

General Order

Houston Police Department



ISSUE DATE:

May 9, 2019

NO.

200-08

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 200-08, dated May 15, 2015

SUBJECT: CONDUCT AND AUTHORITY

POLICY

Officers, regardless of rank or assignment, while in the state of Texas are required to take prompt, effective, and appropriate police action with respect to violations of the law coming to their attention. Officers shall adhere to this policy, whether they are on or off duty, unless doing so would compromise the safety of an employee or citizen.

Employees are held accountable for the manner in which they exercise the authority of their office or position. Reasonableness and sound judgment shall dictate the actions of all employees along with the boundaries of authority provided by federal, state, and local law, and the policies and procedures of the Houston Police Department.

Certain provisions of this General Order may not be applicable in undercover police assignments specifically authorized by supervisors in accordance with divisional standard operating procedures. However, in determining such applicability, officers shall be strictly accountable for justifying their actions. Violations of this policy may result in discipline up to and including indefinite suspension.

This General Order applies to all employees.

1 CONDUCT AND BEHAVIOR

Personal Conduct

Employees shall exhibit professional conduct at all times and shall not engage in any activity, including unlawful activity, that would degrade or bring disrespect to the employee or the department.

Employees shall not communicate in any manner, directly or indirectly, any information that may delay an arrest or enable persons guilty of criminal acts to escape arrest or punishment, dispose of property or goods obtained illegally, or destroy evidence of unlawful activity.

Employees shall not join, participate with, or frequent any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

Association with Criminals and Others

Employees shall not knowingly commence or maintain a relationship with or associate with convicted criminals or any person who is under criminal investigation, indictment, arrest, or incarceration by any criminal justice agency, excluding traffic or municipal ordinance violations.

Employees shall avoid regular or continuous association with any person possessing a notorious reputation in the community.

Exceptions to the above restrictions are limited to employees performing their official duties or unavoidable family relationships.

Respect for Others

Employees shall respect the rights of individuals and shall not engage in discrimination, oppression, or favoritism whether by language, act, or act of omission.

Employees shall maintain a civil and impartial attitude towards both complainants and violators. Employees shall be courteous, civil, and respectful to all department employees and citizens, and shall not use threatening or insulting language.

Employees shall not engage in any form of speech likely to be construed as a racial or religious slur or joke.

Use of Discretion

When neither law nor policy provides clear guidance regarding a particular situation, employees shall exercise discretion in choosing the appropriate action. Employees shall make decisions based on sound judgment and the principles set forth in policies and procedures of the department. Discretion shall be exercised in such a manner that employees can reasonably assume that upon review their conduct shall be judged sound and reasonable by their supervisors.

Employee conduct shall always be consistent with the department's mission, values, ethics, guiding principles, and any instructions given by the employee's supervisors.

Sound Judgment

Employees are expected to exercise sound judgment at all times. Employees' behavior shall be limited to conduct that is reasonable and prudent. No employee shall commit any act on or off duty in an official or private capacity that may bring reproach, discredit, or embarrassment to the department.

Conflicts of Interest

If an employee has a personal interest, direct or indirect, financial or otherwise, in any decision pending before such employee or a body or group of which the employee is a member, the employee shall not participate in the consideration of the matter. If such employee is in attendance at such meeting, he or she shall publicly disclose a conflict of interest to the body or group prior to any determination of the matter.

An employee shall not negotiate for or accept future employment or extra employment with any person, firm, association, or corporation that has a substantial interest in any proposed ordinance or decision within such person's area of responsibility and upon which the employee may or shall act or make a recommendation.

Disruptive Activities

Employees shall not perform any action that may disrupt the performance of official duties or obligations of employees of the department or that tends to interfere with or subvert the reasonable supervision or proper discipline of employees of the department.

Investigative Cases or Operations

Employees shall not interfere with cases assigned to others. Employees shall not interfere with the work or operations of any unit in the department or the work or operations of other government agencies.

Employees against whom a complaint has been made shall not attempt, directly or indirectly, by threat, appeal, persuasion, or payment of money or other consideration to secure the abandonment or withdrawal of the complaint, charges, or allegations.

When directed by a competent authority to make a statement or furnish materials relevant to a department investigation, employees shall comply with the directive.

All department personnel shall cooperate fully with any authorized persons conducting audits of department operations or activities.

Criticism of the Department

Employees shall neither publicly nor at internal official meetings criticize or ridicule the department or any of its policies, City officials, or other employees by speech, writing, or other expression that is defamatory, obscene, or unlawful, or that undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

Giving Testimonials and Seeking Publicity

Employees acting as an agent of or representing the department in any way shall not give testimonials or permit their names or photographs to be used for commercial advertising purposes. Employees shall not seek personal publicity either directly or indirectly in the course of their employment.

Recognition of Plainclothes Officers

A uniformed officer shall neither acknowledge nor show recognition of another police officer in civilian clothes unless that officer first addresses the uniformed officer.

Surreptitious Recording

In order to maintain a unified and productive working environment and in keeping with the spirit of state Civil Service Law, the surreptitious audio or video recording of employees by other employees is prohibited. This section does not apply when the recording is done pursuant to the Texas Local Government Code or when conducted as part of a criminal investigation.

2 TRUTHFULNESS

Employees shall not make false, untrue, or misleading statements (verbal or written, made directly by or authorized by the employee). Any statement or omission of pertinent information that intentionally, knowingly, or recklessly misrepresents facts or misleads others shall be considered a false statement. A violation of this policy may result in discipline up to and including indefinite suspension.

3 KNOWLEDGE OF AND OBEDIENCE TO LAWS AND DEPARTMENT DIRECTIVES

Employees shall know the laws and ordinances they are charged with enforcing and all department orders, directives, duties, and procedures governing their specific assignments. Each day while on duty and immediately upon returning from an absence, employees shall study and become familiar with the contents of recently issued communications and directives.

Employees shall abide by the laws of the jurisdiction in which they are located. Employees shall also abide by the laws and rules of the various governmental entities that have jurisdiction over affairs in which the employees are engaged (e.g., Civil Service Commission and Texas Commission on Law Enforcement).

4 PERFORMANCE OF DUTY

Attention to Duty

Employees shall be attentive to their duties at all times. Employees shall perform all duties assigned to them. Officers while on duty shall not conceal themselves except for a police purpose. Employees shall keep themselves immediately and readily available at all times while on duty. Sleeping on duty is prohibited.

Employees shall cooperate, support, and assist each other whenever necessary. Employees shall not devote any of their on-duty time to any activity that is not directly related to their duties, unless approved by a supervisor.

Employees shall promptly report for duty properly prepared at the time and place required by assignments, subpoena, or orders. Employees shall remain at their posts or place of assignment until properly relieved by another employee or until officially dismissed by a supervisor.

Notes and Reports

Employees shall maintain written notes on police matters such as calls for service, arrests, and investigations. The information contained in these notes shall be sufficient to the extent that it will assist with the completion of official reports and will allow for the employee to accurately testify in official proceedings. Employees shall retain these written notes (field notes) and make them available to the prosecutor upon request. Investigators shall include the written notes or notes taken during the course of an investigation in the appropriate investigative file so they can be retrieved by the investigative division or the prosecution.

Unless otherwise directed, employees are responsible for ensuring that all reports are properly entered and uploaded in the department's records management system before going off duty. This requirement applies to each officer if riding a two-man unit.

Reporting Crashes and Injuries

Employees shall immediately report all on-duty traffic crashes in which they are involved, all personal injuries received in the line of duty, and any illness or personal injury not received in the line of duty but that is likely to interfere with the performance of their official duties. Employees shall immediately report all property damage or injuries to other persons that resulted from the performance of their duties.

Reporting Address and Telephone Number

All employees shall have a working personal telephone and shall register their correct residence address and telephone number with the department. Any change in address or telephone number shall be immediately reported and a supervisor shall update changes using the Personal Data Adjuster program.

Firearms

All officers are required to carry an approved *primary weapon* while on duty. All weapons carried by officers in the performance of their official duties shall be registered with the department. Required registration information shall be kept current. See also General Order 400-05, **Firearms Qualification and Control**.

Classified employees while off duty and not wearing an approved department *official classified uniform* shall not openly carry a handgun in public regardless of whether the employee has obtained a License to Carry a Handgun.

Dealing with Citizens

Employees having contact with the public shall promptly serve the public by providing direction, counsel, and/or assistance, and shall not interfere with the lawful business of any person. Employees shall not use their official positions to intimidate persons engaged in a civil controversy.

Employees shall attempt to respond to each inquiry or request for assistance personally and shall not refer any citizen to another department, division, or person when the employee has the capability to assist that citizen.

Officers shall give their names, badge numbers, and other pertinent information to any person requesting such facts unless doing so would jeopardize the successful completion of a police assignment.

Duty to Respond

Employees shall respond to the call of citizens or other employees in need of assistance. All employees shall perform their official duties promptly and thoroughly and shall respond without delay to calls for police service.

Employees shall promptly report all crimes, violations, emergencies, incidents, dangers, hazardous situations, or police information that come to their attention. Employees shall not conceal, ignore, or distort the facts of such crimes, violations, emergencies, incidents, situations, or information.

Districts and Locations

Officers shall know the location and boundaries of their assigned districts and beats. Employees shall also be familiar with the names and general locations of city streets and highways and the names and locations of hospitals and major public buildings.

5 OFF-DUTY INTERVENTION PROTOCOL

In determining the appropriate police action to take, off-duty officers shall consider the totality of the situation. Off-duty officers shall consider the offense involved, the operational and tactical difficulties that being off duty presents, and any other factors observed by the off-duty officer.

Off-duty officers who do not intervene in a situation shall in their best efforts try to be a good witness, unless exigent circumstances exist. If off-duty officers dressed in plainclothes see a criminal act in progress and intervene, officers shall identify themselves as a Houston Police Department officer and communicate their intent to stop the criminal act. At the moment of intervention, any action taken by the officer shall be governed as if the officer is on duty.

When off-duty officers are outside the limits of their jurisdiction, but within the state of Texas, they shall assist any law enforcement officer who appears to be in need of immediate assistance by providing any action necessary to stop criminal activity or to stop a suspect trying to escape during a crime against a person.

When officers are outside the state of Texas, they do not have police authority or status, and therefore have only the rights and obligations of a private citizen of that state.

6 CHAIN OF COMMAND

Each employee shall be under the direct control of one supervisor at a time. Employees are responsible for knowing their chain of command and shall operate within that chain of command. Employees initiating official correspondence to any supervisor shall forward such correspondence through the appropriate chain of command. Employees receiving correspondence from subordinates or supervisors shall sign and date the communication to indicate it was received, attach any appropriate comments, and forward the communication to the next level in the employee's chain of command. Correspondence shall be forwarded to the addressee.

If an issue is resolved to the satisfaction of the author prior to reaching the addressee, the facts shall be documented in official correspondence and forwarded to the addressee. If the issue cannot be resolved, each employee in the chain of command shall attach correspondence explaining what, if any, action was taken at their level, and why the issue was not resolved.

Written communication shall be returned to the author if it does not conform to the department's correspondence guidelines or other applicable policy.

Employees shall obtain their division commander's approval to use official City or department stationery to communicate with others outside the department.

Employees shall obtain their division commander's approval before communicating with others outside the department if the communication could be construed to represent the official position or policy of the Police Department.

Employees shall obtain the Chief of Police's approval before engaging in department related communication with elected officials, unless the communication is part of the employee's assigned duties.

7 OBEDIENCE TO ORDERS

Insubordination

Employees shall promptly and respectfully obey all lawful orders and directions given by supervisors, Internal Affairs investigators, or dispatchers. Failure to obey an order is insubordination.

Employees shall not flout the authority of a supervisor by displaying disrespect or disputing a supervisor's orders.

Conflicting and Unjust Orders

Employees receiving an order that they believe is unjust or contrary to department policy or that appears to conflict with a previous order, shall respectfully notify the supervisor that a conflict exists. If the supervisor does not change the order, employees shall obey the order to the best of their ability. Employees may then appeal the order up through their chain of command to the Chief of Police if necessary.

Orders shall be countermanded only when necessary for the safe and lawful completion of the police mission.

Unlawful Orders

No employee shall obey an order contrary to law. Employees receiving such orders shall notify the supervisor issuing the order that compliance with the order as issued is unlawful. Supervisors shall contact their immediate supervisor and request that person's presence at the scene. Employees receiving an unlawful order shall report the incident in writing to the Chief of Police through their chain of command.

8 SUPERVISORY CONDUCT

Supervisors shall actively enforce the law and the policies and procedures of the Houston Police Department. Supervisors shall not permit or otherwise fail to prevent violations of the law or the regulations, policies, or procedures of the Houston Police Department by any employee.

Supervisors who fail to take appropriate action when they are aware or should have been aware an employee was in violation of the law or department policy shall be held accountable. Supervisors shall report violations of law or department policy as required by General Order 200-03, **Investigation of Employee Misconduct**.

Supervisors shall make appropriate scheduling and assignment decisions that reflect an understanding of the staffing needs of their division and their subordinates' performance capabilities. Supervisors shall keep thorough documentation of their subordinates' performance and their unit or squad's performance.

No supervisor shall issue an order that violates the law or department policy. While on duty, supervisors shall be readily available to their subordinates and supervisors.

Supervisors shall not express personal opinions regarding department policy or other employees of the department while they are on duty or acting in their official capacity in the presence of subordinate employees.

9 DELEGATION OF RESPONSIBILITY

Supervisors who delegate tasks to subordinate employees are ultimately accountable for ensuring the tasks are completed.



Art Acevedo
Chief of Police