


AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

14.02	Title: Conduct Unbecoming		Duty Honor Integrity
	Approved By: Vanessa Wilson, Chief of Police		
	Effective: 09/01/1998	Revised: 10/06/2020	
	Associated Policy: DM 17.9		
	For historical reference this replaced 14.02 Prohibited Activity		
Review: Internal Affairs Bureau Commander			Page 1 of 8

14.2 CONDUCT UNBECOMING

14.2.1 Conduct Unbecoming

Members will conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Unprofessional conduct and irresponsibility will include that which brings the Department into direct disrepute, publicly or amongst its members, reflects direct discredit upon the member, or impairs the operation or efficiency of the Department or member.

Anything else in this Directives Manual to the contrary notwithstanding, members will not, whether on duty or off duty, whether acting in an official capacity or not, engage in conduct involving dishonesty, fraud, deceit, misrepresentation, misappropriation, theft or which is prejudicial to the administration of justice.

Misrepresentation by an officer of his/her identity, occupation, status or involvement in illegal activity when such misrepresentation is authorized by a superior officer and done in furtherance of and pursuant to an authorized law enforcement operation, will not be deemed a violation of this directive.

14.2.2 Making a False or Untruthful Declaration

Members will not, in the course of their official duties, willfully or knowingly make a false or untruthful declaration, either orally or in writing. This rule is applicable regardless of the materiality of the declaration.

Actions held to be in violation of this directive include, but are not limited to:

- Intentional incomplete or untruthful statements (written or oral) made or submitted to a supervisor.
- Intentional incomplete or untruthful statements made in a judicial or other legal proceeding.

- Intentional incomplete or untruthful statements made during the course of an IAS or other investigation.
- Intentional incomplete or untruthful statements made for personal gain to the declarant.

14.2.3 Abuse of Position

Members will not use their official position, official identification cards or badges for personal or financial gain or benefit, or for any other purpose which would tend to create the appearance of impropriety.

Members will not lend to or knowingly allow another person to utilize their identification cards, badges or other departmentally owned equipment, or permit them to be photographed or reproduced without the approval of the Chief of Police.

Members will not authorize the use of their names, photographs, or official titles which identify them as members in connection with testimonials or advertisements of any commodity or commercial enterprise without the approval of the Chief of Police.

14.2.4 Solicitation and Acceptance of Gratuities

The Department and members must exercise discretion concerning the receipt of goods or services to establish and maintain the highest possible levels of credibility and ethical standards which are incumbent upon the law enforcement profession.

Members will not solicit or accept from any person, business or organization, any gift, gratuity, money or other benefit or other thing of value (including food, beverage or entertainment) either for services rendered pursuant to their duties as members or expected preferential treatment because of their capacity as employees of the Aurora Police Department, except:

- (a) Lawful salary.
- (b) Goods or services offered to other occupations or the general public besides law enforcement personnel as part of a marketing technique, e.g., entertainment passes or discounts offered through credit unions or other businesses.
- (c) Acceptance of items such as: food, beverages or floral arrangements offered to members of the Department at large is permitted while on duty, provided there is no expectation of preferential treatment by the member or provider.
- (d) Complimentary gifts provided to other organizations besides the police department will not be prohibited, e.g., appointment books, calendars, etc.

14.2.5 Associations

Members will avoid regular or continuous associations or dealings with persons whom they know or reasonably should know are under criminal investigation or charges, or who have had a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary for the performance of official duties or where unavoidable because of geographic or other personal family relationships of the members.

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 pending case which has come to their attention or which arose out of their departmental employment except as may be specifically authorized by the Chief of Police.

14.2.6 Intervention

Members will not knowingly interfere with cases being handled by other members of the Department or by any other governmental agency unless ordered to intervene by a superior officer; or the intervening member believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action. Members will not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the exigencies of the situation require immediate police action.

14.2.7 Possession of Keys

No member, unless authorized by his/her commanding officer, will possess keys to any business premise not his/her own. No member may possess any departmental keys not expressly issued to him/her and when there is no need to possess those departmental keys to perform his/her duties.

14.2.8 Endorsements and Referrals

Members will not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service, e.g., an attorney, ambulance service, towing service, bondsman, mortician, alarm products. In the case of an ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, members will proceed according to established departmental procedures.

14.2.9 Payment of Debts

Members will not undertake any financial obligations which they know or reasonably should know they will be unable to meet, and will pay all just debts when due. Filing

for a voluntary bankruptcy petition will not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster will not be cause for discipline, provided a good faith effort to settle all accounts is being undertaken. Members will not co-sign a note for any superior officer.

14.2.10 Visiting Prohibited Establishments

Except in the performance of duty and while acting under proper and specific orders from a superior officer, members will not knowingly visit, enter or frequent an establishment wherein the laws of the United States, the State or the local jurisdiction are being violated.

14.2.11 Constitutional Requirements

When conducting criminal investigations, members should be conscious of the fact that their procedures will be scrutinized by the courts. It is incumbent upon each member to stay abreast of court decisions that relate to police investigative conduct.

Members will not make any arrest, search or seizure which they know or reasonably should know is not according to established legal precedent or statutory law.

Members will follow all established constitutional guidelines and requirements pertaining to interrogations of individuals suspected of criminal activity. The obtaining of a confession or admission by means of coercion, duress, threats or promises by any member will not be tolerated by this department.

No member will refuse a suspect the right of counsel, when requested, during any investigation or interrogation.

No member will, in any manner, delay for any reasons the appearance of any individual accused of a criminal offense before an appropriate magistrate.

When an accused person waives his/her rights, it is the responsibility of the investigating member to ensure that the accused person's waiver was made "voluntarily, knowingly, and intelligently."

14.2.12 Tobacco Policy

Tobacco use in any form is prohibited in all city buildings and vehicles. Tobacco use outside of a city building is allowed only at designated, marked areas.

14.2.13 Neglect of Duty

All members are required to take appropriate police action toward aiding a fellow peace officer exposed to danger or in a situation where danger might be impending.

Members will not read, play games, watch television or movies, or otherwise engage in entertainment while on duty, except as may be required in the performance of their duties specifically or as authorized by the Chief of Police. They will not engage in any activities or personal business, which could cause them to neglect or be inattentive to duty.

Members will report for duty at the time and place required by assignment or orders and will be physically and mentally fit to perform his or her duties for the entirety of the assigned shift. Only command level officers (lieutenants or above) possess the authority to grant a member permission to report late to or leave early from a duty assignment without the submission of an entry in the attendance software. Sergeants serving in an acting lieutenant position are not granted this authority. Command officers exercising this authority are expected to be able to explain his or her action to the next level of the chain of command.

Members will be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Training courses, seminars and conferences approved for individual members to attend are considered duty assignments. Judicial or administrative subpoenas will constitute an order to report for duty under this section.

Members will remain awake while on duty. Should a member experience difficulty remaining awake, he or she will report to a supervisor, who will determine the proper course of action.

Members will not leave their assigned duty posts until relieved or authorized by proper authority.

Members may be permitted to suspend patrol or other assigned non-emergency activity, with proper authorization, for the purpose of having meals. If a member's meal break is counted as time worked, that member is subject to immediate recall at any time and will be alert to all radio calls on his/her primary channel. Members whose meal breaks are not counted as time-worked are not normally subject to recall.

14.2.14 Conduct Towards Superior and Subordinate Officers and Associates

Members will treat superior officers, subordinates, and associates with respect. They will be courteous and civil in their relationships with one another. When on duty and particularly in the presence of other members or the public, officers should refer to each other by rank.

14.2.15 Unsatisfactory Performance

Members will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

Unsatisfactory performance may be demonstrated by lack of knowledge of the application of laws required to be enforced, an unwillingness or inability to perform assigned tasks, the failure to conform to work and/or training standards established for the member's rank, grade or position, the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention, or absence without leave or habitual tardiness.

In addition to other indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or an official written report of repeated infractions of directives, and/or corrective action reports of the Department.

Members are required to maintain proficiency in the proper deployment of authorized weapons. Members will only deploy those weapons for which they are certified to carry. The discharge of any weapon in a negligent or inappropriate manner could be considered an unsatisfactory performance.

14.2.16 Conduct Prejudicial

Members shall not engage in conduct prejudicial to the good order and police discipline of the Department or conduct unbecoming which:

- (a) May or may not specifically be set forth in Department rules, regulations or directives; or
- (b) Causes harm greater than would reasonably be expected to result, regardless of whether the misconduct is specifically set forth in Department rules, regulations or directives.

14.2.17 Sexual Misconduct

While on duty, members shall not engage in any conduct or solicit another to engage in any conduct for the purpose of sexual gratification, sexual humiliation or sexual abuse. The same conduct is also prohibited while off duty, either in uniform in a public place or in any vehicle or facility to which a member has access by virtue of the member's authority. The consent of another to engage in such sexual conduct or sexual acts is immaterial.

14.2.18 Identification as Aurora Police Department Employee

Except when impractical, unfeasible or when their identity is obvious, members will identify themselves both verbally and by displaying the official badge or identification card before conducting official business. Members will also verbally identify themselves when conducting official business by telephone. Exceptions to this include working in an undercover capacity or when divulging official identity would compromise personnel and/or an investigation.

14.2.19 Social Networking

Employees (sworn and civilian) are advised that some social networking behaviors and practices are not allowed by policy. Refer to Directive 17.09 for further details on social media.

14.2.20 Dissemination of Information

Members will treat the official business of the Department as confidential. Information regarding official business will be disseminated only to those for whom it is intended.

No member will divulge, directly or indirectly, the nature or location of any covert surveillance equipment installed and/or maintained by the Aurora Police Department to any citizen or organization unless the release of such information is specifically authorized, in writing, by the member's bureau or section command officer. No member will divulge, directly or indirectly, the nature or location of any such covert surveillance equipment to another member of the Department unless such member has a right to know and a need to know, and the release of such information is approved by the member's immediate supervisor or a member of the command staff.

When writing reports, most of which are or will become available to the public, members should refrain from mentioning any covert surveillance equipment and its location, if possible. If a reference to covert electronic surveillance must be included in the report, then it should be referred to in the most generic terms possible, e.g., "surveillance was conducted . . ." or "the suspect was observed . . .".

Members will not disclose one another's address, telephone number or information from personnel files to the public or to news media except with the consent of the concerned individual or by due process of law.

Members will not divulge the identity of persons giving confidential information except as directed or authorized by officers of the court or the Chief of Police. Any member receiving a written communication for transmission to a higher command will, in every case, forward such communication.

A member receiving a communication from a subordinate directed to a higher command will endorse it indicating approval, disapproval or acknowledgment and will, in every case, forward such communication to the next level within the chain of command.

14.2.21 Police - Community Relations

The Aurora Police Department is committed to Community Policing, which involves a commitment to improving community relations. A member who is aware of any actions, practices or attitudes on the part of any member that may be contributing to community or racial tensions, should bring that matter to the attention of his/her immediate supervisor. The supervisor should make every effort to correct these actions, practices or attitudes at an early stage to ward off greater problems in the future. If the actions taken by the supervisor are not successful, the supervisor should forward the information to his/her supervisor for solution.

Members will be courteous to the public. Members will be tactful in the performance of their duties, will control their tempers and exercise the utmost patience and discretion and will strive to avoid engaging in argumentative discussions. Members will verbally provide their names, badge or employee number when requested by a member of the public.

In accordance with C.R.S. § 24-31-309, members are required to provide a business card, with or without being asked, when he/she has detained any person in a traffic stop and does not issue a citation or make an arrest. The business card must include information on how to file a complaint or commendation.

Members are required to provide a business card when requested by an individual whom they are contacting in an official capacity or making a lawful contact. Members should provide a business card upon a request by any individual unless such action is likely to jeopardize the successful completion of a police assignment or the officer's official duties at the time.

When any person requests assistance or advice, makes complaints, or reports either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon, consistent with established departmental procedures.