
	GAITHERSBURG POLICE DEPARTMENT			
	Code of Conduct, Rules, and Regulations			
	GENERAL ORDER	200.1		Related CALEA Standards:
	Effective Date	08/09/2024		4.1.5, 12.1.3, 22.3.2, 26.1.1
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE 08/09/2024	

1. PURPOSE

1.1. A code of conduct is necessary for the achievement of organizational goals. Thus, rules and regulations are promulgated for the proper governing of the Department and its members.

2. POLICY

2.1. Members of the Department are required to adopt a general standard of conduct, consistent with the professional standards of the law enforcement community. By choosing a career in law enforcement, members implicitly consent to be held to a higher set of standards than the public, in both their professional and personal lives, in so long as they choose to serve as members of the Department.

3. DEFINITIONS

3.1. **Employee/Member:** Within the context of this directive, the terms “employee” and “member” refer to all personnel employed by the Department, unless specified otherwise.

3.2. **Good Faith Mistake:** Within the context of this directive, the term “good faith mistake” refers to an error or oversight made by an officer without any intention of causing harm or breaking the law; the mistake is made with a reasonable belief that the action taken was appropriate and in compliance with applicable department policies, state law, and constitutional rights.

3.3. **Police Harassment:** Within the context of this directive, the term “police harassment” refers to a police employee that has the authority to enforce any state law or local ordinance (e.g., police officer, animal services official, or parking enforcement official) that shows a pattern or practice of acting without a legal basis. Examples include a pattern or practice of an officer conducting unlawful stops, searches, or arrests.

3.4. **Moral Turpitude:** Within the context of this directive, the term “moral turpitude” refers to conduct that is considered contrary to community standards of justice, honesty, or good morals.

4. PROCEDURE

4.1. **Professional Integrity**

- 4.1.1. Members shall maintain a level of moral conduct in their personal and professional lives, consistent with the highest standards of the law enforcement profession.
- 4.1.2. An employee shall not violate his or her oath of office and trust, or any other condition of employment with the City of Gaithersburg or commit an offense punishable under the laws or statutes of the United States or the State of Maryland.
- 4.1.3. Employees must remain completely impartial toward all persons coming to the attention of the Department. Violations of the law are against the people of the State, not against individual members. All citizens are guaranteed equal protection under the law.
- 4.1.4. Exhibiting partiality for or against a person because of race, creed, sexual preference, or influence is discrimination. Such discrimination is a violation of both Department policy and its core values.
- 4.1.5. A police employee, acting in an official capacity, will not use unnecessary or unreasonable force. It is the policy of this Department to permit officers to use only that force which is objectively reasonable and necessary to achieve lawful objectives. The force used will be reasonable both in its origin and application.
- 4.1.6. Weapons shall not be used, displayed, or handled in a careless or imprudent manner, or contrary to Department policy or Maryland Criminal law. A firearm shall only be surrendered to a Gaithersburg Police Department superior officer or a Department firearms instructor.
- 4.1.7. Any officer directly involved in an investigation cannot become emotionally or sexually involved with any witness or victim, from the time the case becomes known to the police, through the final disposition.
- 4.1.8. No member shall be a participant in any incident involving moral turpitude, which compromises or has the potential to compromise his or her ability to perform the duties of a law enforcement officer, or as a member of the Gaithersburg Police Department, or causes the Department to be brought into disrepute.
- 4.1.9. Members are prohibited from making false, fictitious, or misleading statements, verbally or in writing, pertaining to official duties. This includes, but is not limited to, official Gaithersburg Police Department forms, City of Gaithersburg government forms, official Montgomery County Police Department forms, Maryland State Police forms, or any official charging document.

- 4.1.10. All reports submitted by Gaithersburg Police Department employees will be truthful; no employee shall knowingly report or cause to be reported any false information. A clear distinction must be made between reports which contain false information and those which contain inaccurate or improper information. To prove beyond a preponderance of evidence that one has submitted a false report, evidence must be presented for consideration that such report was designedly untrue, deceitful, or made with the intent to deceive the person to whom it was directed.
- 4.1.11. Coercing, enticing, or suggesting that another Department member make any false, fictitious, or misleading statements, verbally or in writing, pertaining to official duties is prohibited. This does not apply to interviews being conducted by an officer during the course of a bona fide investigation, in which the officer is allowed to use reasonable subterfuge.
- 4.1.12. Malicious assaults or batteries committed by members constitute gross misconduct. Use of physical force shall be restricted to circumstances specified by law, when necessary to accomplish a lawful task successfully. Whenever a member, either on or off duty, is required to strike or use considerable physical force against another person, a superior officer shall be called to the scene, or if not practical, contacted as soon as possible following the incident. The member shall submit a written report to the Chief of Police through normal channels.
- 4.1.13. Members are required to answer questions by, or render evidence to, a competent authority in a Departmental personnel investigation when so directed.
- 4.1.14. Employees are prohibited from using or assisting in the use of METERS, LINX, MVA, NCIC or any other law enforcement sensitive database for personal reasons or for any purpose other than those authorized for official law enforcement purposes.
- 4.1.1.5. Police employees are prohibited from conducting any type of police harassment against any member of the public.

4.2. Duty to Intervene

- 4.2.1. It shall be the duty of every officer present at any scene where physical force is being applied to either stop, or attempt to stop, another officer from using unreasonable or excessive force, or when force is no longer necessary.
- 4.2.2. An officer who witnesses unnecessary, unreasonable, or excessive use of force by another officer shall report it as soon as practicable to a

supervisor. The supervisor shall notify without delay the appropriate bureau commander for forwarding to the Chief of Police for appropriate action.

4.3. Unbecoming Conduct

- 4.3.1. Every employee shall always conduct themselves, both on and off duty, in a manner which reflects most favorably on the Gaithersburg Police Department. The phrase “reflects most favorable” pertains to the perceptions of both citizens and other Gaithersburg Police Department employees. Unbecoming conduct of an employee shall include that which tends to bring the Gaithersburg Police Department into disrepute or reflects discredit upon the employee as a representative of the Gaithersburg Police Department, or that which tends to impair the operation or efficiency of the Gaithersburg Police Department or the employee.
- 4.3.2. Loyalty to the Department and to Departmental associates is an important factor in Department morale and efficiency. Members shall maintain a loyalty to the Department and its associates that is consistent with the law and professional ethics.
- 4.3.3. Cooperation between ranks and units of the Department is essential to effective law enforcement. Therefore, all members are strictly charged with establishing and maintaining a high spirit of cooperation.
- 4.3.4. All sworn members are required to take appropriate police action toward aiding a fellow officer exposed to danger or in a situation where danger is impending.
- 4.3.5. Members shall treat superior officers, subordinates, and associates with respect. They shall be always courteous and civil in their relationships with one another. When on duty and particularly in the presence of other members, employees or the public, officers should be referred to by rank.
- 4.3.6. Orders from superior to subordinate shall be in clear, understandable language, civil in tone and issued in pursuit of Department business. No command or supervisory officer shall knowingly issue any order which is in violation of any law, ordinance, or Departmental directive.
- 4.3.7. Obedience to an unlawful order is never a defense for an unlawful action.
 - 4.3.7.1. No member is required to obey any order that is contrary to federal or state law or local ordinance.
 - 4.3.7.2. Members who are given orders believed to be unjust or

contrary to directives, rules, and regulations, must first obey the order to the best of their ability and then proceed to appeal as provided in Department directives.

4.3.7.3. A member receiving an unlawful, unjust, or improper order shall, at first opportunity, report 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. Interdepartmental action regarding such an appeal shall be conducted through the office of the Chief of Police.

4.3.7.4. Responsibility for refusal to obey rests with the member, who shall be required to justify his or her actions.

4.3.8. Failure or deliberate refusal of any member to obey a lawful order given by a superior officer shall be deemed insubordination. Ridiculing a superior officer or their orders, whether in or out of the superior's presence, is also insubordination.

4.3.9. Members in doubt as to the nature or detail of an assignment shall seek clarification from their supervisors.

4.3.10. Members shall not publicly criticize instructions or orders they have received.

4.4. **Duty to Render Medical Aid**

4.4.1. Employees will notify the appropriate emergency medical personnel, or the Public Safety Communications Center (PSCC), as soon as reasonably possible, when any employee action results in the obvious serious injury, apparent medical distress, or unconsciousness of an individual. In addition to summoning emergency medical aid, immediate medical assistance that is consistent with the employee's training should be administered, when reasonably possible, for any obvious injuries or unconsciousness.

4.5. **General Performance of Duty**

4.5.1. Employees of the Gaithersburg Police Department shall be held strictly responsible for the proper performance of their duties. Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

4.5.2. All members, including volunteers and interns, are provided with City employee identification that bears the employee's photograph. Sworn members are also provided with police credentials. Unless working in

a covert capacity, members are expected to comply with requests from the public to display identification and will do so at the earliest appropriate opportunity.

- 4.5.3. Within the City, sworn members shall always take appropriate action to protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law and enforce all applicable federal, state and local laws and ordinances coming within Departmental jurisdiction.
- 4.5.4. All members shall perform their duties as required or directed by law, Department directive, policy, or order, or by order of a superior. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.
- 4.5.5. Members of the Department are always subject to duty although periodically relieved of their routine performance of duties. They shall, at all times, respond to the lawful orders of superiors and other proper authorities, as well as calls for police assistance from citizens. Proper police action must be taken by sworn members whenever required.
- 4.5.6. The Department acknowledges that circumstances and events may occur that preclude sworn members, while off duty, from personally taking official police action. Consistent with this, the Department cautions sworn members, while off duty, to use proper discretion when invoking police powers, particularly involving the use of a firearm. This does not relieve sworn members from the legal obligation to act when required or the administrative obligation to notify the on-duty supervisor if police power is invoked while off duty.
- 4.5.7. Members shall be courteous and orderly in their dealings with the public. They shall perform their duties professionally, avoiding harsh, violent, or insolent language and shall remain even-tempered regardless of provocation to do otherwise. Upon request, employees are required to supply their name and identification number in a courteous manner. Requests from the public shall be attended to quickly and accurately.
- 4.5.8. Administrative delegation of the enforcement of certain laws and ordinances to units does not relieve sworn members from the responsibility of taking prompt, effective police action within the scope of other laws and ordinances.

4.6. General Expectations while On Duty

- 4.6.1. Unless otherwise directed, sworn members shall report to daily roll call no later than 15 minutes prior to the beginning of their scheduled tour of duty, properly uniformed and equipped. During roll call careful attention shall be given to orders and instructions.
- 4.6.2. Any member who fails to appear for a duty assignment or required inspection at the date, time and place specified, without the consent of a supervisor or commander, is considered absent without leave (AWOL). Such absences within the period of one day must be reported in writing to the respective bureau commander.
- 4.6.3. Officers are on duty throughout their assignments and shall take necessary actions required of police officers for situations that come to their attention. Meal breaks are not to exceed 30 minutes. (501.3 of the City's Personnel Rules and Regulations states that 10-hour employees get 40 minutes.)
- 4.6.4. All members of the Department operating the police radio or City radio shall strictly observe regulations for such operations as set forth in Department directives and by the Federal Communications Commission.
- 4.6.5. Members on duty shall not conceal themselves except for legitimate police purposes. Sworn members of the Department shall respond without unnecessary delay to all calls for police assistance from citizens or other members. Emergency calls take precedence; however, all calls shall be answered as soon as possible, consistent with normal safety precautions and vehicle laws.
- 4.6.6. Failure to answer a call for police assistance promptly, without justification, is misconduct. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, sworn members shall not fail to answer radio calls directed to them.
- 4.6.7. The communications center will be informed when leaving the air and when returning to duty status. Prior to leaving the City while on duty, an officer must first obtain the shift supervisor's permission.
- 4.6.8. Except when impractical, or where identity is obvious, officers shall identify themselves by displaying their official badge or identification card before taking police action. No member of the Department shall, either visually or verbally, recognize or acknowledge any plainclothes officer until and unless the plainclothes officer acknowledges the employee first.
- 4.6.9. Officers shall identify themselves and the agency as soon as practical when conducting official business over the telephone.

- 4.6.10. Members shall always be alert to be able to assist lost, helpless, injured or ill persons.
- 4.6.11. The Department telephone, cellular and mobile data system services are for official business. While personal calls are allowed, they must be kept to a minimum. Use of cell phones and other communication devices by employees while on duty shall not be to such an extent that it interferes with the performance of their duties and responsibilities.
- 4.6.12. While on duty, members are prohibited from sleeping, drinking intoxicated beverages, or engaging in any activity that would cause inattentiveness to the performance of official duties.
- 4.6.13. Members on duty or in uniform should limit the amount of time spent in restaurants and other business establishments that is not duty related. While eating at an establishment that holds a liquor license is allowed, officers are prohibited from utilizing seating in or at the bar area.
- 4.6.14. At the scene of any crime, collision or other police incident, the ranking officer present shall assume command and direction of police personnel, within the guidelines of any memorandum of understanding, in such a manner as to assure the most orderly and efficient accomplishment of police tasks.
- 4.6.15. Officers shall strictly observe the laws of arrest and use only that force necessary to achieve lawful objectives. The arresting officer is responsible for the safety and protection of an arrested person while in custody and shall observe all laws and Department orders regarding this activity. When relinquishing custody to any other official, notification shall be made to that official of any injury, apparent illness or other conditions which indicate the arrested person may need special care.
- 4.6.16. Prisoners shall be kept securely, treated firmly and humanely, and shall not be subjected to unnecessary restraint. The arresting officer is responsible for the security of personal property in the possession of the arrested person or under his control at the time of arrest. Except for vehicles, this responsibility transfers to any other officer when accepting custody of the arrested person.
- 4.6.17. Citizens will be transported in Department vehicles only when necessary to accomplish a police purpose. Such transportation will be in conformance with Department directives or at the direction of a commanding officer or immediate supervisor. Any off-duty transports will be in accordance with the PPV policy, as outlined in General Order 606.3.

- 4.6.18. All members are to continue at their assignments and remain in an on-duty status until properly relieved by another member or dismissed by a supervisor or commander.
- 4.6.19. Political activity by on duty members shall be restricted to voting. At no time shall members use the influence of their office for any political purposes.

4.7. Recognition of Laws and Regulations

- 4.7.1. Every member is required to establish and maintain a working knowledge of all laws and ordinances in force in the City, the rules and policies of the Department and the orders of the Department and divisions thereof and obey them to the best of their ability.
 - 4.7.1.1. When an allegation of misconduct is confirmed, but it is minor in nature and the violation was the inadvertent result of reasonable and otherwise compliant performance, remedial training may be the best option to prevent the mistake from occurring again. Factors to determine whether a violation should be resolved through non-punitive remedial training measures are:
 - 4.7.1.1.1. There is no evidence that the officer was acting with malice;
 - 4.7.1.1.2. The evidence suggests the officer made a good faith mistake.
 - 4.7.1.1.3. There is no evidence that the officer was acting with gross negligence, recklessness, or deliberate disregard for the department policy or procedure, constitutional amendments, or relevant case law; or
 - 4.7.1.1.4. There is no pattern of similar behavior or mistakes.
- 4.7.2. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule, or policy in question.
- 4.7.3. Members shall observe and obey all laws and ordinances, rules and regulations and directives or special orders of the Department.
- 4.7.4. Members knowing of other members violating laws, directives, ordinances or rules of the Department or disobeying orders, shall report same in writing to the Chief of Police through official channels.

If the member believes the information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, official channels may be bypassed.

- 4.7.5. The existence of facts establishing a violation of a law, ordinance, or rule, is all that is necessary to support an allegation for a charge under Department directives. It is not necessary that a formal complaint be filed or sustained.
- 4.7.6. Nothing in this, or other official manuals belonging to the Department, prohibits disciplining or charging members merely because the alleged act or omission does not appear herein, in Department orders or in laws and ordinances within the cognizance of the Department.

4.8. General Administrative Matters

- 4.8.1. The Chief of Police may call for full dress and other inspections of the Department or any part thereof. Members directed to attend such inspections shall report in the appropriate uniform and with the specified equipment.
- 4.8.2. All sworn members shall attend in-service training, as mandated by the Maryland Police and Correctional Training Commission (MPCTC) or as directed by an officer of higher rank. Such attendance is considered a duty assignment.
- 4.8.3. All members of the Department shall maintain their health and physical fitness in a condition that permits them to safely perform their duties and responsibilities.
- 4.8.4. Members shall record their correct residence address and telephone number with the Chief of Police. Members are required to have mobile phones, or telephones in the place where they reside. Changes in address or telephone number shall be reported to their commanding officer within 24 hours of the change.
- 4.8.5. Members shall not use the Department as a mailing address for private purposes. The Department address shall not be used on any motor vehicle registration or operator or chauffeur license.
- 4.8.6. Members shall not mark, alter, or deface any posted notice of the Department. No notices of a derogatory nature will be posted at any time.
- 4.8.7. All members who are issued manuals are responsible for their maintenance and will make appropriate changes or inserts as they arise.

- 4.8.8. Collisions involving City personnel, property or equipment shall be reported in accordance with adopted procedures.
- 4.8.9. Members shall not use Department letterhead for private correspondence or send correspondence out of the Department over their signatures, without the general permission of a bureau commander or the Chief of Police.
- 4.8.10. Any member receiving a written communication to a higher level of the chain command shall endorse it indicating approval, disapproval or acknowledgment and forward as directed.
- 4.8.11. Members shall not reveal police information outside the Department except as provided elsewhere in Department directives or as required by law or competent authority. Details contained in police records, other information ordinarily accessible only to members, and names of informants, complainants, witnesses, and other persons known to the police are considered confidential.
- 4.8.12. All participants in the ride along program must complete an application and waiver, to be approved prior to the event. Juveniles must have a parent or guardian's written permission. No one under 16 years of age may attend a ride along, unless expressly authorized by the Chief of Police.
- 4.8.13. Officers shall promptly submit reports as required by the Memorandum of Understanding between the Department and Montgomery County Police, the Field Report Manual or as directed by an officer of higher rank.
- 4.8.14. All reports submitted by Gaithersburg Police Department employees will be complete and will not contain improper or inaccurate information. Improper or inaccurate information may be characterized by that which is untrue by mistake or accident or made in good faith, after the exercise of reasonable care.
- 4.8.15. Grievances are handled according to Section 1700 of the City's Personnel Rules and Regulations Manual. Employees are not entitled to representation during any portion of the grievance process.

4.9. Property and Equipment

- 4.9.1. All equipment and uniforms shall be kept clean, in good working order and conform to Department specifications.
- 4.9.2. Property owned by the City of Gaithersburg which has been received, or which for any other reason comes into custody of the Gaithersburg Police Department, will be processed in accordance with established

procedures. An employee may not convert to his own use or in any way misappropriate City of Gaithersburg equipment/property.

- 4.9.3. Members are responsible for the proper care of Department property and equipment assigned to them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.
- 4.9.4. Members shall immediately report to their commanding officer, using designated forms, any loss of or damage to Department property assigned to or used by them. The immediate superior will be notified of any defects or hazardous conditions existing in any Department equipment or property.
- 4.9.5. If City property is found bearing evidence of damage which has not been reported, it shall be considered prima facie evidence that the last person using the property or vehicle was responsible.
- 4.9.6. Members shall not mar, mark, or deface any surface in any Department building. No material shall be affixed in any way to any wall in Departmental buildings without specific authorization from a commanding officer.

4.10. Public Activities and Personal Associations

- 4.10.1. Members shall not seek personal publicity in the course of their employment, nor shall they permit their names or photographs to be used to endorse any product or service which is in any way connected with law enforcement without the permission of the Chief of Police. They shall not, without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with the Department.
- 4.10.2. All requests for public speeches, demonstrations, and similar appearances, will be routed to the Chief of Police for approval and processing. Members directly approached for this purpose shall suggest that the request be submitted to the Chief of Police.
- 4.10.3. Except for the Armed Forces Reserve components, members shall not affiliate themselves with any organization or group whose constitution or by-laws would prevent its members from rendering proper and efficient service to the Department.
- 4.10.4. No member shall knowingly become a member of, or have any connection with, any subversive organization, except, when necessary, in the performance of duty and then only under the direction of the Chief of Police.

4.11. Intoxicants and Other Substances Use for Both Sworn and Non-Sworn Personnel

- 4.11.1. The Department adheres to the drug and alcohol testing policy, as outlined in Section 1103 (Drug-Free Workplace) of the City's Personnel Rules and Regulations manual.
- 4.11.2. Per COMAR section 12.04.01.15, a positive test for a controlled dangerous substance, narcotic drug, or marijuana conclusively establishes that the individual providing the sample may not be employed or certified by the Maryland Police and Corrections Training Commission as a police officer.
 - 4.11.2.1. The agency head shall ensure that a positive screen for controlled dangerous substances, narcotic drugs, or marijuana was not a result of legal use.
 - 4.11.2.2. The Maryland Police and Corrections Training Commission recognizes that marijuana usage remains illegal federally.
- 4.11.3. Sworn and non-sworn personnel shall not consume intoxicants while off duty to the extent that evidence of such consumption is apparent when reporting for duty or would result in a positive screen for controlled dangerous substances, narcotic drugs, or marijuana.
- 4.11.4. Sworn and non-sworn personnel shall not at any time be impaired by alcohol or drugs while on duty. They shall not at any time, including off duty, be intoxicated in public view.
- 4.11.5. Sworn and non-sworn personnel shall not bring into or keep any intoxicating liquor on Department premises, except, when necessary, in the performance of official duties.
- 4.11.6. Sworn and non-sworn personnel shall not smoke or utilize smokeless tobacco products on duty when in direct contact with the public, in Department vehicles, in uniform in public view, or in any other location where use of these products is prohibited.
- 4.11.7. When drug and/or alcohol testing is required for cause, the supervisor shall also immediately notify the appropriate bureau commander, who will respond and ensure that the administrative investigation is conducted in accordance with the existing state law and General Orders.
 - 4.11.7.1. A required drug and/or alcohol test for cause may consist of an intoximeter test or urine sample.

4.12. Transactions and Personal Gain

- 4.12.1. Prior to engaging in any outside business or employment, members shall obtain authorization for secondary employment in accordance with City personnel policy.
- 4.12.2. An employee is prohibited from using his official position or his official identification card or badge for personal or financial benefit or as a means of obtaining privileges not otherwise available to him, or for avoiding consequences of illegal acts.
- 4.12.3. No member may seek the influence or intervention of any person outside the Department for purposes of personal preferential treatment, advantage, transfer, or advancement.
- 4.12.4. Members shall not under any circumstances solicit any gift, gratuity, loan, fee, or discount where there is any direct or indirect connection between the solicitation and Department membership or employment.
- 4.12.5. Members shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, or any other thing of value arising from or offered because of police employment, or any activity connected with said employment, without the prior review and approval of the Chief of Police.
- 4.12.6. Members shall not accept any gift, gratuity, loan, fee, or other thing of value, the acceptance of which might tend to influence the actions of the member directly or indirectly, or any other member, in any matter or police business, or which might tend to cast an adverse reflection upon the Department or any member.
- 4.12.7. No member of the Department shall solicit any gift or gratuity from members junior in rank.
- 4.12.8. Members shall not suggest, recommend, advise, or otherwise counsel the retention of any specific attorney or bail bond broker to any person coming to their attention because of police business. This does not apply when a relative of the member seeks such service. In no case may such advice be given where a fee, gratuity or reward is solicited, offered, or accepted from the attorney or bail bondsman.
- 4.12.9. Members cannot act as bailors for any person in custody, except relatives, and in no case where any fee, gratuity, or reward is solicited or accepted.
- 4.12.10. Members are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention, or

which arose out of Department employment.

- 4.12.11. Members shall not accept any gift, gratuity or reward in money or other consideration, for services rendered in the line of duty to the community or to any person, business, or agency except lawful salary and that which may be authorized by law.
- 4.12.12. Any unauthorized gift, gratuity, loan, fee, reward, or other item falling into any of the categories listed in this directive, coming into the possession of any member, shall be forwarded to the office of the Chief of Police, together with a completed memorandum explaining the circumstances.
- 4.12.13. Members shall not solicit or accept free admission to theaters and other places of amusement for themselves or others.
- 4.12.14. Members shall not solicit other members or employees to co-sign or endorse any promissory note or other loan.
- 4.12.15. No member shall offer to act as a cosigner or endorsee on any promissory note or other loan for another employee.
- 4.12.16. Members shall pay all just debts and legal liabilities incurred by them.

4.13. Indemnification

- 4.13.1. Any claims for damage to clothing, equipment, or eyeglasses caused by performance of duty shall be made in accordance with Departmental directives.
- 4.13.2. Members shall not seek in any way, nor accept from any person, money or other compensation for damages sustained or expenses incurred by them in the line of duty, without first providing written notification to the Chief of Police.
- 4.13.3. Members who have received salary from the City while on sick leave, for an injury or illness sustained off duty, shall notify the Chief of Police in writing of any intent to sue, solicit or accept compensation for damages resulting from such illness or injury. This notice shall be filed with the Chief of Police before any action is taken and shall include the facts of the claim and the name of the respondent.

4.14. Court and Judicial Matters

- 4.14.1. Attendance at a court or quasi-judicial hearing, as required by subpoena, is an official duty assignment. Permission to omit this duty, or be placed on call, must be obtained from the attorney handling the case or other competent court official. The on-call member shall

respond to the court proceeding immediately when notified to do so.

- 4.14.2. When appearing in court, the uniform of the day, or other appropriate attire as described in General Order 200.3, will be worn. Officers in undercover assignments may wear their street attire for District Court. Weapons will not be displayed unless the officer is in uniform. Members shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court.
- 4.14.3. Members subpoenaed to testify for the defense, or against the City or Department, in any trial or hearing shall notify their commander upon receipt of the subpoena.
- 4.14.4. Civil action interviews, which arise out of Departmental employment, shall be conducted according to current Department directives.
- 4.14.5. Members shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. If legally served, members will accept all subpoenas in which they are named. Members shall immediately report receipt of any subpoenas for civil cases that arise out of Department employment, or in which an employee is named as a party to a civil action arising out of Department employment.
- 4.14.6. Members shall not enter any financial understanding for appearances as witnesses prior to any trial, except in accordance with current directives.
- 4.14.7. Members shall confer with a commanding officer before giving a deposition or affidavit on a civil case. If the commander determines that the case is of importance to the City, the Chief of Police shall be informed before the deposition or affidavit is given.
- 4.14.8. Members shall not serve civil process or assist in civil cases unless the specific consent of the Chief of Police is obtained. This does not apply to civil process documents that officers are legally authorized to serve (i.e., currency or conveyance seizure documents, protective orders, petition for emergency evaluation, etc.).
- 4.14.9. Members shall avoid entering civil disputes, particularly while performing police duties, but shall attempt to prevent or abate a breach of the peace or crime in such cases.
- 4.14.10. Members shall not interfere with the proper administration of criminal justice and shall not attempt to interrupt legal process (except where an obvious injustice might otherwise occur), nor participate in or be concerned with any activity which might interfere with the process of law. Any member having knowledge of such action and failing to inform his superior officer thereof shall be subject to punitive action.

- 4.14.11. Members shall not communicate any information, either directly or indirectly, which might assist persons guilty of criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose of or secrete evidence of unlawful activity.
- 4.14.12. Department members are required to notify the Chief of Police or a bureau commander if they become a party to a lawsuit, receive a traffic citation, are arrested, or charged in any criminal or civil action or are made aware that they are the subject of an investigation by any law enforcement agency. Members are also required to notify the Chief of Police or a bureau commander if they witness a criminal event that is outside of their normal scope of employment or not captured on event reports under the Montgomery County Police field reporting system.