or behavior.
 - 3) Showing evidence of having used the above substances, e.g., odor on breath, body, clothes, etc., or any other characteristic noticeable by supervision or public.
 - b. Employees are prohibited from consuming alcohol during normal hours of duty, except when necessary in the course of an official investigation. No uniformed employee, or employee wearing part of a uniform, shall buy or drink any alcoholic beverage in public view, whether on or off duty.
 2. **Possession of Alcohol and Drugs**
 - a. No employee shall bring any alcoholic beverage, drugs, or intoxicating compound into the police station, or transport alcoholic beverages in Department vehicles, except as evidence, property of a prisoner or suspect, or found property. Such evidence or property shall be tagged and stored according to Department policy. Exceptions may be made for prescription medications with the prior approval of the Chief of Police or Division Commander.
 3. Employees shall neither use nor possess, any illegal substance except in the performance of duty, with the approval of a superior officer.

V. ORDERS

A. Employees shall be held accountable to fulfill, to the greatest extent possible, the functions of the Department, and to promptly carry out any reasonable, lawful, and proper order given by a supervisor.

1. Orders

- a. Manner of Issuing Orders. Orders shall be in clear and understandable language, respectful in tone, and issued in pursuit of Department business.
- b. Unlawful Orders. No supervisory person shall knowingly issue any order which violates any law, ordinance, or Department policy and procedure.
- c. The Right to Disobey (Unlawful Orders). No employee is required to obey any order which is contrary to State or Federal law or local ordinance. However, responsibility for a refusal to obey rests with the employee.
- d. Unjust or Improper Orders. Employees who are given orders which they feel to be unjust, or contrary to the policies, procedures, or rules of the Department (as opposed to those orders which are unlawful) must first obey the orders to the best of their ability. Following this, they may pursue appeal procedures. Should any order conflict with previous orders that may have been issued, it is incumbent on the officer to whom such order is given to respectfully call attention to such conflict of order. After so doing, and if the officer giving the last order does not change same, his order shall stand, and the person obeying such order will not be held responsible for disobeying previous orders.
- e. Reporting and Appealing Alleged, Unlawful, Unjust, or Improper Orders. An employee receiving an unlawful, unjust, or improper order shall, at first opportunity, report the situation in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time.
- f. Criticism of Orders. Employees of the Police Department shall not, under any circumstances, or in any manner whatsoever, speak critically or derogatorily to any other member, or to any person outside of the Department, regarding orders or instructions issued by the City Council, City Manager, or any superior officer of the Police Department. When there is sound reason to believe that such orders or instructions are inconsistent or unjust, it is the right and duty of any officer to appeal to the next higher authority in the Department.

2. Relationship to Supervisors

- a. Insubordination. The deliberate refusal or failure of an employee to accept and obey a lawful order given by a superior is insubordination, and shall subject the employee to disciplinary action.
- b. Respect For Superiors. Each employee shall accord respect to their commanding officer, superior, or supervisor at all times, and shall refrain from being unreasonably critical or making derogatory comments on orders received from or issued by him.
- c. Keeping Informed. Employees shall keep their superiors properly informed, based upon "the need to know".

VI. EFFECTIVE PUBLIC CONTACT

A. Employees shall:

1. Be courteous, patient, discreet, and orderly. Employees will not be rude, insolent, abusive, or profane to any member of the public.
2. Be aware of cultural differences, and appropriately adjust their approach and actions to gain the most effective results. Exercise caution whenever dealing with people who apparently do not understand or speak English, so as to avoid needless antagonism. Employees will not discriminate against any person because of his nationality, color, ancestry, race, sex, creed, marital status, physical handicap, medical condition, or religious or other beliefs.
3. Give all proper information carefully, courteously, and accurately upon request. Shall avoid all unnecessary conversation or controversy, and if requested, shall give their name and badge number in a respectful manner.
 - a. Exception: When the physical safety of an employee of the Department would be threatened by compliance with the request.
4. Refrain from using unnecessary force in making arrests or at any other time. However, officers must be firm, resolute, and energetic, exercising the necessary means to properly perform their duty. They shall not use uncomplimentary terms of speech in referring to any prisoner, or intentionally antagonize any person in custody or about to be taken into custody (ref. Penal Code Section 147, 149, 681).

5. Extend full cooperation to members of the press consistent with Departmental practice, provided the successful investigation or prosecution of a police case is not thereby jeopardized. Any situation which involves a question of relationship with the press, and which cannot be satisfactorily resolved by the officer, shall be referred to a Supervisor. Employees shall not use their knowledge of Departmental affairs to obtain personal publicity.
6. Prior to participating as a member of any type of personnel or oral interview board, obtain approval from the Chief of Police.
7. Refer all requests for speaking engagements to the Chief of Police.
8. Not buy or sell anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to your attention or which arose out of your Departmental employment which would adversely affect the credibility of the officer, the Department, or the disposition of any case, except as may be specifically authorized by the Chief of Police.
9. Clear through the Chief of Police or designee, all written communications regarding Departmental business with any party or agency outside of the Department. Unless approved to the contrary, all such communication will be dispatched over his signature.
10. Be governed by courtesy and common sense when smoking on duty, and remain as inconspicuous as possible. Officers shall not smoke or conspicuously chew gum or tobacco while conducting interviews, issuing citations, or under like conditions when chewing or smoking may be detrimental to good business conduct, appearance, or established procedures. Officers shall not expectorate chewing tobacco in public view or in locations that would be offensive to others.
11. Not consume intoxicants, narcotics, or any controlled substance while on duty, and then, only with permission of a superior, and under no circumstances, in uniform. Permission may be granted for certain plain clothes investigators.
12. Not loiter while on duty in any place except for conducting regular police business, or take meals or refreshments. Employee's off-duty and not on official standby shall not loiter in Police Department areas.
13. Not directly or indirectly recommend the employment of any person as attorney or counsel or suggest the name of any bail bondsman or bail agencies to any prisoners. This shall not limit the members of the Department from providing the telephone directory to prisoners, in order that they may make a selection of a bail bonding agency or attorney of their own choice.
14. Not act in an official capacity, nor attempt to utilize the influence of their position as a Police Officer, during personal neighborhood disputes while off duty.

15. Not accept gifts, gratuity, or reward in money or other consideration for services rendered in the line of duty to the community, or to have any person, business, or agency, except lawful salary, and that which may be authorized by the law. Any unauthorized gift, gratuity, loan, fee, reward, or other things falling into any of these categories coming into an employee's possession, shall be forwarded to the Office of the Chief of Police, together with a written report explaining the circumstances connected therewith, at which time, he will make an appropriate disposition.
16. Not affiliate with any organization in which membership would impair their efficiency as an employee, or would tend to bring discredit upon, or reflect poorly upon, the professional image of the Upland Police Department. This regulation does not prohibit membership in bona fide labor organizations or associations.
17. Shall not reveal police information outside the Department, except as provided elsewhere in this manual or as required by law or competent authority. Specifically, information ordinarily accessible only to members and employees, such as names of informants, complainants, witnesses, and other persons known to the police, are considered confidential. Silence should be employed to safeguard confidential information. Violation of the security of this type of information constitutes gross misconduct.
18. Conduct themselves in a professional manner while using the police radio, observing Department and Federal Communication Commission regulations at all times.
19. Not engage in the recreational reading of printed material and the watching of television or other visual devices. Discretionary use of listening devices such as radios is permitted as long as it in no way interferes with the performance of duty nor projects a negative image of the department.
20. Operate assigned police department motor vehicle in accordance with all City/Department safety regulations, and shall obey all traffic laws as stated in the California Vehicle Code, unless authorized in the performance of an officer's official duty.

VII. RELATIONSHIP TO ASSOCIATES

- A. **Respect.** Employees shall treat other Departmental employees and all other professional associates with respect. In their demeanor, they shall be courteous and considerate. They shall guard against unfriendly feeling, and refrain from all communications to the discredit of their associations, except to superior officers when it is their duty to place before them, facts regarding neglect of duty, disobedience to orders, violation of law, or other improper conduct.

- B. **Exercise of Authority.** Authority in the Department shall be exercised with justice, firmness, and fairness. Superiors shall avoid, as far as circumstances warrant, censuring subordinates in the presence of others. Superior officers are forbidden to injure or discredit those under their command by tyrannical or capricious conduct or by abusive language.
- C. **Military Courtesy.** When on duty and in the presence of other employees or the public, employees shall conform to normal courtesy standards, and refer to each other by rank.
- D. **Assistance.** Employees shall cooperate with and assist other members of the Department. They shall take appropriate police action toward aiding a fellow officer exposed to danger or in a situation where danger might be impending.
- E. **Cowardice.** Employees shall not display cowardice or fail to aid and support their associates in the performance of duty. Anyone who displays reluctance to properly perform assigned duties with an associate or who acts in a manner tending to discredit themselves or the Department shall be subject to disciplinary action.
- F. **Information.** Any deliberate and unjustified withholding from other employees of the Department of police information relating to a currently assigned criminal investigation is considered gross neglect of duty.
- G. **Marking Notices.** Members shall not mark, alter, or deface any printed or written notices relating to police business.
- H. **Code of Professional Conduct and Responsibilities For Police Officers.** Selected parts of this Code deemed relevant and applicable to sworn officers in the City of Upland are included in this manual as Appendix 1. All officers are instructed to familiarize themselves with the provisions and to conduct themselves in accordance therewith.

VIII. LAW ENFORCEMENT CODE OF ETHICS

- A. As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional Rights of all men to liberty, equality, and justice. I will keep my private life unsullied as an example for all; maintain courageous calm in the face of danger, scorn,, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decision. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession --- law enforcement. Adopted 1956 - The Peace Officers' Association of the State of California.

IX. CITY OF UPLAND CODE OF ETHICS

Sec. 2.56.020 Purpose.

The proper operation of a democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policies be made in proper channels of the governmental structure; that the public office not be used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics and Conduct ("Code") that is applicable to all Parties. The purpose of this Code is to establish ethical standards of conduct for all such Parties by setting forth those acts or actions that are incompatible with the best interest of the City and the public and by ensuring disclosure by such Parties of private financial or other interest in matters affecting the City as required by State Law. The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best interest of the City of Upland. These standards, as set forth in this Ordinance, are intended to supplement and be cumulative to all

applicable laws, policies and regulations otherwise applicable to the Parties. The sections of this Ordinance that apply existing state or federal law or regulation do so not to preempt state or federal law but instead are intended to ensure notice and disclosure of the same to all Parties.

Sec. 2.56.030 Responsibilities of Public Office.

Parties who are elected officials or appointed office holders hold office for the benefit of the public and are bound to uphold the Constitution and laws of the United States, of this state and municipality, and thus to foster respect for all levels of government. They are bound to observe and comply with both the letter and the spirit of the law in their official acts, the highest standards of morality and honesty and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach at all times.

As state Law requires, no one who holds office, or who is seeking election or appointment to, any office or employment in the City shall, directly or indirectly, use, promise, threaten, or attempt to use, any office, authority, or influence, whether then possessed or merely anticipated, to confer upon or secure for any individual person, or to aid or obstruct any individual person in securing, or to prevent any individual person from securing, any position, nomination, confirmation, promotion, or change in compensation or position, within the state or local agency, upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition of consideration. This prohibition shall apply to urging or discouraging the individual employee's action. (Government Code Section 3204)

Sec. 2.56.040 Dedicated Service.

A. All Parties are required to be loyal to the objectives expressed by the electorate and the programs developed by policymaking officials which are intended to attain those objectives. Parties are, at all times, required to adhere to the rules of the workplace and performance established as the standards for their positions by the appropriate authority.

B. Parties should never exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by legally required or recommended confidentiality of their work.

Sec. 2.56.050 Fair and Equal Treatment.

A. Interest in Appointments

Canvassing of members of the Council, Boards, or Commissions in order to obtain preferential consideration in connection with any appointment to an office of the City of Upland shall disqualify the candidate for appointment, except when an official or employee is used as a reference for appointment.

B. Obligations to Citizens

No Party shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available or granted to every citizen.

Sec. 2.56.060 Conflict of Interest.

Pursuant to the Regulations of the Fair Political Practices Commission and the California Government Code and the cases arising thereunder no Party shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which would interfere with the proper discharge of their official duties in the public interest or would tend to impair their independence of judgment or action in the performance of official duties. Personal, as distinguished from financial interest, includes an interest arising from blood marriage relationships or close business or political association. Specific examples of conflicts of interest are enumerated below for the guidance of the Parties:

A. Outside Employment

Subject to the City's personnel rules or adopted agreement no Party shall engage in, or accept, private employment or render services for private interest when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair their independence of judgment or action in the performance of their official duties.

B. Disclosure of Confidential Information

No Party shall, without proper prior legal authorization, disclose confidential information concerning the property, government, or affairs of the City, including those arising from closed sessions. No Party shall use confidential information to advance the financial or other private interest of themselves or third parties.

C. Gifts and Favors

Pursuant to the Regulations of the Fair Political Practices Commission and the California Government Code and the cases arising thereunder no Party shall accept any services or gift with a value in excess of Four Hundred and Twenty Dollars (\$420.00), as adjusted by the State of California from time to time, whether in the form of service, loan, thing, or promise from any person, firm, or corporation which their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any such official or employee; (1) accept any gift or favor that will tend to influence them in the discharge of duties or (2) grant, in the discharge of duties, any improper favor, service, or thing of value. The City may allow the use of a gift by all the employees at the work site, at the discretion of the Department Head.

D. Representing Private Interest Before City Agencies or Courts

Consistent with State Law and the regulations of the Fair Political Practices Commission no Party shall appear on behalf of private interest before any agency of the City. No Party shall represent a private interest in any action or proceeding directly against the interest of the City in any litigation to which the City is a party except as expressly permitted by law.

E. Contracts with the City

In the event a prohibition arising under Government Code 1090 through 1091.5 is not applicable any Party who has a substantial or controlling financial interest in any business entity, transaction, or contract with the City, or in the sale of real estate, materials, supplies, or service to the City, shall make known to the proper authority such interest in any matter on which they may be called to act in their official capacity. They shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale.

F. Disclosure of Interest in Legislation and Policy Discussions

1. Consistent with State law and regulation a Councilmember or Mayor who has a financial or other private interest in any legislation shall disclose, on the record of this Council or other appropriate authority, the nature and extent of such interest and participate unless it is necessary or desirable to recuse themselves from the matter.
2. Any other Party who has a financial or other private interest, and who participates in discussion with, or gives an official opinion to the Council, shall disclose on the records of the Council or other appropriate authority the nature and extent of such interest.

G. Statement of Economic Interest

Pursuant to law and City Policy, the designated employees of the City of Upland shall:

1. File a Form 700 as required by law.
2. Other Employees, designated by the City's Conflict of Interest Code, shall file a form 700.

H. Political Campaign Contributors

Any Party receiving campaign donations in an amount that exceeds the value of \$1,000.00 whether by cash, loan, thing, or in-kind, from any person, firm, corporation or associated/related group with known ties to issues before a voting body of the City, shall not vote upon or otherwise participating in the discussion of said issue before the voting body for a period of one year from the date of the donation.

Sec. 2.56.070 Use of City Equipment/Property.

No Party shall request the use of or permit or suffer the use of City-owned vehicles, equipment, materials, personnel or property for personal convenience or profit, except when such services are available to the public generally, or provided as municipal policy for use of such official or employee in the conduct of official business or otherwise set by City policy.

Sec. 2.56.080 Employee Activity.

A. Parties shall not report to work under the influence of drugs or alcohol or utilize such substances during the work day or when assigned to standby duty.

B. Parties shall not gamble on City Property.

C. Parties, paid or non-paid, representing an employee group, or organization, verbally or nonverbally, by direct or inference, or by display of emblem, badge, or logo, shall not solicit political support on behalf of election candidates during work hours. Employees are not prevented by this policy from acting as individual citizens or of non city employee group affiliation at any time they are not acting within their employment status.

Sec. 2.56.090 Annual Review of Effectiveness of Policy.

The City Council shall conduct an annual review and evaluation of the effectiveness and application of the Code of Ethics and Conduct at a regular

scheduled meeting, agendaed for open discussion and public comment. Department Heads, Commissions, Committees, Boards and/or Authorities Chairpersons shall be instructed to poll members of their Departments, Commissions, Committees, Boards, and/or Authorities and report findings regarding the effectiveness of this Ordinance to City Council as part of annual review and evaluation.

Sec. 2.56.100 Dissemination of Policy.

The City Manager shall ensure that the contents of this Ordinance are disclosed to all employees, present and future.

Sec. 2.56.110 Enforcement and Sanctions.

It is intended that this code be self enforcing. However, it is recognized that there may be instances where even after receiving guidance and counsel to resolve unintentional violation, a Party may continue to violate the Code's provision, or an individual's egregious disregard and conscious intent to violate the Code clearly demonstrated. In those cases, sanctions may apply and would occur in a public meeting. The possible sanctions that would apply by action of the City Council would be:

A. Mayor and City Council

1. Public censure of a member pursuant to law
2. Removal from all appointed committees, boards, and/or commissions by majority vote of the Council.
3. The ultimate sanction of removal from office would lie in the hands of the electorate.

B. Boards, Commissions, and Committees

1. Public censure of a member pursuant to law
2. Removal from position on board, commission, or committee (unless the Municipal Code is revised).

The ultimate responsibility for the enforcement of this Code of Ethics and Conduct lies with the Mayor and Upland City Council, as they represent the will of the people of the City of Upland."

Section 2. The terms of this Ordinance shall supersede any previous resolutions of the Council or Council policies which may be in conflict or inconsistent with the terms of this

Ordinance. Notwithstanding anything to the contrary 2.56.060H shall not be applicable nor enforceable until the date that is one year subsequent to the adoption of this Ordinance.

Section 3. The City Clerk of the City of Upland shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 4. If any section, subsection, sentence, clause or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Upland hereby declares that it would have passed and adopted this Ordinance, and each and all provisions thereof, irrespective of the fact that one or more of said provisions may be declared to be invalid.

Section 5. The City Council hereby finds that this Ordinance is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) as it can be seen with certainty that this Ordinance's enactment will not have a significant effect on the environment.

PASSED, APPROVED and ADOPTED this 9th day of May, 2011

X. Code of Professional Conduct and Responsibility for Police Officers

A. PREAMBLE

WHEREAS, peace officers are vested with a public trust, requires that they consistently demonstrate the highest degree of integrity and good moral character; and

WHEREAS, the need to maintain high standards of moral character, integrity, knowledge, and trust requires the establishment of a Code of Professional Conduct and Responsibility for Peace Officers as a matter of the highest significance to the health, welfare, and safety of the citizens of this state; and

WHEREAS, the establishment of a Code of Professional Conduct and Responsibility for Peace Officers, which includes Canons of Ethics and minimum standards, requires the granting of authority to enforce these standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare, and safety of the public; therefore,

BE IT RESOLVED that the need to maintain high standards of moral character, integrity, knowledge, and trust require that peace officers establish and conform to a Code of Professional Conduct and Responsibility for Peace Officers.

B. GENERAL STATEMENT

Peace Officers are granted a public trust which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust, and to ensure that their professional conduct is above reproach, members of the peace officer profession must not only conform to a Code of Ethics, but must also abide by these Canons of Ethics and Ethical Standards which constitute this Code of Professional Conduct and Responsibility as a means of internal regulation.

The essence of a profession that requires that, in addition to prescribing a desired level of performance, it must establish minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, this Code of Professional Conduct and Responsibility is established for the peace officer profession.

Nothing in the Code of Professional Conduct and Responsibility for Peace Officers is intended to limit or supersede any provision of law relating to the duties and obligations of peace officers, or the consequences of a violation thereof. Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned.

Nothing in this Code is intended to limit the authority of an agency to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained in this Code of Professional Conduct and Responsibility for Peace Officers.

C. DEFINITIONS

This Code of Professional Conduct and Responsibility for Peace Officers is comprised of nine Canons of Ethics, with explanatory statements in the form of Ethical Standards. Examples of Disciplinary Rules and Enforcement Procedures are included as an addendum for individual agency consideration. Following are definitions of these terms, as used in the context of the Code.

1. "PEACE OFFICER" means a regular employed and full-time Sheriff, Undersheriff, or Deputy Sheriff of a County; a Chief of Police or any Police Officer of a City or any Chief of Police or Police Officer of a district authorized by law to maintain a Police Department, or any other person within the State who is defined as a Peace Officer.
2. "CANONS" are statements which express, in general terms, standards of professional conduct expected of Peace Officers in their relationship with the public, the criminal justice system, and the Peace Officer profession. They embody the general concepts from which the Ethical Standards and the Disciplinary Rules are derived.

3. "ETHICAL STANDARDS" are statements that represent the objectives toward which every peace officer shall strive. They constitute principles that can be relied upon by the Peace Officer for guidance in specific situations.

4. "DISCIPLINARY RULES" specify an unacceptable level of conduct for all Peace Officers, regardless of their rank, or the nature of their assignment. Any Peace Officer who violates any agency rule that applies to these Canons and Standards is guilty of unprofessional conduct, and is subject to disciplinary action. Violation of disciplinary rules requires appropriate adjudication and disciplinary action ranging from oral reprimand to termination, and/or criminal prosecution, or other administrative actions sanctioned by law, as dictated by the individual case.

5. "ENFORCEMENT PROCEDURES" are the fundamental rights of an accused Officer, which are applicable to a disciplinary investigation, or proceeding against the Officer.

6. "ADMINISTRATIVE INVESTIGATION" is an investigation conducted to determine whether an officer has violated any provision of this Code, or an agency rule or regulation; or whether an Officer is impaired or unfit to perform the duties and responsibilities of a Peace Officer.

7. "FORMAL DISCIPLINE" refers to the final adjudication of administrative or disciplinary charges. Formal discipline shall be deemed final, only after an Officer has exhausted or waived all legal remedies available, and actual discipline has been invoked.

D. CANONS OF ETHICS

CANON ONE

PEACE OFFICERS SHALL UPHOLD THE CONSTITUTION OF THE UNITED STATES, THE STATE CONSTITUTION, AND ALL LAWS ENACTED OR ESTABLISHED PURSUANT TO LEGALLY CONSTITUTED AUTHORITY.

ETHICAL STANDARDS

- 1.1 Peace Officers shall recognize that the primary responsibility of their profession and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and State Constitutions, and laws derived therefrom.
- 1.2 Peace Officers shall be aware of the extent and the limitations of their authority in the enforcement of the law.
- 1.3 Peace Officers shall diligently study principles and new enactments of the laws they enforce.
- 1.4 Peace Officers shall be responsible for keeping abreast of current case law as applied to their duties.

- 1.5 Peace Officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.
- 1.6 Peace Officers shall respect and uphold the dignity, human rights, and Constitutional Rights of all persons.

CANON TWO

PEACE OFFICERS SHALL BE AWARE OF AND SHALL USE PROPER AND ETHICAL PROCEDURES IN DISCHARGING THEIR OFFICIAL DUTIES AND RESPONSIBILITIES.
ETHICAL STANDARDS

- 2.1 Peace Officers shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.
- 2.2 Peace Officers shall truthfully, completely and impartially report, testify, and present evidence in all matters of an official nature.
- 2.3 Peace Officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants, and collection and preservation of evidence.
- 2.4 Peace Officers shall follow the principles of integrity, fairness, and impartiality in connection with their duties.

CANON THREE

PEACE OFFICERS SHALL REGARD THE DISCHARGE OF THEIR DUTIES AS A PUBLIC TRUST AND SHALL RECOGNIZE THEIR RESPONSIBILITIES TO THE PEOPLE WHOM THEY ARE SWORN TO PROTECT AND SERVE.
ETHICAL STANDARDS

- 3.1 Peace Officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.
- 3.2 Peace Officers, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.
- 3.3 Peace Officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.
- 3.4 Peace Officers shall safely and efficiently, use equipment and material available to them.
- 3.5 Peace Officers shall be prepared to and shall respond effectively to the demands of their office.
- 3.6 Peace Officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.

- 3.7 Peace Officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.
- 3.8 Peace Officers shall recognize that their allegiance is first to the people, then to their profession, and the governmental entity or agency that employs them.

CANON FOUR

PEACE OFFICERS WILL SO CONDUCT THEIR PUBLIC AND PRIVATE LIFE THAT THEY EXEMPLIFY THE HIGH STANDARDS OF INTEGRITY, TRUST, AND MORALITY DEMANDED OF A MEMBER OF THE PEACE OFFICER PROFESSION.
ETHICAL STANDARDS

- 4.1 Peace Officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment, which brings discredit upon the profession of their employing agency, or renders them unfit for their next tour of duty.
- 4.2 Peace Officers shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties, and under no circumstances, while in uniform.
- 4.3 Peace Officers shall not use any narcotics, hallucinogens, or any other controlled substances, except when legally prescribed. When such controlled substances are prescribed, Officers shall notify their superior officer prior to reporting for duty.
- 4.4 Peace Officers shall maintain a level of conduct in their personal and business affairs, in keeping with the high standards of the Peace Officer profession. Officers shall not participate in any incident involving moral turpitude.
- 4.5 Peace Officers shall not undertake financial obligations which they know or reasonably should know they will be unable to meet, and shall pay all just debts when due.
- 4.6 Peace Officers shall not engage in illegal political activities.
- 4.7 Peace Officers shall not permit or authorize, for personal gain, the use of their name or photograph and official title identifying them as Peace Officers in connection with testimonials or advertisements for any commodity, commercial enterprise, or commercial service which is not the product of the Officer involved.
- 4.8 Peace Officers shall not engage in any activity which would create a conflict of interest or would be in violation of any law.
- 4.9 Peace Officers shall, at all times, conduct themselves in a manner which does not discredit the Peace Officer profession, or their employing agency.

- 4.10 Peace Officers shall not be disrespectful, insolent, mutinous, or insubordinate in attitude or conduct.
- 4.11 Peace Officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors, and subordinates.
- 4.12 Peace Officers shall not engage in any strike, work obstruction, or abstention, in whole or in part, from the full, faithful, and proper performance of their assigned duties and responsibilities, except as authorized by law.
- 4.13 Peace Officers shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration, while acting in an official capacity.

CANON FIVE

PEACE OFFICERS SHALL RECOGNIZE THAT OUR SOCIETY HOLDS THE FREEDOM OF THE INDIVIDUAL AS A PARAMOUNT PRECEPT, WHICH SHALL NOT BE INFRINGED UPON WITHOUT JUST, LEGAL, AND NECESSARY CAUSE.

ETHICAL STANDARDS

- 5.1 Peace Officers shall not restrict the freedom on individuals, whether by detention or arrest, except to the extent necessary to legally or reasonably apply the law.
- 5.2 Peace Officers shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.
- 5.3 Peace Officers shall not use their official position to detain any individual, or to restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

CANON SIX

PEACE OFFICERS SHALL ASSIST IN MAINTAINING THE INTEGRITY AND COMPETENCE OF THE PEACE OFFICER PROFESSION.

ETHICAL STANDARDS

- 6.1 Peace Officers shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.
- 6.2 Peace Officers shall perform their duties in such a manner as to discourage double standards.
- 6.3 Peace Officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

- 6.4 Peace Officers shall maintain the integrity of their profession through complete disclosure of those who violate any of these rules of conduct, violate any law, or who conduct themselves in a manner which tends to discredit the profession.
- 6.5 Peace Officers shall have the responsibility for reporting to proper authorities, any known information which would serve to disqualify candidates from transferring within or entering the profession.
- 6.6 Peace Officers shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, laws, and requirements of the profession.
- 6.7 Chief Executive Peace Officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and the competency of their Officers. These Canons and Ethical Standards shall apply to all legally defined Peace Officers, regardless of rank.
- 6.8 Peace Officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

CANON SEVEN

PEACE OFFICERS SHALL COOPERATE WITH OTHER OFFICIALS AND ORGANIZATIONS WHO ARE USING LEGAL AND ETHICAL MEANS TO ACHIEVE THE GOALS AND OBJECTIVES OF THE PEACE OFFICER PROFESSION.

ETHICAL STANDARDS

- 7.1 Peace Officers, within legal and agency guidelines, shall share with personnel, both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals or objectives.
- 7.2 Peace Officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other Officer in the proper performance of their duty.
- 7.3 Peace Officers shall, within legal and agency guidelines, endeavor to communicate to the people of their community, the goals and objectives of the profession, and keep them apprised of conditions which threaten the maintenance of an ordered society.

CANON EIGHT

PEACE OFFICERS SHALL NOT COMPROMISE THEIR INTEGRITY, NOR THAT OF THEIR AGENCY OR PROFESSION, BY ACCEPTING, GIVING, OR SOLICITING ANY GRATUITY.

ETHICAL STANDARDS

- 8.1 Peace Officers shall refuse to offer, give, or receive gifts, favors, or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate Peace Officers from normal social practices, or to preclude gifts among friends, associates, or relatives where appropriate.
- 8.2 Peace Officers shall not consider their badge of office as a license designated to provide them with special favor or consideration.

CANON NINE

PEACE OFFICERS SHALL OBSERVE THE CONFIDENTIALITY OF INFORMATION AVAILABLE TO THEM THROUGH ANY SOURCE, AS IT RELATES TO THE PEACE OFFICER PROFESSION.

ETHICAL STANDARDS

- 9.1 Peace Officers shall be aware of, and shall meticulously observe, all legal restrictions on the release and dissemination of information.
- 9.2 Peace Officers shall treat, as confidential, the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.
- 9.3 Peace Officers shall treat, as confidential, that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.
- 9.4 Peace Officers shall neither disclose nor use for their personal interest, any confidential information acquired by them in the course of their official duties.
- 9.5 Peace Officers shall treat, as confidential, all matters relating to investigations, internal affairs, and personnel.

Chapter	7
Section	7.02
Title	Professional Standards and Evaluations
Subject	Minimum Performance Standards
Effective Date	08/23/2000
Revision Date	07/03/2018
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Douglas P. Millmore

I. INTRODUCTION

The following minimum performance standards have been developed to inform employees of Department expectations. Nothing in this document relieves employees of the responsibility of complying with the Policy and Procedures Manual or City Administrative Procedures. Sworn members are also expected to comply with the Officer's Manual.

II. TEAMWORK

In order to best serve the citizens of Upland, members of the Department must work together as a team. We must strive to make every citizen contact a positive experience, throughout each phase: the original call to the communications center, the patrol officer response, report writing, supervisor oversight, records maintenance, and investigations division follow-up.

Employees will be evaluated based on the extent that they seek to help others by providing support and assistance, seek the contributions of others, and demonstrate a commitment to team and/or unit goals.

- A. Minimum Standards For All Employees:** In order to meet the minimum standards for team work, employees are expected to:
1. Consistently seek to help others by providing support and assistance.

2. Seek the contributions of others and demonstrate a commitment to team and/or unit goals.
3. Work with supervisors and other personnel in planning and building an effective team.
4. Direct objectives, talents and efforts toward the needs of the department and the accomplishment of unit goals.
5. Suggest and readily try new methods to improve effectiveness and solve problems.
6. Accept and perform new and additional assignments.

B. **Exceeds Standards:** Employees desiring an evaluation rating of “exceeds standards” for team work are expected to:

1. Provide direction and support to others through leadership and/or team commitment.
2. Encourage and support the contributions of others.
3. Willingly assume additional responsibilities to meet team goals.

III. **WORK HABITS**

Employees will be evaluated based on the extent to which they can be relied upon to complete assignments and display the motivation to produce without urging.

A. **Minimum Standards For All Employees:** In order to meet the minimum standards for work habits, employees are expected to:

1. Complete assignments in a reasonable length of time with routine supervision.
2. Display an acceptable level of drive and energy.
3. Follow instructions.
4. Meet work schedules and standards without close supervision.
5. Produce work of sufficient quantity and quality so that time is not lost due to corrections or inadequate work.
6. Obtain supervisor approval for deviations from established schedules and instructions.
7. Avoid work interruptions caused by personal matters, personal telephone calls, etc.
8. Provide quality public service.
9. Be productively engaged in your work while on duty.
10. Present yourself in a manner most likely to inspire public confidence and respect.

11. Complete assignments and projects by the due date or renegotiate with your supervisor in advance.
12. Notify your supervisor at the point of the shift where overtime is going to be necessary.

B. Minimum Standards For Technical/Professional Personnel: In addition to the minimum standards outlined in subsection A, technical/professional employees are also expected to:

1. Possess or develop the technical skills necessary to complete assignments.
2. Complete assignments in a manner consistent with currently accepted techniques, standards and procedures.
3. Develop solutions that are conceptually sound.
4. Anticipate and resolve technical problems in application.
5. Substantiate and document conclusions and recommendations based upon available information.

C. Minimum Standards For Sworn Personnel: In addition to the minimum standards outlined in subsection A, sworn personnel are also expected to:

1. Provide efficient and effective law enforcement.
2. Take responsibility for your assigned area (beat). Identify problems and issues and initiate appropriate steps to resolve them, utilizing available resources.
3. When assigned to a call, respond promptly and take the most expeditious route.
4. When assigned by radio, give your location.
5. Monitor your MDC and radio.
6. Acknowledge transmissions when called and keep your status updated.
7. Handle calls appropriately and efficiently, in accordance with Department policy and the law.
8. Enhance interaction with members of the community. Involve the community in determining enforcement priorities and problem solving.
9. Effectively use available time to work on identified beat problems, prevent criminal behavior, and apprehend violators.
10. Maintain an emphasis on problem resolution and crime prevention.
11. Self-initiate activity such as citizen contacts, consensual encounters, and detentions based upon probable cause.
12. Utilize all available resources such as field interrogation cards, warnings, citations, traffic enforcement, arrests, and other innovative resources to effectively accomplish the goals of proactive patrol and eliminate criminal behavior.
13. Arrive at the beginning of roll call in complete uniform, with all necessary equipment ready for duty.

14. Be in service as soon as possible after briefing unless approved otherwise by your supervisor.
15. Assure lunch breaks do not exceed 45 minutes, excluding reasonable travel time after clearance.
16. Coffee breaks (2) are not to exceed 15 minutes each, excluding reasonable travel time after clearance.
17. Provide dispatch with locations for lunch and breaks upon arrival. Remember – this is for your safety.
18. Remain in the field until 20 minutes to end of shift, but available to end of shift. Exceptions to be cleared with a supervisor.
19. Follow the chain of command.

D. **Exceeds Standards:** Employees desiring an evaluation rating of “exceeds standards” for work habits are expected to:

1. Complete assignments within a reasonable period of time with a minimum amount of supervision.
2. Be self-motivated and require little direction.
3. Endeavor to have a positive, lasting impact upon every segment of the community they come into contact with.

IV. **JUDGMENT AND INITIATIVE**

Employees will be evaluated based on the extent that they analyzed situations and took appropriate action without directing or prompting.

A. **Minimum Standards For All Employees:** In order to meet the minimum standards for judgment and initiative, employees are expected to:

1. Make timely, sound decisions based on available information and experience.
2. Require minimal guidance and direction.
3. Volunteer for assignments and/or projects.
4. Anticipate problems and take action to avoid or resolve them.

B. **Exceeds Standards:** Employees desiring an evaluation rating of “exceeds standards” for judgment and initiative are expected to:

1. Demonstrate insight and analytical ability resulting in successful decisions, even in complex situations.
2. Actively pursue opportunities which increase productivity and/or improve community service.

V. PROBLEM SOLVING

Employees will be evaluated based on the extent that they identify community and crime related issues and use problem solving techniques to fight crime and improve the quality of life.

1. **Minimum Standards For All Employees:** In order to meet the minimum standards for problem solving, employees are expected to:
 - a. Appropriately identify community issues.
 - b. Use effective problem solving processes to fight crime and/or improve the quality of life.
2. **Exceeds Standards:** Employees desiring an evaluation rating of “exceeds standards” for problem solving are expected to:
 - a. Demonstrate in-depth knowledge of community and crime related issues.
 - b. Use superior skills and effective problem solving processes to fight crime and/or significantly improve the quality of life.
3. **Minimum Standards For Sworn Personnel:** In addition to the minimum standards outlined in subsection A, sworn personnel are also expected to:
 - a. Identify and address problems in their assigned area.
 - b. Utilize available resources to work towards solving criminal activity and community problems.
4. **Minimum Standards For Communications Personnel:** In addition to the minimum standards outlined in subsection A, communications personnel are also expected to:
 - a. Dispatch calls to the appropriate unit, in order of priority, and without delay.
 - b. Acknowledge incoming calls and take appropriate action without delay.
 - c. Provide assistance that is appropriate to the need or problem.
 - d. Follow proper radio procedures.
 - e. Demonstrate no serious deviations from expected performance under hazardous or emergency conditions.

VI. INTERPERSONAL SKILLS

Employees will be evaluated based on the extent that they display tact, courtesy, and good judgment; are open to suggestions, criticism, and questions; and maintain effective, cooperative relationships. Internally, this relates to how an employee interacts with co-workers. Externally, it relates to how they interact with the public. Coupled with hard work, sincerity, and professionalism, this is the trait that is most likely to lead to the “WOW FACTOR” – when citizens and/or co-workers evaluate an employee’s performance and say “Wow that was great service”.

A. Minimum Standards For All Employees: In order to meet the minimum standards for interpersonal skills, employees are expected to:

1. Consistently display tact, courtesy and good judgment.
2. Be open to suggestions, criticism, and questions.
3. Maintain effective, cooperative relationships.
4. Not verbally abuse citizens. Do not allow anger and verbal abuse from citizens to adversely affect performance.
5. Not receive valid complaints from other personnel or supervisory personnel.
6. Readily assist other personnel. Do not disrupt the work of others.
7. Train and guide less experienced personnel.
8. Demonstrate efficiency and competence in personal contacts with the public.
9. Handle inquiries that should be dealt with personally rather than referring it elsewhere.
10. Handle telephone contacts and visitors with courtesy and efficiency.
11. Not exceed scope of knowledge or authority in handling inquiries.
12. Communicate needs, problems and procedures with affected parties.
13. Conduct work in a manner that supports the overall agency effort and mission statement.
14. Strive to interact with others in a manner that has a positive impact on the organization.
15. Do their share. Unburden each other.

16. Be friendly, helpful and uplifting with other employees.
17. When differences develop, handle them constructively by actively trying to resolve them or negotiate ways to work together harmoniously.
18. Address issues with policies or procedures in a positive way. Bring the problem to a supervisor in private and in a constructive manner, making suggestions for change. Avoid patterns of complaining behavior which do not contribute to a solution but only add to the problem.
19. Do not use profanity. Do not use racial, religious, ethnic or sexual slurs. Do not resort to put-downs, sarcasm and derogatory remarks.

B. Exceeds Standards: Employees desiring an evaluation rating of “exceeds standards” for interpersonal skills are expected to:

1. Demonstrate exceptional tact, courtesy, and good judgment in difficult or volatile situations.
2. Actively seek out suggestions and criticism to improve performance and community service.
3. Excel at developing, maintaining and promoting effective relationships.

C. Minimum Standards For Sworn Personnel: In addition to the minimum standards outlined in subsection A, sworn personnel are also expected to:

1. Return citizen phone calls received during the shift as soon as possible and no later than the end of your shift. An exception exists if the officer determines that it is too late at night to return the call, in which case it may be returned the next working day.
2. Return citizen phone calls received during your days off, as indicated above, on your first day of work.
3. Check your department e-mail account, at a minimum, once at the beginning of your shift and once prior to the end of watch.

VII. VERBAL COMMUNICATION

Employees will be evaluated based on the extent that they actively listen and speak clearly, coherently and logically.

A. Minimum Standards For All Employees: In order to meet the minimum standards for verbal communication, employees are expected to:

1. Consistently and effectively speak clearly, coherently and logically.

2. Consistently and effectively listen and respond appropriately.
3. Answer telephone calls promptly and courteously.
4. Obtain required information from the complainant through perceptive questioning.

B. **Exceeds Standards:** Employees desiring an evaluation rating of “exceeds standards” for verbal communication are expected to:

1. Demonstrate mastery in active listening, understanding, and conveying thoughts to others.
2. Persuade others to take desired actions.

VIII. WRITTEN COMMUNICATION

Employees will be evaluated based on the extent that their written work is timely, legible, clear, concise, accurate, complete, and in the prescribed format.

A. **Minimum Standards For All Employees:** In order to meet the minimum standards for written communication, employees are expected to:

1. Consistently prepare written work that is timely, legible, clear, concise, accurate, complete, in the prescribed format, and free from spelling, punctuation and grammatical errors.
2. Properly interpret messages and distribute information to the appropriate people or agencies.
3. Maintain reports and/or messages in a systematic manner which can be used and understood by others.
4. Prepare and distribute reports, records and correspondence to appropriate persons on schedule.
5. Rarely have reports, records and correspondence returned for corrections.
6. Identify and correct the errors of others affecting records, reports, and correspondence, or bring them to the attention of a supervisor.
7. Rarely have work delays caused by inability to locate files, records or supplies.
8. Return files and records to their designated place without delay.

B. **Exceeds Standards:** Employees desiring an evaluation rating of “exceeds standards” for written communication are expected to:

1. Demonstrate superior ability to prepare written work that clearly communicates complex information completely, and error free.

C. **Minimum Standards For Sworn Personnel:** In addition to the minimum standards outlined in subsection A, sworn personnel are also expected to:

1. Follow agency format and guidelines for all reports.
2. Complete and submit reports by end of watch unless approved by a supervisor for hold over.
3. Turn in work “useable” upon first submittal. This means work should not be returned because of an incomplete preliminary investigation, poor spelling, grammar, sentence structure, illegibility, errors or omissions, improper format, missing attachments or improper offenses.

(This standard applies to officers who are off probation).

NOTE: A “useable” report is one that does not require further work by the author. It accurately reflects the preliminary investigation conducted by the author. Differences in style may be tolerated if they do not impair prosecution or accurate record keeping, or bring discredit to the department. Minor errors may be tolerated if the reviewer chooses to correct them and can do so in the time normally taken to review the report. If the reviewer or others have to do work the author should have done, the report is not usable when first submitted.

IX. LEGAL ASPECTS, POLICIES AND PROCEDURES

Employees will be evaluated based on the extent that they demonstrate knowledge and adhere to City and Department policies and procedures, current laws, Department orders, and training bulletins.

A. **Minimum Standards For All Employees:** In order to meet the minimum standards for legal aspects, policies and procedures, employees are expected to:

1. Conform to City and Department regulations.
2. Demonstrate working knowledge of current laws and training bulletins in all routine activity.
3. Leave time is used only as authorized or specified.
4. Sick leave is accumulated under normal circumstances or verified as required.

5. Work rules are understood and obeyed.

B. **Exceeds Standards:** Employees desiring an evaluation rating of “exceeds standards” for legal aspects, policies and procedures are expected to:

1. Demonstrate exceptional knowledge and adherence to City and Department regulations, training bulletins, and current law in all situations.

X. **INVESTIGATIVE ABILITY**

Employees responsible for conducting investigations will be evaluated based on the extent that they identify and locate witnesses, victims and suspects; conduct thorough interviews and interrogations; identify, collect and preserve evidence; properly manage crime scenes; and identify the elements of the crime.

A. **Minimum Standards For All Employees:** In order to meet the minimum standards for investigative ability, employees with investigative duties are expected to:

1. Make appropriate attempts to identify and locate witness, victims, and suspects.
2. Routinely conduct thorough interviews and interrogations.
3. Identify, collect and preserve evidence.
4. Identify all relevant crime elements.
5. Properly manage crime scenes.

B. **Exceeds Standards:** Employees with investigative duties desiring an evaluation rating of “exceeds standards” for investigative ability are expected to:

1. Demonstrate expertise in identifying and locating witnesses, victims and suspects.
2. Conduct interviews and interrogations which obtain maximum information.
3. Excel at identifying, preserving and collecting evidence.
4. Excel at crime scene management.

XI. **ENFORCEMENT ACTIVITY**

Employees with enforcement duties will be evaluated based on the extent that they recognize and address crime and traffic related violations through appropriate self-initiated and radio-driven enforcement activity.

A. **Minimum Standards For All Employees:** In order to meet the minimum standards for enforcement activity, employees with enforcement duties are expected to:

1. Routinely demonstrate the ability to recognize criminal behavior and make arrests when appropriate.
2. Routinely take appropriate enforcement action including, but not limited to, traffic citations, parking citations, and towing vehicles.

B. **Exceeds Standards:** Employees with enforcement duties desiring an evaluation rating of “exceeds standards” for enforcement activity are expected to:

1. Excel at recognizing and addressing criminal behavior that result in identifying additional criminal activity.
2. Identify traffic problem areas and issue citations.

XII. SAFETY

Employees will be evaluated based on the extent that they safely respond to emergency and routine situations, and use appropriate precautions to maximize the safety to citizens, coworkers, themselves, and equipment.

A. **Minimum Standards For All Employees:** In order to meet the minimum standards for safety, employees are expected to:

1. Follow specified operations procedures in the use and maintenance of equipment.
2. Cause no accidents, or loss or damage to equipment, due to carelessness or negligence.
3. Identify and report equipment wear, malfunctions, and damage.
4. Follow safety rules and procedures and use proper safety equipment.
5. Report all accidents to a supervisor upon occurrence.
6. Keep work area and equipment, including vehicles, clean and orderly.
 - a. Maintain department provided mail slots in useable condition, removing old documents to keep slots neat.

- b. Maintain area of responsibility in locker room, gym, report room and squad room in neat condition.
- 7. Report safety hazards and unsafe acts, and take corrective action.
- 8. Perform preventative maintenance of equipment on schedule.
- 9. Conduct work in a manner most likely to protect you and others from harm, and facilities and equipment from damage.
- 10. Follow department policy and procedures in the use of vehicles and equipment.
 - a. Keep vehicles free of contraband, evidence and debris.
 - b. Conduct visual checks of vehicle before and after shift and report damage or deficiencies to a supervisor.
 - c. Lock vehicle when leaving it unless safety dictates otherwise.
- 11. Maintain physical fitness standards.
- 12. Return all equipment you use to its proper location.

B. Minimum Standards For Sworn Personnel: In addition to the minimum standards outlined in subsection A, sworn personnel are also expected to:

- 1. Routinely recognize and respond appropriately to dangerous situations.
- 2. Demonstrate proper contact and cover.
- 3. Use sound field tactics. Adhere to agency tactical procedures.
- 4. Follow department policy in the use of firearms and other defensive weapons. Maintain firearms and Tasers in clean, good working condition and immediately report damage or malfunction to your supervisor.
- 5. Follow department arrest, search, and handcuffing procedures.
- 6. Follow department policy for calling in vehicle stops, advising when you arrive at a call, when you complete a call, and when you are in service at start of shift.
- 7. Follow department radio communication procedures.
- 8. Fill your gas tank one hour prior to the end of watch when possible.

C. Exceeds Standards For Sworn Personnel: Sworn personnel desiring an evaluation rating of "exceeds standards" for safety are expected to:

- 1. Skillfully perceive and anticipate potentially dangerous situations and/or persons.
- 2. Effectively control suspects or situations verbally or physically as indicated.
- 3. Demonstrate expertise in contact and cover techniques and field tactics.

XIII. DRIVING

- A. **Minimum Standards For All Employees:** In order to meet the minimum standards for driving, all employees are expected to:
1. Routinely demonstrate good judgment and drive safely during routine and emergency situations.
 2. Adhere to City and Department regulations.

XIV. PERSONAL APPEARANCE

- A. **Minimum Standards For All Employees:** In order to meet the minimum standards for personal appearance, all employees are expected to:
1. Be presentable in appearance and meet the acceptable standard of dress and grooming.
 2. Exercise good personal hygiene to present a neat and professional image.
- B. **Exceeds Standards:** Employees desiring an evaluation rating of “exceeds standards” for personal appearance are expected to:
1. Consistently create a favorable impression. General appearance is above standard.

XV. DEPENDABILITY AND AVAILABILITY

- A. **Minimum Standards For All Employees:** In order to meet the minimum standards for dependability and availability, all employees are expected to:
1. Follow instructions and complete assignments on schedule.
 2. Require a routine amount of supervision.
 3. Explain deviations from instructions and schedules to supervisor.

4. Not allow personal matters, such as telephone calls, to interrupt work performance.
5. Not have unnecessary delays in starting work at the specified time.
6. Not abuse meal periods, coffee breaks, quitting time or other special absences.
7. Give supervisor proper notice in advance of absences.
8. Not abuse sick time and verify use as required.
9. Have infrequent requests for leave without pay and have them based upon verifiable needs.
10. Inform supervisors and other appropriate parties in advance of meetings and activities.
11. Transmit necessary information to designated parties on schedule or at agreed upon time.
12. Keep supervisor aware of potential problems affecting the work unit.
13. Have only few and minor misunderstandings in instructions.
14. Make appropriate decisions at the employee level, but problems requiring special attention should be directed to a supervisor.
15. Adhere to all subpoenas per department policy. Comply with court standby policy. Appear in court in department approved attire.

B. Minimum Standards For Field Training Officers: In addition to the standards described in section A above, field training officers are also expected to:

1. Routinely accept trainees.
2. Keep FTO supervisor advised of availability.
3. Arrange for replacement FTO when unavailable due to scheduled leave or special assignments.

C. Exceeds Standards For Field Training Officers: Field Training Officers desiring an evaluation rating of “exceeds standards” for dependability and availability are expected to:

1. Frequently request and accept trainees, including short notice assignments.
2. Seek out and readily accept assignments from the FTO supervisor for trainees experiencing performance problems.

XVI. DOCUMENTATION AND EVALUATION (FIELD TRAINING OFFICERS)

- A. **Minimum Standards For Field Training Officers:** In order to meet the minimum standards for documentation and evaluation, all field training officers are expected to:
1. Consistently prepare properly documented evaluations, worksheets and field training books in a timely manner using the correct format.
- B. **Exceeds Standards For Field Training Officers:** Field Training Officers desiring an evaluation rating of “exceeds standards” for documentation and evaluation are expected to:
1. Demonstrate exceptional ability in preparing detailed evaluations, worksheets and field training books.
 2. Fully document performance and training strategies.

XVII. TRAINING AND SUPERVISION

- A. **Minimum Standards For Supervisory/Training Personnel:** In order to meet the minimum standards for training and supervision, all employees with supervisory/training duties are expected to:
1. Record unsatisfactory performance and report to formal supervisor.
 2. Give feedback on performance in a fair and timely manner.
 3. Identify on-the-job training needs and meet those needs without regard to race or sex, in accordance with Equal Employment Opportunity requirements.
 4. Investigate Equal Employment Opportunity complaints and questions, and seek resolution.
 5. Select new employees based on job related criteria and consistent with Affirmative Action objectives and Equal Employment Opportunity laws.
 6. Make assignments and schedules consistent with departmental and City plans.
 7. Assign tasks in a fair manner and distribute work as evenly as practical among employees.
- B. **Minimum Standards For Field Training Officers:** In addition to the standards listed in section A above, field training officers are also expected to:
1. Consistently explain expectations.

2. Properly train, discuss, demonstrate and reinforce academy and Department performance standards.
3. Address performance problems adequately.
4. Demonstrate a neat and professional appearance and a strong work ethic.

C. **Exceeds Standards For Field Training Officers:** Field Training Officers desiring an evaluation rating of “exceeds standards” for training and supervision are expected to:

1. Demonstrate exceptional ability by developing extensive training using service area knowledge, role play, and mock investigations to reinforce or address specific training needs.
2. Maintain an impeccable appearance and demonstrate an exemplary work ethic.

XVIII. ACTION CLAUSE FOR MINIMUM PERFORMANCE STANDARDS

If unsatisfactory performance develops, you will be counseled, and a plan for correction may be developed by you and your supervisor.

If you make the desired change, you can expect a satisfactory rating.

If the desired change is not made, you can expect an unsatisfactory rating that will result in progressive discipline – up to and including termination.

OUR GOAL IS YOUR SUCCESS!!!

Chapter	7
Section	7.03
Title	Professional Standards and Evaluations
Subject	Personal Appearance Standards
Effective Date	03/01/1988
Revision Date	01/19/2016
Revised By	Lieutenant Clifford Mathews
Authorized By	Chief Brian Johnson

I. POLICY

Employees shall be well groomed at all times. Deviation must be approved by the Chief of Police upon recommendation of Division Commander.

II. PURPOSE

To create the favorable "first impression" that is essential to effective communication and to maintain rapport.

A. Personal Grooming - Male (Uniformed Personnel)

1. Hair.
 - a. Shall, at all times, be neat, clean, and present a groomed appearance. Hair shall be trimmed in back to present an evenly graduated appearance; may extend to top of shirt collar when measured from a standing position. Necklines shall be well trimmed at all times; hair shall not cover any part of the ear.
 - b. Dyeing or highlighting the hair is acceptable provided it is consistent with a natural hair color, without obvious blocks, patterns or spots of color.
2. Facial Hair. Face must be cleanly shaven; beards or goatees will not be permitted. Sideburns shall not extend below the bottom of the ear; and with a clean-shaven horizontal line; and not exceed 1-1/2 inches in width. Mustaches must be of natural color and neatly trimmed; not grown or fall below the border of the upper lip; not grown or extend below the corner of the mouth more than one-half inch; and not turn or be turned either upward or downward from the natural arch.

3. Fingernails. Employee fingernails shall be neat, clean, and shall not display decals or ornamentation. Fingernails shall not extend more than one-fourth inch beyond the tip of the finger. They shall not interfere with the employee's duty performance such as the safe drawing of the service weapon and all other safety equipment. Male employees may only wear clear fingernail polish.

B. Personal Grooming – Female (Uniformed Personnel)

1. Hair.
 - a. Must be neat and combed and shall not fall below the bottom of the collar. Contemporary styles are permitted as long as they do not interfere with the wearing of required or permitted headgear.
 - b. To ensure that hair does not fall into the face or otherwise interfere with the performance of duties, hair that extends past the bottom of the collar will be drawn tight against the head and worn in a French braid, a ponytail, a bun or similar style.
 - c. Hair devices worn to hold longer hair in place shall be concealed as much as possible and shall be of a color and style that blends with the hair.
 - d. Dyeing or highlighting the hair is acceptable provided it is consistent with a natural hair color, without obvious blocks, patterns or spots of color.
2. Cosmetics. Shall be moderate in their use of cosmetics.
3. Fingernails. Employee fingernails shall be neat, clean, and shall not display decals or ornamentation. Fingernails shall not extend more than one-fourth inch beyond the tip of the finger. They shall not interfere with the employee's duty performance such as the safe drawing of the service weapon and all other safety equipment. Uniformed female employees may only wear clear or neutral (beige or cream) nail polish (white nail tips are allowed). Employees permitted to wear civilian clothing may only wear fingernail polish that is professional and businesslike in color.

C. Uniform

Normally, employees will wear the duty uniform on a tour of duty. However, Commanding Officers may prescribe other clothing dictated by the nature of duty to which a particular employee is assigned. Employees permitted to wear civilian clothing shall be businesslike in appearance. All articles of clothing worn on duty shall be such as to not attract undue attention.

The Chief of Police, by written directive, during unusual weather conditions, can approve a change in clothing.

1. Cap. When worn, cap shall be worn squarely upon the head in a military manner.
 2. Safety Helmet. When worn, safety straps shall be securely fastened.
 3. Gun Belt. Shall be worn squarely around the waist and not allowed to sag or protrude below the trouser belt line. Belt keeper straps may be worn, if necessary.
 4. Shoes and Leather Equipment. Shall be in good condition and polished.
 5. Pockets. No protruding or bulging objects shall be carried in the pockets of the uniform.
 6. Female Uniformed Personnel. Shall be governed by the same standards as above. In addition, the handbag, when required, shall be maintained in good condition and polished.
 7. Jewelry/Piercings/Accessories:
 - a. While on duty, all uniformed female personnel may only wear one set of stud-type earrings with only one earring per ear. Earrings may only be worn in the earlobes. The earrings shall be plain and no more than ¼ inch in diameter. The piercing or wearing of associated jewelry in all other visible parts of the body is prohibited.
 - b. While on duty, all male personnel will not wear any visible type of jewelry or associated items designed for display through the act of body piercing.
 - c. While on duty, non-uniform female personnel may only wear one set of earrings with only one earring per ear. Earrings may only be worn in the earlobes. The earrings shall be no more than one inch in diameter and extend no further than one inch from the bottom of the ear. Earring styles and colors should not be excessive or offensive.
 - d. The wearing of other associated jewelry shall be limited to one (1) ring on each hand (a set of wedding rings is considered one ring), one (1) wristwatch and one (1) necklace. If a necklace is worn by uniform personnel, it shall be worn in such a way as to not be visible.
- D. The City will not replace any expensive jewelry or watches that are damaged during the performance of an employee's duty.
- E. All articles of jewelry/accessories worn shall be such as not to attract undue attention.

- F. Uniformed employees will render full military honors to the National Colors and Anthem at appropriate times. Employees in civilian dress shall render proper honors to the National Colors and Anthem at appropriate times. Full military honors mean standing at attention, facing the flag, and saluting in a military manner. Proper honors mean placing the right hand over the heart, and standing at attention while facing the flag.

Chapter	7
Section	7.04
Title	Professional Standards and Evaluations
Subject	Tattoos, Brandings and Scarifications
Effective Date	03/01/1988
Revision Date	5/28/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

It is the policy of this agency that tattoos or brands that are prejudicial to good order are prohibited. Additionally, while on or off duty in uniform or on duty civilian attire, employees are prohibited from exhibiting tattoos, body art, or brands that are offensive or demeaning to persons of ordinary sensibilities. This policy may be rescinded or modified at any time by the chief of police.

II. PURPOSE

Professionalism is the cornerstone of the Upland Police Department and a major contributor to our reputation for excellence. Consistent with this foundational belief, the Department has a responsibility to ensure all on-duty employees adhere to personal appearance standards which support this image. A professional image encourages community confidence while promoting esprit de corps among the organization.

This policy establishes specific guidelines for the display of tattoos, brandings and/or scarifications by members of this department. It places accountability for compliance not only upon each employee, but also upon their supervisors and commanding officers.

III. DEFINITIONS

Body modification: defined as a deliberate altering of the human anatomy or human physical appearance.

Brand: defined as a picture, design, or other marking that is burned into the skin or other areas of the body. Body markings are pictures, designs or other markings as a result of using means other than burning to permanently scar or mark the skin.

Extremist: extremist tattoos or brands are those affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities. Extremist philosophies, organizations, and activities are those which advocate hatred or intolerance based on race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, economic status, age or disability; advocate create, or engage in illegal discrimination based on race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, economic status, age or disability; or advocate violence or other unlawful means of depriving individuals rights infer the U.S. Constitution, and Federal or State law.

Indecent: indecent tattoos or brands are those that depict nudity or are offensive to modesty, decency, propriety, or professionalism.

Political: relating to the symbols, causes, ideas or strategies of a particular party or group in politics, including special interest groups.

Racist: racist tattoos or brands are those that advocate a philosophy that degrades or demeans a person or group of people based on race, ethnicity, or national origin.

Sexist: sexist tattoos or brands are those that advocate a philosophy that degrades or demeans a person or group of people based on gender.

Tattoo/body art: defined as a picture, design, or making made on the skin or other areas of the body by staining it with an indelible dye, or by any other methods including pictures designs or markings only detectible or visible under certain conditions (as in an ultraviolet light or invisible ink tattoo). The term tattoo and body art are interchangeable.

IV. APPLICATION

Tattoos/Body Art/Brands and Body Modifications Prohibited or Required to be Concealed

- A. The following tattoos, body art, and brands are prejudicial to good order and are prohibited for all employees, regardless of visibility:
 1. Extremist
 2. Indecent
 3. Sexist
 4. Racist

- B. Officers are prohibited from having tattoos on any part of the hands, neck, face, head, eyelids, mouth, and ears with the following exceptions:

1. Tattoo of on wedding band on a ring finger
 2. Permanent facial make-up on the eyebrows, eyeliner, and lips that is conservative.
- C. Any tattoo/body art or brand that implies a negative bias toward any group will cause the employee to be subject to disciplinary action, up to and including termination.
- D. The department reserves the right to require employees to conceal their tattoos/body art or brands if deemed necessary to comport with evolving community standards, attitudes, or beliefs. This policy and its exceptions do not grant permanent approval to display any tattoos/body art or brand subsequently deemed unacceptable for display and employees may be required to cover them at any time.
- E. The following tattoos/body art and brands must be concealed in accordance with this policy while in uniform, on duty or on duty in civilian attire:
1. Symbols or markings likely to elicit a strong negative reaction in the workplace or public or that are inconsistent with the department's values or community relations objectives, including but not limited to symbols or markings that promote or are associated with violence or weaponry.
 2. Anything contrary to the purpose of law enforcement, including, but not limited to: depictions symbolizing or indicative of alcohol or narcotics, illegal or gang related activity, or symbols suggestive of activity that undermines the purpose of law enforcement.
 3. Illustrations, references, symbols, acronyms or the like that denigrate the United States, State of California, or the Upland Police Department.
 4. Symbols or markings that represent political beliefs, political parties, political slogans, or that cast any political group in a negative light.
- F. Sworn and uniformed civilian employees may have pierced ears but body piercing of the face, head, neck, nose, mouth, and hands is prohibited. For all employees, piercing or alteration to any areas of the body visible in any authorized uniform or civilian attire that is distracting, inconsistent with a professional appearance or noticeably distorts normal anatomical features and that is not medically required, nor a reasonable elective cosmetic surgery performed by a license physician, is prohibited. Such prohibited body alterations includes, but are not limited to:

1. Tongue splitting or bifurcation
 2. Complete or transdermal implantation of any objects other than hair replacement or other reasonable elective cosmetic surgery performed by a license physician
 3. Abnormal shaping of the ears, eyes, or nose
 4. Outlandish or unnatural contact lens colors or color variations that detract from a professional appearance
 5. Gauging or gradually increasing the radius of a surgically induced opening in the flesh in areas such as the earlobes or lips
 6. Abnormal filling or filling of the teeth
 7. Dental jewelry or unnatural appearing covers such as "grills"
 8. Extraocular implants
- G. Procedures medically necessary because of illness, deformity, or injury and performed by a licensed physician shall not be considered body modifications for the purpose of this policy.

Authorization for Visible Tattoos/Body Art

- A. Prospective employees
 1. Employment packages will include the information on all tattoos/body art of the applicant to ensure the applicant does not have any tattoos/body art that is prohibited by this policy.
 2. The Support Services Commander or Chief of Police will make the final determination as to whether an applicant's tattoos/body art comply with this policy.
- B. Tattoos that must be concealed under this policy must be kept entirely from view by the authorized uniform or plainclothes when an employee represents the department on duty.
- C. If when considering a new tattoo, an employee is in doubt about the tattoo/body art being in compliance with this policy, the employee should submit the design to the Support Services Commander for approval.

D. The Chief of Police or his designee shall make the final determination as to whether tattoo/body art conform to this policy.

Chapter	7
Section	7.05
Title	Professional Standards and Evaluations
Subject	Smoking
Effective Date	03/01/1988
Revision Date	02/23/2011
Revised By	Captain Ken Bonson
Authorized By	Chief Jeff Mendenhall

I. PURPOSE

To provide a safe and healthy working environment for Department employees and our clientele. Furthermore, to maintain a favorable image which is essential to providing service to the citizens of Upland. The restrictive nature of this policy is the result of strong medical evidence that passive tobacco smoke causes illness and death. Public health officials have issued similar warnings. The ventilation system of the police facility will not permit isolation of passive smoke. Therefore, the following policy is enacted.

II. POLICY

- A. Employees of the Department shall not smoke while conducting official business or conversing with citizens in an official capacity.
- B. Employees of the Department, while on-duty, shall not smoke while in Department owned vehicles, conducting interviews, or under circumstances where smoking may be detrimental to good conduct, appearance, or procedure.
- C. Smoking will not be permitted inside the police facility. Smoking is permitted at least 20 feet away from outside doors (Ca Govt Code 7596-7598).

Chapter	7
Section	7.06
Title	Professional Standards and Evaluations
Subject	Domestic Violence Convictions
Effective Date	05/27/1997
Revision Date	12/4/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

A. Congress recently enacted amendments to the federal Domestic Violence Gun Possession Ban, 18 U.S.C. ss921(a), 922(d) and 922(g), which now prohibits persons who have been convicted of misdemeanor domestic violence offenses from possessing a firearm or ammunition. These amendments essentially extend the current federal law, which prohibits the possession of a firearm by a felon, to persons convicted of misdemeanors involving domestic violence as defined by individual state law. The amendment defined "misdemeanor crime of domestic violence" as an offense that:

1. is a misdemeanor under Federal or State law; and
2. has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim."

II. PURPOSE

To provide members of the Department with a procedure, consistent with existing law, related to the requirement of **self-reporting** regarding domestic violence convictions.

III. PROCEDURE

- A. Under California law, Penal Code 29805 prohibits a person from possessing a firearm for a 10-year period following a conviction for a violent misdemeanor. A peace officer in California, however, is permitted to petition the court for a waiver in those cases where the officer had been convicted of domestic violence. THE FEDERAL STATUTE DOES NOT PROVIDE FOR ANY WAIVER OR ANY EXCEPTION FOR PEACE OFFICERS AND, THEREFORE, APPLIES TO THEM AS WELL. A CONVICTION OF ANY OF THE VIOLATIONS ARTICULATED IN PENAL CODE SECTION 273.5 WOULD FIT THE DEFINITION OF A "MISDEMEANOR CRIME OF DOMESTIC VIOLENCE" AS ARTICULATED IN THE U.S. CODE.
- B. Under the federal law amendments, convictions which have been expunged or set aside, or for which the person has been pardoned or has had civil rights restored are not subject to the prohibition on possession of firearms. However, the amendments apply to any conviction that occurred before the statute's enactment and do not provide any term limitation on the prohibition. In other words, under current federal law the prohibition on possession of firearms lasts forever.

IV. DIRECTIVE

- A. You are directed to complete and return to your immediate supervisor the lower portion of this Order within seventy-two (72) hours of receipt of this Order.
- B. In addition, all sworn personnel are ordered to immediately notify their immediate supervisor, in writing, if at any time in the future they believe they have become subject to the federal statute outlined above.

Chapter	7
Section	7.07
Title	Professional Standards and Evaluations
Subject	Racial Profiling
Effective Date	01/30/2002
Revision Date	02/23/2011
Revised By	Captain Ken Bonson
Authorized By	Chief Jeff Mendenhall

I. Policy

The Upland Police Department adopts as policy, California Penal Code section 13519.4 (e) which states, "A law enforcement officer shall not engage in racial profiling ". Any employee found to have violated this policy will be subject to appropriate discipline.

II. Definition

Racial profiling is defined as "the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped"

III. Procedure

Officers shall not use race, color, ethnicity, or national origin, to any extent or degree, in conducting stops, searches, detentions, or activities that may follow these actions, except when engaging in appropriate suspect-specific activity to identify a particular person or group. Officers seeking one or more specific persons who have been identified or described in part by race, color, ethnicity, or national origin may then rely in part on these factors only in combination with other appropriate identifying factors and may not give race origin, ethnicity, or national origin undue weight.

IV. Purpose

The Upland Police Department is dedicated to providing effective, non-discriminatory law enforcement to the community. The department endorses section 13519.4 (4) of the California Penal Code, which states “The working men and women in California law enforcement risk their lives every day. The people of California greatly appreciate the hard work and dedication of law enforcement officers protecting public safety. The good name of these officers should not be tarnished by the actions of those few who commit discriminatory practices.”

Chapter	7
Section	7.08
Title	Professional Standards and Evaluations
Subject	Sexual Harassment
Effective Date	03/01/1988
Revision Date	07/03/2018
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

This Department will not tolerate sexual harassment or discrimination. All employees are prohibited from engaging in any form of behavior which may be considered sexual harassment or discrimination. The department will take the appropriate disciplinary action against those employees violating this policy.

II. PURPOSE

This Department is committed to creating a working environment for all of its employees that is free of discrimination.

III. RESPONSIBILITY

All employees are responsible for encouraging compliance with this policy. The Department's managers and supervisors will be responsible for ensuring a professional working environment that is consistent with this policy.

IV. SEXUAL HARASSMENT DEFINED

Sexual harassment is generally defined as unsolicited and unwelcomed sexual overtures or an atmosphere of sexual hostility. Overtures can be in written, verbal, physical, **visual**, and/or non-verbal form. Harassment includes:

- A. Submission being made, either implicitly or explicitly, a term or condition of employment; or
- B. Submission or rejection by an employee being used as a basis for employment decisions affecting the employee; or
- C. Attitudes or actions of others based upon the employee's sex, which have the potential to negatively affect an employee's work performance and/or create an intimidating, hostile, or offensive working environment. Sexually harassing behavior can be blatant or subtle. Blatant sexual harassment can involve obvious threats of reprisal (e.g., a change in terms and/or conditions of employment) for failing to satisfy a request for sexual favors. The subtler forms of sexual harassment can be more difficult to identify. However, they are no less damaging than blatant harassment. It is generally held that a single incident of subtle behavior that may be sexually harassing may not be sexual harassment. Repetitive behavior of this type can lead to a presumption that sexual harassment is present. This view does not imply the Department will permit single incidents of subtle sexual harassment. All instances of subtle harassment are considered to be in conflict with this policy.
- D. The most common examples of sexual harassment include:
 - 1. Written: Suggestive or obscene letters, notes, and invitations.
 - 2. Verbal: Derogatory or suggestive comments, slurs, and jokes.
 - 3. Physical: Assault, touching, impeding, or blocking movements.
 - 4. Visual: Gestures or open display of sexually suggestive objects, pictures, cartoons, or posters.
- E. Employees who feel they are victims of sexual harassment should understand the importance of informing the harasser that their behavior is considered offensive. This is especially true when subtle forms of sexual harassment are alleged. Such confrontation may result in the termination of the behavior. If the employee is unable to directly confront the harasser, he/she is encouraged to seek assistance from the Department's managers and supervisors. All managers and supervisors are responsible for informing the harasser how his/her behavior is being interpreted when asked to do so by a victim.

V. Discrimination Prohibited

Discrimination is any act or omission of an act which would create a hostile work environment, or exclude any person from employment or promotional opportunities because of sex, sexual orientation, sexual expression (transgender), race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition, age, marital status or denial of family care or pregnancy disability act.

Discrimination includes, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters, and actions which result in an employee being offended or insulted because of a protected classification status enumerated above.

VI. REPORTING VIOLATIONS OF THIS POLICY

All employees are required to report perceived violations of this policy to any of the Department's managers and/or supervisors, regardless of whether the reporting employee is a victim, or merely a witness. This prompt reporting will help the Department to address a possible problem at its earliest stages. All managers and supervisors are responsible for instituting the appropriate procedures adopted by this Department to handle sexual harassment allegations. Those procedures set forth in Section 7.11 of this Manual shall apply.

Further, employees having questions about discrimination, including sexual harassment are encouraged to contact a supervisor, the Chief of Police, Human Resources Director or the California Department of Fair Employment and Housing at (800) 884-1684.

Chapter	7
Section	7.09
Title	Professional Standards and Evaluations
Subject	Sexual Harassment Documentation
Effective Date	02/23/1999
Revision Date	07/03/2018
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Douglas P. Millmore

I. POLICY

Whenever an employee of this Department receives an annual evaluation, the employee's immediate supervisor will review the Upland Police Department Sexual Harassment Policy (Section 7.8) with that employee.

II. PURPOSE

This Department is committed to creating a working environment for all of its employees that is free of discrimination. This policy is intended to address one form of discrimination – sexual harassment.

III. PROCEDURE

Effective immediately, Upland Police Department personnel receiving an annual evaluation will review the Upland Police Department Sexual Harassment Policy with their immediate supervisor.

A. The supervisor of the employee being evaluated will read, in its entirety, Section 7.8, Sexual Harassment, to the employee.

B. The supervisor will ensure that the employee being evaluated fully understands this policy and the police department's "Zero Tolerance" stance concerning sexual harassment.

C. At the completion of this policy review, the supervisor will complete a "Sexual Harassment Policy Review" form which will be signed by both the supervisor and the employee being evaluated.

D. Completed "Sexual Harassment Policy Review" forms will be routed to the appropriate Division Commander and retained in the concerned employee's personnel file.

Chapter	7
Section	7.10
Title	Professional Standards and Evaluations
Subject	Personnel Evaluations
Effective Date	03/01/1988
Revision Date	02/23/2011 ***This Policy is under revision 12/18/19***
Revised By	Captain Ken Bonson
Authorized By	Chief Jeff Mendenhall

I. POLICY

Personnel evaluations are used to stimulate and evaluate employees by properly recognizing their efforts and contributions. The evaluation process is designed as a fair and objective method of relating employee success in the realization of personal and Departmental goals.

II. PROCEDURES

Personnel evaluations shall be prepared for all members of the Police Department on the appropriate form. Division Commanders are responsible for the implementation of this policy in the various sections of their command. Watch Commanders and supervisors shall prepare, or cause to be prepared, the appropriate evaluation reports. Appropriate evaluation reports are to be completed when an officer or other employee has worked more than one month for a supervisor during an evaluation period.

A. Initial Probation

1. Sworn Personnel - 15 Month Probationary Period
 - a. Evaluation #1: At conclusion of formal academic training. The Academy staff will complete a Personnel Rating Report and forward to the Department.
 - b. Evaluation #2: At conclusion of first watch rotation with Field Training Officer (approximately four weeks).
 - c. Evaluation #3: At conclusion of second watch rotation with Field Training Officer (approximately four weeks).
 - d. Evaluation #4: (KEY DECISION BENCHMARK*) At conclusion of third watch rotation with Field Training Officer (approximately four weeks). The recommendation to either continue training or place on solo status.

- e. Evaluation #5: (KEY DECISION BENCHMARK*) At conclusion of six months with Department. Should have solo time as an officer.
 - f. Evaluation #6: At conclusion of one year with the Department.
 - g. Evaluation #7: (KEY DECISION BENCHMARK*) Two weeks prior to end of probationary period. The Watch Commanders and Sergeants shall prepare the final evaluation. The final evaluation shall contain the recommendation to retain, extend probation, or terminate. *Key Decision Benchmarks: should be applied at each indicated evaluation period. Watch Commanders should provide sufficient data upon which the decision can be made to either proceed or terminate the probationary police officer.
 - 1) "Benchmark" defined: The level of performance expected of an employee commensurate with the experience and training during that period of service.
 - h. Weekly informal evaluations from the Field Training Officer to the Watch Commander should be included at appropriate evaluation periods.
- 2. Sworn Personnel - Lateral Entrants - 12 Month Probationary Period
 - a. Monthly evaluations shall be prepared at the completion of each month's service with the Field Training Officer.
 - b. At the conclusion of six months with the Department, a six month evaluation shall be prepared.
 - c. The final evaluation shall be prepared at least two weeks prior to completion of 12 month's service.
 - 3. Non-Sworn Personnel - 12 Month Probationary Service
 - a. During the training period, a monthly evaluation may be prepared.
 - b. At the conclusion of six months with the Department, an evaluation shall be prepared.
 - c. The final evaluation shall be prepared at least two weeks prior to completion of 12 month's service.

B. Promotional Probation

- 1. Sworn and Non-Sworn Personnel - 12 Month Probationary Period
 - a. The first evaluation shall be prepared after the completion of six months service.
 - b. The final evaluation shall be prepared at least two weeks prior to the completion of 12 month's service.

- C. Re-hire Probation:** The Police Chief may waive the probationary period for sworn and non-sworn employees re-hired within one year of termination.

- D. Annual Evaluations:** On or before the anniversary hire date of the officer or other employee, the annual evaluation shall be prepared and given to each employee.

III. PERFORMANCE EVALUATION REPORTS

- A. Officer Performance Evaluation Reports are completed on an annual basis. The purpose of the evaluation report is to evaluate the officer's performance in the accomplishment of their assigned duties and responsibilities. The evaluation will serve to identify officer strengths and areas of performance which need improvement. The evaluation will also aid the supervisor in the identification of in-service training needs. Officer performance evaluation reports will be used as a basis for promotion and salary advancements. Consequently, it is important that the report directly address all areas of performance, and specifically note, in detail, areas of strength and weakness. Only in this way can the officer learn from the report and the Department make informed decisions.
1. A supervisor may place an employee on monthly evaluation status if his performance is substandard.
- B. Annual performance evaluation reports shall be made for all Patrol Officers, Agents, Dispatchers, and Community Service Officers who have completed in-service training.
- C. All performance ratings shall be made upon the adopted evaluation report forms in accordance with the instructions set forth by the Patrol Division Commander.
- D. The rating authority shall be the Watch Commander and Field Supervisor. The Patrol Division Commander shall be the reviewing authority of all performance evaluation reports.
- E. Factors for Rating Performance.
1. The factors to be considered in the performance evaluation shall be as follows:
 - a. Quality of work;
 - b. Quantity of work;
 - c. Work habits; and
 - d. Personal traits, as they may affect performance of assigned duties.
 2. Each officer shall be advised of his/her strengths, areas which need improvement, and performance which is unsatisfactory.

3. Each officer shall be given the opportunity to set performance goals for self improvement or the solving of crime/traffic problems within his/her assigned beat of the City.
- F. Presenting the Evaluation to the Officer.
1. The Officer's performance report shall be discussed with him/her privately and objectively by the Watch Commander and Sergeant. The officer's strengths should be commended, and areas of needed improvement pointed out.
 2. The purpose of the discussion is to help the officer improve his/her performance, and to provide him/her the opportunity to set goals for future performance.

IV. PERFORMANCE IMPROVEMENT CONTRACT PROGRAM

- A. A Performance Improvement Contract Program may be implemented when an employee is not meeting the current assignment performance standards. Supervisors should not delay the implementation of a performance improvement contract.
- B. The following guidelines are to be utilized in the development of a performance improvement contract by the supervisor and the employee.
1. Identify those areas of the employee's performance which fail to meet the standards of the Department.
 2. Note suggestions for improvement as identified by past performance evaluation reports.
 3. Define objectives for improvement and expected results in order for the employee to meet the performance standards of the employee's position with the Department.
 4. Set the necessary time to accomplish the agreed upon objectives as defined.
 5. The employee shall be notified that he/she is subject to suspension, demotion, or dismissal if, after implementation of a performance improvement contract, the employee fails to maintain a level of performance which meets the standards of the Department.

Chapter	7
Section	7.11
Title	Professional Standards and Evaluations
Subject	Personnel Investigations
Effective Date	03/01/1988
Revision Date	03/19/2018
Revised By	Lieutenant Clifford Mathews
Authorized By	Chief Douglas P. Millmore

I. POLICY

The following procedure supplements the City of Upland Merit Rules and Memorandums of Understanding between the various bargaining groups and the City, by describing the method of conducting investigations into complaints of alleged misconduct made against members of this Department, and defining other circumstances where a personnel investigation may be conducted.

II. ORIGIN AND RECORDING OF COMPLAINT

- A. Although not all inclusive, the following are declared to be acts of misconduct which subject an employee to disciplinary action:
1. Commission of a criminal offense;
 2. Violation of the requirements of the City or Department Codes of Conduct;
 3. Violation of City or Department policies, rules, standards, or procedures; or
 4. Conduct which may tend to reflect unfavorably upon the employee, the Department, or the City.
- B. A personnel complaint is defined as an allegation of misconduct by an employee received from any source.

- C. Due to the critical nature of such complaints, all personnel investigations in which the concerned employee has been notified as required by II.E.3 of this policy, will be completed in not more than 30 calendar days from the date the complaint was received, unless the Division Commander responsible for the investigation determines to extend the investigation.

- D. The primary responsibility for investigating allegations of misconduct shall rest with the concerned employee's Division Commander. The Division Commander may assign the investigation to the appropriate supervisor for completion. The Chief of Police retains the authority to assign the investigation to any supervisor at his or her discretion, with the exception of those complaints as defined in section III B. of this section.

- E. Method of Reporting:
 - 1. A personnel complaint form received from any citizen will be a Citizen Complaint number through the office of the Chief of Police. It will be assigned to the Professional Standards Unit for investigation. No copy shall be placed in the employee's personnel file unless notice is to be given to the employee as set forth in Section E.4 below.
 - 2. A report of misconduct reported by a supervisor of the Upland Police Department will be completed in the form of a memorandum from that supervisor to their Division Commander. If the Division Commander agrees that misconduct likely did occur they will forward the memorandum to the Chief of Police for assignment to the Professional Standards Unit. An Internal Affairs number will be assigned to this type of investigation.
 - a. Such memorandum shall not be prepared unless the alleged misconduct is of a nature which, if true, would normally result in written reprimand, suspension, demotion, or termination disciplinary action, as outlined in City Administrative Directive #55 or City Merit Rules.
 - 3. Under normal circumstances, a memorandum will be given to the involved employee, advising of the inquiry and that such employee shall be informed of the progress of the investigation when appropriate. However, when in the judgment of the Chief of Police, the matter under investigation is of such nature as to require confidentiality, notification of involved personnel as to the existence of the inquiry may be deferred until such time as deemed appropriate by the Chief.

III. INVESTIGATION PROCEDURE

- A. All employees shall promptly report, in writing, any illegal activity or misconduct by fellow employees to their Division Commander directly or through channels. In the event of a conflict of interest, established channels may be bypassed.
- B. Whenever possible, a Watch Commander or Field Supervisor shall speak to the complainant to determine how best the agency can serve them. If the complainant does not want to file a formal complaint, and the alleged misconduct is not of a serious nature, the complaint can be handled at an informal level.
 - 1. A complainant is under no obligation to speak to any Department employee about an allegation of misconduct. If the complainant refuses to speak to a supervisor about the allegation of misconduct they shall be given a personnel complaint form if they want one.
- C. A supervisor becoming aware of misconduct by an employee shall take appropriate action to prevent aggravation of the incident, and immediately report the matter to his Division Commander.
- D. A Division Commander becoming aware of misconduct by an employee shall:
 - 1. Cause a memorandum, as described in Section II-E, to be prepared, when required, which will include, but need not be limited to:
 - a. A description of the conversation between the Supervisor and the complainant and/or informant.
 - b. A list of the specific actions which are the subject of the complaint.
 - 2. If the misconduct is of such an emergent nature as to necessitate immediate action, the employee's Division Commander, or in his absence, the Chief of Police, shall be notified.
 - 3. If the misconduct does not necessitate immediate action, all supporting documents, along with the completed memorandum, shall be forwarded as soon as practicable.
- E. The Division Commander responsible for the personnel investigation may assign the investigation to personnel of the appropriate rank, who will:
 - 1. Interview all complainants and/or informants;
 - 2. Interview all witnesses;
 - 3. Interview all officers and employees concerned; and

4. Submit a report of the complete investigation to the concerned Division Commander.
 5. A polygraph examination shall not be offered or conducted in a personnel investigation without the express authorization of the Chief of Police.
- F. The investigator will determine a finding and forward the completed report to the concerned Division Commander. It will be the responsibility of the concerned Division Commander to review the report and recommend personnel action.
1. Findings are classified as follows:
 - a. Unfounded: When the investigation shows the act or acts complained of did not occur or did not involve our employee.
 - b. Not Sustained: When the investigation fails to disclose sufficient facts to prove or disprove the allegations made in the complaint.
 - c. Sustained: When the investigation discloses sufficient facts to prove the allegation made in the complaint.
 - d. Exonerated: The acts in the complaint occurred but the investigation shows such acts to be justified, lawful and proper.
- G. Upon approval by the Chief of Police, the completed report and all other pertinent documents will be forwarded to the appropriate Division Commander for preparation of a memorandum of disciplinary action.
- H. Personnel investigations are confidential in nature. All personnel aware of the investigation shall maintain the confidentiality of the investigation. In order to facilitate this, the investigator shall not delegate any aspect of the investigation which might reveal the nature of the investigation without the express approval of the appropriate Division Commander. Division Commanders and the Chief of Police shall also maintain the confidentiality of the investigation to the extent possible. Any breaches of confidentiality are subject to discipline.

IV. FINAL DISPOSITION OF COMPLAINTS

- A. The concerned Division Commander shall:
1. In cases requiring corrective, disciplinary, or procedural action, consult the City of Upland Merit Rules to ensure compliance.
 2. Notify or cause notification to be made to all involved employees of the disposition of the complaint.

3. Cause a copy of the completed report to be placed in the employee's personnel file.

V. DISCIPLINARY REVIEW BOARD (DRB)

- A. The DRB is established to provide the Division Commander with an advisory board to assist in giving stability, consistency, fairness and timely information to the department's disciplinary process.
 1. The DRB is authorized to review disciplinary reports, refer such reports back to Division Commanders for further investigation and to recommend the degree and severity of disciplinary action to the Division Commander. The DRB will not conduct investigations or public hearings.
 2. In addition to the regular DRB hearings outlined in this policy, the DRB shall meet on an as needed basis to review disciplinary procedures of other agencies to ensure that the department is applying consistent and fair discipline.
 3. The DRB will consist of a lieutenant who will chair the DRB, a sergeant, and an officer. All will be entitled to one vote. In order for a peer to serve on the DRB the involved employee must sign an authorization allowing the department to provide the investigative documents to the peer. Without such authorization the DRB will conduct the review without the employee peer.
 - a. If the involved employee is a Detective, the DRB will consist of a lieutenant, a sergeant, and a peer Detective. As above, the involved employee must sign an authorization allowing the peer to participate.
 - b. If the involved employee is a Sergeant, the DRB will consist of two lieutenants and a peer Sergeant. As above, the involved employee must sign an authorization allowing the peer to participate.
 - c. If the involved employee is a lieutenant, the DRB will consist of a Captain from an uninvolved division and a peer Lieutenant. As above, the involved employee must sign an authorization allowing the peer to participate.
 4. Members of the DRB shall not have participated in the investigation or reporting of the incident under investigation. If a member of the DRB is a participant in the investigation, an alternate of the same rank, shall be selected to participate in the board's review. If there are no uninvolved alternates at a given rank, the Division Commander may designate an alternate at a different rank.
 5. After review the DRB will arrive at a recommendation including the number of hours in cases of suspension, and submit it to the Division Commander. Such recommendations are advisory only but will be included in the permanent record of the disciplinary report.

6. After the Division Commander arrives at a decision regarding the appropriate discipline, the involved employee will be notified of the proposed discipline. The memorandum will further advise the involved employee that they have the right to a Skelly hearing before the Chief of Police.
- B. In lieu of the above process, the employee under investigation has the right to waive the DRB review of the investigation, in which case the Division Commander will decide the appropriate discipline without any DRB recommendation.

Chapter	7
Section	7.12
Title	Professional Standards and Evaluations
Subject	Personnel Investigations – Rights and Responsibilities of Sworn Personnel
Effective Date	03/01/1988
Revision Date	7/3/2018
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Douglas P. Millmore

I. POLICY

The policy of the Upland Police Department is to guarantee the rights of sworn members during personnel investigations.

II. INTERROGATION CONDITIONS

When any sworn member is under investigation and subjected to interrogation by his commanding officer, or any other member of the Department, which could lead to punitive action, such interrogation shall be conducted under the following conditions. Punitive action is defined as any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

- A. The interrogation shall be conducted at a reasonable hour, preferably at a time when the sworn member is on duty, or during his normal waking hours, unless the seriousness of the investigation requires otherwise. If such interrogation does occur during off-duty time of the sworn member being interrogated, he shall be compensated for such off-duty time, in accordance with regular Department procedures, and he shall not be released from employment for any work missed.
- B. The sworn member under investigation shall be informed prior to such interrogation of the rank, name, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. All questions directed to the sworn member under interrogation shall be asked by and through no more than two interrogators at one time.

- C. The sworn member under investigation shall be informed of the nature of the investigation prior to any interrogations.
- D. The interrogating session shall be for a reasonable period, taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his own personal physical necessities.
- E. The sworn member under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any questions. The employer shall not cause the sworn member under interrogation to be subjected to visits by the press or news media without his express consent, nor shall his home address or photograph be given to the press or news media without his express consent.
- F. The complete interrogation of a sworn member may be recorded. If a recording is made of the interrogation, he shall have access to the recording if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. He shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports which are deemed to be confidential may be entered in the officer's personnel file. The sworn member being interrogated shall have the right to bring his own recording device and record any and all aspects of the interrogation.
- G. If, prior to or during the interrogation of a sworn member, it is deemed that he may be charged with a criminal offense, he shall be immediately informed of his Constitutional Rights.
- H. Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters which are likely to result in punitive action against any sworn member, that member, at his request, shall have the right to be represented by a representative of his choice, who may be present at all times during such interrogation. The representative shall not be a person subject to the same investigation.

1. This section shall not apply to any interrogation of a sworn member in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with a supervisor, or any other sworn member, nor shall this section apply to any investigation concerned solely and directly with alleged criminal activities.
- I. No sworn member shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his department would not normally be sent to that location, or would not normally be given that duty assignment under similar circumstances.
- J. The persons responsible for the interrogation shall cause an appropriate record to be made of the interrogation.

III. ANSWERING QUESTIONS DURING INTERROGATION

Sworn members, when ordered by a superior, shall answer questions directly and narrowly related to the performance of the member during the course of his/her duties that resulted in the allegation under investigation.

- A. These statements shall not be used and are not admissible in a criminal trial.
- B. Failure to answer questions when ordered may result in disciplinary action and/or termination.
- C. If the officer is ordered to answer questions, the following statement may be read into the record:

“The Upland Police Department, California, is conducting an investigation, and I, _____, a police officer for the City, have been ordered to answer questions. I have been advised that if I do not comply with the order, I may be disciplined or terminated from the Department for failure to obey said order. In view of possible job forfeiture, I have no alternative but to follow this order, however, by answering the questions, I do not waive my Constitutional Rights to remain silent under the Fifth and Fourteenth Amendments of the United States Constitution, and the protections that have been afforded me under case law.”

IV. PUNITIVE ACTION RESTRICTIONS

- A. No sworn member shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted under this Section, or the exercise of any rights under any existing administrative grievance procedure. Nothing in this section shall preclude a head of an agency from ordering a public safety officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, the agency may officially charge him with insubordination.
- B. No punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency without providing the public safety officer with an opportunity for administrative appeal.

V. PERSONNEL FILE RESTRICTIONS

- A. No sworn member shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his employer without his having first read and signed the instrument containing the adverse comment indicating he is aware of such comment, except that such entry may be made if, after reading such instrument, he refused to sign it. Should he refuse to sign, that fact shall be noted on that document and signed or initialed by him.
- B. A sworn member shall have 30 days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

VI. POLYGRAPH EXAMINATION RESTRICTIONS

- A. No sworn member shall be compelled to submit to a polygraph examination against his will. No disciplinary action or other recrimination shall be taken against him for refusing to submit to a polygraph examination, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that he refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that he refused to take a polygraph examination.

- B. Results of the examination are not admissible in criminal judicial proceedings, but may be used in administrative proceedings.
- C. Statements made by the officer prior to, during, or after the polygraph examination are legally admissible in criminal, civil, or administrative proceedings, providing that they were freely and voluntarily given.

VII. FINANCIAL DISCLOSURE RESTRICTIONS

No sworn member shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his property, income, assets, source of income, debt, or personal or domestic expenditures (including those of any member of his family or household) unless such information is obtained or required under State law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his official duties, or is necessary for the employing agency to ascertain the desirability of assigning him to a specialized unit in which there is a strong possibility that bribes or other improper inducement may be offered.

VIII. LOCKER SEARCH RESTRICTIONS

No sworn member shall have his locker, or other space for storage that may be assigned to him searched, except in his presence, or with his consent, or unless a valid search warrant has been obtained, or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency.

Chapter	7
Section	7.13
Title	Professional Standards and Evaluations
Subject	Personnel Investigations – Release of Certain Information from Administrative Files
Effective Date	1/2/2019
Revision Date	1/2/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

The policy of the Upland Police Department is to ensure compliance with the law and release of certain information from Administrative Investigation Files.

II. PERSONNEL RECORDS

Generally, peace officer personnel records are confidential. However, pursuant to SB 1421, which amended Penal Code sections 832.7 and 832.8, certain records contained in administrative investigation files are subject to disclosure under the Public Records Act. Upon the Department’s receipt of a Public Records Act request for information subject to disclosure under SB 1421, the Department shall inform the subject officer of the request. In no event shall any records be produced pursuant to such a request until the Department has notified the officer thereof, or made every reasonable effort to do so.

The following are the categories of records that are subject to disclosure under the Public Records Act:

- A. Any record relating to the report, investigation, or findings of: (1) an incident involving the discharge of a firearm at a person by a peace officer; (2) An incident in which the use of force by a peace officer against a person resulted in death or great bodily injury.
- B. Any record relating to an incident in which a sustained finding was made that a peace officer engaged in sexual assault involving a member of the public. “Sexual assault” is defined in Penal Code section 832.7(b)(1)(B)(ii) to also include the propositioning for or commission of any sexual act while on duty.

- C. Any record relating to an incident in which a sustained finding was made of dishonesty by a peace officer in reporting, investigation, or prosecution of a crime, or the misconduct of another peace officer.

If the incident as described above involves multiple officers, information about allegations of misconduct shall not be released unless it relates to a sustained finding against that officer. However, factual information about an officer's actions during an incident or statements of an officer about an incident that are relevant to a sustained finding against another officer shall be disclosed.

III. REDACTION REQUIREMENTS

In the event of disclosure, the Department shall redact the following:

- A. Personal data or information other than the names and work-related information of peace officers.
- B. Identifying information relating to complainants and witnesses.
- C. Confidential medical, financial or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers.
- D. Information where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer or another person.
- E. Information where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.

After the redaction is complete, a supervisor or designee of the Department shall review the request and the redaction to ensure that the proper information is disclosed. The following describes when the Department may delay disclosing responsive records during an active criminal or administrative investigation or during a pending criminal prosecution:

IV. CRIMINAL INVESTIGATION USE OF FORCE

- A. During an active criminal investigation, disclosure may be delayed for up to 60 days from the date the use of force occurred or until the district attorney determines whether to file criminal charges related to the use of force, whichever occurs sooner.
- B. The Department shall provide in writing the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The writing shall include the estimated date for disclosure.
 - 1. At the 60-day mark from the use of force, the Department may continue to delay the disclosure of information up to 18 months or until the specific basis for withholding is resolved, whichever occurs sooner, if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer who used force.
 - 2. The Department shall provide in writing every 180 days the specific basis for the determination that disclosure could reasonably be expected to interfere with the criminal enforcement proceeding. The writing shall include the estimated date of disclosure.
- C. If criminal charges are filed related to the incident in which force was used, the Department can delay disclosure until the criminal case is adjudicated or until the time to withdraw a plea has passed.

V. ADMINISTRATIVE USE OF FORCE INVESTIGATION

- A. During an administrative investigation of the use of force the Department may delay the disclosure of information until the Department determines whether the use of force violated a law or Department policy, but no longer than 180 days after the date of the Department's discovery of the use of force or 30 days after the close of any criminal investigation, whichever is later.

VI. CIVILIAN COMPLAINTS

- A. Records relating to a civilian complaint, or the investigations, findings, or dispositions of that complaint, shall not be released if the complaint is frivolous or the complaint is unfounded.
 - (1) The Department shall release to the complaining party a copy of their own statement at the time the complaint is filed.

- (2) The Department can release data regarding the number, type, or disposition of complaints made against its officers so long as the information is in a format which does not identify the involved officers.
- (3) The Department shall inform the complaining party of the disposition of the complaint within 30 days of the disposition.

VII. DISCIPLINARY INVESTIGATION

- A. The Department may release factual information concerning a disciplinary investigation if the officer who is the subject of the investigation, the officer's agent, or the officer's representative, publicly makes a statement known to be false concerning the investigation or the imposition of discipline. The information can only be published if the false statement was published by an established medium of communication (television, radio, or a newspaper). Disclosure is limited to facts that specifically refute the false statements.

VIII. CHALLENGING THE DISCLOSURE OF INFORMATION

- A. The involved officer shall be notified whenever a request is received for information relating to his personnel file. The Department shall engage in an interactive process with the officer to determine whether there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer or another person, or to determine if there is another basis for non-disclosure or redaction. The Department recognizes that this information is best determined by consultation with the officer involved with the report. The Department also recognizes that this gives the involved officer a reasonable amount of time to be on notice of the disclosure of information from their personnel record.