



CHAPTER 4: COMMAND	POLICY # 4.5 DUTY TO OBEY LAWFUL ORDERS
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Date Implemented: 11/01/2019	Review Date:

POLICY

Officers or civilian employees shall strictly obey and properly execute any lawful order emanating from any ranking officers.

PROCEDURE

Orders

Officers or civilian employees shall strictly obey and properly execute any lawful order emanating from any ranking officers who are their seniors. The term "lawful order" shall be construed as an order in keeping with the performance of any duty prescribed by law, rule or regulation of the department, or for the preservation of order, efficiency, or proper discipline.

Orders from superior to subordinate shall be clear and understandable in language, civil in tone, and issued in the pursuit of department business.

All orders given by an officer of equal or lesser rank shall be obeyed when said officer is merely relaying the orders of a superior. Officers or civilian employees in doubt as to the nature or detail of their assignment shall seek such information from their supervisors by going through the chain of command.

Officers or civilian shall not speak critically or derogatory to other employees of the department, or to any person outside the department, regarding the orders or instructions issued by any senior officer.

Conflicting orders

Upon receipt of any order which conflicts with any previous order or instructions, the officers or civilian employees affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction shall then rest with the individual issuing the second order. Orders shall be countermanded, or conflicting orders shall be issued only when clearly necessary for the good of the department.

Insubordination

Failure or deliberate refusal of any officer or civilian employee to obey a lawful order given by a superior officer shall be insubordination. Ridiculing or criticizing superior officer or his/her orders, whether in his/her presence or during his/her absence, is also insubordination.

Unlawful orders

No commanding officer shall knowingly issue any order which is in violation of or tends to nullify any law or ordinance. No officer or civilian employee is required to obey any order which is contrary to federal, state, county, or city law or ordinance. Responsibility for refusal to obey such order rests with the employee, who shall be strictly required to justify his/her actions.

Unjust orders and/or orders contrary to regulations

No command or supervisory officer shall knowingly issue an order which is unjust, or is in violation, or tends to nullify any department rule or regulation, order, or command issued by the Chief of Police or by a superior officer.

Officers or civilian employees who are given an order which they feel to be unjust or contrary to rules and regulations have the right to respectfully call this to the attention of the officer issuing the order, but in any case must first obey the order to the best of their ability. The officer or employee may then proceed to appeal in writing to the next in command. Appeals or relief from such order shall be made at this time.

Oral or written orders of the Chief

Any written or oral order posted or communicated over the signature or name of the chief shall have the same effect and be construed as a part of the rules and regulations of the department.