



DIRECTIVE: 7.1

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CONDUCT UNBECOMING AN OFFICER

OBEDIENCE TO LAWS

1. Any officer who engages in activity which under the provisions of Delaware State Law or any State in which they are currently present would constitute a felony shall be subject to the specified punishment for a Class "A" violation.
2. Any officer who is convicted of a crime which violates the provisions of 11 Del. Section 1448, purchase and possession of a deadly weapon by certain persons prohibited shall be subject to the specified punishment for a Class "A" violation.
3. Any officer who engages in activity which under the Provisions of Delaware State Law or any State in which they are currently present would constitute a misdemeanor shall be subject to the specified punishment for a Class "A" violation. Included within this category of offense shall be driving under the influence of alcohol and/or drugs, and other traffic misdemeanors as determined by the Inspector of Investigative Operations.

Although certification of a conviction of a crime in a court of law constitutes proof positive of a commission of an offense under this section, such a conviction shall not be necessary nor a prerequisite for a finding of guilt to be returned against a person for violation of provisions of this section.



DOMESTIC VIOLENCE

1. Any officer who is convicted of a crime, which under the provisions of federal, state, or local laws, constitutes Domestic Violence, shall be subjected to disciplinary action as specified for a Class A Violation with the only applicable penalty being dismissal.
2. Any officer who is involved in Domestic Violence Complaint, where he/she is placed in the First Offenders Domestic Violence Diversion Program through criminal court, or where the complaint is substantiated through a Complaint Hearing Board, shall be subjected to the specified punishment for a Class A Violation.
3. Any officer who is involved in a Domestic Disturbance Complaint which is substantiated through a Complaint Hearing Board, shall be subjected to the specified punishment for a Class C Violation.

MORAL TURPITUDE

For the purpose of this manual, moral turpitude is defined as any sexual activity prohibited by law, any sexual activity performed in public view, or any sexual activity which through its performance would cause embarrassment to the Department or any of its members.

NOTE: This charge will be used only in situations where there is no existing specific violation.

Violation of this regulation will result in disciplinary action as specified for a Class C violation.

INSUBORDINATION

Knowing failure or deliberate refusal of any member to obey a lawful order given by a superior officer shall be insubordination.

Ridiculing a superior officer or his orders, whether in or out of his presence, is also insubordination. Violation of this regulation will result in punishment as specified in Class C.

CRITICISM OF SUPERIOR OFFICERS AND CITY OFFICIALS

1. No member shall publicly criticize a superior officer or the Department while on duty on matters relevant to such superior officer's job performance or the superior officer's ability to



supervise. Violation of this regulation will result in disciplinary action as specified for a Class D violation.

2. No member shall publicly criticize a City Official regarding a City policy or action while on duty. Violation of this regulation will result in disciplinary action as specified for a Class D violation.

DISOBEDIENCE TO ORDERS

Whenever a member of the Department of Police receives an order from a superior ranking officer, including an order relayed from a superior by someone of the same or lesser rank, it shall be their duty to obey that order to the best of their ability.

Whenever a member of the Department of Police receives an order from a superior ranking officer, which is in conflict with a previously issued order or directive, it will be his/her responsibility to inform the supervisor (or other person issuing the order) and ask for a resolution of the conflict.

Violation of this regulation will result in disciplinary action as specified for a Class D violation.

STANDARDS OF CONDUCT

Any officer who engages in conduct contrary to the "Code of Ethics" or "The Oath of Office", as printed in the Police Officers' Manual, or which by its very nature constitutes a violation of the law, is in violation of the accepted standards of conduct for the Wilmington Police Department.

NOTE: This charge will be used only in situations where there is no existing specific violation. Violation of this regulation will result in disciplinary action as specified for a Class D violation.

CRITICISM OF ORDERS

Members shall not while on duty publicly criticize or ridicule the Department, its policies or lawful orders, or supervisors, or their employees by talking, writing, or expression in any other manner where such talking, writing, or other expression tends to impair the operation of the Department by interfering with its efficiency; or interferes with the ability of supervisors to maintain discipline. Violation of this regulation will result in punishment as specified in Class D.



FAILURE TO COMPLY WITH ANY LAWFUL DIRECTIVE OR REGULATION, ORAL OR WRITTEN

Members of the Department while in the performance of duty shall comply with all directives and/or regulations. Except under extraordinary circumstances and only when directed by a competent authority will a member of the Department fail to comply with this section. Violation of this regulation will result in disciplinary action as specified for a Class D violation.

RESIDENCY REQUIREMENT

The Charter of the City of Wilmington (3-304) requires all officers and employees to reside within the City limits at the time of election, appointment, or employment, or to establish City residency within six months of said date and to remain such during their first five years of tenure with some exceptions. The procedures for the Residency Requirement are detailed in Directive 6.56. Violations of the Charter Residency Requirement will result in disciplinary action as specified for a Class A violation, with the only applicable penalty being dismissal.

HARASSMENT

It is the policy of the City of Wilmington and the Police Department to promote a productive work environment in which all individuals are treated with respect and dignity. Any conduct by any employee that harasses, disrupts, or interferes with another's work performance will not be tolerated.

The City of Wilmington and the Police Department prohibit retaliation against any individual who reports harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment is also a violation of this policy and will result in disciplinary action.

SEXUAL HARRASSMENT (CALEA 26.1.3)

Members of the Department are prohibited from engaging in activity defined as Sexual Harassment whether with a coworker or with a citizen. For the purposes of this Directive, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are



not limited to, unwanted sexual advances or requests for sexual favors; sexual jokes and innuendos; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, catcalls, or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal, or visual conduct of a sexual nature. This includes harassment involving an individual's sexual orientation or gender identity.

Sexual orientation is defined as male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, having a history thereof or being perceived, presumed or identified by others as having such an orientation. Gender identity is defined as a person's actual or perceived sex, and includes a person's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the person's sex at birth.

Any violation of this section will result in disciplinary action as specified for a Class C violation. Any violation of this section that constitutes the elements of a criminal offense specified in Title 11 will result in disciplinary action as specified for a Class A violation. A violation of this section which involves conduct of a supervisor may result in demotion of rank.

OTHER HARASSMENT

Harassment on the basis of any other protected characteristic is also strictly prohibited whether with a coworker or with a citizen. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, age, national origin, disability, or another characteristic protected by law or that of his/her relatives, friends, or associates, and that: (i) has the purpose or effect of creating intimidating, hostile, or offensive work environment; (ii) has the purpose or effect of disrupting or unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to, epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes and display.

Any violation of this section will result in disciplinary action as specified for a Class C violation. Any violation of this section that constitutes the elements of a criminal offense specified in Title 11, will result in disciplinary as specified for a Class A violation. Additionally, a violation of this regulation which involves the conduct of a supervisor may result in demotion of rank.

