

CHAPTER 26
PROFESSIONAL STANDARDS OF CONDUCT

DISCUSSION: The Standards of Conduct of the Hattiesburg Police Department define minimal expectations of all employees of the agency. This Chapter establishes a basic code of expected and prohibited conduct, and is the professional foundation of the Department and its employees. It is the intent of this Chapter to insure that the Department, through its employees, reflects a highly disciplined image worthy of the confidence, responsibility and trust the community has placed in it.

These Standards of Conduct must not be construed as final and exhaustive. Periodic written directives will provide supplementary guidance to meet new or changing conditions; or to expand upon a particular issue.

26.1 CONDUCT

26.1.1 Required Conduct

In addition to the duties contained in the Job Descriptions for each rank, position, and assignment, the following provisions are applicable to all members of the Department.

- A. Obedience to Proper Authority - All members and employees shall perform their duties as required or directed by law, Departmental policy or order, or the order of a superior officer.
- B. Reporting for Duty - Personnel shall report for duty as scheduled or whenever so ordered by proper police authorities. Upon reporting for duty, personnel shall be physically and mentally fit, properly uniformed and equipped and not absent themselves from duty without leave.
- C. Awareness of Activities - Upon reporting for duty or returning to duty from any absence, personnel shall inform themselves about all new orders, regulation, memorandums, previous shift activities, and all other important matter governing his assignment.
- D. Submitting Reports - Personnel shall promptly and accurately complete and submit all reports and forms as required.
- E. Identification - On duty Officers shall carry their badges and identification cards on their person at all times, except when impractical or dangerous to their safety or to an investigation. Employees shall furnish their name and call number to any person requesting that information, when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority. With the exception of training conducted outside the primary building associated with the Police Department, ALL employees shall wear an identification card or badge displayed in a prominent easily seen place on the outer clothing at ALL times while in ANY Police Department building.

- F. Address and Telephone - An officer or employee shall have a telephone in their residence at which they can be reached and shall report any changes in the phone number or address to their immediate supervisor superior officer, the Communication Center and ensure that the change is recorded in the employee's records. Out of courtesy this advisement should be prior to the change, but must be made the next business day after the change.
- G. Truthfulness – Personnel shall truthfully state the facts in all reports as well as appearances before any judicial, Departmental, or other official investigation, hearing, trial or proceeding. Employees shall cooperate fully in all phases of such investigations, hearing, trials, and proceedings.
- H. Physical Fitness - Personnel shall maintain good physical condition IAW Departmental requirements.
- I. Examinations - A member shall submit to a polygraph examination, physical examination, psychological examination, urine screening for drugs and alcohol, and or blood analysis for drugs and alcohol, at the expense of the department, when ordered to do so by one having the authority, in any intra-departmental investigation into alleged acts of misconduct. Employees are deemed to have consented to testing as a condition of employment. Employees will sign release forms as required for medical personnel to inform the Department of a "Fit for Duty" status. It is not the Department's intent to explore specifics of a medical or psychological exam, but rather to make informed decisions regarding work or employment status.
- Refusing to execute a release/consent form will be considered as failing to cooperate and subject the employee to disciplinary action up to and including termination.
- Key personnel that handle money and/or confidential information are subject to polygraph examination annually or at the discretion of the Department. (CO22304)
- J. Civil Suits for Personal Injuries - Members and employees shall not seek in any way, nor accept from any persons, money or compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police in writing. Members or employees who have received municipal salaries by illness or for personal injuries sustained off duty, shall notify the Chief of Police in writing of any intent to seek, sue, solicit, or accept compensation as damages for such illness or injury. Notice shall be filed before the action is taken. It shall include the facts of the claims and the name of the defendant. The Chief of Police shall be informed of the status of the case and the final court determination. This provision shall not apply to private insurance policies held by members or employees for which premiums are not paid for in part or in whole by the municipality.
- K. Line-of-Duty Disability - Any injury, illness, or disability incurred in the line of duty shall be reported IAW Departmental procedures. In each case of illness, injury, or disability incurred in the line of duty, no officer shall be returned to duty (excluding modified duty) until his ability to be placed on full duty status is certified by proper medical authority.
- L. Modified Duty - Modified duty shall mean that an employee is assigned to an area such as Front Desk, Teleservice, communications or other area to exclude the employee from taking action in an

official sworn capacity. Thus, the employee will not carry a firearm or other enforcement equipment at work while on modified duty. Employees may be placed on modified duty for the following reasons.

1. Failure to pass mandatory recertification. (Firearms, Driving, or etc.)
2. Inability to perform normal job task due to illness or injury.
3. At the discretion of the Chief during an administrative investigation.

All employees on modified duty shall dress IAW Section 26.5.6 (Prescribed Civilian Clothing) in the AOM.

- M. General Duty Responsibilities - Members shall, at all times respond to the lawful orders of superior officers and other proper authorities as well as calls for police assistance from citizens. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the Department does not relieve members of other units from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.
- N. Questions Regarding Assignment - Members and employees in doubt as to the nature or detail of their assignment shall seek such information from their supervisors by following the established chain of command.
- O. Knowledge of Laws and Regulations - Every member and employee is required to establish and maintain a working knowledge of all laws and ordinances enforced in the City of Hattiesburg, the rules, orders and policies of the Department. 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.
- P. Reporting Violations of Laws, Ordinances, Rules, or Orders - Members and employees knowing of other members or employees violating laws, ordinances, or rules of the Department, or disobeying orders, shall report the same in writing to their immediate supervisor and up the chain of command to the Chief of Police. Supervisors shall have specific responsibility to report all violations of law, ordinances, rules of the Department, or the disobeying of orders by any subordinate through their chain of command to the Chief of Police as prescribed above, and when authorized, to take appropriate disciplinary action.
- Q. Impartial Attitude - All members shall remain completely impartial towards all persons coming to the attention of the Department.
- R. Responding to Calls - Members of the Department shall respond **WITHOUT DELAY** to 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 vehicular laws. Except under the most extraordinary circumstances, or when otherwise directed

by competent authority, no member shall fail to answer any call directed to him. The Communication Center shall be informed by a member when going out of service and returning to a duty status.

- S. Court Appearances - Members and employees, upon being subpoenaed shall attend court or quasi-judicial hearings. Subpoenas shall be delivered directly to the employee named, and not accepted by another employee (with the exception of Municipal Court). Permission to omit this duty shall be obtained from the prosecuting attorney handling the case or other competent court officials. Witness fees shall only be collected or signed when an employee is off duty. Unless prior notice is received of case cancellation before an employee appears in court, the officer shall be entitled to the witness fee.
- T. Testifying for the Department - Any member testifying for the defense in any trial or hearing, or against the City of Hattiesburg in any hearing or trial, shall notify the Chief of Police upon receipt of the subpoena.
- U. Civil Action Interviews - Civil action interviews involving members or employees which arise out of Departmental employment shall be conducted according to current Department directives.
- V. Civil Actions, Court Appearances - A member or employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members and employees WILL accept all subpoenas legally served. If a subpoena arises out of Departmental employment or if the member or employee is informed that he is a party to a civil action arising out of Departmental employment he shall immediately notify the Chief of Police of the service of notification, and of testimony that he is prepared to give. Members and employees shall not enter into any financial understanding for appearance as witnesses prior to any trial, except IAW current directives.
- W. Civil Depositions and Affidavits - Members and employees shall confer with the Chief of Police before giving a deposition or affidavit in a civil case.
- X. Handling Money or Receiving Property - All money or other property coming into the possession of any member of the Department through the normal course of police duty shall be handled as prescribed in Chapter 83, 17 and related Chapters in this Manual.
- Y. Duty Outside the City of Hattiesburg - Members of the Department will not be detailed to perform duty beyond the limits of the City of Hattiesburg except to assist the authority of another law enforcement agency.
- Z. Leaving the City of Hattiesburg - Whenever a member of this Department, during a tour of duty, is required to leave the city limits for the purpose of investigation, pursuit, or any other reason, except for normal routing occurring in answering calls for service within the City, shall inform the immediate supervisor and the on-duty telecommunicator prior to leaving and again on return.
- AA. Dissemination of Information - Employees shall treat the official business of the Department as confidential and shall conform to the following guidelines:

1. Information regarding the official business shall be disseminated only to those for whom it is intended.
2. Employees shall not remove or copy official records or reports from police headquarters except IAW established Departmental procedures.
3. Employees shall not divulge the identity of a complainant or of a person giving confidential information except as authorized by proper authority or Law and in the performance of police duties.
4. Employees shall only release to the press or news media information concerning the Departmental Policy or the evidentiary aspects of any criminal investigation as allowed by Law or Department Policy.

BB. Military Courtesy - Members shall conform to normal courtesy standards and refer to Officers by rank.

CC. National Colors and Anthem - Uniformed members shall render full military honors to the national colors and anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the national colors and anthem at appropriate time.

1. When outdoors, whenever, and wherever the National Anthem is played, at the first note, all personnel in uniform with cover and not in a specific formation, shall face the flag or music (if the flag is not in view), stand at attention, and render the prescribed salute.

When indoors, unless otherwise directed, at the first note, all personnel in uniform with cover and not in a specific formation, shall face the flag or music (if the flag is not in view), stand at attention, and render the prescribed salute.

The position of the salute is held until the last note of music is sounded. All personnel in uniform without cover shall stand at attention and do not render the prescribed salute. Non-uniformed employees shall follow the same procedures excepting that the right hand is placed over the heart.

2. National Flags which are mounted on short-flag staffs equipped with spearheads are called colors. During parades and while basic law enforcement classes are being held at the training academy, personnel passing an uncased color, salute at 6 steps distance and hold the salute until they have passed 6 steps beyond it. Similarly, when the colors pass by, they are saluted when it is 6 steps away and held until it has passed 6 steps beyond.
3. When taps are played, or when so ordered by a superior officer, follow procedure as outlined in paragraph CC.1 above.

DD. Meals/Coffee Breaks - Meals and/or coffee breaks, during a tour of duty, will be granted dependent upon the availability of manpower. While on a meal and/or coffee break, members are subject to call, and will give the telecommunicator the location where they may be

reached and/or the telephone number. Members may suspend their police duties for a meal, subject to modification by their supervisor. However, no more than two (2) marked police units from the same division (excluding supervisors) shall eat together at the same public location unless cleared by a supervisor.

The maximum time granted for a meal break is:

1. Thirty (30) minutes for sworn members assigned to answer dispatched calls for service.
 2. Other personnel shall adhere to policy outlined in the Employee Handbook for the City of Hattiesburg (Chapter V., Section L.).
- EE. Public Appearance Requests - All requests for public speeches, demonstrations, etc., shall be routed to the Chief of Police for approval and processing. Members and employees directly approached for this purpose shall suggest that the party submit his request to the Chief of Police.
- FF. Victim Notifications - All persons who are victims of criminal offenses shall be notified when an arrest has been made or other clearing processes have occurred in connection with such offense(s). This notification rests with the Court Section.
- GG. Authorized Equipment - While on duty, a member shall carry only such equipment as is issued by the Department or authorized by the Chief of Police.
- HH. Reporting Accidents - Accidents involving Departmental property, personnel and/or equipment must be reported IAW procedures established by the Chief of Police.
- II. Upkeep of Police Manual - All members and employees who are issued this Manual to their Section, Division, and/or Bureau are responsible for its maintenance and knowledge of its contents and they are required to make appropriate changes or inserts as issued by the Chief of Police. The Manual shall be considered Departmental property.
- JJ. Off Duty Equipment - Members may carry an authorized weapon or other equipment (i.e. radio, handcuffs, etc.) within Department guidelines when off duty and in public.
- KK. Paid Details - [Special Police Details] Payments for paid police details must be channeled through the Department. Members assigned to paid details are also bound by the provisions of this manual.
- LL. Sick Leave - Employees are awarded sick leave at the rate of one day per month. A day is defined as eight (8) hours for employees who work 2080 hours and twelve (12) hours for those who work 2756 hours in a year. Sick Leave is intended to be used by an employee to guard against loss of compensation while unable to work due to injury or illness.

The employee who is unable to report for any work assignment, due to illness or injury, shall contact the immediate supervisor within a reasonable time, prior to the beginning of the work

assignment, requesting approval for sick time. If the immediate supervisor cannot be readily contacted, the employee shall contact the next member in the chain of command.

Approval of sick leave will be granted only upon proper determination the absence is for one of the following authorized reasons:

1. Illness or injury which renders the employee unable to perform official duties. Minor, non-disabling injuries or illness will not qualify for sick leave.
2. Mental or physical examination, consultation or treatment by a licensed practitioner.
3. A documented FMLA qualifying event.
4. Up to three (3) days for a death in the family (spouse, child, parent, brother, sister, grandparents, or similar relationships that are "in-law", "step", or "foster".)

A physician's certification of illness is required on the fourth (4th) consecutive day of illness, for an FMLA event, or when there is suspected sick leave abuse and the employee has been notified in writing that a physician's certificate will be required for further absences due to illness.

Upon termination from city employment, accrued, unused sick leave of 120 hours or more will be certified to the Public Employees' Retirement Plan for award as creditable service. (NO22304)

26.1.2 Prohibited Conduct

The following acts by a member of the Department are prohibited, or restricted as indicated.

- A. Criminal Conduct - Violation of any law of the United States or of any State and local jurisdiction in which an officer is present. A conviction of a violation of any law shall be prima facie evidence of a violation of this Section.
- B. Conduct Unbecoming an Officer - Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department or officer. Unbecoming conduct of a member is also any action which has a tendency to destroy public respect for members and confidence in the operation of the Department and its' services. Such conduct is not restricted to that which is criminal in nature.
- C. Neglect of Duty - Being absent from assigned duty without leave or failing to take suitable and appropriate police action when any crime, public disorder, or other incident requires police attention.
- D. Insubordination - Including but not limited to resisting management directives through actions and or verbal exchange, and or failure to follow supervisors' instructions, perform assigned work

or otherwise comply with applicable written policy, or by displaying rudeness or disrespect towards a superior officer. (C091602)

- E. Unnecessary Force - The use of more physical force than that which is necessary to accomplish a proper police purpose. Officers shall use force IAW law and Departmental procedures.
- F. Discourtesy - Discourtesy, rudeness, or insolence to any member of the public. An officer shall be courteous and tactful in the performance of his duties and shall control his temper, exercising the utmost patience and discretion even in the face of extreme provocation.
- G. Use of Alcohol or Drugs - Consumption of intoxicating beverages while in uniform or on duty is prohibited except in the performance of duty AND while acting under proper and specific orders from a superior officer. Appearing for duty, or being on duty, while under the influence of alcohol or any other substance which may impair their physical or mental ability is forbidden.
- H. Improper Associations - Voluntarily maintaining or establishing relationships with persons engaged in unlawful activity, or who have any criminal action pending against them, except in the discharge of official duty and without prior knowledge of the member's immediate supervisor or the Chief of Police.
- I. Undue Influences - Seeking the influence or intervention of any person outside the Department for purposes of personal preferment, advantage, transfer, or advancement.
- J. Recommending Private Services - Recommending or suggesting in any manner the employment or purchase of any particular professional or commercial service or product such as lawyers, Bondsman, towing services, burglary alarm companies, etc. except in the transaction of personal business.
- K. Recommending Towing Services - No member shall recommend or suggest a towing service, and shall obtain towing services IAW Departmental procedures.
- L. Recommending Funeral Services - Funeral arrangements and the selection of a funeral home shall be left to the bereaved family. Absent the above, a funeral home shall be designated by the medical examiner.
- M. Personal Business - No member shall conduct personal business while on duty without expressed consent of his immediate supervisor.
- N. Department Letterhead - No member shall use Department letterhead for private correspondence.
- O. Mailing Address - No member shall use the Department as a mailing address for private purposes.
- P. Sleeping On Duty - No member shall sleep on duty.
- Q. Reading - Recreational reading will be outside of public view and during meal breaks.

- R. Tobacco Products - The police station has been designated as a tobacco free building. Employees shall not smoke, chew, or otherwise use any tobacco product while inside the station. Members shall not smoke or chew tobacco when in direct contact with the public, to include issuing traffic citations, directing traffic, escorting funerals, interviewing complainants, and while making on-premise business checks.
- S. Notices - Altering, defacing, or removing any posted notice of the Department is prohibited.
- T. Incompetence - An officer shall maintain sufficient competency to perform his duty and to assume the responsibility of his position. Incompetency may be demonstrated by the following:
1. A lack of knowledge of the application of laws required to be enforced.
 2. An unwillingness or inability to perform assigned tasks.
 3. The failure to conform to work standards established for the officer's rank, grade, or position.
 4. Repeated poor evaluations, unsatisfactory weapons qualifications, or repeated infractions of the rules and regulations.
- U. Assisting Criminals - Members and employees shall not communicate in any manner, either directly or indirectly, any information 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 destroy evidence of unlawful activity, merchandise, money, or other property unlawfully obtained.
- V. Feigning Illness - An officer shall not feign illness or injury, falsely report himself ill or injured or otherwise deceive or attempt to deceive any official of the Department as to the condition of his health.
- W. Political or Religious Discussions - While on duty, members and employees shall avoid political or religious discussions with the public. They shall not make any statements in public at anytime that may cause public reaction against the Department or that may impair the efficient operations of the Department.
- X. Commercial Testimonials - Members and employees shall not 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. Employees shall not, without 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.
- Y. Withholding Information - Members and employees shall not, at anytime, withhold any information on criminal activity or undertake self assigned investigations. Self assigned means action undertaken at the discretion of the member of the Department, or action initiated by a member without the request, direction, or instruction of a superior officer.

- Z Rewards - Members and employees shall not without specific permission of the Chief of Police 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 in that which may be authorized by law.
- AA. Debts Incurring Payment - No employee or member shall borrow any money or otherwise become indebted to another employee.
- BB. Nepotism - The Department shall not employ as either a full or part-time sworn Officer the spouse of an incumbent sworn Officer. No Sworn Officer shall be married to another Sworn Officer. If two existing Officers become married, one spouse shall leave the employment of the Department as a sworn Officer effective on or prior to the date of the marriage. Failure to comply with this regulation may result in termination of both spouses. The Department is under no obligation to retain one or the other spouse in a non-sworn position. Parents/children, siblings and in-laws of an employee may be employed by the dept. in a sworn or non-sworn capacity. However, no relatives will be employed so that one of them directly supervises another. Non-sworn personnel are governed by the City of Hattiesburg Employee Handbook, Section VI, A, 1. (Reference: EEOC decision 73-0168 at 19 FEP cases 1768).
- CC. Communication With City Officials - Members shall not communicate with the City Administrator, representatives of the City Administrator's, or members of the City Council or their representatives regarding Department policies, procedures, personnel, or other matters unless specifically authorized by policy, procedure, or after having received authorization to do so from the Chief of Police.
- DD. Debts, Lending of Money - A member shall not incur personal debts that he is unwilling or unable to pay. A member shall not incur debts chargeable to the Department or City of Hattiesburg without proper authorization.
- EE. Abusive, Indecent or Profane Language - The use of profanity shall be avoided by all members while on duty with this Department.
- FF. Tardiness, Late for Duty - Any member who is detained and will be late for work must notify his/her supervisor as soon as possible.
- GG. Criticism - An employee shall not criticize or ridicule the Hattiesburg Police Department, the policies, or the officers by speech, in writing, or by expression in any other manner, when such speech, writing, or other expression is defamatory, obscene, unlawful, exhibits a reckless disregard for truthfulness, or tends to undermine the operation of the Department by impairing the efficiency or interfering with the day to day operation or maintenance of discipline.
- HH. Abuse of Position - 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. An employee may not lend his identification card or badge to another person, or permit it to be

photographed or reproduced without the approval of the Chief of Police. An employee shall not permit or authorized the use of his name, photograph, or official title identifying him as an employee of the Hattiesburg Police Department in connection with testimonials or advertisements of any commodity or commercial enterprise, or for personal reasons without the approval of the Chief of Police.

- II. Abuse of City Time - Such as unauthorized time away from work area or failure to notify supervisor promptly upon completion of assigned work. (N091702)
- JJ. Leaving the Work Site - without proper permission during working hours and or giving a false reason for doing so during working hours in the absence of a threat to life. (N091702)
- KK. Falsification of Records - Such as but not limited to vouchers, reports, leave records, employment application, or other official city documents or records. (N091702)
- LL. Hostile Acts - Acts of physical violence or fighting, threatening or coercing employees, supervisors, or private citizens.(N091702)
- MM. Unsafe Use of Firearms - Unauthorized possession or use of firearms, dangerous weapons, or explosives. (N091702)
- NN. Misappropriation - of city or private property or contraband, while on or off duty.(N091702)

26.1.3 Conflict of Interest

Since the position of a police officer is public trust, it is important to avoid all situations involving conflicts of interest, whether in fact or appearance.

- A. Membership in Organizations - A member or employee of this Department shall not affiliate with or become a member of any organization if such affiliation or membership would in any way interfere with or prevent him from performing his duty.
- B. Outside Employment - Officers may engage in off-duty employment subject to the following limitations:
 - 1. Such employment shall not interfere with the officer's employment with the Department, or impair his independence or judgment in the exercise of official duties.
 - 2. Officers shall not be engaged in any service where the City, the Department, or employees have or could potentially have a conflict of interest.
 - 3. As a precautionary measure to insure protection of both employee's and the department, employee's performing any outside work or service, except SPD, shall notify the Office of the Chief in writing by use of the outside employment information form, (appendix 26-A) for authorization prior to accepting outside employment. Employee's

involved in a business as an "on going" concern will only submit one (1) request to cover normal business activities, all others will be submitted case by case. (C091702)

4. No employment will be allowed with bars, nightclubs, private clubs or etc. whose primary function is to provide social interaction along with the selling, dispensing or consuming of alcoholic beverages. (C081204)
 5. Officers will not be employed or otherwise work for other law enforcement, security, guard, investigator and/or similar positions which require armed personnel, except as contracted through the City of Hattiesburg. (C081204)
 6. In addition to the above restrictions, outside employment should not render the officer unavailable during an emergency; or bring the Department into disrepute or impair the operation of efficiency of the Department or officer.
 7. The Chief of Police reserves the right to -revoke outside employment privileges should that employment create a conflict as described above.
- C. Political Activities - Participation in political activities while in uniform or on duty is prohibited. All action which could even give the impression that an officer is using his office to influence the electoral process is to be avoided.
- D. Gifts and Gratuities - Members shall not, under color of office or by reference to the Department, solicit services or anything of value, intrinsic or otherwise from anyone, without prior approval from the Chief of Police. A member shall not accept gratuities as payment for favors or services rendered in connection with his official duties. A member shall not accept or solicit, or knowingly cause to be procured, a testimonial of any kind relative to his performance of police duties.
- E. Unauthorized Transactions - Members and employees are prohibited from entering into transactions of material value at substantially lower than fair market value, or the value at which such goods or services are being offered to the general public when such transactions take place between themselves and any person involved in any matter or case which arise out of their employment with the Department, except as may be specifically authorized by the Chief.
- F. Use of Official Position - Members and employees shall not use their official position, official identification cards or badges for personal use or financial gain; for obtaining privileges not otherwise available to them except in the performance of duty, or for avoiding the consequences of illegal acts. Members and employees shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief of Police.
- G. Identification of Department Components - members shall only show attachment to a component (unit, section or division) of the Hattiesburg Police Department with symbols, emblems, clothing, stationary, art work, crest, badges, pins or etc. that are approved by the Chief of Police. Members of the Department associated with organizations that are recognized at

the State or National level as legitimate law enforcement associations may show that relationship through items produced distributed or otherwise authorized by those organizations. Members of the Department shall only display or wear identification items that are recognized and approved by the Department in accordance with established uniform standards. Body art (tattoos) that is intended to identify a members association to the Department or any of its components is prohibited. The development and use of hand signals or other jesters that is secular to the members of a particular component of the Hattiesburg Police Department or other communication methods that mimic those used by organizations involved in criminal activity are expressly prohibited. This does not include covert communication methods that are taught by the Department for use in tactical situations. (N090903)(Rescinded 8/29/07)

26.1.4 Professional Responsibilities

Police Officers are professionals and as such are expected to maintain exceptionally high standards in the performance of their duties. Effective and efficient performance of these duties requires that a police officer maintain the respect and cooperation of his community. This requirement dictates that the conduct of all police officers be above reproach in all matters both within and outside of the Department. General professional responsibilities include taking appropriate action to:

- A. Protect life and property;
- B. Preserve the peace;
- C. Prevent crime;
- D. Detect and arrest the violators of the law;
- E. Enforce all laws coming within Departmental jurisdiction;
- F. Supervise public functions (such as parades, etc.) where public order requires police presence;
- G. Respond to all public emergencies.

26.2 Sexual and Unlawful Harassment (C121003)

On June 19, 1986, the U.S. Supreme Court ruled unanimously that sexual harassment is a form of discrimination covered by Title VII of the Civil Rights Act of 1964 as amended in 1972 to be applicable to all units of State and local government (Vinson vs. Taylor).

26.2.1 Definitions

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, personally offensive, lowers morale and interferes with work effectiveness. Sexual harassment may be defined as: Any repeated or deliberate unwelcome sexual advances, requests for sexual favors, and other **VERBAL OR PHYSICAL** conduct of a sexual nature constitutes sexual harassment when;

- A. Submission to such conduct is made, either implicitly or explicitly, a term or condition of employment.
- B. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment. Sexual harassment is not limited to requests for sexual favors in return for job benefits. Sexual harassment may take the form of verbal abuse, leering, salacious gestures, and inappropriate language, jokes of a sexual nature or any undesired touching or patting.

Unlawful Harassment is conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

26.2.2 Policy

It is the policy of this Department that all employees should enjoy a working environment free from all forms of discrimination or harassment. Sexual or other unlawful harassment shall be treated as an area of employee misconduct and will not be tolerated under any circumstances.

26.2.3 Procedures

The Hattiesburg Police Department recognizes that any allegation of harassment requires a determination of the facts in each case and further recognizes that any such investigation should be conducted in a confidential manner until the allegation is properly reviewed. The following procedures shall be adhered to in all circumstances when an employee feels that he/she is the victim of harassment.

- A. Any employee who believes that he/she has been harassed shall report the incident to their immediate supervisor, Division Commander, or the Chief of Police immediately after the incident.
- B. If the offending party is in the complainant's chain of command the complaint may be filled with Internal Affairs or the Chief of Police.
- C. When filing a complaint the employee offended must provide specific facts concerning the offensive behavior. The facts should answer the following questions:
 - 1. Who committed the offensive behavior?
 - 2. What was the specific behavior?
 - 3. When and where did the incident(s) occur?
 - 4. Were there any witnesses?

5. Did the incident occur more than once?
 6. Did the complaining employee tell the employee committing the offensive behavior to stop?
- D. The Internal Affairs Officer will be assigned to investigate the allegation(s) and report the findings to the Chief of Police.
 - E. The Chief of Police shall review the results of the investigation and shall notify the reporting employee of the findings of the investigation and of the corrective action, if any, to be taken by the Department with regard to the offending employee.
 - F. Any corrective or disciplinary action taken shall be consistent with current Departmental and City Policy.
 - G. Upon final completion of the investigation and Chief's review, the Human Resource Department will receive a copy of the Executive Summary of the investigation.
 - H. In no case shall any employee reporting an incident of harassment be subject to adverse employment action unless it is determined through the investigation that the allegation was not based upon fact and that the employee made the allegation with malicious intent or knowledge that it was false.

26.3 AWARDS PROGRAM

An awards program is to recognize and reward those members of the Hattiesburg Police Department, and the civilian community who distinguish themselves by their acts or conduct on behalf of the community and the Department. The awards program shall consist of awards, citations, and/or certificates being awarded.

26.3.1 Awards Advisory Committee

An Awards Advisory Committee shall be appointed by the Chief of Police. The committee shall meet at the discretion of the Chief of Police, for the purpose of evaluating all nominations for awards and/or citations and to make recommendations to the Chief of Police, who shall make the final determination on granting the award and/or citation.

26.3.2 Nomination for Award

- A. Recommendation of an award may be submitted by any person.
- B. The recommendation shall be in memorandum form. It should summarize the incident for which the employee is being recommended for recognition and contain any police reports or other pertinent information.

- C. It shall be the responsibility of the employee's supervisor or Division Commander to verify the validity of the recommendation.
- D. The Awards Advisory Committee shall review the recommendation and forward its recommendation to the Chief of Police.
- E. The decision of the Chief of Police as to the appropriate award to be presented shall be final.

26.3.3 Criteria for Awards and Citations

Department awards and citations shall be made consistent with the following guidelines:

- A. Distinguished Service Citation for Valor: This award may be awarded by the Chief of Police to a Department employee who performs an act of heroism in the face of personal injury or risk of life. This award shall be evidenced by the following:
 - 1. Blue Breast Bar/Blue Lapel Pin
 - 2. Certificate
- B. Meritorious Service Citation: The Meritorious Service Citation may be awarded by the Chief of Police to a Department employee who performs an extremely laudable or extraordinary act and shall be evidenced by the following:
 - 1. Red Breast Bar/Red Lapel Pin
 - 2. Certificate
- C. Award of Excellence: This award may be awarded by the Chief of Police to a Department employee or work element that performs a particularly noteworthy act or service based on determined and intelligent performance. This award shall be evidenced by the following:
 - 1. Green Breast Bar/Green Lapel Pin
 - 2. Certificate
- D. Letter of Commendation: A Letter of Commendation may be awarded by the Chief of Police or a Division Commander to a Department employee whose actions deserve recognition but may not warrant one of the above awards. This award shall be evidenced by a Certificate.
- E. Citizen Service Citation: This award may be awarded to a citizen whose assistance to the Department, was given without regard to personal welfare, had a positive bearing on the outcome of an incident and contributed to the furtherance of law enforcement in the community. The Citizen Service Citation may be recommended for presentation to a citizen by an employee of this Department. This award shall be evidenced by the following:

1. Blue Lapel Pin
2. Certificate

26.3.4 Presentation of Awards

- A. Presentation of the Distinguished Service Citation for Valor, the Meritorious Service Citation, the Award of Excellence and Citizen Service Citation shall be made by the Mayor or the Chief of Police during a regularly scheduled Department meeting.
- B. The Letter of Commendation shall be presented by the Chief of Police or a Division Commander. Presentation of the Letter of Commendation shall be made during muster before members of that Division/Platoon.
- C. A copy of the appropriate certificate or award shall be placed in the employee's personnel file.

26.3.5 Wearing of Awards

- A. Breast bar awards to Department employees shall be worn by uniform personnel centered directly above the name bar on the uniform shirt.
- B. Lapel pins awarded to Department employees shall be worn on the left lapel of the suit or sport jacket. The lapel pin shall be worn by employees in civilian attire accordingly.
- C. The wearing of the breast bar or lapel pin shall be optional. In the event of multiple awards, only the highest award shall be worn.

26.3.6 Subsequent Awards

- A. Subsequent awards of the same citation will be represented by a star on the colored field of the breast bar.
- B. The maximum number of stars displayed will be one which will indicate that the individual has been cited for the same award on at least two occasions.

26.3.7 Awards from Other Organizations

If any member of the Department is presented with an award from another agency or organization, upon recommendation of the member's immediate supervisor, the Awards Advisory Committee, and approval by the Chief of Police, the member receiving the award may be presented with a certificate from the Hattiesburg Police Department.

26.3.8 Officer of the Year

Each year the Awards Committee will select The Officer of the Year for the Hattiesburg Police Department. This Officer will serve as the Department's representative at all events requiring the presence of

the recipient. The Committee will solicit nominees during the last quarter of the year and render a candidate to the Chief of Police prior to the end of the year. Nominations may be submitted by any supervisor in the employee's chain of command. The committee will make a determination utilizing the following sources:

- A. Summary of achievements and work history representing the year as presented in the supervisors nomination.
- B. Community involvement or extracurricular activity.
- C. Internal Affairs (No level III disciplinary actions)
- D. Commendations or Awards (Personnel File)
- E. Training Records (Attendance, proficiency, career development)
- F. Committee Interview (If needed for final determination of top candidates)

26.3.9 Employee of the Year

Each year the department will select an Employee of the Year from non-sworn members. This candidate will be selected by a committee composed of non-sworn members appointed by the Chief of Police. The selection will be made during the last quarter of the calendar year.

26.4 DEVELOPMENT OF DISCIPLINE

For most people "discipline" is associated negatively with punishment. This Chapter uses the term discipline in its broader sense, as in having a "highly disciplined Department". In this usage, discipline takes on a positive connotation, and is associated with conformance to a set of rules, a code of ethics, and a high standard of conduct that results in a Departmental image of professionalism.

Discipline is defined as:

“Training intended to produce a pattern of behavior”

This Section also identifies the supervisory authority, role and responsibility for discipline in the Hattiesburg Police Department. Although the overall disciplinary tone or environment is largely set by the upper command personnel, the ultimate success in achieving a high state of discipline is almost totally in the hands of the first line supervisor, and dependent upon the degree to which he is capable of blending the various approaches to developing discipline so as to produce a maximum level of efficiency and effectiveness.

26.4.1 RECOGNITION AS A FUNCTION OF DISCIPLINE

26.4.1.1 Formal and Informal Recognition

1. Recognition has long been identified as a powerful motivator. It is the responsibility of all supervisory officers to identify and recognize the legitimate efforts and contributions of all employees under their command in an appropriate fashion.
2. This may be done in an informal conversational way or formally in an evaluation and/or other documentation.

26.4.1.2 Informal Levels of Commendation

- A. Undocumented verbal acknowledgement
 1. This "pat on the back" approach is encouraged since it is legitimate recognition that has been earned and it fosters good relations between superior and subordinate officers.
 2. However, this form of recognition is limited by the fact that: (a) the upper command staff is frequently not going to be aware of the employee's accomplishments; and (b) the lack of documentation makes it likely that the accomplishment of the employee will not be remembered or considered for rating periods/evaluations.
- B. Letter or Memorandum For Record
 1. An informal letter or memorandum for record may be used for specific and identifiable efforts or contributions representing a worthwhile, noteworthy and positive accomplishment.
 2. This insures documentation is available for later rating periods. It also permits supervisory personnel to identify behavioral trends.

26.4.1.3 Formal Levels of Commendation

- A. A supervisory or other Departmental member may recommend formal commendation of any Department employee.
- B. The levels of formal commendation are as follows:
 1. Citizen Letters of Praise or Thanks: Letters from citizens or other outside organizations or sources shall fall into this category. This does not prohibit the circumstances or incident that initiated the letter from being elevated to a higher level of award or commendation.
 2. Command Letter of Recognition: This level of recognition is appropriate in cases where the member has demonstrated above average initiative or ability in a manner that produced substantial results or reflected significantly on the Department.
 3. Chief's Letter of Commendation: This form of recognition is appropriate in cases where the Department employee has demonstrated unusual intelligence and ability so as to

significantly contribute to the Department's overall goals and objectives or to the safety of the community at large.

4. Department Awards: Prescribed in Chapter 26 "Awards Program".

26.4.2 TRAINING AS A FUNCTION OF DISCIPLINE

26.4.2.1 Training

- A. All training conducted by the Hattiesburg Police Department has a direct impact on discipline. In addition to the formal ongoing training programs, the supervisory officer has a responsibility to conduct training in response to a specifically identified need or problem.
- B. In cases where an incorrect procedure has occurred, a rule or regulation has been violated, or otherwise inappropriate performance has taken place; the supervisor may take training steps that are either informal or formal as is appropriate based upon the nature and severity of the identified problem.

26.4.2.2 Informal Training

Informal undocumented training actions are most often taken as a result of minor infractions or performance problems. This training is usually associated with units/sections and is used to "fine tune" Formal training provided by the Department. (I.e. Roll Call or Muster Training) Individual or "one on one" training sessions are encouraged to allow officers to practice and refine their skills.

- A. Informal training generally takes the form of corrective guidance, direction, explanation, and information.
- B. It would be impractical for a supervisory officer to prepare a memorandum for record for every instance that he provides training.

26.4.2.3 Formal Training

Formal documented training is provided in both basic and advanced studies at the Hattiesburg Police Training Academy. The records and documentation of training shall be maintained by the academy.

- A. Formal training generally involves a classroom setting and when necessary a "hand on" approach to education.
- B. A supervisory officer may recommend remedial training in cases where the intent it to require the employee's attendance or participation in a formalized and structured training situation. Examples of this type of training may include, but are limited to:
 1. Requiring the attendance at driver training after the employee has had a motor vehicle accident.

2. Requiring the employee to attend a Basic English and writing course when a problem with report writing has been identified.

26.4.3 COUNSELING AS A FUNCTION OF DISCIPLINE

The decision as to whether employee counseling shall be documented is a discretionary one that will normally be based upon the severity of the problem and the extent to which continual or ongoing problems are likely. The supervisor may take either formal or informal course of action.

Counseling is the process of approaching a suspected or identified problem with an employee through a private interview. During counseling, it is the intent of the supervisory officer to:

1. Determine if in fact there is a problem
2. Discuss any identified or perceived problem and attempt to determine the cause or causes.
3. Discuss the importance and/or the impact of the problem on the employee's professional or personal life.
4. Discuss possible solutions.
5. Determine the appropriate steps to be taken, to include any follow up steps that will be initiated.

26.4.3.1 Informal Counseling

- A. In minor or routine cases, the supervisor may conduct informal undocumented counseling. This is the ongoing "training" of an employee that is a key part of a supervisor's responsibilities, and will normally prevent minor issues from becoming big problems.
- B. The employee may voluntarily refer to a confidential outside counseling service. Or other appropriate sources for help.
- C. Supervisors are encouraged to maintain temporary [nonpermanent] records of informal counseling in order to:
 1. Establish trends or problems that could lead to formal counseling or punitive action.
 2. Validate the need for formal counseling or punitive action.
 3. Validate performance evaluations and other personnel decisions.

26.4.3.2 Formal Counseling

- A. In cases or instances where the problem may be on going the supervisor may conduct formal documented counseling and forward a counseling form conveying the sum and substance of the counseling session through the chain of command.
- B. Upon approval of the Chief of Police, the employee may be required to receive outside assistance at Departmental expense.
- C. The counseling form along with instructions may be found in the Reporting Manual. Signature of the counseled member is not necessarily an admission of guilt; however, failure to sign is considered an act of insubordination.

26.4.4 PUNITIVE ACTIONS AS A FUNCTION OF DISCIPLINE

26.4.4.1 Informal Punitive Action

- A. To maintain continuity in this chapter, "informal" has generally been equated with "undocumented". Informal punitive action then must fall into the category of "verbal" or "oral" reprimand/warning.
- B. Regardless of the nature and definitions associated with the words "oral" and "warning" supervisors may record these events to establish trends or patterns and for consideration during evaluation periods.

26.4.4.2 Formal Punitive Actions

There are no hard and fast rules governing which classification of punitive action is appropriate in any given situation.

- A. Formal punitive actions are generally appropriate when:
 1. Minor violations are repeated, or
 2. Minor or moderately serious infractions are associated with a pattern or disciplinary problems, or
 3. In intentional or willful violations of rules, procedures or other requirement, or
 4. Where the nature or severity of the violation or infraction or the seriousness of the consequences of the violation or information indicate a need for formal action, or
 5. When in the opinion of the supervisory officer taking or recommending the action, the circumstances or context of the employee's conduct makes formal action necessary.
- B. Supervisory personnel may make or take formal punitive disciplinary actions against any employee under their span of control. Formal Punitive Action may only be taken by a superior on a subordinate within the chain of command. This does not relieve any supervisory officer

observing a violation or other transgression in his presence from taking action listed elsewhere in Chapter 26. In these cases supervisors are reminded to take into account courtesy factors when crossing Division lines.

- C. If the violation or transgression is not directly observed or is the result of some other investigation, the supervisory officer considering the punitive action shall first discuss the recommendation with the respective Division Commander. Once approved by the Division Commander, the supervisory officer taking or making a recommendation for such action shall prepare a General Counseling form.
- D. Punitive actions normally follow a pattern of progressively increasing severity in the event of repeated violations.
- E. Suspensions from duty, reductions, or termination must be forward up the chain of command by the recommending supervisory officer and approved by the Chief of Police.
- F. Any ranking member of the Department or other member assigned to supervisory duties may temporarily relieve from duty any member:
 - 1. Who is physically or psychologically unfit for duty.
 - 2. Pending disposition of an internal investigation where it would be unwise or improper for the officer to continue on duty.
- G. The appropriate Division/Bureau Commander and the Chief of Police shall be notified immediately anytime an employee is relieved from duty under any of the conditions described above. Upon being relieved from duty, the employee shall be ordered to appear at the Division/Bureau Commanders office, the Chief's office, or other location at a specified time on the next business day.

26.4.4.3 Procedures for Disciplinary Actions 1 or 2 (CO31704)

- A. Supervisory personnel shall:
 - 1. Take immediate corrective action to stop an ongoing violation or to eliminate any dangerous condition or prevent any illegal or harmful act.
 - 2. Collect and document any initial facts or information that is available.
 - 3. Notify the appropriate Division Commander if formal disciplinary action is likely or possible.
 - 4. Discuss the incident or allegation with the employee and permit him/her an opportunity to explain any reasons for their conduct. Investigate and document any other information or circumstances necessary as directed by the appropriate Division Commander, except that any citizen complaint or internal investigation shall be handled as prescribed in Chapter 52.

5. If formal action is to be taken or recommended, he shall prepare a report and forward it to the appropriate Division Commander with any supporting documentation attached for review, approval and appropriate filing.

B. Appeals

Any member may appeal a decision, action, or recommendation of any supervisory officer relating to a disciplinary action. Members wishing to make such an appeal shall follow the process outlined below:

1. An aggrieved or dissatisfied member may first contact the appropriate Division Commander and request to review or discuss the circumstances of his particular issue.
2. If this discussion fails to satisfy the member, he may request to review and discuss the matter with the Chief of Police. The Chief of Police shall render a timely decision on the issue.

26.4.4.4 Procedures for Disciplinary Actions 3 through 6. NO31704)

Employees of the Hattiesburg Police Department are expected to abide by the high standards of personal and professional conduct and to maintain the level of competence required of public servants. The Department shall maintain these standards by taking prompt corrective action, through due process, concerning any employee who commits a breach of discipline or performs duties or responsibilities unsatisfactorily. A performance review board will hear, examine, and evaluate charges concerning employees when such charges could result in a level 3 or higher disciplinary action.

- A. The review board's purpose is to provide due process for the employee which promotes professional conduct and competence among employees of the department while safe-guarding the interest of the individual.
- B. The board shall consist of three (3) members, a Bureau Commander and two (2) staff supervisors as appointed by the Chief of Police.
- C. Employees will be notified, in writing, at least 10 days prior to a hearing. The notice will contain specification of the charges to include laws, rules, policy, and/or procedures alleged to have been violated; time, date and place of the hearing.
- D. Employees will have an opportunity, at the hearing, to respond orally and in writing to all charges and to present relevant material information.
- E. Witnesses or others that have information material to the hearing, including other employees, may be called to appear before the board by the employee or the department. The board reserves the right to hear such testimony under the exclusionary rule.

- F. Employees may confer with counsel of their choosing. Lack of availability of a witness or counsel of choice is not cause for extension of time. Neither the counsel for the employee nor counsel for the Department shall be a participant in the hearing and allowed to ask questions or cross examine witnesses as this is an administrative hearing, internal to the Department. The Department's legal representative may give advice to the Department's employees and board members on legal issues.
- G. Employees may voluntarily waive, in writing, a hearing before the board. However, the Chief of Police may direct the board to conduct a hearing even though the employee waives a hearing.
- H. Review Board hearings will be closed and attended only by parties to the hearing.
- I. The Review Board will consider and reach conclusions of the specific charge(s) before the board. The board will determine the charge(s) to be founded or unfounded, but could also make recommendations to the Chief of Police as to action on the charge(s). The Chief of Police is not bound by the recommendations of the board and shall have the option to accept or deny the recommendation of the board in part or whole.
- J. Internal Affairs will provide for maintenance of the findings of the board and subsequent actions. Copies of disciplinary actions will be forwarded to the individual's personnel file.
- K. Employees aggrieved by an action of the department in such matters may appeal. Non-sworn employees may appeal as outlined in the City of Hattiesburg Employee Handbook and Sworn personnel by appeal as outlined by the Civil Service Commission.

26.4.5 CLASSIFICATIONS OF DISCIPLINARY ACTION

Any member who violates any policy, procedure, rule of conduct or regulation in this Manual, may be disciplined as follows:

26.4.5.1 Disciplinary Action 1

A member, at the discretion of his supervisor, shall be called in for an oral interview. The only written record of this meeting may be a written reprimand/counseling form which could be kept by the officer's supervisor. Over a period of time, if the same officer is called in for the same or related infraction, the written reprimand/counseling forms could be presented to the Division Commander as a record of the member's general performance. Continued violations by the same officer could lead to an imposing of more stringent disciplinary actions.

26.4.5.2 Disciplinary Action 2

A member shall, at the discretion of the supervisor, receive a letter of reprimand from his Division Commander to be placed in the member's personnel file. Continued violations could lead to more stringent disciplinary action.

26.4.5.3 Disciplinary Action 3

A member shall, at the discretion of the Chief of Police, receive from one (1) to six (6) working days off without pay and a letter of reprimand from the Chief of Police to be placed in the members personnel file. Continued violations could lead to more stringent disciplinary actions.

26.4.5.4 Disciplinary Action 4

A member shall, at the discretion of the Chief of Police, receive a mandatory ten (10) day suspension without pay, a letter of reprimand to be placed in the members personnel file, and be placed on six (6) months probation. A subsequent violation involving the same or related infraction during the probationary period could be cause for dismissal.

26.4.5.5 Disciplinary Action 5

A member shall, at the discretion of the Chief of Police, receive a mandatory thirty (30) day suspension without pay, a letter of reprimand to be placed in the member personnel file, be placed on probation from six (6) months to one (1) year, and be reduced in rank by one pay grade. A subsequent violation involving the same or related infraction during the probationary period could be cause for dismissal.

26.4.5.6 Disciplinary Action 6

A member shall, at the discretion of the Chief of Police, be dismissed for causes as outlined in the Civil Service Rules and Laws of the City of Hattiesburg, Mississippi.

Termination: If an employee is dismissed as a result of an internal investigation or a disciplinary action, then the employee shall receive the following information in writing:

1. A statement citing the reason or dismissal;
2. The effective date of the dismissal;
3. A statement of the status of fringe and retirement benefits after dismissal;
4. A statement as to the content of the employee's employment record relating to the dismissal.
5. Information regarding Civil Service appeals process.

Items 1 – 4 above are not required for entry level probationary employees.

26.4.6 RECOREDS OF DISCIPLINARY ACTIONS

26.4.6.1 Informal Records

Informal disciplinary actions shall be maintained by the employee's current supervisor for review at the time of the next evaluation. Such informal documentation may remain in "temporary" file for

one additional year after an evaluation. However, informal disciplinary documentation shall not be placed in the employee's permanent personnel file unless so approved by the Chief of Police and the employee is notified of this action.

26.4.6.2 Formal Records

Formal disciplinary actions taken under this section shall be forwarded to the employee's personnel file. The counseling form and supporting documentation shall be placed in the employee's permanent record.

26.4.7 REMOVAL, SUSPENSION, DEMOTION AND DISCHARGE

26.4.7.1 Ordinary Circumstances

Before any employee may be removed or discharged, he shall be given written notice of the intended action (IAW MS 21-31-23), which shall state the reasons for the action and inform the employee that he has the right to respond in writing to the reasons given within a reasonable time and respond orally before the official charged with the responsibility of making the decision. The Chief of Police may, in his discretion, provide for a Pre-Action Hearing.

If a hearing is to be held, the notice to the employee shall also set the time and place of such hearing. A duplicate of such notice shall be filed with the Civil Service Commission. After time, the official charged with the responsibility of making the decision (Mayor/Chief of Police) shall determine the appropriate disciplinary action, and shall notify the employee of his decision in writing at the earliest practicable date.

26.4.7.2 Extraordinary Circumstances

Where there are extraordinary circumstances or situations that arise from an investigation or situation which require the immediate discharge or removal of an employee, such employee may be suspended without pay or terminated without a Pre-Action hearing, but such employee shall be given written notice of the specific reasons for the suspension or termination within twenty-four (24) hours after the suspension or termination, and shall be given an opportunity for a hearing similar to the Pre-Action hearing provided in this section within twenty (20) days after the date of suspension or termination. For the purpose of this section, extraordinary situations or circumstances include, but are not limited to: (C081402)

- A. Circumstances where retention of the employee would result in damage to municipal property.
- B. Would be detrimental to the interest of municipal government.
- C. Would result in injury to the employee, to a fellow employee or the general public.

26.4.7.3 Appeals to Civil Service Commission

- A. Any person so removed suspended, demoted, discharged or combination thereof may, within ten (10) days from the time of such disciplinary action, file with the Civil Service Commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such disciplinary action was or was not made for political or religious reasons and was or was not made in good faith for cause. After such investigation the commission may, if in its estimation the evidence is conclusive, affirm the disciplinary action, or if it shall find that the disciplinary action was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the position from which he was removed, suspended, demoted, discharged or combination thereof, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such disciplinary action. The commission upon such investigation may, in lieu of affirming the disciplinary action, modify the order of removal, suspension, demotion, discharge or combination thereof by directing a suspension, without pay, for a given period and subsequent restoration of duty, or by directing a demotion in classification, grade or pay, or by any combination thereof. The findings of the commission shall be certified in writing to the appointing power (Mayor/Chief of Police).
- B. All investigations made by the Civil Service Commission pursuant to the provisions of this section shall be by public hearing, after reasonable written notice to the accused of the time and place of such hearing. At which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. The findings of the commission shall be conclusive and binding unless either the accused or the City shall, within thirty (30) days from the date of the entry of such judgment or order on the minutes of the commission and notification to the accused and the City, appeal to the Forrest County Circuit Court. Any appeal of the judgment or order of the commission shall not act as a supersedeas of such judgment or order, but the judgment or order shall remain in effect pending a final determination of the matter on appeal. Such appeal shall be taken by the commission and the appellate, within thirty (30) days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with Forrest County Circuit Court. The commission shall, within thirty (30) days after the filing of such notice, make, certify and file such transcript with the Forrest County Circuit Court. The Forrest County Circuit Court shall hear and determine such appeal. However, such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion, suspension or combination thereof made by the commission, was or was not made in good faith for cause, and no appeal to Forrest County Circuit Court shall be taken except upon such ground or grounds.

26.5 UNIFORMS AND PERSONAL APPEARANCE (CO22404)

DISCUSSION: The purpose of this section is to create a good "first impression" and inspire confidence in the professional ability of the Department and its members.

26.5.1 The Prescribed Uniform

The official uniform of the Department shall be of such styles, materials, colors, and manufacture as shall be prescribed from time to time by the Chief of Police. Insignia, badges, hats, and decorations shall be worn as prescribed and no item shall be worn unless it is specifically authorized.

26.5.2 Wearing of the Uniform

- A. The prescribed uniform shall be worn by sworn members of the Department while on duty, except in cases where civilian clothing is authorized. Any uniformed member of the Department shall conform to that manner of dress and appearance prescribed in this Chapter.
- B. Civilian clothing may never be worn with any distinguishable portion of the uniform. Police trousers and t-shirt combinations shall be prohibited except while in a training environment.
- C. The uniform shall be kept clean, neatly pressed, and in good repair at all times. Faded or threadbare items of uniform clothing shall not be worn as part of the uniform.
- D. Shirts shall be buttoned/zippered full length except top buttons of Standard Uniform shirts which shall remain unbuttoned.
- E. The uniform hat shall be set squarely on the head in a military fashion, not tilted to the side nor worn on the back of the head. The Hat is not required to be worn on routine and normal calls for service. The Hat shall be worn when outdoors in public view for extended periods of time, during special occasions, or as otherwise directed.
- F. Neither the uniform, nor parts thereof, shall be worn by members of Department engaged in outside employment to which they have not been officially detailed. The uniform shall not be worn at social functions unless the wearer is present officially as a police officer.
- G. The uniform, or parts thereof, shall not be worn in establishments that sell intoxicating liquor or beverages, excepting when on duty or other official police business, nor shall it be worn by any member while consuming intoxicating liquor or beverages.
- H. The uniform shall not be worn when off duty, except as provided above or in transit to or from assigned detail or duty.

26.5.3 Uniform Specifications

A. Standard Uniform

Standard Uniform is considered the "Uniform of the Day" and is to be worn unless otherwise specified or allowed by the office of the Chief. The Standard Uniform shall be composed of the following:

1. Hat, service blue with clear rain cover
2. Cap, scrambled eggs for Majors and Chiefs

3. Shirt, short sleeve
4. Rain Gear, any combination of high visibility water repellent coats, jackets, pants or suits.
5. Boots/shoes, black leather
6. Badge, Hat
7. Badge, Shirt
8. Belt, Inner
9. Belt, duty
10. Duty Holster
11. Magazines (3) and carrier
12. Handcuff case
13. Belt keepers
14. Issued Side Arm
16. Ammunition
17. Rank insignia
18. Citation Bar
19. Pins (Accident Reconstructionist, DARE, EMT, K-9, Traffic Insignia, 100/200/300 Club, etc.)
20. Flashlight with holder
21. ASP Baton with holder
22. Chemical Spray with holder
23. Radio with holder
24. Body Armor
25. Name Bar

26. Whistle, black, silver or gold

27. Coat or Jacket

B. Dress Uniform

The Dress shall be composed of those articles listed for the standard uniform with the following exceptions or additions:

1. Long Sleeve Shirt
White Long Sleeve Shirt for Majors and Chiefs
2. Tie
3. Cap / Hat
4. Blouse (Majors and Chiefs)

C. Winter Uniform

The Winter Uniform shall be worn from December 1st until March 1st or as otherwise ordered by the Chief of Police and is composed of those articles listed for the Standard Uniform with the following exceptions or additions:

1. Black turtle neck with long sleeve uniform shirt for units assigned to field operations.
2. Long Sleeve Uniform Shirt with tie for units assigned to administrative functions.
3. Long Sleeve Polo for units authorized to wear the Specialty Uniform.
4. Foul Weather Fur Cap maybe authorized only during inclement weather by the on duty Patrol supervisor. The supervisor authorizing the wearing of the Foul Weather Fur Cap will notify all on duty personnel of the uniform change.

When the cap is authorized, the flaps may be worn either up or down. Regardless of the position of the flaps, the straps must be worn buckled.

The issued Hat Badge will be worn on the front flap of the cap in the place provided.

D. Motor Uniform

The Uniform of the Motor Officer differs from that of officers assigned to patrol units in material or style because of environmental conditions and exposure factors. The motor uniform shall consist of shirt and pants with the same colors and likeness of the standard uniform with the following additions.

1. Helmet, White with black trim DOT approved
2. Leather Coat, black
3. Leather Chaps, black
4. Gloves, black leather
5. Boots, black leather knee
6. Traffic Wing Patch/Bar
7. Face Cover, black neoprene
8. Lapel Mike
9. Scarves, black

E. Specialty Uniform

Some specialized units because of work conditions and environmental factors may under the authority of the Chief wear the designated "Specialty Uniform". The "Standard Uniform" with the following exceptions / additions:

1. Shirt, black clearly identifying the wearer as a Hattiesburg police officer with no Name Bar, Citation Bar, Pins, Rank insignia or other attachments
2. Trousers, blue BDU worn unbloused
3. Badge, attached to duty belt or otherwise visible

F. Detective Uniform

Detectives, on duty, shall dress in a manner that reflects a professional image in the eyes of the public. Civilian clothes shall be worn in conjunction with police equipment as follows:

1. Slacks clean and pressed
2. Shirt, dress with a collar and tie.
3. Coat, suit or sport.
4. Badge, displayed in plain view in close proximity to the firearm.
5. Firearm, holstered and on person unless situation, policy or officer safety demands different.

6. Handcuffs
7. Ammunition, at least one spare magazine with ammunition.

G. Tactical Uniform (see "Unusual Occurrences AOM Chapter 46")

H. Modified Duty

Officers assigned to "modified" duty shall follow the appearance standard for civilian members.

I. Honor Guard

The Hattiesburg Police provides an honor guard for funerals and other special events. Each member of this unit in addition to the winter uniform shall be provided with:

1. Ascot, white
2. Gloves, white
3. Belt, white
4. Shoulder Braid, white
5. Rifle, M1 Garand with sling

J. Authorized Items

The following items are authorized to be worn as part of the Hattiesburg Police uniform:

1. Knife, folding blade no longer than 4" carried in pocket or holder
2. Pager
3. Cell Phone
4. Key Holder
5. Gloves, black leather
6. Second Firearm (refer to Chapter 1)
7. Tape recording device
8. Video/Mic equipment

9. Flex Cuffs (only as a supplement to handcuffs in multiple arrest)

K. Crime Scene Uniform

The Hattiesburg Police Department participates in a multi-jurisdictional crime scene processing unit. Members of the Hattiesburg Police Department functioning as part of this unit are authorized to wear the following uniform:

1. Trousers, blue/kaki BDU worn unbloused
2. Boots, black
3. Shirt, blue identifying the wearer as a member of the Crime Scene Unit

L. Training Division Uniforms

The Training staff will have alternative uniforms because of work conditions, environmental factors and a variety of job descriptions other than the standard uniform.

1. Standard Uniform Pants
2. Black pullover shirts with Academy logo over the left pocket
3. Black walking shoes/boots
4. Badge displayed in plain view in close proximity to the firearm

26.5.4 General Uniform Regulations

- A. Shoes and Boots shall be black and polished to a high shine at all times.
- B. Socks shall be blue/black. White or athletic socks may be worn with boots.
- C. Shirts: When summer shirts are worn with an open collar, black T-shirt shall be worn and neck chains or other neck jewelry if worn shall not be visible. A white undershirt may be worn provided no part is visible. Long sleeve shirts worn with a tie are reserved for dress occasions or as directed by the Chief of Police. The cuffs are to be buttoned and not rolled up.
- D. Scarves may be worn by motorcycle officers during winter months and shall be black in color.
- E. Gloves may be worn to protect the hands. White gloves shall be worn when assigned to an Honor Guard / Funeral detail.
- F. The Police Badge shall be worn on the left breast of the standard or winter uniform shirt. Officers wearing other uniforms shall display the badge in plain view preferably in close proximity to their

firearm. A police badge patch shall be worn on standard uniform jackets, plainly exposed to view at all times when on duty before the public, unless otherwise permitted by proper authority.

- G. The Name Bar shall be worn on the right breast of the police uniform shirt at all times.
- H. Firearms/Ammunition (see AOM Chapter 1)
- I. Magazine Pouch may be worn on either the left front or right front of the belt, either opening to the rear or to the front to suit the officer's tactical needs.
- J. Handcuff cases shall be on either the left front/rear or the right front/rear of the belt to suit the officer's tactical needs.
- K. Shoulder Patches shall be on both sleeves of standard and winter uniform shirts and uniform jackets.(except rain gear) Shoulder patches shall be placed one inch below the shoulder seam, centered.
- L. Superior's Insignia / H.P.D. Collar Brass:
 - 1. All rank insignia and collar brass shall be worn 1/2" from the edge of the collar as depicted in Chapter 26 Appendix B.
 - 2. H.P.D. collar brass shall be worn on both sides of the collar 1/2" from the edge of the collar.
 - 3. Sergeant: Chevron collar brass (silver in color) shall be worn in standard military fashion on both sides of the collar 1/2" from the edge of the collar.
 - 4. Lieutenant: Standard military lieutenant bars (gold in color) shall be worn on both sides of the collar 1/2" from the edge of the collar.
 - 5. Captain: Gold badges/gold hat badges and gold name bars shall be worn. Standard military captain bars (gold in color) shall be worn on both sides of the collar 1/2" from the edge of the collar.
 - 6. Major: Gold badges/gold hat badges and gold name bars shall be worn. Standard military major insignia (gold in color) shall be worn on both sides of the collar 1/2" from the edge of the collar.
 - 7. Assistant Chief: Gold badge/gold hat badge and gold name bars shall be worn. Assistant Chief Insignia (gold in color) shall be worn on both sides of the collar 1/2" from the edge of the collar.
 - 8. Chief of Police: Gold badge/gold hat badge and gold name bars shall be worn. Chief's insignia (gold in color) shall be worn on both sides of the collar 1/2" from the edge of the collar.

- N. Special Insignia that is Department approved such as DUI 100/200/300 Club, Emergency Medical Technician, Traffic insignia, DARE insignia and award ribbons shall be worn 1/4 inch and centered above the name bar. (Only one (1) insignia or award shall be worn) Motor officers shall wear on each left forearm jacket sleeve the designated motor wing insignia. This insignia shall be placed approximately 2.5 inches above the end of the gauntlet (winter) glove.
- O. Miscellaneous:
1. Lipstick, rouge, eye shadow, false eyelashes, fingernail polish or jewelry, such as earrings, excessive rings or body piercing shall be prohibited.
 2. Wedding, engagement, fraternal, school, initial rings of similar size and appearance shall be the only rings authorized for on duty wear.
- P. Body Armor issued by the Department shall be worn by all line personnel (officers that by assignment answer calls and respond to potentially dangerous situations as a normal function. i.e. Patrol/NET/Traffic officers). **ANY exceptions must be on file with the Office of the Chief.** Detectives, or any other officers, that are serving high risk warrants/search warrants or place themselves in hazardous positions will also wear body armor. Body armor will be worn under the police shirt. Body armor greater than threat level IIa will be worn outside the shirt or jacket.

26.5.5 Replacement of Equipment

- A. Equipment issued to members of the Department shall remain the property of the Department. Members and employees shall maintain Departmental property and equipment assigned to them in good condition. Damaged or lost property may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action. Members are required to surrender all Department property in their possession upon separation from service, or when otherwise ordered.
- B. Personal property such as: uniforms, personal clothing, shoes, eyeglasses, watches, etc., damaged while in the performance of official police duties are not subject to repair or replacement by the Department.

26.5.6 Prescribed Civilian Clothing

- A. Employees wearing civilian clothing on duty shall wear clothing that reflects a positive image and should not be offensive to the general public.
- B. When on temporary assignment, or when a specialized assignment dictates, the Division Commanders are authorized to prescribe the appropriate attire.
- C. Clothing shall be kept clean, neatly pressed, and in good repair at all times. Faded or threadbare items of clothing shall not be worn.
- D. Shirts shall be buttoned/zippered full length except top buttons of shirts which may remain unbuttoned.

E. Female:

1. Female employees are permitted to wear dresses and/or skirts that are of a reasonable length (no shorter than three (3) inches above the knee). Strapless, backless, halter type dresses are not allowed to be worn.
2. Pants and slacks should not fit excessively tight. Stirrup and/or stretch pants should be worn only when accompanied by an oversized or tunic type sweater or blouse. The hem of that top should be arms length at the sides (i.e., ends of fingertips). (Leggings and tights are not considered as pants and are not allowed.
3. Loose fitting walking shorts may be worn, applying the same standard for length as dresses and skirts.
4. T-shirts, tank tops, shorts, blue jeans, athletic apparel or sweatshirt/sweatpants are not allowed.
5. Shirts/Blouses: Strapless, backless, midriff, crop, tube, and halter tops are prohibited. Necklines should not reveal cleavage. Bras and camisoles should be worn with blouses made of sheer material.

F Male:

1. Pants and slacks should not fit excessively tight.
2. T-shirts, tank tops, shorts, blue jeans, athletic apparel sweatshirts/sweatpants and sandals are not allowed.

26.5.7 Grooming Standards

A. Hair:

1. Uniformed male officers:
 - a. Shall be tapered upward from the hair line and shall be trimmed in such a way that it does not extend beyond the collar (either over or under).
 - b. Shall be combed in such a way so that no portion of the ear is covered.
 - c. Shall be cut or styled in such a manner that with the hat on, hair will not extend below the hat band in front.
 - d. Shall not be cut in a fashion style as to cause adverse public reaction or comment.
 - e. Shall present an overall neat appearance so that it does not appear bushy when the hat is on.

2 Hair of uniformed female officer:

- a. Must be neat and combed.
- b. Shall be arranged so that the hair does not come below the top of the shoulder when standing with the head in normal position.
- c. Must be cut or styled in such a manner that with the hat on, hair will not extend below the hat band in front.
- d. Hair should present an overall appearance so that it does not interfere with the normal wearing of all standard head gear.

B. Sideburns:

1. Shall be neatly trimmed and tapered proportionate to the hair style so as not to obscure the ear from a frontal view, and shall be trimmed so as not to present a bushy appearance.
2. The length shall extend to approximately half way down the ear, but not below the lowest part of the exterior ear opening.
3. Shall be a straight and even width (not flared) and shall end in a clean shaven horizontal line.

C. Mustache:

Shall be neatly trimmed. No portion shall extend downward beyond the lip line of the upper lip or extend sideways beyond an imaginary horizontal line from the corners of the mouth.

D. Full Beards - Goatees:

Full beards and goatees are prohibited.

E. Clean Shaven:

Except for the areas of facial growth permitted by this Section, all members shall be clean shaven while on duty except where noted.