MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATIVE REGULATIONS AND OPERATING PROCEDURES

Subject: Achieving & Maintaining High Ethical Standards	***Number: 116-B***
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Rescinds: 116 116-A	***Dated: 11-6-2002 12-13-2023***

Approved By:

I. PURPOSE

To adopt the Four Universal Ethics Documents of the International Association of Chiefs of Police (IACP) and the Myrtle Beach Police Department's Oath of Office to further our goal of strengthening the department's commitment to professionalism and ethics.

II. DEFINITIONS

S.C. Code of Laws Section 23-23-150 (A)(3), defines misconduct as:

A. A conviction, plea of guilty, plea of no contest or admission of guilt to a felony, a crime punishable by a sentence of more than one year, regardless of the sentence actually imposed, or a crime of moral turpitude, any of which were committed in this State or any other jurisdiction;

B. The unlawful use of a controlled substance;

C. The repeated use of excessive force in dealing with the public or prisoners;

D. Dangerous or unsafe practices involving firearms, weapons, or vehicles which indicate either a wilful or wanton disregard for the safety of persons or property;

E. The physical or psychological abuse of members of the public or prisoners;

F. The wilful failure to intervene when observing another officer physically abusing a person, whether or not the person is in custody, while in the performance of his official duties, if the officer knew the person's rights were being violated, the officer had an opportunity to intervene, and the officer chose not to do so;

G. The wilful and knowing failure to promptly report another officer, while in the performance of his official duties, abusing a person whether or not the person is in custody;

H. The misrepresentation of employment-related information;

I. Wilfully making false, misleading, incomplete, deceitful, or incorrect statements to a law enforcement officer, a law enforcement agency, or a representative of the agency, except when required by departmental policy or by the laws of this State;

J. Wilfully making false, misleading, incomplete, deceitful, or incorrect statements to any court of competent jurisdiction, or their staff members, whether under oath or not;

K. Wilfully providing false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State;

L. The falsification of any application for certification and training based upon which the officer was admitted for training; or

M. Wilfully providing false information to the Criminal Justice Academy or the Law Enforcement Training Council.

III. POLICY

A. It shall be the policy of the Myrtle Beach Police Department to adopt and abide by the following documents establishing our ethical standards:

1. The Oath of Honor was developed to provide the law enforcement profession with a concise, powerful, and universal process by which officers can frequently reaffirm their ethical values and beliefs.

2. The Oath of Office is used by officers to affirm their qualifications and their commitment to defend the Constitution and uphold the laws of the city and state.

3. The Law Enforcement Code of Ethics stands as a preface to the mission and commitment law enforcement agencies make to the public they serve.

4. The Law Enforcement Code of Conduct establishes the standards of professional policing.

5. The Canons of Police Ethics describe the duties and responsibilities of a law enforcement officer.

B. The Myrtle Beach Police Department permits the use of limited, controlled deception only when necessary for legitimate investigative purposes and only when such deception complies with constitutional requirements, statutory law, and department policy. Deception shall never be used in a manner that undermines individual rights, due process, or public trust.

IV. PROCEDURE

A. All personnel, before assuming sworn status, will take and subsequently abide by an oath of office to enforce the law and uphold the nation's constitution or basic law of the land and, where applicable, those of governmental subdivisions.

B. All personnel will abide by a code of ethics adopted by the Department and receive annual ethics training.

C. Truthfulness

1. Making materially false statements or intentionally omitting material facts will be deemed untruthful. Employees are prohibited from being untruthful in relation to:

   a. Fitness for duty,

   b. Affidavits,

   c. Testifying,

   d. Reporting to supervisors,

   e. Internal investigations, and

f. Official reports.

2. Employees are prohibited from intentionally failing to disclose information in connection with the performance of official duties when the purpose of such nondisclosure is to conceal suitability or unsuitability for duty of themselves or another or to gain improper personal advantage.

3. Any material falsification of or any intentional failure to disclose information relevant to suitability or fitness for police employment, which is discovered after an individual is hired, can result in the termination of that employee.

D. Arbitrary Profiling

1. Officers will not conduct any law enforcement activity that is motivated by an arbitrary stereotype or profile. All law enforcement activities involving the detention of a member of the public must be based on lawful and articulable facts, reasonable suspicion, probable cause, or other legal justification as applicable.

2. Racial Profiling: Officers are prohibited from detaining, arresting, or conducting any law enforcement action against an individual solely based on the individual's actual or perceived race, color, national origin, or ancestry.

3. Other Bias-Based Policing: Officers are prohibited from detaining, arresting, or conducting any law enforcement action against an individual solely based on the individual's actual or perceived gender, religion, disability, sexual orientation, and/or marital status, parental status, military status, and/or socioeconomic status.

4. Language: Officers are prohibited from using derogatory or disrespectful language, nicknames, terms, slurs, or slang that refers to a person of a particular racial group, national origin, religion, gender, sexual orientation, or disability.

5. Foreign Nationals: Officers will provide law enforcement service and protection to all members of the community.

V. DOCUMENTS

A. LAW ENFORCEMENT OATH OF HONOR

On my honor, I will never betray my badge, my integrity, my character, or the public trust.

I will always have the courage to hold myself and others accountable for our actions.

I will always uphold the Constitution, my community, and the agency I serve.

B. MBPD OATH OF OFFICE

I do solemnly swear (or affirm) that I am duly qualified according to the Constitution of this State to exercise the duties of the position to which I have been appointed as a Police Officer and that I will, to the best of my knowledge and ability, discharge the duties thereof and preserve, protect, and defend the State Constitution and the Constitution of the United States. So help me God.

I further solemnly swear (or affirm) that during my term as a Police Officer for the City of Myrtle Beach, South Carolina, I will study the acts, laws, statutes, and ordinances prescribing my duties. I will be alert and attentive to enforce all the criminal acts, laws, statutes, and ordinances of the State, the County, and the City of Myrtle Beach and to detect and to bring to justice every violator of them, that I will conduct myself at all times with due consideration to all persons and will not be influenced in any matter on account of personal bias or prejudice. So help me God.

C. LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature, or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession…law enforcement.

D. LAW ENFORCEMENT CODE OF CONDUCT

1. Primary Responsibilities of a Police Officer

A police officer acts as an official representative of the government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace, and ensuring the rights of all to liberty, equality, and justice.

2. Performance of the Duties of a Police Officer

A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration, and dignity.

Officers will never allow personal feelings, animosities, or friendships to influence official conduct. Laws will be enforced appropriately and courteously, and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

3. Discretion

A police officer will use responsibly the discretion vested in his position and exercise it within the law. The principle of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest – which may be correct in appropriate circumstances – can be a more effective means of achieving a desired end.

4. Use of Force

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

The use of force should be used only with the greatest restraint and only after discussion, negotiation, and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

5. Confidentiality

Whatever a police officer sees, hears, or learns of that is of a confidential nature will be kept secret unless the performance of duty or legal provision requires otherwise.

Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

6. Integrity

A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers.

The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might

compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law.

Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

7. Cooperation with Other Police Officers and Agencies

Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.

8. Personal-Professional Capabilities

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence.

Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

9. Private Life

Police officers will behave in a manner that does not bring discredit to their agencies or themselves.

A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

E. CANONS OF POLICE ETHICS

Article 1. Primary Responsibility of the Job

The primary responsibility of the police service, and of the individual officer, is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

Article 2. Limitations of Authority

The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him/her in enforcing it. Because they represent the legal will of the community, be it local, state or federal, the officer must be aware of the limitations and proscriptions which the people, through law, have placed upon him/her. A police officer must recognize the genius of the American system of government that gives to no person, groups of persons, or institution, absolute power, and the officer must ensure that they, as a prime defender of that system, do not pervert its character.

Article 3. Duty to Be Familiar with the Law and with Responsibilities of Self and Other Public Officials

The law enforcement officer shall assiduously apply themselves to the study of the principles of the laws, which they are sworn to uphold. The officer will make certain of their responsibilities in the particulars of their enforcement, seeking aid from their superiors in matters of technicality or principle when these are not clear to them; the officer will make special effort to fully understand their relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

Article 4. Utilization of Proper Means to Gain Proper Ends

The law enforcement officer shall be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of his/her office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

Article 5. Cooperation with Public Officials in the Discharge of Their Authorized Duties

The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. The officer shall be meticulous, however, in assuring himself/herself of the propriety, under the law, of such actions and shall guard against the use of their office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, the officer shall seek authority from his/her superior officer, giving them a full report of the proposed service or action.

Article 6. Private Conduct

The law enforcement officer shall be mindful of their special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. Following the career of a policeman gives no person special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, they will so conduct their private life that the public will regard them as an example of stability, fidelity, and morality.

Article 7. Conduct toward the Public

The law enforcement officer, mindful of his/her responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct their official life in a manner such as will inspire confidence and trust. Thus, the officer will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of an officer nor a right to command them. The officer will give service where they can and require compliance with the law. The officer will do so neither from personal preference nor prejudice but rather as a duly appointed officer of the law discharging their sworn obligation.

Article 8. Conduct in Arresting and Dealing with Law Violators

The law enforcement officer shall use their powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. The office gives him/her no right to prosecute the violator nor to mete out punishment for the offense. The officer shall, at all times, have a clear appreciation of their responsibilities and limitations

regarding detention of the violator; they shall conduct themselves in such a manner as will minimize the possibility of having to use force. To this end, an officer shall cultivate a dedication to the service of the people and the equitable upholding of their laws, whether in the handling of law violators or in dealing with the law-abiding.

Article 9. Gifts and Favors

The law enforcement officer, representing the government, bears the heavy responsibility of maintaining, in their own conduct, the honor and integrity of all government institutions. The officer shall, therefore, guard against placing themselves in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, the officer should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties.

Article 10. Presentation of Evidence

The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. The officer shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, they will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word.

The law enforcement officer shall take special pains to increase their perception and skill of observation, mindful that in many situations, the officer is the sole impartial testimony to the facts of a case.

Article 11. Attitude toward Profession

The law enforcement officer shall regard the discharge of their duties as a public trust and recognize their responsibility as a public servant. By diligent study and sincere attention to self-improvement, the officer shall strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. The officer shall appreciate the importance and responsibility of their office, and hold police work to be an honorable profession, rendering valuable service to their community and their country.