

	Southport Police Department	POLICY #	
	Effective Date:	Police Misconduct/Dereliction of Duty	
	Authority: <i>Thomas L. Vaughn</i> Chief of Police		

Police Misconduct/Dereliction of Duty

POLICY

It is the policy of Southport Police Department to have a standard of conduct for which every member of the department shall follow. Police Misconduct/Dereliction of Duty affects the image of policing as a whole. The Southport Police Department will investigate claims of Police Misconduct/Dereliction of Duty. The findings will be sent to the Command Staff for review.

DEFINITION

Police misconduct refers to improper conduct and or illegal actions taken by police officers in connection with their official duties. Police misconduct can lead to mismanagement, especially culpable neglect of duties and sometimes involves discrimination and/ or illegal motives contrary to or forbidden by law, especially criminal law as obstruction of justice.

Such motives can carry into a court to act on an "out of order" type of gesture against an individual citizen that can often be regarded as or equal to treason of the United States Constitution. In an effort to control police misconduct, there is an accelerating trend for civilian agencies to go beyond review to engage directly in investigations and to have much greater input into disciplinary decisions.

In addition, individuals and groups are now filming police in an effort to force police to become accountable for their actions and for their inactions. The proliferation of mobile devices capable of recording alleged misconduct, police misconduct and abuse is now receiving publicity on social media and on websites including YouTube and Facebook. In response, police often try to intimidate citizens to prevent them from recording events. In other circumstances, police will illegally seize or delete evidence recorded by citizens, notwithstanding laws that make it a crime to destroy evidence of a crime being committed, irrespective of whether the crime is committed by civilians or by the police.

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Types of misconduct include coerced false confession, intimidation, false arrest, false imprisonment, falsification of evidence, spoliation of evidence, police perjury, witness tampering, police brutality, police corruption, racial profiling, unwarranted surveillance, unwarranted searches, and unwarranted seizure of property.

Others include:

- Bribing or lobbying legislators to pass or maintain laws that give police excessive power or status.
- Similarly, bribing or lobbying city council members to pass or maintain municipal laws that make victimless acts ticket-able (e.g. bicycling on the sidewalk), so as to get more money.
- Selective enforcement ("throwing the book at" people whom one dislikes; this is often related to racial discrimination).
- Sexual misconduct.
- Off-duty misconduct.
- Noble cause corruption, where the officer believes the good outcomes justify bad behavior.
- Using badge or other ID to gain entry into concerts, to get discounts, etc.
- Influence of drugs or alcohol while on duty.
- Violations by officers of police procedural policies.

Dereliction of Duties relates to an Officer's failure to perform his or hers duties as an officer or from a direct order from his or her chain of command as long as it is in compliance with expectation of the role of a police officer.

PROCEDURE

Article 1 - Complaint against Officer:

Any civilian complaint against a Southport Police Officer will be submitted in writing on a Southport Police Department Complaint Form for the complaint to be considered valid and warrants an investigation. Internal complaint will be submitted via departmental policy. The written complaint will result in an investigation to thoroughly dispute or authenticate the allegation.

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Article 2 -Preliminary Investigation

Depending on the severity of the complaint, the officer may or may not be notified or removed from duty pending completion of the investigation.

Article 3 - Investigation

- A. The Chief of Police may conduct the investigation or delegate the investigation to the Investigations Division, Command Staff or a departmental member of his or her choice.
- B. The Investigative authority will interview or take written, and/or audio or video recording statements from victims or witnesses and forward the results to the Southport Police Department Command Staff for review.

Article 4 - Conclusion

- A. Depending on the severity of the accusation and the results of the investigation. The officer may receive:
 - a. Coaching Session
 - b. Counseling Session
 - c. Termination
- B. The outcome of this investigation will be determined by:
 - a. The severity of the allegation
 - b. Previous Coaching and Counseling Sessions of the Officer